



MARINA COAST WATER DISTRICT

11 RESERVATION ROAD, MARINA, CA 93933-2099

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DIRECTORS

THOMAS P. MOORE
President

JAN SHRINER
Vice President

HOWARD GUSTAFSON
WILLIAM Y. LEE
PETER LE

Agenda

Regular Board Meeting, Board of Directors Marina Coast Water District

211 Hillcrest Avenue, Marina, California
Monday, February 3, 2014, **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 Nos. H038550 and H039559

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, January 30, 2014 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 18, 2014.

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, San Francisco Superior Court Case No. CGC-13-528312 (Complaint for Declaratory Relief)

- B. Pursuant to Government Code 54956.9
Conference with Legal Counsel – Anticipated Litigation
Significant Exposure to Litigation Pursuant to Subdivision (b) of 54956.9
One Potential Case, Including Appointment of Special Legal Counsel
- C. Pursuant to Government Code 54957
Public Employee Performance Evaluation
Title: Interim General Manager
(Requested by Peter Le)

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. Election of Board President and Vice-President

Action: The Board will elect two Directors to serve as President and Vice President of the Board until December 2014.

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. Receive and File the Check Register for the Month of December 2013
- B. Approve the Draft Minutes of the Regular Board Meeting of December 16, 2013
- C. Approve the Draft Minutes of the Regular Board Meeting of January 6, 2014
- D. Approve the Draft Minutes of the Special Board Meeting of January 11, 2014

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. Review the Status of the Public Information Request of Paula Pelot (Requested by Peter Le)

Action: The Board of Directors will review the status of the Public Information Request of Paula Pelot.

- B. Review the Status of the Response to Questions on the Teen Center (Requested by Peter Le)

Action: The Board of Directors will review the status of the response to questions on the Teen Center.

- C. Consider Declaring the Fort Ord Station Veterinary Hospital Barracks as Surplus District Real Property, Appointing District Negotiator(s), and Specifying Conditions for Sale (Requested by Staff)

Action: The Board of Directors will consider whether to declare the Barracks property as Surplus District real property, appoint District negotiator(s), and specify conditions for sale.

- D. Discussion and Possible Action regarding January 23, 2014 request by City of Marina Staff for a Planning Commission Interpretation of Marina Municipal Code Chapter 17.55, Surface Mining and Reclamation Standards, That The Extraction of Water to Determine Its Mineral Content is a Surface Mining Operation

Action: The Board of Directors will review available material, determine the District's position, if required, and provide direction to staff.

- E. Consider Director Appointments to Standing Committees of the Board and to Outside Agencies for 2014 (Requested by Tom Moore)

Action: The Board of Directors will consider Director appointments to Standing Committees of the Board and to outside agencies for 2014.

- F. Consider Adopting Resolution No. 2014-01 to Appoint an Ad Hoc Committee to Discuss the Recycled Water Pipeline with the Monterey Regional Water Pollution Control Agency and Specifying the Scope of the Committee's Duties and Legal Authority (Requested by Peter Le)

Action: The Board of Directors will consider establishing an Ad Hoc Committee to discuss the Recycled Water Pipeline with the Monterey Regional Water Pollution Control Agency and adopting a resolution specifying the scope of the Committee's duties and legal authority pursuant to Board Procedures Manual Sections 12.A and 12.C.

- G. Consider Adopting Resolution No. 2014-02 to Appoint an Ad Hoc Committee to Discuss the Annexation of the Ord Community and Specifying the Scope of the Committee's Duties and Legal Authority (Requested by Peter Le)

Action: The Board of Directors will consider establishing an Ad Hoc Committee to discuss the Annexation of the Ord Community and adopting a resolution specifying the scope of the Committee's duties and legal authority pursuant to Board Procedures Manual Sections 12.A and 12.C.

- H. Consider Preliminary Draft 2014 Agenda, Goals, and Work Program (Requested by Peter Le)

Action: The Board of Directors will consider a preliminary draft 2014 Agenda, Goals, and Work Program.

