



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

Tuesday, February 18, 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
(Requested by the Board)

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 13, 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 March 3, 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
(Requested by the Board)

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)
(Requested by the Board)

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
(Requested by the Board)

C. Pursuant to Government Code 54957
Public Employee Performance Evaluation
Title: Interim General Manager
(Requested by the Board)

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.
(Requested by the Board)

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 January 2014
(Requested by Staff)

- B. Adopt Resolution No. 2014-05 to Approve an Amendment to the Professional Services Agreement with Schaaf & Wheeler Consulting Civil Engineers for On-Call Engineering Services
(Requested by Staff)
- C. Adopt Resolution No. 2014-06 to Revise Policy No. 3.1 Equal Employment Opportunity of the Employee Handbook
(Requested by Staff)

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. Receive a Verbal Report from Special Legal Counsel Regarding the Investigation on Employee Complaints Against Director Peter Le
(Requested by the Board)

Action: The Board of Directors will receive a verbal report from special legal counsel regarding the investigation on employee complaints against Director Peter Le.

- B. Consider Adoption of Resolution No. 2014-07 to Declare a Stage One Conservation Level
(Requested by the Water Conservation Commission)

Action: The Board of Directors will consider, as recommended by the Water Conservation Commission, declaring a Stage 1 Drought as identified in the 2010 Water Shortage Contingency Plan.

- C. Receive the FY 2013-2014 Mid-Year Report
(Requested by Staff)

Action: The Board of Directors will receive the mid-year report for FY 2013-2014.

- D. Receive Draft District FY 2014-2015 Budget Schedule and Set Date for the 2014-2015 Budget Workshop
(Requested by Staff)

Action: The Board of Directors will receive the budget schedule for FY 2014-2015 and set date for a budget workshop.

- E. Consider Director Appointments to the LAFCO and FORA Committees of the Board for 2014
(Requested by the Board)

Action: The Board of Directors will consider Director appointments to the LAFCO and FORA Committees of the Board for 2014.

- F. Consider Adoption of Resolution No. 2014-08 to Approve a Professional Services Agreement to Conduct an Executive Recruitment and Placement for the Position of General Manager
(Requested by the Board)

Action: The Board of Directors will consider approving an executive recruiter for recruitment of a General Manager.

- G. Consider the Sale of Surplus Property - 11 Reservation Road, Marina
(Requested by Staff)

Action: The Board of Directors will consider the sale of the 11 Reservation Road, Marina property.

- H. Consider Impact of Request for Board Agenda Items
(Requested by Staff)

Action: The Board of Directors will consider providing direction to staff regarding how to handle requests for Board Agenda Items that may significantly impact staffing resources or significantly impact Board meeting length.

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 |
| 2. Executive Committee | 8. WWOC Report |
| 3. Community Outreach | 9. JPIA Liaison |
| 4. 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, March 3, 2014, 6:45 p.m.,
Marina Council Chambers
211 Hillcrest Avenue, Marina*

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8

Meeting Date: February 18, 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, January 11, and February 3, 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 X 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 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

Meeting Date: February 18, 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 January 2014
- B) Adopt Resolution No. 2014-05 to Approve an Amendment to the Professional Services Agreement with Schaaf & Wheeler Consulting Civil Engineers for On-Call Engineering Services
- C) Adopt Resolution No. 2014-06 to Revise Policy No. 3.1 Equal Employment Opportunity of the Employee Handbook

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 18, 2014

Submitted By: Kelly Cadiente

Presented By: Kelly Cadiente

Agenda Title: Receive and File the Check Register for the Month of January 2014

Detailed Description: The Board of Directors is requested to receive and file the attached January 2014 check register for expenditures totaling \$816,075.80.

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: January 2014 Summary Check Register.

Staff Recommendation: The Board of Directors receive and file the January 2014 expenditures totaling \$816,075.80.

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 18, 2014

Submitted By: Brian C. Lee

Presented By: Brian C. Lee

Agenda Title: Adopt Resolution No. 2014-05 to Approve an Amendment to the Professional Services Agreement with Schaaf & Wheeler Consulting Civil Engineers for On-Call Engineering Services

Detailed Description: The Board of Directors is requested to approve an amendment to the Professional Services Agreement with Schaaf & Wheeler Consulting Civil Engineers for On-Call Engineering Services. The original contract was authorized by Resolution No. 2012-29 on May 8, 2012 and has been amended four (4) times previously.

