



MARINA COAST WATER DISTRICT

11 RESERVATION ROAD, MARINA, CA 93933-2099

Home Page: www.mcwd.org

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DIRECTORS

THOMAS P. MOORE
President

JAN SHRINER
Vice President

HOWARD GUSTAFSON
WILLIAM Y. LEE
PETER LE

Agenda

Regular Board Meeting, Board of Directors Marina Coast Water District

211 Hillcrest Avenue, Marina, California

Monday, December 2, 2013, **6:00 p.m.** PST

(Please note the earlier start time)

This meeting has been noticed according to the Brown Act rules. The Board of Directors meet regularly on the first and third Monday of each month. The meetings normally begin at 6:45 p.m. and are held at the City of Marina Council Chambers at 211 Hillcrest Avenue, Marina, California.

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

Vision: The Marina Coast Water District will be the leading public supplier of integrated water and wastewater services in the Monterey Bay Region.

1. Call to Order

2. Roll Call

3. Public Comment on Closed Session Items *Anyone wishing to address the Board on matters appearing on Closed Session may do so at this time. Please limit your comment to four minutes. The public may comment on any other items listed on the agenda at the time they are considered by the Board.*

4. Closed Session

A. Pursuant to Government Code 54956.9
Conference with Legal Counsel – Existing Litigation
(Subdivision (a) of Section 54956.9)

1) Ag Land Trust v. Marina Coast Water District, Monterey County Superior Court Case No. M105019; Sixth Appellate District Court of Appeals Case No. H038550

This agenda is subject to revision and may be amended prior to the scheduled meeting. A final agenda will be posted at the District office at 11 Reservation Road, Marina, 72 hours prior to the meeting. Copies will also be available at the Board meeting. A complete Board packet containing all enclosures and staff materials will be available for public review on Wednesday, November 27, 2013 at the District office, Marina and Seaside City Halls, and at the Marina and Seaside Libraries. Information about items on this agenda or persons requesting disability related modifications and/or accommodations can contact the Board Clerk at: 831-883-5910. The next regular meeting of the Board of Directors is scheduled for December 16, 2013.

2) In the Matter of the Application of California-American Water Company (U210W) for Approval of the Monterey Peninsula Water Supply Project and Authorization to Recover All Present and Future Costs in Rates, California Public Utilities Commission No. A.12-04-019

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

7:00 p.m. Reconvene Open Session

5. Possible Action on Closed Session Items *The Board will report out on any action taken during Closed Session, and may take additional action in Open Session, as appropriate. Any closed session items not completed will be discussed at the end of the meeting.*

6. Pledge of Allegiance

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

8. Presentation

- A. Consider Adoption of Resolution No. 2013-61 in Recognition of Jose Rodriguez, System Operator II, for 10 Years of Service to the Marina Coast Water District

Action: The Board will consider adopting Resolution No. 2013-61 recognizing Jose Rodriguez, System Operator II, and awarding him a plaque and gift certificate for ten years of service to the Marina Coast Water District.

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

- A. Adopt Resolution No. 2013-62 to Amend the MCWD Employee Handbook, Section 13 – *Employee Relations*
- B. Approve the Expenditures for the Month of October 2013
- C. Approve the Revised Draft Minutes of the Regular Board Meeting of October 21, 2013

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

- A. Consider Accepting the Comprehensive Annual Financial Report and the Independent Auditor's Report for the Fiscal Year Ended June 30, 2013

Action: The Board of Directors is requested to consider accepting the Comprehensive Annual Financial Report and the Independent Auditor's Report for the Fiscal Year Ended June 30, 2013.

- B. Receive and Update from the Audit Ad Hoc Committee

Action: The Board of Directors is requested to receive an update from the Audit Ad Hoc Committee.

- C. Approval by the Board of Directors of the Proposition 218 Protest Count for Central Marina and Determination by the Board of Directors Whether a Valid Majority Protest Occurred

Action: The Board of Directors will consider approving the Proposition 218 protest count and determine whether a valid majority protest occurred.

- D. Consider Validating the Number of Proposition 218 Protests Tabulated on October 21, 2013 for the Proposed Increases in District Rates, Fees, and Charges for the Ord Community or Providing Other Direction to Staff

Action: The Board of Directors will consider validating the number of protests tabulated on October 21, 2013 for the proposed increases in District rates, fees, and charges for the Ord Community.

