



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

11 Reservation Road, Marina, California

Tuesday, February 12, 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 will meet regularly on the second and fourth Tuesday of each month. The meetings normally begin at 6:45 p.m. at the District offices at 11 Reservation Road, 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. 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

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

This agenda is subject to revision and may be amended prior to the scheduled meeting. A final agenda will be posted at the District office at 11 Reservation Road, Marina, 72 hours prior to the meeting. Copies will also be available at the Board meeting. A complete Board packet containing all enclosures and staff materials will be available for public review on Thursday, February 7, 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 February 26, 2013.

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

- B. Pursuant to Government Code Section 54956.9 (c)
Conference with Legal Counsel – Anticipated Litigation
Potential Initiation of Litigation
One Case – MCWD Claims against Monterey County and MCWRA
- C. Pursuant to Government Code Section 54956.9(b)(1) and 54956.9(b)(3)(C)
Conference with Legal Counsel – Anticipated Litigation
Potential Litigation
Two Cases
 - 1) Claims of MCWRA and Monterey County against MCWD
 - 2) Claims of California–American Water Company against MCWD
- D. Pursuant to Government Code Section 54957
Conference with Legal Counsel
Public Employee Performance Evaluation
Title: General Manager

7:00 p.m. Reconvene Open Session

4. 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.*

5. Pledge of Allegiance

6. Oral Communications *Anyone wishing to address the Board on matters not appearing on the Agenda may do so at this time. Please limit your comment to three minutes. The public may comment on any other items listed on the agenda at the time they are considered by the Board.*

7. Presentation

- A. Consider Adoption of Resolution No. 2013-07 in Recognition of Ms. Paula Riso, Executive Assistant/Clerk to the Board, for 15 Years of Service to the Marina Coast Water District

Action: The Board will consider adopting Resolution No. 2013-07 recognizing Ms. Paula Riso, Executive Assistant/Clerk to the Board, and awarding her a plaque and gift certificate for fifteen years of service to the Marina Coast Water District..

8. Consent Calendar *Board approval can be taken with a single motion and vote. A Board member or member of the public may request that any item be pulled from the Consent Calendar for separate consideration at this meeting or a subsequent meeting. The public may address the Board on any Consent Calendar item. Please limit your comment to three minutes.*

- A. Consider Adoption of Resolution No. 2013-08 to Authorize a Contract for Paving at the Well No. 11 Site and to Amend the FY 2012-2013 Capital Improvement Budget
- B. Adopt Resolution No. 2013-09 to Revise Policy Nos. 3.1, 3.2, 3.10, 5.4, 5.10, 10.14, 11.3, 11.7, and 17.0 of the Employee Handbook
- C. Approve the Expenditures for the Month of December 2012
- D. Approve the Revised Draft Minutes of the Regular Board Meeting of November 13, 2012
- E. Approve the Revised Draft Minutes of the Special Board Meeting of December 6, 2012
- F. Approve the Draft Minutes of the Regular Board Meeting of December 11, 2012
- G. Approve the Draft Minutes of the Regular Board Meeting of January 8, 2013
- H. Approve the Draft Minutes of the Adjourned Regular Board Meeting of January 12, 2013

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

- A. Consider Adoption of Resolution No. 2013-10 to Amend the Water Conservation Commission Procedures Manual to Clarify Commissioner "Vacancies" and Re-Set the Public Member Positions

Action: The Board will consider re-setting the cycle of the public member positions so that the terms expire the same month on alternating years.

- B. Consider the Appointment of Ruth Krotzer as a Public Member of the Water Conservation Commission

Action: The Board will consider reappointing Ruth Krotzer to the Water Conservation Commission.

- C. Consider Adoption of Resolution No. 2013-11 to Approve a Variance Request Regarding an Extended Payment Schedule for Connection Costs for the University Village Apartments Development

Action: The Board will consider a variance request for an extended payment schedule for connection costs for the University Village Apartments Development.

- D. Consider Adoption of Resolution Nos. 2013 (Ord Community Compensation Plan), and 2013-13 (Capital Elements of Ord Community Plan), to Adopt the Ord Community Portion of the FY 2012-2013 District Budget

Action: The Board will consider adopting the Ord Community portion of the Budget for FY 2012-2013.

- E. Consider Adoption of Resolution No. 2013-14 to Approve a Professional Services Agreement with GHD for Engineering Services related to FY 2012/13 CIP Projects “Replace Lift Station No. 5” & “Clark Lift Station Improvements”

Action: The Board will consider approving a contract with GHD (formerly Winzler & Kelly) to update the Clark and Cosky Lift Station designs.

- F. Consider Adoption of Resolution No. 2013-15 to Revise District Records Retention Schedules

Action: The Board will consider revising the District Records Retention Schedules.

- G. Consider Adoption of Resolution No. 2013-16 to Amend the Professional Services Agreement with BHI Management Consulting to Facilitate a Board Workshop and Develop a Five-Year Strategic Plan for the Marina Coast Water District

Action: The Board will consider amending the contract with BHI Management Consulting for Strategic Planning.

- H. Consider Approving the Board Meeting Schedule and Venue for 2013

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

- I. Consider Hiring a Temporary Videographer to Film the MCWD Board Meetings

Action: The Board will consider hiring a videographer to temporarily film the MCWD Board meetings.

10. Staff Report

- A. Receive 4th Quarter 2012 Ord Community Water Consumption and Sewer Flow Report – *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 three minutes.*

- A. General Manager’s Report

B. Counsel's Report

C. Committee and Board Liaison Reports

- | | |
|----------------------------------|---|
| 1. Water Conservation Commission | 7. FORA |
| 2. Joint City-District Committee | 8. WWOC Report |
| 3. Executive Committee | 9. JPIA Liaison |
| 4. Community Outreach | 10. Special Districts Association Liaison |
| 5. MRWPCA Board Member | 11. CalDesal |
| 6. LAFCO Liaison | |

12. Board Member Requests for Future Agenda Items

- A. Reminder of Project Workshop for RUWAP and Desalination Discussion – Saturday, February 23, 2013
- B. Set Date for Strategic Planning Workshop

13. Director's Comments

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

Regular Meeting: *Tuesday, February 26, 2013, 6:45 p.m.,
11 Reservation Road, Marina*

Marina Coast Water District
Agenda Transmittal

Agenda Item: 7-A

Meeting Date: February 12, 2013

Submitted By: Jim Heitzman

Presented By: Jim Heitzman

Agenda Title: Consider Adoption of Resolution No. 2013-07 in Recognition of Paula Riso, Executive Assistant/Clerk to the Board, and Awarding a Plaque and Gift Certificate for 15 Years of Service to the Marina Coast Water District

Detailed Description: The Board is requested to consider recognizing Paula Riso for 15 years of service to the Marina Coast Water District and presenting her with a plaque and gift certificate.

Ms. Paula Riso joined the District on February 11, 1998 as a Customer Service Representative I. Paula was assigned to the District's front desk as the primary person to interact with customers. Her friendly and outgoing personality and her excellent customer service skills served her well in this position. In addition to her customer service duties, she was assigned other tasks, which she accomplished with competence and skill.

In August 1999, Paula was selected and promoted to the Board Clerk/Executive Assistant position. In this demanding position, she has established an excellent rapport with the directors, the general manager, the District managers and the numerous customers and representatives of other agencies and organizations with which the District interacts. During her fifteen years of service to the District, Paula has exhibited significant professional growth and has consistently been a positive and encouraging influence on the District team.

It is with great pleasure that the District recognizes Paula Riso's for fifteen years of service to the District.

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 No

Funding Source/Recap: Hospitality & Awards account numbers.

Material Included for Information/Consideration: Resolution No. 2013-07.

Staff Recommendation: Consider adoption of Resolution No. 2013-07 recognizing Paula Riso, Executive Assistant/Clerk to the Board, and awarding a plaque and gift certificate for 15 years of service to the Marina Coast Water District.

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

February 12, 2013

Resolution No. 2013-07
Resolution of the Board of Directors
Marina Coast Water District
Recognizing Ms. Paula Riso, Executive Assistant/Clerk to the Board,
For 15-Years of Service to MCWD

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on February 12, 2013 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, Paula Riso joined the District on February 11, 1998 as a Customer Service Representative I; and,

WHEREAS, Paula’s friendly and outgoing personality and her excellent customer service skills served her well in this position.

WHEREAS, in August 1999, Paula was promoted to Executive Assistant/Board Clerk and has established an excellent rapport with the directors, the general manager, the District managers and the numerous customers and representatives of other agencies and organizations with which the District interacts; and,

WHEREAS, Paula has exhibited significant professional growth and has consistently been a positive and encouraging influence on the District team; and,

WHEREAS, Paula is a dedicated and loyal employee who is well-respected and admired by her fellow employees and District customers.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby express its gratitude and recognizes Paula Riso for fifteen years of service to the Marina Coast Water District, presents her with a plaque and gift certificate and wishes her continued success with the District.

PASSED AND ADOPTED on February 12, 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:

Jim Heitzman, 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. 2013-07 adopted February 12, 2013.

Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8

Meeting Date: February 12, 2013

Submitted By: Jim Heitzman

Presented By: Jim Heitzman

Agenda Title: Consent Calendar

Detailed Description: Consent calendar consisting of:

- A) Adopt Resolution No. 2013-08 to Authorize a Contract for Paving at the Well No. 11 Site and to Amend the FY 2012-2013 Capital Improvement Budget
- B) Adopt Resolution No. 2013-09 to Revise Policy Nos. 3.1, 3.2, 3.10, 5.4, 5.10, 10.14, 11.3, 11.7, and 17.0 of the Employee Handbook
- C) Approve the Expenditures for the Month of December 2012
- D) Approve the Revised Draft Minutes of the Regular Board Meeting of November 13, 2012
- E) Approve the Revised Draft Minutes of the Special Board Meeting of December 6, 2012
- F) Approve the Draft Minutes of the Regular Board Meeting of December 11, 2012
- G) Approve the Draft Minutes of the Regular Board Meeting of January 8, 2013
- H) Approve the Draft Minutes of the Adjourned Regular Board Meeting of January 12, 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 _____

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8-A

Meeting Date: February 12, 2013

Submitted By: Patrick Breen

Presented By: Patrick Breen

Reviewed By: Andrew Sterbenz

Agenda Title: Adopt Resolution No. 2013-08 to Authorize a Contract for Paving at the Well No. 11 Site and to Amend the FY 2012-2013 Capital Improvement Budget

Detailed Description: The Board of Directors is requested to authorize a construction contract with Graniterock for paving at the Well No. 11 Site and to amend the FY 2012-2013 Capital Improvement Budget.

The Well No. 11 site does not currently have an all-weather surface that allows for equipment access for parking of the emergency generator trailer and extraction of the well pump, motor or associated appurtenances. During the recent operation to remove the well pump and shaft the equipment used became stuck and required additional equipment to access and exit the site. Operations and Maintenance recommends adding approximately 3,350-SF of all-weather surface (asphalt concrete over concrete road base) to the site.

Staff solicited bids from four contractors. A summary of the submitted bids is listed below:

Bids Summary table:

Bidder	Bid Price
1-Monterey Peninsula Engineering	\$29,950
2-Don Chapin Company	\$27,925
3-Graniterock	\$23,014

Staff has reviewed the qualifications, experience, insurance, and licensing of Graniterock, and the firm was determined to be reliable to commence and finish the work in a timely and orderly fashion.

The overall cost of the work is \$23,014. Staff recommends that the board authorize a total budget of \$25,315 which includes a 10% contingency allowance.

Total cost of the work, including a 10% allowance for inspection and contingency, is \$25,315.

Environmental Review Compliance: This project is Categorically Exempt under California Environmental Quality Act (CEQA) Class 2; Guideline Section 15302(c)

Prior Committee or Board Action: Resolution No. 2013-05 approved a Construction Contract for Well No. 11 Equipment.

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: A budget amendment is required to complete the paving around Well No. 11 as these were unanticipated costs and not budgeted in the FY 2012/2013 capital budget. Well No. 11 paving would be funded from District Capital Reserves. An amendment to the Capital Improvements Budget is recommended to add paving to project MW-0203 for the amount of \$25,315.

Material Included for Information/Consideration: Resolution No. 2013-08.

Staff Recommendation: The Board adopt Resolution No. 2013-08 to authorize a contract for construction of paving at the Well 11 site and to amend the FY 2012-2013 Capital Improvement Budget.

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 _____

February 12, 2013

Resolution No. 2013 - 08
Resolution of the Board of Directors
Marina Coast Water District
Authorizing a Contract for Construction of Paving at the Well 11 Site
and to Amend the FY 2012-2013 Capital Improvement Budget

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on February 12, 2013 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, District Well No. 11 is out of service, the pumping equipment has been evaluated and found to have reached the end of its service life, and is in need of replacement; and,

WHEREAS, Well No. 11 is a significant groundwater sources for the Marina Coast Water System; and,

WHEREAS, the pumping equipment in Well No. 11 requires heavy equipment to maintain and without an all weather access becomes difficult or impossible based on weather conditions; and,

WHEREAS, staff recommends contracting with Graniterock to provide construction services for paving areas within the Well No. 11 Site to allow all weather access in the amount of \$25,315; and,

WHEREAS, an additional ten percent is added to the budget for the project to cover construction inspection services and a contingency; and,

WHEREAS, this work is categorically exempt under section 15301 of the CEQA Guidelines; and,

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

1. Approves this contract and authorizes the General Manager to execute a construction contract with Graniterock to provide construction services for paving areas within the Well No. 11 site to allow all weather access in the amount of \$25,315, which includes an additional ten percent to cover construction inspection services and a contingency; and,

2. Approves an amendment to the FY 2012/2013 Marina Water Capital Improvements Project Budget to add paving to project MW-0203 for the amount of \$25,315.

PASSED AND ADOPTED on February 12, 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:

Jim Heitzman, 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. 2013-08 adopted February 12, 2013.

Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8-B

Meeting Date: February 12, 2013

Submitted By: Jean Premutati

Presented By: Jean Premutati

Agenda Title: Adopt Resolution No. 2013-09 to Revise Policy Nos. 3.1, 3.2, 3.10, 5.4, 5.10, 10.14, 11.3, 11.7, and 17.0 of the Employee Handbook

Detailed Description: Each year in January, new employment and personnel laws take effect that usually initiates handbook and policy revisions. In addition, it is a best practice to periodically review employment and personnel policies for practicality and legal compliance as well as to replicate the District's Memorandums of Understanding (MOU's).

After reviewing the current employee handbook, staff recommends additions and revisions of selected policies based on the MOU's that were retroactively effective July 1, 2012 and new language requirements due to changes in employment law.

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 ___X___No

Funding Source/Recap: N/A.

Material Included for Information/Consideration: Resolution No. 2013-09; and Policy Nos. 3.1, 3.2, 3.10, 5.4, 5.10, 10.14, 11.3, 11.7, and 17.0 of the Employee Handbook.

Staff Recommendation: The Board of Directors adopt Resolution No. 2013-09 to update and revise the Marina Coast Water District Employee Handbook.

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 _____

February 12, 2013

Resolution No. 2013-09
Resolution of the Board of Directors
Marina Coast Water District
Revise Policy Nos. 3.1, 3.2, 3.10, 5.4, 5.10, 10.14, 11.3, 11.7, and
17.0 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 February 12, 2013, at the business office of the District, 11 Reservation Road, Marina, California as follows:

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

WHEREAS, the handbook should reflect the language in the Memorandums of Understanding (MOU’s) which were retroactively effective July 1, 2012; and,

WHEREAS, the handbook should be reviewed periodically for practicality and legal compliance; and,

WHEREAS, staff recommends revisions and/or updates to the following policies:

- 3.1 – Equal Employment Opportunity
- 3.2 – Harassment
- 3.10 – Internet, E-Mail, Telephones and Electronic Communications, Ethics, Usage and Security
- 5.4 – Employee Records
- 5.10 – Business Travel
- 10.14 – Management Leave
- 11.3 – Pregnancy/Childbirth (Pregnancy Disability Leave – PDL)
- 11.7 – Sick Leave
- 17.0 – Request for Reasonable Accommodation – Interactive Process

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby adopt Resolution No. 2013-09 to update and revise Policy Nos. 3.1, 3.2, 3.10, 5.4, 5.10, 10.14, 11.3, 11.7, 14.0, and 17.0 of the employee handbook.

PASSED AND ADOPTED on February 12, 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:

Jim Heitzman, 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. 2013-09 adopted February 12, 2013.

Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8-C

Meeting Date: February 12, 2013

Submitted By: Kelly Cadiente

Presented By: Kelly Cadiente

Agenda Title: Approve the Expenditures for the Month of December 2012

Detailed Description: The Board of Directors is requested to approve the attached December 2012 check register for expenditures totaling \$554,137.36.

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: December 2012 Summary Check Register.

Staff Recommendation: The Board of Directors approve the December 2013 expenditures totaling \$554,137.36.

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-D

Meeting Date: February 12, 2013

Submitted By: Jim Heitzman

Presented By: Jim Heitzman

Agenda Title: Approve the Revised Draft Minutes of the Regular Board Meeting of November 13, 2012

Detailed Description: The Board of Directors is requested to approve the attached revised draft minutes of November 13, 2012.

Environmental Review Compliance: None required.

Prior Committee or Board Action: On December 11, 2012, the Board asked to have revised minutes brought back to the January 8, 2013 Board meeting. On January 8, 2013, there was not a quorum of those present at the November 13, 2012 meeting to approve the minutes. The minutes were tabled until February.

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 November 13, 2012.

Staff Recommendation: The Board of Directors approve the revised draft minutes of the November 13, 2012 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-E

Meeting Date: February 12, 2013

Submitted By: Jim Heitzman

Presented By: Jim Heitzman

Agenda Title: Approve the Revised Draft Minutes of the Special Board Meeting of December 6, 2012

Detailed Description: The Board of Directors is requested to approve the attached revised draft minutes of December 6, 2012.

Environmental Review Compliance: None required.

Prior Committee or Board Action: On January 8, 2013, there was not a quorum of those present at the December 6, 2012 meeting to approve the minutes. The minutes were tabled until February.

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 December 6, 2012.