- I. Consider a Scope of Topics for the Community Outreach Committee to Discuss with the Community (Requested by Jan Shriner)

Action: The Board of Directors will consider a scope of topics for the Community Outreach Committee to discuss when meeting with the Community at large.

- J. Review the Non-Conformance of Section 16 of the Board Procedures Manual (Requested by Peter Le)

Action: The Board of Directors will consider the non-conformance of Section 16 of the Board Procedures Manual.

- K. Consider Revising Sections 9, 17, 23, and 42 of the Board Procedures Manual (Requested by Peter Le)

Action: The Board of Directors will consider revising Sections 9, 17, 23, and 42 of the Board Procedures Manual.

- L. Consider Adoption of Resolution No. 2014-03 to Provide Legal Representation for Director Le During the Investigation of Employee Complaints Against His Actions (Requested by Peter Le)

Action: The Board of Directors will consider whether to provide legal representation for Director Le during the investigation of employee complaints against his actions.

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: Tuesday, February 18, 2014, 6:45 p.m.,
Marina Council Chambers
211 Hillcrest Avenue, Marina*

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8

Meeting Date: February 3, 2014

Submitted By: Brian C. Lee

Presented By: Brian C. Lee

Agenda Title: Election of Board President and Vice-President

Detailed Description: Resolution No. 98-1, as amended, states that the Board will annually elect a President and Vice-President. The Board Procedures Manual last revised on December 2, 2013 states:

“This District shall have a President who shall be elected by the Board from among the five (5) elected directors. The President shall be elected annually in the month of December. It is the Board's policy to rotate the office of President among the Board members and no Director shall serve more than three (3) consecutive years as president.”

Environmental Review Compliance: None required.

Prior Committee or Board Action: On December 16, 2013, the Board tabled this item. On January 6 and January 11, 2014, the Board did not get a majority vote for either seat.

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: N/A

Material Included for Information/Consideration: None.

Staff Recommendation: The Board of Directors elect a President and Vice-President to serve the next 1-year term.

Action Required: Resolution Motion Review

Board Action

Resolution No Motion By Seconded By

Ayes Abstained

Noes Absent

Reagendized Date No Action Taken

Marina Coast Water District
Agenda Transmittal

Agenda Item: 9

Meeting Date: February 3, 2014

Submitted By: Brian C. Lee

Presented By: Brian C. Lee

Agenda Title: Consent Calendar

Detailed Description: Consent calendar consisting of:

- A) Receive and File the Check Register for the Month of December 2013
- B) Approve the Draft Minutes of the Regular Board Meeting of December 16, 2013
- C) Approve the Draft Minutes of the Regular Board Meeting of January 6, 2014
- D) Approve the Draft Minutes of the Special Board Meeting of January 11, 2014

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: February 3, 2014

Submitted By: Kelly Cadiente

Presented By: Kelly Cadiente

Agenda Title: Receive and File the Check Register for the Month of December 2013

Detailed Description: The Board of Directors is requested to receive and file the attached December 2013 check register for expenditures totaling \$693,522.43.

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 2013 Summary Check Register.

Staff Recommendation: The Board of Directors receive and file the December 2013 expenditures totaling \$693,522.43.

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-B

Meeting Date: February 3, 2014

Submitted By: Brian C. Lee

Presented By: Brian C. Lee

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

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

Environmental Review Compliance: None required.

Prior Committee or Board Action: None.

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

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

Funding Source/Recap: None.

Material Included for Information/Consideration: Draft minutes of December 16, 2013.

Staff Recommendation: The Board of Directors approve the draft minutes of the December 16, 2013 regular Board meeting.

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

Board Action

___ Resolution No ___ Motion By _____ Seconded By _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Reagendized _____ Date _____ No Action Taken _____

Marina Coast Water District
Agenda Transmittal

Agenda Item: 9-C

Meeting Date: February 3, 2014

Submitted By: Brian C. Lee

Presented By: Brian C. Lee

Agenda Title: Approve the Draft Minutes of the Regular Board Meeting of January 6, 2014

Detailed Description: The Board of Directors is requested to approve the draft minutes of January 6, 2014.