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

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

- F. Consider the Next Steps to Hire a Full-Time General Manager

Action: The Board of Directors will discuss and consider what they wish to do next in regards to hiring a full-time General Manager.

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

- A. General Manager's Report

- Correspondence Received by Board or General Manager

B. Counsel's Report

C. Committee and Board Liaison Reports

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

12. Board Member Requests for Future Agenda Items

A. Board Member Requests

13. Director's Comments

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

Regular Meeting: *Monday, December 16, 2013, 6:45 p.m.,
Marina Council Chambers
211 Hillcrest Avenue, Marina*

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8-A

Meeting Date: December 2, 2013

Submitted By: James Derbin

Presented By: Brian C. Lee

Agenda Title: Consider Adoption of Resolution No. 2013-61 in Recognition of Jose Rodriguez, System Operator II, for 10 Years of Service to the Marina Coast Water District

Detailed Description: The District hired Jose Rodriguez on November 17, 2003, as a Collection System Operator. For the first eight years of his employment, the focus of his job duties were operating and maintaining the District's wastewater collection system, administering the Fats, Oils, and Grease (FOG) source control program and maintaining the FOG database and inspection schedule. In 2012, the District reorganized and combined the Operations and Maintenance water and wastewater roles and responsibilities into the System Operator I/II positions.

Jose's new title of System Operator II has required additional coursework, training, exams, and significant effort on his part, to learn the new skills of operating and maintaining a potable water system. Since the reorganization, Jose has completed the following classes with California State University Sacramento:

- Water Distribution System and Maintenance Volume I
- Water Treatment Plant Operation Volume I

Jose currently holds a Collection System Maintenance Grade II certificate with the California Water Environment Association technical certification program and a Water Distribution Operator Grade II certificate with the California Department of Public Health. Jose also volunteered to earn certification with the National Association of Sewer Service Companies (NASSCO) in pipeline, manhole and lateral connection inspection. As a result of this training, Jose is currently one of the only two District staff which currently hold this certification. Jose is scheduled to take the Grade II Water Treatment Operation certification exam in the Spring of 2014.

In addition to Jose's numerous achievements and accomplishments, his co-workers are most appreciative of the positive attitude Jose brings to the workplace every day. It is a pleasure to recognize Jose's 10 years with the District.

Prior Committee or Board Action: None.

Financial Impact: ___X___ Yes ___ ___ No

Funding Source/Recap: Hospitality & Awards account numbers – MW 31%, MS 7%, OW 51%, OS 11%.

Material Included for Information/Consideration: Resolution No. 2013-61.

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

December 2, 2013

Resolution No. 2013-61
Resolution of the Board of Directors
Marina Coast Water District
Recognizing Jose Rodriguez, System Operator II,
For 10-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 December 2, 2013 at 211 Hillcrest Avenue, Marina, California as follows:

WHEREAS, Jose Rodriguez joined the District on November 17, 2003 as a Collection System Operator; and,

WHEREAS, Jose spent the first eight years of his employment, operating and maintaining the MCWD wastewater collection system and also administers the Fats, Oils, and Grease (FOG) source control program and maintains the associated database and inspection schedule; and,

WHEREAS, Jose has recently successfully completed California State University, Sacramento coursework in Water Distribution System Operation and Maintenance and Water Treatment Plant Operations; and,

WHEREAS, Jose volunteered to earn certification with the National Association of Sewer Service Companies (NASSCO) in pipeline, manhole and lateral connection inspection; and,

WHEREAS, Jose currently holds a Collection System Maintenance Grade II certificate with the California Water Environment Association and a Water Distribution Operator Grade II certificate with the California Department of Public Health; and,

WHEREAS, Jose’s new title of System Operator II has required additional coursework, training and significant effort on his part to learn the new skills of operating and maintaining a potable water system.

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

PASSED AND ADOPTED on December 2, 2013, by the Board of Directors of the Marina Coast Water District by the following roll call vote:

Ayes: Directors _____

Noes: Directors _____

Absent: Directors _____

Abstained: Directors _____

Thomas P. Moore, President

ATTEST:

Brian C. Lee, Secretary

CERTIFICATE OF SECRETARY

The undersigned Secretary of the Board of the Marina Coast Water District hereby certifies that the foregoing is a full, true and correct copy of Resolution No. 2013-61 adopted December 2, 2013.