Staff Recommendation: The Board of Directors approve the revised draft minutes of the December 6, 2012 special 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-F

Meeting Date: February 12, 2013

Submitted By: Jim Heitzman

Presented By: Jim Heitzman

Agenda Title: Approve the Draft Minutes of the Regular Board Meeting of December 11, 2012

Detailed Description: The Board of Directors is requested to approve the attached draft minutes of December 11, 2012.

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 December 11, 2012.

Staff Recommendation: The Board of Directors approve the draft minutes of the December 11, 2012 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-G

Meeting Date: February 12, 2013

Submitted By: Jim Heitzman

Presented By: Jim Heitzman

Agenda Title: Approve the Draft Minutes of the Regular Board Meeting of January 8, 2013

Detailed Description: The Board of Directors is requested to approve the attached draft minutes of January 8, 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 January 8, 2013.

Staff Recommendation: The Board of Directors approve the draft minutes of the January 8, 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-H

Meeting Date: February 12, 2013

Submitted By: Jim Heitzman

Presented By: Jim Heitzman

Agenda Title: Approve the Draft Minutes of the Adjourned Regular Board Meeting of January 12, 2013

Detailed Description: The Board of Directors is requested to approve the attached draft minutes of January 12, 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 January 12, 2013.

Staff Recommendation: The Board of Directors approve the draft minutes of the January 12, 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: 9-A

Meeting Date: February 12, 2013

Submitted By: Brian True

Presented By: Andy Sterbenz

Reviewed By: Andy Sterbenz

Agenda Title: Consider Resolution No. 2013-10 to Amend the Water Conservation Commission Procedures Manual to Clarify Commissioner “Vacancies” and Re-Set the Public Member Positions

Detailed Description: The Board is requested to consider amending the Water Conservation Commission (WCC) Procedures to clarify commissioner vacancies, and to consider establishing a fixed time during each year that Commissioner positions are filled.

In November 2012, the WCC Procedures Manual was updated, adding, among other changes, a requirement to advertise for volunteers to fill vacant Commissioner positions. During the following Water Conservation Commission meetings, it became apparent that the Procedures do not formally provide a definition of when a Commissioner vacancy exists. Also, the current practice of the Commission to recommend reappointment of sitting Commissioners may conflict with the recently specified intent of advertising for applicants so that the Commission represents the broadest constituency possible. The Board is requested to consider several possible ways of defining a vacancy and to make a selection.

A second and related topic for consideration is establishing a fixed time during each year to fill Water Conservation Commissioner positions. In a sense, this possible course of action would re-set the current Public Members of the Commission as detailed in the attached tables. As currently defined, a Commissioner serves for two years from the date of appointment. Under that system, it is possible that all five appointed commissioner terms could expire in the same year. With the proposed re-set of the Public Members of the Commission, three positions would expire in even years, and two would expire in odd years. Off-cycle appointments would be made for the remaining term of the position, the same way vacancies on the Board of Directors are filled.

Attached is a copy of the current WCC Procedures Manual. Immediately after that, please find an attachment showing three (3) Alternatives that the Board might consider for amending WCC Procedures. Included in all three cases is a procedural clarification, setting a deadline for submission of WCC applications three weeks before the WCC considers them. The Board may adopt any one of these Alternatives, modify any Alternative and adopt it, or create an entirely new Alternative to provide clarity on Commissioner vacancies. The staff recommendation is that the Board use Alternative 3 to amend the WCC Procedures that will re-set the Public Members of the Commission. At their January 3rd meeting, the Water Conservation Commission recommended forwarding Alternative 3 to the Board.

If the Board adopts the Resolution, staff will insert the language/tables approved by the Board into appropriate locations within the WCC Procedures.

Environmental Review Compliance: None required.

Prior Committee or Board Action: On November 13, 2012 the Board of Directors adopted Resolution 2012-76 amending the WCC Procedures document to its current status. The Water Conservation Commission recommended that the Board adopt Alternative 3 and re-set the Public Members of the Commission. On November 15, 2012 the Water Conservation Commission recommended that Mrs. Ruth Krotzer be considered for appointment to the Water Conservation Commission continuing the past practice of the Commission; this recommendation is pending the decision of the Board regarding "vacancies" and potentially re-setting the Public Members of the Commission.

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

Financial Impact: _____ Yes X No

Funding Source/Recap: N/A

Material Included for Information/Consideration: Resolution No. 2012-10; Attachment 1 showing the current status of the Water Conservation Commission Procedures; Attachment 2 showing alternatives for amending the Water Conservation Commission Procedures; and Attachment 3 associated with Alternative 3 showing a potential Re-Set of the Commissioner positions and a Table to be inserted in the WCC Procedures.

Staff Recommendation: The Board of Directors adopt Resolution No. 2013-10 approving Alternative 3 for amending the Water Conservation Commission Procedures.

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 _____

February 12, 2013

Resolution No. 2013 - 10
Resolution of the Board of Directors
Marina Coast Water District
Amending the Water Conservation Commission Procedures to
Clarify Commissioner "Vacancies"

RESOLVED by the Board of Directors ("Directors") of the Marina Coast Water District ("District"), at a regular meeting duly called and held on February 12, 2013 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, the Water Conservation Commission Procedures document does not formally provide a definition of when a Commissioner vacancy exists; and,

WHEREAS, the Commission's current practices conflict with the specified intent of advertising for applicants when a vacancy occurs and having Commissioners represent the broadest constituency possible; and,

WHEREAS, the adoption of this Resolution will provide the needed clarity for when a vacancy exists on the Commission and for when applications to fill the vacancies must be submitted.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby approve amending the Water Conservation Commission Procedures by using language from the attached Alternative _____ as modified hereby:

and direct staff to insert this approved language and/or table into the Water Conservation Commission Procedures document in appropriate locations.

PASSED AND ADOPTED February 12, 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 Moore, President

ATTEST:

Jim Heitzman, 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. 2013-10 adopted February 12, 2013.

Jim Heitzman, Secretary

Procedures for Marina Coast Water District's
Water Conservation Commission

Adopted By the Commission October 2005
Last Revised by the Board of Directors November 13, 2012

Mission Statement

To provide input to the Board of Directors on matters pertaining to the preservation of the District's water resource through conservation, technological improvements and policy.

PURPOSE: The purpose of this document is to specify the procedures for the selection to, operation of and removal from the Water Conservation Commission within the guidance provided by the Marina Coast Water District Board of Directors Procedures Manual.

1. SELECTION TO THE COMMISSION:

A. When a vacancy exists for the Water Conservation Commission, the vacancy will be advertised to the public by a posting at the same locations the District posts notices and MCWD Board of Directors Meeting Agendas and by providing a Public Service Announcement to the Marina Gazette, the Monterey Herald, and the Monterey County Weekly for potential publication at no-cost.

B. Any person residing within the District's service area (either annexed or served by contract) is eligible to volunteer for service on the Water Conservation Commission.

C. Any person who desires to apply will acquire and complete an application form. Staff will verify that the applicant is eligible for the vacancy to be filled.

D. An appointment application is received and verified by staff and placed on the Water Conservation Commission agenda. Applicants are informed as to when their application will be considered and that they have the opportunity to address the Commission at that time. The application is then presented to the Board with the recommendation of the Commission. Applicants are informed as to when their application will be considered and that they have the opportunity to address the Board at that time.

E. In the event that there is a commissioner vacancy and multiple applicants volunteer to fill the vacancy (or vacancies), the favored applicant(s) will be the person(s) that achieves Water Conservation Commission representation to the broadest constituency.

F. If appointed the applicant will be informed by staff of their appointment and the date and time of the next scheduled meeting. If not appointed the applicant will be thanked by staff for their interest in writing.

2. OPERATION OF THE WATER CONSERVATION COMMISSION:

A. Meeting Dates and Times: The Water Conservation Commission meets the 1st Thursday of each month at 5:30 PM in the Marina Coast Water District Board Room unless otherwise specified.

B. Water Conservation Commission Composition: The Board will select a Director and an alternate Director to serve on the Water Conservation Commission. There shall be a voting position on the Commission for a member of the City Council of the City of Marina. The Board will appoint 5 public members for terms of two years.

C. Brown Act: Meetings of the Water Conservation Commission are covered by and will be conducted in compliance with the Brown Act.

D. Conduct of Meetings:

1. Agendas: Staff will produce an agenda for each meeting and distribute the agenda to each member of the Commission either by mail, hand delivery or e-mail sufficiently early to ensure that members have appropriate time to review and prepare comments on said agenda.

2. Commission Leadership: The Commission will select a Chairperson and Vice Chairperson from among themselves. These offices will conduct the meetings to ensure orderly completion of the agenda.

3. Commissioner Meeting Responsibilities:

a. Attendance: Any person serving on the Water Conservation Commission must be prepared for and attend all committee meetings, unless excused for good reason. A good reason for failing to attend a Commission meeting is a personal illness or being absent from the State with the permission required by law (in accordance with Government Code Section 1770).

b. If a commissioner cannot attend any meeting he or she should give staff as much prior notification as possible to facilitate ensuring that a quorum is available.