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 6, 2014.

Staff Recommendation: The Board of Directors approve the draft minutes of the January 6, 2014 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-D

Meeting Date: February 3, 2014

Submitted By: Brian C. Lee

Presented By: Brian C. Lee

Agenda Title: Approve the Draft Minutes of the Special Board Meeting of January 11, 2014

Detailed Description: The Board of Directors is requested to approve the draft minutes of January 11, 2014.

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 11, 2014.

Staff Recommendation: The Board of Directors approve the draft minutes of the January 11, 2014 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: 10-A

Meeting Date: February 3, 2014

Requested By: Peter Le

Presented By: Brian C. Lee

Agenda Title: Review the Status of the Public Information Request of Paula Pelot

Detailed Description: On January 14th, 2014 staff received a request (attached) from Director Le to add this item to the February 3rd, 2014 agenda.

On November 7, 2013 staff received a public records act request from Ms. Paula Pelot (attached). Staff's first response was on November 19, providing some answers and requesting a delay in providing a full response. On December 23 staff provided what we believed was a final response to the original public records act request. After the January 6th, 2014 Board Meeting when Ms. Pelot stated she was still waiting for information, staff went back and reviewed the original request. Staff emailed what we believe to be the final response on January 10, 2014 (attached).

As the attached email conversations show, staff and Ms. Pelot were working closely over the months of November and December regarding the District's 218 process. Staff has attempted to be responsive to requests and apologizes for any delayed response regarding specific requests. Staff appreciates Ms. Pelot's efforts and her willingness to work with the District as we try to reach a conclusion to the 218 process.

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: N/A

Material Included for Information/Consideration: Email correspondence.

Staff Recommendation: This was a Board requested item.

Action Required: Resolution Motion Review

Board Action

____ Resolution No ____ Motion By _____ Seconded By _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Reagendized _____ Date _____ No Action Taken _____

Marina Coast Water District
Agenda Transmittal

Agenda Item: 10-B

Meeting Date: February 3, 2014

Requested By: Peter Le

Presented By: Brian C. Lee

Agenda Title: Review the Status of the Response to Questions on the Teen Center

Detailed Description: On January 14th, 2014 staff received a request (attached) from Director Le to add this item to the February 3rd, 2014 agenda.

During the public comment period of a Board Meeting in mid-2013 Ken Nishi asked the Board questions regarding the District's efforts to resolve a long standing dispute with the City of Marina. Specifically, Mr. Nishi inquired how variances to the District's code could be allowed without Board Approval. At the time, the Interim General Manager commented that the issue is worth discussing at a later date when the agenda permits. Mr. Nishi has continued to ask the question during public comment at subsequent Board meetings. Staff assumes that Mr. Nishi's questions are related to a March 7, 2013 letter (attached) sent by staff to the City of Marina stating that no upsizing of the water meter or lateral will be required and that no separate landscape meter will be required. The March 7 letter clearly states that once payment of fees and charges is made the matter will be closed. On March 22, 2013 the City issued check 067565 in the amount of \$12,986.50. District staff considers this issue closed.

Staff met with Mr. Nishi on December 2, 2013 and discussed his questions regarding variances without Board Approval. Staff asserts that no variance to District Ordinances was given because none was required.

At the December 2nd meeting, staff showed Mr. Nishi multiple sections of the District Code (attached) clearly identifying that the District Engineer has the responsibility for sizing and location of meters. The District Engineer followed code in making the determination that upsizing or relocating would not be required. No variance to the District's code was required.

The installation of a landscape meter was never an issue. Section 700 of the Districts Standards (attached) states clearly that the District's criteria apply to, "New construction and rehabilitated landscapes for public agency projects...". Landscape rehabilitation was never a part of the Teen Center construction project. No modifications to the irrigation system nor installation of new landscaping were included in the project plan set. On October 27, 2010, the District confirmed in a transmittal (attached) to the City that no landscape plans were submitted. The transmittal clearly states, "The City will be required to install a separate meter and possibly a separate connection for irrigation *when* the City decides to install landscape on this site *in the future*". On June 26, 2012, the City confirmed in a letter to the District (attached) that landscaping and irrigation were never on the plans and never a part of the project. No variance to the District's code was required.