The on-call Professional Services Agreement (PSA) is for engineering support on a time and material basis. The majority of support (~\$275,000) will be for assistance on developer driven projects, the cost of which is passed-through to the developer. The remaining \$75,000 in services is needed to assist the engineering department as follows:

1. for small tasks when it would not be cost effective to undertake the standard RFP process for engaging engineering services; and,
2. for tasks that in-house staff is unable to perform; and,
3. when there is an urgent need for supplemental engineering support

The District is in need of additional engineering support due to a recent increase in developer projects and a reduction in engineering staff. The District recently lost an engineer to a bigger and better job opportunity and another engineer is on leave for an unknown amount of time. These losses constitute a temporary 50% reducing in technical staff.

Schaaf & Wheeler has a long-standing relationship with the MCWD. Its engineers have served as the District's Engineering staff in the past, and as a result, possess detailed knowledge of the District's water and wastewater infrastructure, and engineering standards. This allows Schaaf & Wheeler to be able to perform engineering tasks with fewer expended labor hours. As a local firm, Schaaf & Wheeler is also familiar with local development.

This proposed Amendment to the PSA will do three (3) things:

- 1) Extend the contract time through December 31, 2014; and
- 2) Provide available Scope of Services for Developers to advance their projects in a timely manner. There are five (5) current task orders within this current proposed amendment – two for East Garrison (one for the current phase, one for the next phase), one for Small Developer Plan Reviews, one for the Dunes on Monterey Bay (the largest anticipated short-term need), and one for The Promontory. The estimate cost to provide service to these developments is \$275,000, which would be collected in advance from the development requesting the service; and

- 3) On-call staff assistance to the Engineering Department in support of routine operations and capital improvement projects for a not-to-exceed amount of \$75,000. Tasks under this part of the proposed Amendment would be charged against the Engineering Department budget or against the specific CIP.

Environmental Review Compliance: None required.

Prior Committee or Board Action: The Board adopted Resolution No. 2012-29 on May 8, 2012, approving a Professional Services Agreement for General Engineering Services with Schaaf & Wheeler Consulting Civil Engineers.

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 No

Funding Source/Recap: This Agreement will be funded through the Engineering Department’s budget (the line-item termed “Engineering Consultants”), through the Capital Improvement Project budget, and/or money resources collected from Developers in advance of the work to be performed.

Materials Included for Information/Consideration: Resolution No. 2014-05.

Staff Recommendation: The Board of Directors adopt Resolution No. 2014-05 to approve an Amendment to the Professional Services Agreement with Schaaf & Wheeler Consulting Civil Engineers for On-Call Engineering Services for a current not-to-exceed amount of \$350,000 and for a contract period ending December 31, 2014.

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 18, 2014

Resolution No. 2014-05
Resolution of the Board of Directors
Marina Coast Water District
Approving an Amendment to the Professional Services Agreement with
Schaaf & Wheeler Consulting Civil Engineers for
On-Call Engineering Services

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on February 18, 2014, at 211 Hillcrest Avenue, Marina, California as follows:

WHEREAS, on May 8, 2012, the District Board adopted Resolution No. 2012-29 approving a Professional Services Agreement for General Engineering Services with Schaaf & Wheeler Consulting Civil Engineers; and,

WHEREAS, Schaaf & Wheeler has comprehensive knowledge of MCWD’s water and sewer infrastructure systems and has consistently provided beneficial engineering services to the District in the past.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby authorize the Interim General Manager to execute an Amendment to the Professional Services Agreement with Schaaf & Wheeler Consulting Civil Engineers for On-Call Engineering Services through December 31, 2014 on a time-and-material basis for a current not-to-exceed amount of \$350,000; and to take all actions and execute all documents as may be necessary or appropriate to give effect to this resolution.

PASSED AND ADOPTED on February 18, 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. 2014-05 adopted February 18, 2014.

Brian C. Lee, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 9-C

Meeting Date: February 18, 2014

Submitted By: Jean Premutati

Presented By: Jean Premutati

Reviewed By: Brian C. Lee

Agenda Title: Adopt Resolution No. 2014-06 to Revise Policy No. 3.1 Equal Employment Opportunity of the Employee Handbook

Detailed Description: The Board is requested to consider adoption of Resolution No. 2014-06 to Revise Policy No. 3.1 Equal Employment Opportunity of the Employee Handbook.

Due to an amendment to Assembly Bill 556, the California Department of Fair Employment and Housing has added “military and veteran status” to the list of categories protected from employment discrimination under the act. The bill also provides an exemption for an inquiry by an employer regarding military or veteran status for the purpose of awarding a veteran’s preference as permitted by law.

Military and veteran status is defined as a member of veteran of the United States Armed Forces, United States Armed Forces Reserve, the United State National Guard, and the California National Guard.