3. COMMISSION RESPONSIBILITIES:

The members of the Water Conservation Commission shall have the duties and responsibilities to:

A. review water conservation ordinances and policies and recommend changes to the Board in matters related to conservation and water usage by the customers of the District;

B. Review and make recommendations to the Board concerning refinements/adjustments to the water conservation program, specifically conservation Best Management Practice implementation, outreach and educational programs, the conservation budget, and overall District conservation resources;

C. Review and make recommendations to the Board on customer appeals to the District's Water Shortage Contingency Plan, Conservation Ordinance, and conservation provisions of the District Code;

D. Review and make recommendations to the Board on equipment and technologies that promote water conservation;

E. review periodic newsletters, Consumer Confidence Reports, and other conservation outreach activities and make recommendations to the Board for actions to inform the public about the District's conservation activities.

4. REMOVAL FROM THE COMMISSION:

A. If a commissioner fails to attend meetings of the Commission for three consecutive months his or her position as a commissioner member shall be deemed vacant, unless excused for good reason. A good reason for failing to attend a Commission meeting is a personal illness or being absent from the State with the permission required by law (in accordance with Government Code Section 1770). Such vacancy shall be reported to the Board and then advertised.

B. Commission vacancies shall be filled for the unexpired portion of the term in the same manner as provided in the case of original appointment.

Alternatives for Amending the Water Conservation Commission Procedures

Alternative 1. [insert paragraph in Procedures as topic 1.A. and re-letter the existing topics]

“A vacancy on the Water Conservation Commission comes into existence when a sitting Commissioner resigns or when a sitting Commissioner is removed from the Commission (per Section 4 of the WCC Procedures). A vacancy also comes into existence automatically upon the expiration of a sitting Commissioner’s term of service.”

[insert sentence at end of the current Procedures topic 1.C.]

“Applications for the Water Conservation Commission will be accepted on an ongoing basis. To be considered for filling a vacancy, applications must be submitted by 5:00 PM, 21-days prior to the Water Conservation Commission meeting at which a recommendation to the Board for appointment to fill a vacant position is considered.”

Alternative 2. [insert paragraph in Procedures as topic 1.A. and re-letter the existing topics]

“A vacancy on the Water Conservation Commission comes into existence when a sitting Commissioner resigns or when a sitting Commissioner is removed from the Commission (per Section 4 of the WCC Procedures). A sitting Commissioner’s position at the end of their term, upon completion of an Application and recommendation to the MCWD Board of Directors by the WCC for re-appointment and continued service, shall not be deemed a vacancy unless the MCWD Board of Directors chooses to not re-appoint the sitting Commissioner.”

[insert sentence at end of the current Procedures topic 1.C.]

“Applications for the Water Conservation Commission will be accepted on an ongoing basis. To be considered for filling a vacancy, applications must be submitted by 5:00 PM, 21-days prior to the Water Conservation Commission meeting at which a recommendation to the Board for appointment to fill a vacant position is considered.”

Alternative 3. [insert paragraph in Procedures as topic 1.A. and re-letter the existing topics]

“By Resolution 2013-XX adopted on January 8, 2013, Table 1 is attached to the Procedures of the Water Conservation Commission. Table 1 defines the Schedule of WCC Position Appointments and the pattern for making appointments. A vacancy on the Water Conservation Commission comes into existence at the end of the term of a Position based on the Table 1 Schedule, when a sitting Commissioner resigns, or when a sitting Commissioner is removed from the Commission (per Section 4 of the WCC Procedures).

[insert sentence at end of the current Procedures topic 1.C.]

“Applications for the Water Conservation Commission will be accepted on an ongoing basis. To be considered for filling a vacancy, applications must be submitted by 5:00 PM, 21-days prior to the Water Conservation Commission meeting at which a recommendation to the Board for appointment to fill a vacant position is considered.”

Marina Coast Water District
Agenda Transmittal

Agenda Item: 9-B

Meeting Date: February 12, 2013

Submitted By: Brian True

Presented By: Andy Sterbenz

Agenda Title: Consider the Appointment of Mrs. Ruth Krotzer as a Public Member to the Water Conservation Commission

Detailed Description: The Board is requested to consider Mrs. Ruth Krotzer for appointment to the Water Conservation Commission. Mrs. Krotzer has served as a Public Member of the Commission since February 2011, and, if appointed by the Board, would serve a second two-year term. Due to many years of consistently vacant Public Member Commissioner positions, the past practice of the Water Conservation Commission has been to recommend for re-appointment sitting Commissioners without active recruitment or advertising for other potential applicants. Since her two-year term was about to expire, Mrs. Krotzer submitted an application to the WCC and the Commissioners advanced this recommendation for the Board's consideration.

The Commissioners recognize that the Board will determine how to address vacancies and potentially re-set the Public Members of the Commission. This recommendation to appoint Mrs. Krotzer is pending the outcome of that determination and should be heard by the Board only if it is consistent with the Board's stated policy.

The current composition of the Water Conservation Commission is as follows:

Board of Directors Member (1):	Jan Shriner, with Bill Lee as Alternate
City of Marina Council Member (1):	Dave Brown, with Gail Morton as Alternate
Public Members (5):	Dan Amedeo (acting Chair)
	Ruth Krotzer
	Harold Krotzer
	Carroll Meuse
	Tom Jennings

Environmental Review Compliance: None required.

Prior Committee or Board Action: The Water Conservation Commission reviewed Mrs. Krotzer's application for re-appointment at its November 15th, 2012 meeting and recommends appointment.

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: Application for Public Service Appointment for Mrs. Ruth Krotzer; and Table 1, Water Conservation Commission Appointments.

Staff Recommendation: Staff recommends that the Board of Directors consider appointing Mrs. Ruth Krotzer to the Water Conservation Commission consistent with the Board's stated policy regarding Commissioner vacancies.

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-C

Meeting Date: February 12, 2013

Submitted By: Brian True

Presented By: Andy Sterbenz

Reviewed By: Jim Heitzman

Agenda Title: Consider Adoption of Resolution No. 2013-11 to Approve a Variance Request Regarding an Extended Payment Schedule for Connection Costs for the University Village Apartments Development

Detailed Description: The Board of Directors is requested to consider and specify the disposition of a Variance Request submitted by South County Housing Corporation (South County, Applicant) for their University Village Apartments development project. South County is a California non-profit public benefit corporation and is constructing the affordable housing element of the Dunes at Monterey Bay. Their project is located at the intersection of 9th Street and 2nd Avenue in Marina and proposes a total of ten structures (a community center and nine apartment buildings) with a total of 108 apartment units.

The Applicant is requesting a variance to several sections of the MCWD Water Code. All the subject Code sections concern payment to MCWD of the various connection costs associated with receiving potable water and sewer service from MCWD. The largest component of the connection costs are capacity charges. The Code sections require that all the connection costs are due to be paid at the time potable water meters are installed for a project or at the time service is rendered. The specific Code sections are:

- 1) 3.08.060 Extension of service. Subsections A. General. and B. Capacity charge
- 2) 5.16.010 Permit required.
- 3) 6.08.090 Capacity charge for new or modified potable and recycled water service connections. Subsection D.
- 4) 6.12.040 Capacity charge for new or modified sewer service connection. Subsection C.

The Applicant is asking permission to extend the payment schedule for the connection costs that will be required from their University Villages Apartments project that otherwise would be due when meters are installed and service is rendered as proscribed by the MCWD Water Code. They propose to pay 20% of the connection costs at the time potable water meters are installed (the normal moment when connection costs would be paid) with the remaining balance, or 80% of the connection costs, to be paid by the date-certain of January 15, 2015. The Applicant's complete Variance Request Form is attached.

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

1. The resources needed to construct this project initially will be borrowed from a bank and then re-paid to the bank in full from the resources of the investors (represented here by South County) who have received resources for the project from a variety of sources (e.g. State

grants, Federal grants, low-interest loans, etc.). That re-payment will occur just prior to the date-certain of January 15, 2015. If MCWD's connection costs were to be included in the required sum to be initially borrowed, the project would incur approximately \$48,000 in additional interest charges as compared to their proposal to extend the payment schedule.

2. The recently bid construction trade costs have come in much higher than anticipated.
3. The nature of the development – an income-restricted apartment complex serving families with incomes between 30% - 50% of the area's median income – and the rules surrounding the project's ultimate funding sources will not allow the project increased revenue by raising rents.
4. With no way to increase revenues, South County is reporting that they will have to contribute \$375,000 of their own resources. South County is a not-for-profit organization. The difference between the collected funding, South County's ability to contribute resources, and the construction cost is putting the project in jeopardy. If the project is to move forward within this community, cost reductions must somehow be achieved.
5. To this end, the City of Marina, at their December 12, 2012 City Council meeting adopted a Resolution to defer over time the project's impact fees payable to the City. The City's deferral reportedly will generate a \$56,000 reduction in interest costs for the project.
6. If the project does not advance, MCWD stands to lose at least 108 new customer accounts as well as the associated capacity charges.

The Board of Directors may approve variances from the requirements of the MCWD Water Code only if the Board makes three affirmative findings as follows:

1. The strict application of the code would result in unfair or unequal treatment, undue hardship, or an emergency condition exists which requires that the variance be granted; and,
2. Granting the variance will not cause a significant adverse affect on the water supply or on service to other persons served by the District; and
3. The variance is in the best interests of the District.