Brian C. Lee, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 9

Meeting Date: December 2, 2013

Submitted By: Brian C. Lee

Presented By: Brian C. Lee

Agenda Title: Consent Calendar

Detailed Description: Consent calendar consisting of:

- A) Adopt Resolution No. 2013-62 to Amend the MCWD Employee Handbook, Section 13 –
Employee Relations
- B) Approve the Expenditures for the Month of October 2013
- C) Approve the Revised Draft Minutes of the Regular Board Meeting of October 21, 2013

Environmental Review Compliance: None required.

Prior Committee or Board Action: See individual transmittals.

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

Financial Impact: See individual transmittals.

Funding Source/Recap: See individual transmittals.

Material Included for Information/Consideration: See individual transmittals.

Staff Recommendation: The Board of Directors approve the Consent Calendar as presented.

Action Required: _____Resolution X Motion _____Review
(Roll call vote is required.)

Board Action

_____Resolution No_____ Motion By_____ Seconded By_____

Ayes_____ Abstained_____

Noes_____ Absent_____

Reagendized_____ Date_____ No Action Taken_____

Marina Coast Water District
Agenda Transmittal

Agenda Item: 9-A

Meeting Date: December 2, 2013

Submitted By: Jean Premutati

Presented By: Jean Premutati

Reviewed By: Brian C. Lee

Agenda Title: Adopt Resolution No. 2013-62 to Amend the Marina Coast Water District Employee Handbook, Section 13 – *Employee Relations*

Detailed Description: A recent comparison was made between the current Marina Coast Water District (MCWD) Employee Handbook Section 13 – *Employee Relations* and the Memorandums of Understanding (MOU's) of the Marina Coast Employees Association and the Teamsters Local 890. Staff discovered a discrepancy in the handbook language regarding Skelly Hearings that is not contained in the MOU's. Staff recommends changing the language in the handbook to accurately reflect the language in the MOU's.

Environmental Review Compliance: None required.

Prior Committee or Board Action: At a regular meeting on April 10, 2010, the Board of Directors adopted the MCWD Employee Handbook. The Board has since approved revisions on September 14, 2010, March 13, 2012, February 12, 2013, and April 15, 2013.

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. 2013-62; and, Section 13 – *Employee Relations* of the MCWD Employee Handbook.

Staff Recommendation: The Board of Directors adopt Resolution No. 2013-62 to Amend the MCWD Employee Handbook Section 13 – *Employee Relations*.

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 _____

December 2, 2013

Resolution No. 2013-62
Resolution of the Board of Directors
Marina Coast Water District
Amending Section 13 – *Employee Relations*

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on December 2, 2013 at 211 Hillcrest, 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 Section 13 – *Employee Relations*.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby adopt Resolution No. 2013-62 to amend the MCWD Employee Handbook, Section 13 – *Employee Relations*.

PASSED AND ADOPTED on December 2, 2013, by the Board of Directors of the Marina Coast Water District by the following roll call vote:

Ayes: Directors _____

Noes: Directors _____

Absent: Directors _____

Abstained: Directors _____

Thomas P. Moore, President

ATTEST:

Brian C. Lee, Secretary

CERTIFICATE OF SECRETARY

The undersigned Secretary of the Board of the Marina Coast Water District hereby certifies that the foregoing is a full, true and correct copy of Resolution No. 2013-62 adopted December 2, 2013.

Brian C. Lee, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 9-B

Meeting Date: December 2, 2013

Submitted By: Kelly Cadiente

Presented By: Kelly Cadiente

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

Detailed Description: The Board of Directors is requested to approve the attached October 2013 check register for expenditures totaling \$1,006,244.26.

Environmental Review Compliance: None required.

Prior Committee or Board Action: On November 18, 2013, the Board tabled this item for further review.

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: October 2013 Summary Check Register.

Staff Recommendation: The Board of Directors approve the October 2013 expenditures totaling \$1,006,244.26.

Action Required: ___Resolution ___X___Motion ___Review
(Roll call vote is required.)