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: N/A

Material Included for Information/Consideration: Correspondence between the District and the City of Marina; excerpts from the District Code; and, excerpts from the Standard Plans and Specifications.

Staff Recommendation: This was a Board requested item.

Action Required: _____Resolution _____Motion ___X___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: February 3, 2014

Submitted By: Brian C. Lee

Presented By: Brian C. Lee

Agenda Title: Consider Declaring the Fort Ord Stations Veterinary Hospital Barracks as Surplus District Real Property, Appointing District Negotiator(s), and Specifying Conditions for Sale

Detailed Description: At the January 11, 2014 Special Board meeting, the Board generally agreed that something should be done to weatherize and restore Fort Ord Station Veterinary Hospital Barracks but not at District ratepayer expense and directed the Interim General Manager to look at options to accomplish that. The Barracks is being considered to be added to the Natural Register of Historic Places.

The Board also directed staff to look into possibly selling the Barracks property to a person or entity who would agree to restore the property and preserve its historic significance. The normal method is to first declare that the property is not, and will not be, needed by the District for District purposes and is surplus real property of the District.

Government Code Sections 54220-54232 require local public agencies prior to selling or leasing surplus unimproved real property to first give notice and an opportunity to purchase or lease to public entities responsible for low- and moderate-income housing, county or city park or recreation departments, and school districts before the local public agency can offer up the property to the public. However, the Barracks property is improved and contains a building of historic significance. Staff will be working with the Monterey County Historic Preservation Officer to determine any special requirements that would apply to the Barracks property.

The Board has stated that it would like to see the Barracks property restored, preserved, and used to provide services to military veterans and active duty personnel, and their families or for similar type purposes. In California, a sale could be conditioned by adding a covenant running with the land to the grant deed or by using a grant deed conveying a fee simple subject to a condition subsequent. In both cases, there would need to be an entity who would be willing and have the financial means to enforce the conditions in the event of a breach. The State Office of Historic Preservation reports that it is difficult finding such an enforcement entity and the State OHP itself does not have that authority. The Board will need to determine if it is willing to be the enforcing entity.

The Board will also need to appoint its real property negotiator or negotiators for any potential sale of the property to a public or private entity or person.

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: Resolution No. 2014-04.

Staff Recommendation:

Action Required: _____Resolution ___X___Motion _____Review

Board Action

_____Resolution No_____ Motion By_____ Seconded By_____

Ayes_____ Abstained_____

Noes_____ Absent_____

Reagendized_____ Date_____ No Action Taken_____

February 3, 2014

Resolution No. 2014-04
Resolution of the Board of Directors
Marina Coast Water District
Resolution and Notice of Intent to Sell District Real Property,
Commonly Known as the Fort Ord Station Veterinary Hospital Barracks,
to Appoint Real Property Negotiator(s), and to Set Sale Conditions

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on February 3, 2014, at 211 Hillcrest Avenue, Marina, California as follows:

WHEREAS, the District is now the owner of the parcel of land at 2872 Fifth Avenue, Marina, Monterey County, California, upon which the former Fort Ord Station Veterinary Hospital Barracks (the land and the building collectively referred to herein as the “Barracks”) and which is legally describe on attached Exhibit A; and,

WHEREAS, the Barracks is currently being considered by the Office of Historic Preservation for listing on the Natural Register of Historic Places and the Board of Directors voted on June 17, 2013, to support the nomination of the Barracks for that listing; and,

WHEREAS, the District had previously did a study to determine the cost to restore the Barracks so that it might meet modern building codes and standards and the study found that a significant amount of funds would be required to restore the Barracks.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors as follows:

1. The Board finds and determines that the Barracks is not and will not be needed by the District for district purposes and hereby declares the Barracks to be surplus real property of the District.