Based upon the information provided, staff recommends approving the variance request. The Applicant is not proposing that the connection costs be reduced, but rather wishes to make payment to MCWD in a manner that does not damage their ability to conduct the project. The Applicant will end up paying in excess of \$950,000 in connection costs to MCWD. Failing to take an action that will assist in achieving that benefit alone would not appear to be in the best interest of the community. Also, the MCWD Board has granted variances of this nature (i.e. providing a payment schedule/plan that allows the payment of costs over time) to other Applicants in the past (e.g. Resolution No. 2010-65 on September 14, 2010 and Resolution No. 2009-55 on September 22, 2009) such that not granting a Variance in this case might be construed as "unequal treatment." If the Board agrees with the staff recommendation, the three affirmative findings in the Resolution may be made as follows:

- Finding 1 may be made because the MCWD Water Code creates an undue hardship on the Applicant by requiring a payment schedule that would force this Applicant to pay \$48,000 in interest, thereby jeopardizing the viability of the project and potentially preventing the establishment of a service to the community in the form of an affordable housing project.

- Finding 2 may be made because this Applicant making connection cost payments over time is unrelated to water supply issues or providing service to other persons within MCWD's service area. Having the final payment due prior to the date-certain of January 15, 2015 is a key fact in making this finding.
- Finding 3 may be made because having the Applicant's project proceed will bring a substantial capacity charge payment to MCWD and increase MCWD's potential annual revenues through the service provided to 108 new customer accounts.

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

Environmental Review Compliance: None required for this action.

Prior Committee or Board Action: This Variance Request is a stand-alone request regarding a new topic so technically no prior Board action has taken place; however, South County has made two previous requests for variance from the MCWD Water Code. In the interest of transparency and for the ability to obtain a historical perspective, the results of South County Housing's 2007 and 2012 Variance Requests are noted here. On June 27, 2007, the Board considered a Variance Request from this applicant regarding relief from the MCWD standard of having each dwelling unit metered. The Board rendered a split decision (one Director was absent) at that time and the item was returned on October 10, 2007; however, the housing market conditions at that moment in time caused the project to stall so no action by the Board was required at that time. The project was re-started in early 2012 and on June 12, 2012 South County returned to the Board with a similar Variance Request regarding relief from the metering standards. The basis of the 2012 request was slightly different than the 2007 request and their Variance Request was denied.

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

Financial Impact: _____ Yes X No

Funding Source/Recap: Not applicable.

Material Included for Information/Consideration: Resolution No. 2013-11; and, Applicant's Variance Request Form and the General Manager's required administrative response letter.

Staff Recommendation: The Board of Directors consider approving the Variance Request by adopting Resolution No. 2013-11.

Action Required: X Resolution (Acceptance) X Motion (Denial)
(Roll call vote is required.)

Board Action

____ Resolution No ____ Motion By _____ Seconded By _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Reagendized _____ Date _____ No Action Taken _____

February 12, 2013

Resolution No. 2013 – 11
Resolution of the Board of Directors
Marina Coast Water District
Approving a Variance Request Regarding an
Extended Payment Schedule for Connection Costs for the
University Village Apartments Development

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on February 12, 2013 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, South County Housing Corporation is a California non-profit public benefit corporation constructing the University Village Apartments project which is the affordable housing element of the Dunes at Monterey Bay development; and,

WHEREAS, the University Village Apartments project is located at the intersection of 9th Street and 2nd Avenue in Marina, CA and proposes a total of ten structures (a community center and nine apartment buildings) with a total of 108 apartment units; and,

WHEREAS, South County Housing Corporation has requested a variance to the following MCWD Water Code sections:

- 1) 3.08.060 Extension of service. Subsections A. General. and B. Capacity charge
 - 2) 5.16.010 Permit required.
 - 3) 6.08.090 Capacity charge for new or modified potable and recycled water service connections. Subsection D.
 - 4) 6.12.040 Capacity charge for new or modified sewer service connection. Subsection C.;
- and,

WHEREAS, all the subject Code sections listed above concern payment to MCWD of the various connection costs associated with receiving potable water and sewer service from MCWD and the Code sections require that all the connection costs are due to be paid at the time potable water meters are installed for a project or at the time service is rendered; and,

WHEREAS, South County Housing Corporation claims that higher than expected construction costs have put the project in jeopardy, costs must be reduced somehow, and a strict application of the MCWD Water Code damages their ability to achieve needed cost reductions; and,

WHEREAS, South County Housing Corporation is asking permission to extend the payment schedule for the connection costs that will be required from their University Villages Apartments project and propose to pay 20% of the connection costs at the time potable water meters are installed with the remaining balance, or 80% of the connection costs, to be paid by the date-certain of January 15, 2015.

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

A. The strict application of the code in this case creates an undue hardship on the Applicant by requiring a payment schedule that would force this Applicant to pay \$48,000 in interest, thereby jeopardizing the viability of the project and potentially preventing the establishment of a service to the community in the form of an affordable housing project; and

B. Granting the variance will not cause a significant adverse effect on the water supply or on service to other persons served by the District because this Applicant making connection cost payment over time is unrelated to water supply issues or providing service to other persons within MCWD's service area; and,

C. The variance is in the best interests of the District because having the Applicant's project proceed will bring a substantial capacity charge payment to MCWD and increase MCWD's potential annual revenues through the service provided to 108 new customer accounts.

BE IT FURTHER RESOLVED that the Board of Directors authorizes that a variance be granted to South County Housing Corporation from the requirements of the MCWD Water Code sections listed above, that the General Manager allow the payment of connection costs on a schedule of 20% of the connection costs to be paid when potable water meters are set and with the remaining balance, or 80% of the connection costs, to be paid by the date-certain of January 15, 2015, and that the General Manager and/or the Deputy General Manager/District Engineer shall take all actions and execute all documents as may be necessary or appropriate to give effect to this resolution.

PASSED AND ADOPTED on February 12, 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:

Jim Heitzman, 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. 2013-11 adopted February 12, 2013.

Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 9-D

Meeting Date: February 12, 2013

Prepared By: Kelly Cadiente

Presented By: Kelly Cadiente

Agenda Title: Consider Adoption of Resolution Nos. 2013-12 (Ord Community Compensation Plan), and 2013-13 (Capital Elements of Ord Community Plan), to Adopt the Ord Community Portion of the FY 2012-2013 District Budget

Detailed Description: The Board is requested to consider approval of the FY 2012-2013 Ord Community Proposed Budget in light of what transpired at the Fort Ord Reuse Authority (FORA) Board's September 14, 2012 regular meeting.

The District submitted the initial Draft FY 2012-2013 Ord Community Compensation Plan (Plan) to FORA at its Water, Wastewater Oversight Committee (WWOC) on March 14 2012, in adherence to the 1998 Facilities Agreement (Agreement) between the District and FORA. The Plan included a 5% rate increase which was properly noticed in the Proposition 218 notification conducted by the District in 2011 and verified by an independent auditor hired by FORA that it was necessary and appropriate. Changes and revisions to the Plan were made over several meetings of the WWOC between March and April 2012 and on May 2, 2012, the WWOC recommended the Plan for approval by the FORA Board.

However, after two failed motions to approve the Plan by the FORA Board on July 13, 2012 and July 26, 2012, the FORA Board, on September 14, 2012, approved Resolutions 12-6 and 12-7 adopting a compensation plan and setting rates, fees and charges for former Fort Ord base-wide water and sewer services, with the following modifications:

1. Acceptance of previous amendments to remove all references to the Regional Water Project and eliminate the 2% allocation for potential wage increases following a compensation study.
2. Elimination of the proposed 5% rate increase, to be recovered through cost saving measures and/or use of operating reserves, as per FORA Board discussion.

On September 28, 2012, the District held a special board meeting and the Board discussed whether FORA's motions regarding the Ord Community Compensation Plan was in adherence to Facilities Agreement they have with the District and directed staff to work with FORA staff at setting a joint Board meeting to discuss the matter further. Due to extenuating circumstances, the joint Board meeting never materialized.

It is now over six months into the 2012-2013 Fiscal Year and the District has not approved the Ord Portion on the District's Budget. Needed activities have not been done due to a lack of an approved budget such as the rate study which is necessary to set rates and prepare the upcoming fiscal year's budget. Staff is therefore recommending that the Board approve the 2012-2013 Ord

Community portion of the District's Budget with the modifications approved by FORA in order to move forward.

Environmental Review Compliance: None required.

Prior Committee or Board Action: The Board received the Draft FY 2012-2013 Budget and Budget Schedule on March 13, 2012; the Board held a Budget Workshop on March, 29, 2012; the Board received a revised Draft FY 2012-2013 Budgets on May 8, 2012, July 10, 2012 and August 14, 2012; the Board held a Special Board meeting on September 28, 2012.

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

Financial Impact: X Yes No Board approval of Resolution Nos. 2013-12 and 2013-13 will impact operating reserves. In addition, by not adhering to the planned, noticed rate increases, the District's credit rating may be compromised, thus causing higher debt costs.

Funding Source/Recap: All Accounts

Material Included for Information/Consideration: Resolution Nos. 2013-12 and 2013-13; FY 2012-2013 Proposed District Budget (provided separately).