Board Action

___Resolution No___ Motion By___ Seconded By___

Ayes___ Abstained___

Noes___ Absent___

Reagendized___ Date___ No Action Taken___

Marina Coast Water District
Agenda Transmittal

Agenda Item: 9-C

Meeting Date: December 2, 2013

Submitted By: Brian C. Lee

Presented By: Brian C. Lee

Agenda Title: Approve the Revised Draft Minutes of the Regular Board Meeting of October 21, 2013

Detailed Description: The Board of Directors is requested to approve the revised draft minutes of October 21, 2013.

Environmental Review Compliance: None required.

Prior Committee or Board Action: On November 18, 2013, the Board of Directors requested some corrections and asked that this item be brought back with the revisions.

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 October 21, 2013.

Staff Recommendation: The Board of Directors approve the revised draft minutes of the October 21, 2013 regular Board meeting.

Action Required: _____Resolution X Motion _____Review

Board Action

_____Resolution No_____ Motion By_____ Seconded By_____

Ayes_____ Abstained_____

Noes_____ Absent_____

Reagendized_____ Date_____ No Action Taken_____

Marina Coast Water District
Agenda Transmittal

Agenda Item: 10-A

Meeting Date: December 2, 2013

Submitted By: Kelly Cadiente

Presented By: Kelly Cadiente

Reviewed By: Brian C. Lee

Agenda Title: Consider Accepting the Comprehensive Annual Financial Report and the Independent Auditor's Report for the Fiscal Year Ended June 30, 2013

Detailed Description: The Board is requested to review and accept the Comprehensive Annual Financial Report (CAFR) and the Independent Auditor's Report for the fiscal year ended June 30, 2013. This is the sixth consecutive year that staff has prepared a CAFR report for the District.

On July 10, 2012, the District approved a three-year Audit Contract with Pun & McGeady, LLP, Certified Public Accountants (Auditors), as the District's external auditors. Fiscal year ended June 30, 2013 is the second year of the three-year contract. The Auditors provided an Independent Auditor's Report (included in the CAFR report) stating that the financial statements present fairly, in all material respects, the financial position of the District.

The CAFR is an extensive report summarizing the financial activities of the District that occurred from July 1, 2012 through June 30, 2013 and is divided into three sections: Introductory, Financial and Statistical Sections.

The introductory section contains a Letter of Transmittal, awards and achievements, organizational chart and directory of officials. The letter of transmittal includes a brief overview of the District, its policies and how the District controls its finances.

The financial section contains the Management's Discussion and Analysis report. This analysis illustrates the basic financial operations of the District in a more detailed manner than is found in the Letter of Transmittal. Also included in this section are the Independent Auditor's Report and the Basic Financial Statements and Notes to the Financial Statements.

The final section of the report is a compilation of statistical schedules for the last ten years that depict various trends and general information of the District.

The Government Finance Officers Association (GFOA) awarded a Certificate of Achievement for Excellence in Financial Reporting to the District for its CAFR for the fiscal year ended June 30, 2012. This is the fifth consecutive year that the District has received this prestigious award. In order to be awarded a Certificate of Achievement, the District had to publish an easily readable and efficiently organized CAFR that satisfied both generally accepted accounting principles and applicable legal requirements. A Certificate of Achievement is valid for a period of one year only. Staff believes that Districts current CAFR continues to meet the Certificate of Achievement Program's requirements and is submitting it to GFOA to determine its eligibility for another certificate.

Kenneth Pun, Managing Partner of Pun & McGeady, LLP will be available at the Board meeting to answer any questions on their audit report and the District's CAFR.

Environmental Review Compliance: None required.

Prior Committee or Board Action: On July 10, 2012, the Board approved a three-year Audit Contract with Pun & McGeady, LLP.

Board Goals/Objectives: *Strategic Plan, Objective 4B - Meet generally accepted accounting principles.*

Financial Impact: _____Yes X No

Funding Source/Recap: None.

Material Included for Information/Consideration: The Comprehensive Annual Financial Report for the fiscal year ended June 30, 2013 is provided separately.