2. The District is willing to convey the Barracks to a credit-worthy person or entity who is willing to restore the Barracks such that it might to use to provide services to military veterans and active duty personnel, and their families; however, the District understands that it will need to comply with any applicable law governing the disposal of surplus real property by a local governmental agency.

3. The Board finds that sale of the Barracks will not have any significant environmental impacts because of the conditions the Board is placing on the sale to preserve the historical status of the property.

4. The Board hereby appoints _____ as the District’s real property negotiator to negotiate with any statutorily required public agency and then with any interested private persons or private entities for the disposal of the Barracks.

5. The Board hereby finds that the disposal of the Barracks shall be subject to the following condition: The transferee must agree (a) to restore the Barracks in accordance with applicable building codes and standards for historic buildings, (b) to use best efforts to preserve the historic significance of the building, (c) to use the Barracks for at least a minimum number of years to provide services to military veterans and active duty personnel, and their families, and (d) to make (a), (b), and (c) a condition subsequent in the grant deed, or comparable legal

instrument, conveying the property to the transferee. This means that if the transferee fails to comply with the condition subsequent, the Barracks shall revert back to the District without any compensation to the transferee for any and all work performed to meet that condition subsequent. Because of the above condition, the Board is willing to sell the Barracks at a very low price to be determined by the Board.

6. The Board hereby authorizes and directs the Interim General Manager to take the following actions in connection with this Board's intent to dispose of the Barracks:

a. Mail copies of this resolution to any public agencies for which notice is required to be given by law.

b. Prepare and file a Notice of Exemption for the proposed sale with the Monterey County Clerk.

c. Publicize the availability of the Barracks for sale and the conditions of the sale.

d. To take all actions, with the advice of District's Legal Counsel, the Interim General Manager may deem necessary or desirable to further the purposes of this Resolution.

PASSED AND ADOPTED on February 3, 2014 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. 2014-04 adopted February 3, 2014.

Brian C. Lee, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 10-D

Meeting Date: February 3, 2014

Requested By: Staff

Presented By: Brian C. Lee

Agenda Title: Discussion and Possible Action Regarding January 23, 2014 request by City of Marina Staff for a Planning Commission Interpretation of Marina Municipal Code Chapter 17.55, Surface Mining and Reclamation Standards, that the Extraction of Water to Determine Its Mineral Content is a Surface Mining Operation

Detailed Description: On January 22, 2014, District staff was made aware of an agenda item for the City of Marina's January 23, 2014 Planning Commission meeting regarding groundwater extraction determinations for the CEMEX property. Staff held a telephone conversation with City staff on January 22nd to gain further understanding behind the Planning Commission item. In summary, City staff is seeking clarification regarding if temporary test borings that involve limited water extraction to test for mineral content constitute surface mining operations per City Code (attached).

At its January 23rd meeting the Planning Commission voted to continue the item until the Commission's February 13, 2014 meeting.

The District may wish to provide input or request consideration from the City.

The District is party to an existing agreement for annexation of the CEMEX property. Although annexation has not occurred, there are groundwater extraction limitations set forth in the executed agreement (attached).

Additionally, the District Code requires private wells to obtain a permit from the District. While the CEMEX property is not currently within the District boundaries, the District may want to request that the City honor the intent of the existing annexation agreement.

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: N/A

Material Included for Information/Consideration: City of Marina Planning Commission documents; and, copy of the 1996 Annexation Agreement and Groundwater Mitigation Framework for Marina Area Lands.

Staff Recommendation: None.

Action Required: _____Resolution _____Motion_____Review

Board Action

_____Resolution No_____ Motion By_____ Seconded By_____

Ayes_____ Abstained_____

Noes_____ Absent_____

Reagendized_____ Date_____ No Action Taken_____

Marina Coast Water District
Agenda Transmittal

Agenda Item: 10-E

Meeting Date: February 3, 2014

Requested By: Thomas Moore

Presented By: Brian C. Lee

Agenda Title: Consider Director Appointments to Committees of the Board and to Outside Agencies for 2014

Detailed Description: The Board is asked to consider Director appointments to committees and outside agencies for 2014. The Joint City/District, Executive and Community Outreach Committees shall have two appointed directors and such other persons as the Board may appoint; the Water Conservation Commission shall have one director appointed. The Budget and Personnel, Operations and Maintenance, and Project and Planning Committees were put on hiatus but are eligible to be reinstated per the direction of the Board President. The Board President also has the authority to appoint members to Ad Hoc Committees.