Staff Recommendation: The Board of Directors approve Resolution Nos. 2013-12 and 2013-13 to approve the Ord Community portion of the FY 2012-2013 District Budget.

Action Required: X 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

February 12, 2013

Resolution No. 2013-12
Resolution of the Board of Directors
Marina Coast Water District
Adopting the Ord Community Portion of the Budget and
the Ord Community Compensation Plan for FY 2012-2013
(Not including Capacity Charges and Capital Surcharges)

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on February 12, 2013 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, FORA is authorized by the FORA Act, particularly Government Code 67679(a)(1), to arrange for the provision of water, recycled water and wastewater services to the Ord Community; and,

WHEREAS, the District and FORA, entered into a “Water/Wastewater Facilities Agreement” (“the Agreement”) on March 13, 1998, and have subsequently duly amended the Agreement; and,

WHEREAS, the Agreement provides a procedure for establishing budgets and compensation plans to provide for sufficient revenues to pay the direct and indirect, short-term and long-term costs, including capital costs, to furnish the water and wastewater facilities; and,

WHEREAS, the proposed Budget and Compensation Plan for FY 2012-2013 provides for funds necessary to meet operating expenses, including employee wages and fringe benefits, purchasing or leasing supplies, equipment and materials, meeting financial reserve needs and requirements and capital expenses for sound operation and provision of the water and wastewater facilities and to enable the District to provide continued water, new water and sewer services within the existing service areas on the former Fort Ord. The rates, fees and charges apply only to the area within FORA’s jurisdictional boundaries; and,

WHEREAS, the Water/Wastewater Oversight Committee of FORA and the District’s full Board have reviewed the proposed Budget and Compensation Plan; and,

WHEREAS, pursuant to the Agreement, FORA and the District have adopted and implemented and acted in reliance on budgets and compensation plans for prior fiscal years; and,

WHEREAS, pursuant to the Agreement, FORA and the District have cooperated in the conveyance to the District of easements, facilities and ancillary rights for the water and wastewater systems on the area of the former Fort Ord within FORA’s jurisdiction; and,

WHEREAS, the District has provided water and wastewater services on the former Fort Ord by contract since 1997, and currently provides water and wastewater services to the area of

the former Fort Ord within FORA's jurisdiction under the authority of the Agreement, and provides such services to the portion of the former Fort Ord still under the Army's jurisdiction by contract with the Army; and,

WHEREAS, FORA and the District have agreed that water conservation is a high priority, and have implemented a water conservation program in the Ord Community service area that includes public education, various incentives to use low-flow fixtures, and water-conserving landscaping. The rates, fees and charges adopted by this resolution are intended to support the water conservation program and encourage water conservation, pursuant to sections 375 and 375.5 of the California Water Code. This conservation program and these rates, fees and charges are in the public interest, serve a public purpose, and will promote the health, welfare, and safety of the Ord Community, and will enhance the economy and quality of life of the Monterey Bay community; and,

WHEREAS, monthly service fees or charges are imposed as a condition of service to customers, and monthly water quantity and sewer rates are imposed on the basis of the amount of water used or consumed by the customer. The rates, fees and charges are not imposed upon real property or upon persons as an incident of real property ownership; and,

WHEREAS, estimated revenues from the rates, fees and charges will not exceed the estimated reasonable costs of providing the services for which the rates, fees or charges are imposed; and,

WHEREAS, the rates, fees and charges have not been calculated nor developed on the basis of any parcel map, including any assessor's parcel map; and,

WHEREAS, a five-year water and wastewater financial plan and rate study prepared by Bartle Wells Associates in 2008 for the District, recommended an increase in rates, fees, charges and capacity charges for water and wastewater services to the Ord Community; and,

WHEREAS, the rates, fees and charges are adopted under the authority of Government Code Section 67679(a)(1), Water Code Sections 30000 and following and Government Code Sections 54340 and following; and,

WHEREAS, after public meetings and based upon staff's recommendations, the District Board has determined that the Budget and Compensation Plan, including the rates, fees and charges therein, should be adopted; and,

WHEREAS, Government Code Section 54999.3 requires that before imposing certain capital facilities fees on certain educational and state entities, any public agency providing public utility service must negotiate with the entities receiving the service; and,

WHEREAS, capacity charges and capital surcharges for FY 2012-2013 are not included in this Resolution and will be adopted by separate Resolution; and,

WHEREAS, Section 6.08.070 of the District Code provides that twenty-five percent of all monthly charges collected by the District shall be used for long-term water supply projects, but that this requirement may be waived by the Board on an annual basis; and,

WHEREAS, the District's Board finds that, based on projected funding mechanisms and requirements, it is in the District's interest to waive the requirements of Section 6.08.070 of the District Code for FY 2012-2013; and,

WHEREAS, the District is acting to provide continued water, new water and sewer service within existing service areas on the Ord Community, and that such action is exempt from CEQA pursuant to Public Resources Code Section 21080(b)(8) and Section 15273 of the State CEQA Guidelines codified at 14 CCR §15273.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Board of Directors of the Marina Coast Water District does hereby approve and adopt the FY 2012-2013 Budget and Compensation Plan for water and wastewater services to the Ord Community.
2. The District is authorized to charge and collect rates for provision of water and wastewater services within the boundaries of the Fort Ord Reuse Authority in accordance with the rates, fees and charges set forth in the 2012-2013 District Budget. The District is further authorized to use the same rates, fees and charges in providing services to the area of Ord Community within the jurisdiction of the U.S. Army.
3. The rates, fees and charges authorized by this Resolution shall not exceed the estimated reasonable costs of providing the services for which the rates, fees or charges are imposed.
4. The requirements of Section 6.08.070 of the District Code are waived for FY 2012-2013.

PASSED AND ADOPTED on February 12, 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:

Jim Heitzman, 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. 2013-12 adopted February 12, 2013.

Jim Heitzman, Secretary

February 12, 2013

Resolution No. 2013-13
Resolution of the Board of Directors
Marina Coast Water District
Adopting the Capital Elements of the Budget
and the Ord Community Compensation Plan for FY 2012-2013

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on February 12, 2013 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, Marina Coast Water District (“District”) staff prepared and presented the draft FY 2012-2013 Budget which includes projected revenues, expenditures and capital improvement projects for the Ord Community Water, Recycled Water and Wastewater systems, including the area within the jurisdiction of FORA and the area remaining within the jurisdiction of the U.S. Army; and,

WHEREAS, FORA is authorized by the FORA Act, particularly Government Code 67679(a)(1), to arrange for the provision of water and wastewater services to the Ord Community; and,

WHEREAS, the District and FORA, entered into a “Water/Wastewater Facilities Agreement” (“the Agreement”) on March 13, 1998, and have subsequently duly amended the Agreement; and,

WHEREAS, the Agreement provides a procedure for establishing budgets and compensation plans to provide for sufficient revenues to pay the direct and indirect, short-term and long-term costs, including capital costs, to furnish the water and wastewater facilities; and,

WHEREAS, the proposed Budget and Compensation Plan for 2012-2013 provides for funds necessary to meet operating and capital expenses for sound operation and provision of the water, recycled water and wastewater facilities and to enable the District to provide continued water, recycled water and sewer services within the existing service areas on the former Fort Ord. The rates, fees and charges adopted by FORA apply only to the area within FORA’s jurisdictional boundaries; and,

WHEREAS, a financing study prepared by Citigroup Global Markets Inc. in 2005 for the District recommended the adoption of capacity charges as an element of financing capital facilities for water and wastewater services to the Ord Community; and,

WHEREAS, the Water/Wastewater Oversight Committee of FORA and the District’s full Board have reviewed the proposed Budget and Compensation Plan; and,

WHEREAS, pursuant to the Agreement, FORA and the District have adopted and implemented and acted in reliance on budgets and compensation plans for prior fiscal years; and,

WHEREAS, pursuant to the Agreement, FORA and the District have cooperated in the conveyance to the District of easements, facilities and ancillary rights for the water, recycled water and wastewater systems on the area of the former Fort Ord within FORA's jurisdiction; and,

WHEREAS, the District has provided water and wastewater services on the former Fort Ord by contract since 1997, and currently provides water and wastewater services to the area of the former Fort Ord within FORA's jurisdiction under the authority of the Agreement, and provides such services to the portion of the former Fort Ord still under the Army's jurisdiction by contract with the Army; and,

WHEREAS, capacity charges are imposed as a condition of service to customers. The charges are not imposed upon real property or upon persons as an incident of real property ownership; and,

WHEREAS, estimated revenues from the capacity charges will not exceed the estimated reasonable costs of providing the facilities and services for which the charges are imposed; and,

WHEREAS, the capacity charges have not been calculated nor developed on the basis of any parcel map, including any assessor's parcel map; and,