Staff Recommendation: Consider Accepting the Comprehensive Annual Financial Report and the Independent Auditor's Report for the fiscal year ended June 30, 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: 10-B

Meeting Date: December 2, 2013

Submitted By: Brian C. Lee

Presented By: Brian C. Lee

Agenda Title: Receive an Update from the Audit Ad Hoc Committee

Detailed Description: The Board of Directors is requested to receive an update from the Audit Ad Hoc Committee.

Environmental Review Compliance: None required.

Prior Committee or Board Action: On September 16, 2013, President Moore appointed Vice President Shriner and Director Le to an Audit Ad Hoc Committee to meet with the auditors and bring back a recommendation to the Board regarding an additional scope of work.

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

Financial Impact: _____Yes ___X___No

Funding Source/Recap: None.

Material Included for Information/Consideration: None.

Staff Recommendation: This is a Board requested item.

Action Required: _____Resolution ___X___Motion _____Review

Board Action

_____Resolution No_____ Motion By_____ Seconded By_____

Ayes_____ Abstained_____

Noes_____ Absent_____

Reagendized_____ Date_____ No Action Taken_____

Marina Coast Water District
Agenda Transmittal

Agenda Item: 10-C

Meeting Date: December 2, 2013

Submitted By: Brian C. Lee

Presented By: Brian C. Lee

Agenda Title: Approval by the Board of Directors of the Proposition 218 Protest Count for Central Marina and Determination by the Board of Directors Whether a Valid Majority Protest Occurred

Detailed Description: The Board of Directors is requested to approve the Proposition 218 protest count for Central Marina and determine whether a valid majority protest occurred.

Environmental Review Compliance: None required.

Prior Committee or Board Action: On November 18, 2013, the Board of Directors tabled this item.

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

Financial Impact: _____ Yes X No

Funding Source/Recap: None.

Material Included for Information/Consideration: None.

Staff Recommendation: The Board of Directors approve the Proposition 218 Protest count for Central Marina and determination by the Board of Directors whether a valid majority protest occurred.

Action Required: _____ Resolution X Motion _____ Review

Board Action

_____ Resolution No _____ Motion By _____ Seconded By _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Reagendized _____ Date _____ No Action Taken _____

Marina Coast Water District
Agenda Transmittal

Agenda Item: 10-D

Meeting Date: December 2, 2013

Submitted By: Brian C. Lee

Presented By: Brian C. Lee

Agenda Title: Consider Validating the Number of Proposition 218 Protests Tabulated on October 21, 2013 for the Proposed Increases in District Rates, Fees, and Charges for the Ord Community or Providing Other Direction to Staff

Detailed Description: The Board of Directors is requested to consider validating the number of Proposition 218 protests that were tabulated on October 21, 2013 for the proposed increases in District rates, fees, and charges for the Ord Community.

The original Proposition 218 notices (a total of 6,492 notices) were sent to Central Marina and the Ord Community on September 6, 2013. A postcard with clarification on the Public Hearing date was sent to the Ord Community service area customers on October 4, 2013 (a total of 595 postcards). A revised Proposition 218 notice was sent to Central Marina service area customers with a Public Hearing date of November 18, 2013 on October 4, 2013 (a total of 5,226 notices).

Of those notices, 279 were returned for the following reasons: bad addresses; addressee unknown; forwarding time expired; unclaimed/vacant; no mail receptacle; and refused. The addresses were corrected on 115 notices and then remailed. Of the postcards sent on October 4, 2013 to Ord Community customers, 11 postcards were returned.

Following the closure of the Public Hearing on October 21, 2013, Mr. Brian Lee announced that the District currently provides services to 569 parcels in the Ord Community and for a successful protest, 285 protests needed to be received by 7:00 p.m. that evening. A parcel receiving service from the District, which includes water, sewer, or irrigation, was considered as a valid protest. A parcel that was not currently receiving service from the District was considered an invalid protest. A maximum of one protest is allowed for each parcel. If two protests were received for one parcel, one of the protests was considered a duplicate.

Staff provided an unofficial count of 246 valid protests received by 7:00 p.m. on October 21, 2013. Staff has recounted the protests three times and has verified and determined an official protest count for the Ord Community.

The total number of protests received by 7:00 p.m. on October 21, 2013 is as follows:

Total number of protests received:	1166
Total number of protests invalid:	884
<u>Total number of protests duplicated:</u>	<u>31</u>
Total number of protests valid:	251

In addition, three protests were received after 7:00 p.m.