The Board also appoints directors to the following: Monterey Regional Water Pollution Control Agency (MRWPCA) Board of Director's, Fort Ord Reuse Agency (FORA) Board of Directors, liaison to the Monterey County Local Agency Formation Commission (LAFCO), ACWA Joint Powers Insurance Authority (JPIA), and the Special Districts Association of Monterey County (SDA).

The Board appoints representatives to the following District Standing Committees:

- | | | |
|----|-------------------------------|-------------------------------|
| 1. | Water Conservation Commission | 1 Board member & 1 Alternate |
| 2. | Joint City/District Committee | 2 Board members & 1 Alternate |
| 3. | Executive Committee | 2 Board members & 1 Alternate |
| 4. | Community Outreach | 2 Board members |

The Board appoints representatives to the following outside agencies or committees:

- | | | |
|----|-----------|------------------------------|
| 1. | MRWPCA | 1 Board member & 1 Alternate |
| 2. | FORA | 1 Board member & 1 Alternate |
| 3. | LAFCO | 1 Board member & 1 Alternate |
| 4. | JPIA | 1 Board member & 1 Alternate |
| 5. | SDA | 1 Board member & 1 Alternate |
| 6. | FORA WWOC | 1 Board member & 1 Alternate |

Current Committee Assignments are:

- | | | |
|----|-------------------------------|--------------------------------|
| 1. | Water Conservation Commission | Shriner - Lee as Alternate |
| 2. | Joint City/District Committee | Moore, Lee - Le as Alternate |
| 3. | Executive Committee | Moore, Shriner |
| 4. | Community Outreach | Shriner, Le - Lee as Alternate |

Current appointments to outside agencies:

- | | | |
|----|-----------|--|
| 1. | MRWPCA | Moore – Le and Lee as Alternates |
| 2. | FORA | Moore – Le and Gustafson as Alternates |
| 3. | LAFCO | Le – Shriner and Gustafson as Alternates |
| 4. | JPIA | Gustafson – Shriner and Lee as Alternates |
| 5. | SDA | Gustafson – Moore, Lee, Shriner, Le as alternates |
| 6. | FORA WWOC | Le – Gustafson as Alternate |

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: N/A

Material Included for Information/Consideration: None.

Staff Recommendation: The Board of Directors consider making Director appointments to Board of Director's Committees and outside agencies for 2014.

Action Required: Resolution Motion Review

Board Action

Resolution No Motion By _____ Seconded By _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Reagendized _____ Date _____ No Action Taken _____

Marina Coast Water District
Agenda Transmittal

Agenda Item: 10-F

Meeting Date: February 3, 2014

Requested By: Peter Le

Agenda Title: Consider Adopting Resolution No. 2014-01 to Appoint an Ad Hoc Committee to Discuss the Recycled Water Pipeline with the Monterey Regional Water Pollution Control Agency and Specifying the Scope of the Committee's Duties and Legal Authority

Detailed Description: This agenda item was requested by Director Peter Le.

Environmental Review Compliance: None required.

Prior Committee or Board Action: On January 6, 2014, the Board postponed 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: Draft Resolution No. 2014-01.

Staff Recommendation: This is a Board requested item.

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 ___

Marina Coast Water District
Agenda Transmittal

Agenda Item: 10-G

Meeting Date: February 3, 2014

Requested By: Peter Le

Agenda Title: Consider Adopting Resolution No. 2014-02 to Appoint an Ad Hoc Committee to Discuss the Annexation of the Ord Community and Specifying the Scope of the Committee's Duties and Legal Authority

Detailed Description: This agenda item was requested by Director Peter Le.

Environmental Review Compliance: None required.

Prior Committee or Board Action: None.