WHEREAS, the amount of the increase in capacity charges exceeds the percentage increase in the Implicit Price Deflator for State and Local Government Purchases, as determined by the Department of Finance. As a result, the District cannot charge the increased capacity fee to any school district, county office of education, community college district, state agency, or the University of California before first negotiating the increases with those entities in accordance with District Code section 6.16.020 and Government Code section 54999.3. Although these sections also apply to California State University at Monterey Bay, the District has complied with its obligation to negotiate with it and can charge the increased amounts to CSUMB as a result of and as limited by a Settlement Agreement and Mutual Release dated June 1, 2006, by which the District and California State University made an agreement regarding the amount of all future capacity charges. Accordingly, the District can charge the increased capacity charges as limited by the Settlement Agreement and Mutual Release immediately to CSUMB. The increased capacity charges to any other school district, state agency, county office of education, community college district or the University of California will be effective only when negotiations are concluded with those entities; and,

WHEREAS, after a public meeting and based upon staff's recommendations, the Board has determined that the capital elements of the Budget and Compensation Plan, including the capacity charges therein, should be adopted; and,

WHEREAS, the capacity charges set forth in the 2012-2013 District Budget have not changed from those approved in the FY 2011-2012 Budget and Compensation Plan; and,

WHEREAS, Government Code Section 54999.3 requires that before imposing certain capital facilities fees on certain educational and state entities, any public agency providing public utility service must negotiate with the entities receiving the service; and,

WHEREAS, FORA is the lead agency for the adoption of rates, fees and charges for the area of the Ord Community under FORA's jurisdiction, and that in adopting rates and charges for that area, the District is acting as a responsible agency and relying on FORA's compliance with the requirements of the California Environmental Quality Act ("CEQA"); that the District has previously adopted rates, fees and charges for its jurisdictional service area; and that, in approving rates, fees and charges for the area of Ord Community within the jurisdiction of the U.S. Army, the District is acting to provide continued water and sewer service within existing service areas on the Ord Community, and that such action is exempt from CEQA pursuant to Public Resources Code Section 21080(b)(8) and Section 15273 of the State CEQA Guidelines codified at 14 CCR §15273.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS,

1. The Board of Directors of the Marina Coast Water District does hereby approve and adopt the capital elements of the FY 2012-2013 Budget for water, recycled water and wastewater services to the Ord Community.
2. The capital elements of the compensation plan for the area of Ord Community within FORA's jurisdiction, including capacity charges are hereby approved and adopted. The District is authorized to charge and collect capacity charges for provision of water and wastewater services within the boundaries of the Fort Ord Reuse Authority. The District is further authorized to use the same charges in providing services to the area of Ord Community within the jurisdiction of the U.S. Army.
3. The charges authorized by this Resolution shall not exceed the estimated reasonable costs of providing the services for which the charges are imposed.
4. The District will comply with the requirements of Government Code section 54999.3 before imposing a capital facilities fee (as defined in Government Code section 54999.1) on any school district, county office of education, community college district, the California State University, the University of California or state agency.

PASSED AND ADOPTED on February 12, 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:

Jim Heitzman, 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. 2013-13 adopted February 12, 2013.

Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 9-E

Meeting Date: February 12, 2013

Submitted By: Patrick Breen

Presented By: Patrick Breen

Reviewed By: Andrew Sterbenz

Agenda Title: Consider Adoption of Resolution No. 2013-14 to Approve a Professional Services Agreement with GHD for Engineering Services related to FY 2012/2013 CIP Projects “Replace Lift Station No. 5” & “Clark Lift Station Improvements”

Detailed Description: The Board of Directors is requested to Authorize the General Manager to sign a Professional Services Agreement for Engineering Services with GHD (formerly Winzler & Kelly) for design phase services to complete the design of the Clark and Cosky Lift Stations, prepare bidding documents, provide bid support services, and engineering support services during construction on a time and materials basis for a not to exceed amount of \$51,578.

The District had originally contracted the design of these facilities in 2005 with Winzler & Kelly. The 100% design documents were completed in 2007 and at that point the District elected not to proceed with the projects. Since that time, Winzler & Kelly was acquired and became GHD. The team of engineers who completed 100% the design in 2007 (civil, structural and electrical designers) are currently employed by GHD and will provide the services under this scope of work.

The design effort remaining is to review the design work that was completed in 2007 and update the drawings and specifications as necessary to address changes that may have occurred in the Building and Electrical Codes since the last project submission.

The Cosky Lift Station receives sanitary sewer flows from approximately 45 dwelling units located on the eastern edge of the Cosky Drive loop near the northern boundary of the City of Marina. Clark Lift Station receives sanitary sewer flows from approximately 90 dwelling units located just northwest of the intersection of Imjin Parkway and Abrams Drive in the Ord Community. Both lift stations are past their designed useful lives, require consistent and lengthy maintenance and repair attention by operational staff, and present confined space hazards for staff entering the facilities. Both proposed designs are “replacement-in-kind” and provide no capacity expansion for future service.

Environmental Review Compliance: This project is Categorically Exempt under California Environmental Quality Act (CEQA) Class 2; Guideline Section 15302(c)

Prior Committee or Board Action: Adopted the Budget for FY 2007-2008 in May, 2007. Adopted Resolution No. 2007-06 on January 10, 2007 authorizing the construction phase of the Marina Sewer Improvement Project. Adopted Resolution No. 2006-16 on February 22, 2006 directing District staff to amend Winzler & Kelly’s Professional Services Agreement (authorized

via Resolution No. 2005-51) to include design phase services for the Clark and Cosky lift stations. Adopted Resolution No. 2005-51 on July 27, 2005 to approve a Professional Services Agreement with Winzler & Kelly Consulting Engineers for Design Phase Services of the 2005 Marina Sewer Improvements Project (that included the Cosky lift station). Adopted Resolution No. 2008-17 to approve contract amendment No. 7 to the 2005 Marina Sewer Improvements Project Professional Services Contract with Winzler & Kelly for the design of the Clark & Cosky Lift Station Improvements.

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

Financial Impact: Yes No

Funding Source/Recap: This contract will be funded through capital reserves. Project MS-0133 Replace Lift Station No. 5 a projected cost of \$395,000, and Project OS-0200 Clark Lift Station Improvements for a projected cost of \$456,000 are both included in the District’s FY 2012/2013 Capital Improvement Plan.

Material Included for Information/Consideration: Resolution No. 2013-14.

Staff Recommendation: The Board of Directors consider adoption of Resolution No. 2013-14 to approve a Professional Services Agreement with GHD for Engineering Services related to FY 2012/2013 CIP Projects “Replace Lift Station No. 5 & Clark Lift Station Improvements.”

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 _____

February 12, 2013

Resolution No. 2013-14
Resolution of the Board of Directors
Marina Coast Water District
Approving a Professional Services Agreement for Engineering Services
with GHD for Engineering Services related to FY 2012/2013 CIP Projects
“Replace Lift Station No. 5 & Clark Lift Station Improvements”

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on February 12, 2013 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, the District seeks to further improve wastewater collection in its Marina and Ord Community service areas; and,

WHEREAS, Project MS-0133 Replace Lift Station No. 5 for a projected cost of \$395,000, and Project OS-0200 Clark Lift Station Improvements for a projected cost of \$456,000 are both included in the District’s FY 2012/2013 Capital Improvement Plan; and,

WHEREAS, the District Board authorized Resolution No. 2005-51 on July 27, 2005 that directed staff to enter into a Professional Services Agreement with Winzler & Kelly Consulting Engineers on August 24, 2005 for design phase services of the 2005 Marina Sewer Improvements Project; and,

WHEREAS, the District Board authorized Resolution No. 2006-16 on February 22, 2006 that directed staff to amend Winzler & Kelly’s Professional Services Agreement dated August 24, 2005 to include design phase services for the Clark and Cosky Lift Stations; and,

WHEREAS, over five years have passed since the project design was completed, and it must therefore be reviewed for compliance with the current Building and Electrical Codes; and,

WHEREAS, Winzler & Kelly has been acquired by GHD with whom key project personnel who designed the facilities in 2007 are currently working.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby approve the contract and authorize the General Manager to sign a Professional Services Agreement for Engineering Services with GHD for Engineering Services related to FY 2012/2013 CIP Projects “Replace Lift Station No. 5 & Clark Lift Station Improvements”; and to take all actions and execute all documents as may be necessary or appropriate to give effort to this resolution and the total dollar amount not-to-exceed \$56,736 (including a 10% contingency).

PASSED AND ADOPTED on February 12, 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:

Jim Heitzman, 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. 2013-14 adopted February 12, 2013.

Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 9-F

Meeting Date: February 12, 2013

Submitted By: Kelly Cadiente

Presented By: Kelly Cadiente

Agenda Title: Consider Adoption of Resolution No. 2013-15 to Revise District Records Retention Schedules

Detailed Description: The Board is requested to consider adoption of Resolution No. 2013-15 to revise the District's Retention Schedules.

During the January 8, 2013 Board meeting, Vice President Shriner requested to look at the current District retention schedules and possibly revise them. One of the schedules mentioned for revision was the audio retention. Currently, the retention schedule for audio recordings is 30 days or when the minutes are approved, whichever is longer.

Environmental Review Compliance: None required.

Prior Committee or Board Action: On July 12, 2011, the Board of Directors approved the District Retention Policy and Retention Schedules. On January 8, 2013, the District revised the Retention Schedules for Customer Service payment stub retention.

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: N/A.

Materials Included for Information/Consideration: Resolution No. 2013-15; District Retention Schedule.