Staff is requesting that the Board of Directors validate there was not a successful number of protests received in the Proposition 218 process to prevent the Board of Directors from considering the proposed rate, fee and charge increase.

Since the Public hearing staff has been analyzing the process and data, attempting to determine the significance of any errors or discrepancies that occurred. An update on the analysis will be presented at the Board Meeting.

Environmental Review Compliance: None required.

Prior Committee or Board Action: On November 18, 2013, the Board of Directors tabled this item.

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

Financial Impact: ___ Yes ___X___ No

Funding Source/Recap: None.

Material Included for Information/Consideration: None.

Staff Recommendation: The Board of Directors consider validating the number of Proposition 218 protests that were tabulated on October 21, 2013 for the proposed increases in District rates, fees, and charges for the Ord Community.

Action Required: ___ Resolution ___X___ Motion ___ Review

Board Action

___ Resolution No ___ Motion By ___ Seconded By ___

Ayes ___ Abstained ___

Noes ___ Absent ___

Reagendized ___ Date ___ No Action Taken ___

Marina Coast Water District
Agenda Transmittal

Agenda Item: 10-E

Meeting Date: December 2, 2013

Submitted By: Brian C. Lee

Presented By: Brian C. Lee

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

Detailed Description: The Board is currently revising Section 16 of the Board Procedures Manual.

Environmental Review Compliance: None required.

Prior Committee or Board Action: The Board of Directors last amended the Board Procedures Manual in November 2012. On September 16, 2013, the Board reviewed and made suggested changes to Section 16 of the Board Procedures Manual. On October 21, 2013, the Board asked this item to be returned on November 4, 2013. On November 4, 2013, the Board asked this item to be returned on November 18, 2013. On November 18, 2013, the Board of Directors asked this item to be returned on December 2, 2013 with revisions.

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

Financial Impact: _____Yes _____X_____No

Funding Source/Recap: None

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

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

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

Board Action

_____Resolution No_____ Motion By_____ Seconded By_____

Ayes_____ Abstained_____

Noes_____ Absent_____

Reagendized_____ Date_____ No Action Taken_____

December 2, 2013

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

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on December 2, 2013 at 211 Hillcrest Avenue, Marina, California as follows:

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby approve the suggested revisions and updates to Section 16 of the Board Procedures Manual and directs staff to finalize the revisions.

PASSED AND ADOPTED, on December 2, 2013, by the Board of Directors of the Marina Coast Water District by the following roll call vote:

Ayes: Directors _____

Noes: Directors _____

Absent: Directors _____

Abstained: Directors _____

Thomas P. Moore, President

ATTEST:

Brian C. Lee, Deputy Secretary

CERTIFICATE OF SECRETARY

The undersigned Secretary of the Board of the Marina Coast Water District hereby certifies that the foregoing is a full, true and correct copy of Resolution No. 2013-57 adopted December 2, 2013.

Brian C. Lee, Deputy Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 10-F

Meeting Date: December 2, 2013

Submitted By: Jean Premutati

Presented By: Jean Premutati

Reviewed By: Brian C. Lee

Agenda Title: Consider the Next Steps to Hire a Full-Time General Manager

Detailed Description: The Board has requested a timeline and discussion of the next steps in hiring a full-time General Manager.

At a regular meeting on October 7, 2013, the Board adopted Resolution No. 2013-55 to amend the policy directing the Recruitment and Selection of Positions Reporting Directly to the Board of Directors and approved Resolution No. 2013-58 to revise the General Manager position description.

Staff is seeking direction from the Board on proceeding with the recruitment of a full-time General Manager.

Environmental Review Compliance: None required.

Prior Committee or Board Action: The Board amended Resolution No. 2012-11-Recruitment and Selection of Positions Reporting Directly to the Board of Directors and approved Resolution No. 2013-58-General Manager job description.

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: 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: Policy for Recruitment and Selection of Positions Reporting Directly to the Board of Directors.

Staff Recommendation: The Board of Directors provide direction to staff in proceeding with a recruitment for a full-time General Manager.

Action Required: _____Resolution X Motion _____Review

Board Action

____ Resolution No ____ Motion By _____ Seconded By _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Reagendized _____ Date _____ No Action Taken _____