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

Financial Impact: ___ Yes __X__ No

Funding Source/Recap: None.

Material Included for Information/Consideration: Draft Resolution No. 2014-02.

Staff Recommendation: This is a Board recommended item.

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 _____

Marina Coast Water District
Agenda Transmittal

Agenda Item: 10-H

Meeting Date: February 3, 2014

Requested By: Peter Le

Agenda Title: Consider Preliminary Draft 2014 Agenda, Goals, and Work Program

Detailed Description: This agenda item was requested by Director Peter Le.

Environmental Review Compliance: None required.

Prior Committee or Board Action: None.

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

Financial Impact: ___Yes ___X___No

Funding Source/Recap: None.

Material Included for Information/Consideration: None.

Staff Recommendation: This is a Board requested item.

Action Required: ___Resolution ___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-I

Meeting Date: February 3, 2014

Requested By: Jan Shriner

Agenda Title: Consider a Scope of Topics for the Community Outreach Committee to Discuss with the Community

Detailed Description: This agenda item was requested by Director Jan Shriner.

Environmental Review Compliance: None required.

Prior Committee or Board Action: None.

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

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

Funding Source/Recap: None.

Material Included for Information/Consideration: None.

Staff Recommendation: This is a Board requested item.

Action Required: ___ Resolution ___ **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-J

Meeting Date: February 3, 2014

Requested By: Peter Le

Agenda Title: Review the Non-Compliance of Section 16 of the Board Procedures Manual

Detailed Description: This agenda item was requested by Director Peter Le.

Environmental Review Compliance: None required.

Prior Committee or Board Action: None.

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

Financial Impact: ___Yes ___X___No

Funding Source/Recap: None.

Material Included for Information/Consideration: See attachment provided by Director Le.

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-K

Meeting Date: February 3, 2014

Requested By: Peter Le

Agenda Title: Consider Revising Sections 9, 17, 23, and 42 of the Board Procedures Manual

Detailed Description: This agenda item was requested by Director Peter Le.

Environmental Review Compliance: None required.

Prior Committee or Board Action: None.

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

Financial Impact: _____Yes ___X___No

Funding Source/Recap: None.

Material Included for Information/Consideration: See attachment provided by Director Le.

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-L

Meeting Date: February 3, 2014

Requested By: Peter Le

Agenda Title: Consider Adoption of Resolution No. 2014-03 to Provide Legal Representation for Director Le During the Investigation of Employee Complaints Against His Actions

Detailed Description: This agenda item was requested by Director Peter Le.

Environmental Review Compliance: None required.

Prior Committee or Board Action: None.

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

Financial Impact: ___ Yes ___X___ No

Funding Source/Recap: None.

Material Included for Information/Consideration: Resolution No. 2014-03; and, attachment provided by Director Le.

Staff Recommendation: This is a Board requested item.

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 3, 2014

Resolution No. 2014-03
Resolution of the Board of Directors
Marina Coast Water District
Providing Legal Representation for Director Le During the Investigation
of Employee Complaints Against His Actions

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on February 3, 2014, at 211 Hillcrest Avenue, Marina, California as follows:

WHEREAS, on December 3, 2013, District staff telephoned Special Legal Counsel and stated that a pattern of what staff believes constitute inappropriate, unprofessional, and potentially harassing behavior by Director Peter Le that had been a regular part of Board meetings had continued and apparently escalated during the December 2, 2013 meeting; and,

WHEREAS, on December 17, 2013, District staff repeated the complaint to Counsel based on conduct at the December 16 Board meeting; and,

WHEREAS, on January 6, 2014, the Board of Directors approved retaining an outside investigator to determine if there is any additional, relevant evidence of allegedly inappropriate conduct by Director Le in his communications with District staff and consultants; and,

WHEREAS, on January 8, 2014, Director Le requested the Board consider providing him legal representation during the investigation.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby authorize legal representation for Director Le during the investigation of complaints against him.

PASSED AND ADOPTED on February 3, 2014 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. 2014-03 adopted February 3, 2014.

Brian C. Lee, Secretary