Staff Recommendation: The Board of Directors consider if they want to adopt Resolution No. 2013-15 to revise the District Records Retention Schedules.

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 _____

February 12, 2013

Resolution No. 2013-15
Resolution of the Board of Directors
The Marina Coast Water District to
Revise the District's Document Retention Schedules

RESOLVED by the Board of Directors of the Marina Coast Water District (Board), at a regular meeting duly called and held on February 12, 2013 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, on July 12, 2011 the Board adopted Resolution No. 2011-50 to approve the District's Document Retention Policy and Schedules; and,

WHEREAS, on January 8, 2013 the Board adopted Resolution No. 2013-03 to revise the Customer Service payment stub retention schedule; and,

WHEREAS, the Board finds that other retention schedules need to be revised.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District adopts Resolution No. 2013-15 to revise the the following District's Document Retention Schedules:

PASSED AND ADOPTED on February 12, 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:

Jim Heitzman, Secretary

CERTIFICATE OF SECRETARY

The undersigned Secretary of the Board of the Marina Coast Water District hereby certifies that the foregoing is full, true and correct copy of Resolution No. 2013-15 adopted February 12, 2013.

Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 9-G

Meeting Date: February 12, 2013

Submitted By: Jean Premutati

Presented By: Jean Premutati

Agenda Title: Consider Adoption of Resolution No. 2013-16 to Amend the Professional Services Agreement with BHI Management Consulting to Facilitate a Board Workshop and Develop a Five-Year Strategic Plan for the Marina Coast Water District

Detailed Description: At a regular meeting on April 12, 2011, the Board adopted Resolution No. 2011-28 approving a professional services agreement with BHI Management Consulting to facilitate a Board workshop and develop a five-year strategic plan that would outline the goals and objectives for the District.

The original scope of work identified several phases to completion which included two possible workshops at an estimated 6-8 hours, information gathering and plan document development for a not to exceed cost of \$16,915.00. Due to additional items added to the proposed scope and the necessity for additional workshops in order to complete a draft plan, the District had expended \$13,425.33 and was still not close to plan development. It was estimated an additional \$10,000 would be needed to finalize the strategic plan, but in December 2011, the Board decided to discontinue its efforts.

In December 2012, the newly elected Board agreed it would be beneficial to resume the development of a strategic plan and conduct a Board workshop. After a meeting with Brent Ives, Principal of BHI Consulting, President Moore requested a revised scope of work and estimated costs to the original professional services agreement.

The estimated breakdown is as follows:

Option A	Tasks	Cost
1	Initial meetings, Board input, Board workshop, document development and publication with some miscellaneous tasks with a 22-24 week timeline	\$19,705
2	Travel expenses, reproduction and supplies	\$2,400
	Total	\$22,105

Option B	Tasks	Cost
1	Initial meetings, Board input, Board workshop, document development and publication with some miscellaneous tasks with a 22-24 week timeline	\$19,705
2	Travel expenses, reproduction and supplies	\$2,400
3	Optional services which include meetings with staff, the public and the Board	\$7,700
Total		\$29,805

The schedule is heavily dependent upon the availability of the Board and staff at the times proposed. There are some tasks in #1 that can be eliminated or streamlined due to email/phone calls and staff assistance.

Environmental Review Compliance: None required.

Prior Committee or Board Action: The Board approved Resolution No. 2011-28 to select a consultant to facilitate a Board workshop and develop a five-year strategic plan.

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: Expenditures are allocated across the four cost centers; 01-Marina Water, 02-Marina Sewer, 03-Fort Ord Water, 04-Fort Ord Sewer

Material Included for Information/Consideration: Resolution No. 2013-16; and, amended proposal for a Professional Services Agreement with BHI Management Consulting.

Staff Recommendation: The Board of Directors consider selection of one of the Options to amend the professional services agreement.

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 _____

February 12, 2013

Resolution No. 2013-16
Resolution of the Board of Directors
Marina Coast Water District

Amend a Professional Services Agreement with BHI Management Consulting to Facilitate a Board Workshop and Develop a Five-Year Strategic Plan for the Marina Coast Water District

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on February 12, 2013 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, at its meeting on April 12, 2011, the Board of Directors approved Resolution No. 2011-28 approving the selection of BHI Management Consulting to facilitate a Board workshop and develop a five-year strategic plan that would outline the goals and objectives for the District; and,

WHEREAS, the original scope of work included several phases in order to complete the plan including an estimated 6-8 hours for Board workshops, information gathering, and plan document development for a total not-to-exceed cost of \$16,915.00; and,

WHEREAS, after additional items were identified and another 1-2 workshops would be necessary to finalize the plan, the Board decided in December 2011 to discontinue moving forward with the recommended scope; and,

WHEREAS, the newly elected Board has agreed to renew its efforts in development of a strategic plan and Board workshop. An amended professional services agreement with BHI Management Consulting has been submitted with two (2) Options. They are:

Option A

Tasks	Cost
Initial meetings, Board input, Board workshop, document development and publication with some miscellaneous tasks with a 22-24 week timeline	\$19,705
Travel expenses, reproduction and supplies	\$2,400
Total	\$22,105

Option B

Tasks	Cost
Initial meetings, Board input, Board workshop, document development and publication with some miscellaneous tasks with a 22-24 week timeline	\$19,705
Travel expenses, reproduction and supplies	\$2,400
Optional services which include meetings with staff, the public and the Board	\$7,700
Total	\$29,805

Staff recommends the Board of Directors consider one of the Options available to amend the professional services agreement with BHI Management Consulting.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby select Option _____ and authorizes the General Manager or Deputy General Manager/District Engineer to execute an amendment to the Professional Services Agreement with BHI Management Consulting for completion of a five-year strategic plan and Board Workshop.

PASSED AND ADOPTED on February 12, 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:

Jim Heitzman, 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. 2013-16 adopted February 12, 2013.

Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 9-H

Meeting Date: February 12, 2013

Submitted By: Paula Riso

Presented By: Paula Riso

Agenda Title: Consider Approving the Board Meeting Schedule and Venue for 2013

Detailed Description: The Board is requested to approve a Board meeting schedule and venue for 2013.

Currently the Board meetings are held on the second Tuesday of each month in the District's Board Room, 11 Reservation Road, Marina. At the January 8th Board meeting, it was requested to change the Board meeting day from Tuesday to Monday or Wednesday and to consider changing the meeting location to Marina City Council Chambers.

District staff has contacted the City of Marina and provided them the application and insurance forms. The Marina City Council will consider the District's request at their February 20th meeting. There is no charge for Council Chambers, but there is a charge for AMP to film and televise the District meetings. The cost for AMP is \$75 per hour of the meeting length plus 1 hour for set-up and to load the media. As an example, if the meeting lasts 3 hours, AMP would charge for 4 hours and the cost would be \$300. At the January 8th Board meeting, the Board approved moving to two meetings per month, so the cost of holding the Board meetings at Council Chambers and having AMP film could cost approximately \$600 per month or \$7,200 per year.

Environmental Review Compliance: None required.

Prior Committee or Board Action: On January 8, 2013, the Board directed staff to contact the City of Marina for information regarding using Council Chambers for Board meetings.

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

Financial Impact: Yes No Depending on the length of the meeting.

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

Material Included for Information/Consideration: None.

Staff Recommendation: The Board of Directors consider approving a Board meeting schedule and venue for 2013.

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-I

Meeting Date: February 12, 2013

Submitted By: Paula Riso

Presented By: Paula Riso

Agenda Title: Consider Hiring a Temporary Videographer to Film the MCWD Board Meetings

Detailed Description: The Board is requested to consider hiring a temporary videographer to film the MCWD Board meetings.

Currently the Board meetings are filmed by volunteer videographers in the District Board room. The Board is considering moving the meeting venue to the City of Marina Council Chambers and paying AMP to film and televise the meetings. City Council will consider the item at their meeting on February 20th and following their decision, the District will need to approve the venue change, possibly at the February 26th meeting. If everything passes, the timeframe for moving to Council Chambers is probably sometime in March. On January 8th, the Board requested to consider hiring a temporary videographer to film the meetings until the venue is resolved.

Environmental Review Compliance: None required.

Prior Committee or Board Action: On January 8, 2013, the Board requested to consider hiring a temporary videographer to film the meetings until the venue is resolved.

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

Financial Impact: Yes No Depending on the length of the meeting.

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

Material Included for Information/Consideration: None.

Staff Recommendation: The Board of Directors consider hiring a temporary videographer to film the MCWD Board meetings.

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
Staff Report

Agenda Item: 10-A

Meeting Date: February 12, 2013

Prepared By: Kelly Cadiente, and Paul Lord

Reviewed By: Andy Sterbenz

Subject: 4th Quarter 2012 Ord Community Water Consumption and Sewer Flow Report

Summary: The Board of Directors is requested to receive the 4th Quarter 2012 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 4th quarter of 2012 was 83.32-million-gallons which yield an average daily sewer flow of 0.91-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.
- The rainfall total for the quarter (October, November, December), was 2.98 inches. This amount of rainfall is significantly lower than the historical quarterly average rainfall of 4.62 inches.
- The measured reference evapotranspiration rate for this period was 5.77 inches, very close to the historical quarterly average figure of 5.64 inches.