Environmental Review Compliance: None required.

Prior Committee or Board Action: The Board approved revisions to the Handbook on September 14, 2010, March 13, 2012, April 15, 2013 and September 16, 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. 2014-06; and, Revised Policy No. 3.1 of the Employee Handbook.

Staff Recommendation: The Board of Directors adopt Resolution 2014-06 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 18, 2014

Resolution No. 2014-06
Resolution of the Board of Directors
Marina Coast Water District
Revise Policy No. 3.1 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 18, 2014, at 211 Hillcrest Avenue, Marina, California as follows:

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

WHEREAS, due to an amendment to Assembly Bill 556, the California Department of Fair Employment and Housing has added “military and veteran status” to the list of categories protected from employment discrimination under the act; and,

WHEREAS, the bill also provides an exemption for an inquiry by an employer regarding military or veteran status for the purpose of awarding a veteran’s preference as permitted by law; and,

WHEREAS, “military and veteran status” is defined as a member of veteran of the United States Armed Forces, United States Armed Forces Reserve, the United State National Guard, and the California National Guard.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby adopt Resolution No. 2014-06 to update and revise Policy No. 3.1 of the employee handbook.

PASSED AND ADOPTED on February 18, 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, 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. 2014-06 adopted February 18, 2014.

Brian C. Lee, Deputy Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 10-A

Meeting Date: February 18, 2014

Submitted By: Jeanine DeBacker
Reviewed By: Brian C. Lee

Presented By: Jeanine DeBacker

Agenda Title: Receive a Verbal Report from Special Legal Counsel Regarding the Investigation on Employee Complaints Against Director Peter Le

Detailed Description: The Board of Directors is requested to receive Special Legal Counsel's verbal Report regarding the investigation of employee complaints against Director Peter Le.

Environmental Review Compliance: None required.

Prior Committee or Board Action: On January 6, 2014, the Board of Directors received a report.

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: 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-B

Meeting Date: February 18, 2014

Submitted By: Brian C. Lee

Presented By: Brian C. Lee

Reviewed By: Brian C. Lee

Agenda Title: Consider Adoption of Resolution No. 2014-07 to Declare a Stage One Conservation Level

Detailed Description: The State of California is currently undergoing a severe drought. Governor Brown has declared a statewide emergency. In his proclamation the Governor states, "Local urban water suppliers and municipalities are called upon to implement their local water shortage contingency plans immediately in order to avoid or forestall outright restrictions that could become necessary later in the drought season."

The District relies on groundwater for 100% of its supply and per the District's Water Shortage Contingency Plan uses less than 1% of the estimated basin-wide annual extraction of roughly 550,000 acre-feet. The drought does not pose an immediate risk to the District's water supply. However, it is important for a healthy long-term water supply that the District encourage water conservation.

At staff's request, the District's Water Conservation Commission voted to request that the Board of Directors declare a Stage One Conservation Level per the District's Water Shortage Contingency Plan and in support of the Governor's declaration.

The Stage One Conservation Level seeks a 10% voluntary reduction in water consumption and is primarily aimed at educating the public about water awareness. As stated in the District's Water Shortage Contingency Plan a Stage One Conservation Level may be declared, "due to prolonged drought conditions and a need to focus public attention on water conservation."

If the Board elects to declare a Stage One Conservation Level staff proposes to work with the Water Conservation Commission and the Community Outreach Committee to develop multiple community awareness campaigns to educate the public about water conservation. Staff intends to focus these campaigns on utilizing commission members, committee members and volunteers to 'get the word out'.

Environmental Review Compliance: None required.

Prior Committee or Board Action: None.

Board Goals/Objectives: *Strategic Plan, Goal No. 2 – To meet 100% of current and future customers' needs and make timely improvements and increase 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: This action will be funded through the District's conservation education program (current yearly budget of \$30k).

Materials Included for Information/Consideration: Resolution No. 2014-07; June 14, 2011 MCWD Water Shortage Contingency Plan; and, January 23, 2014 Drought Proclamation.

Staff Recommendation: The Board of Directors adopt Resolution No. 2014-07 to Declare a Stage One Conservation Level.

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 18, 2014

Resolution No. 2014-07
Resolution of the Board of Directors
Marina Coast Water District
Declaring a Stage One Conservation Level

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on February 18, 2014, at 211 Hillcrest Avenue, Marina, California as follows:

WHEREAS, on June 14, 2001, the District Board adopted the District’s Water Shortage Contingency Plan; and,

WHEREAS, on January 17, 2014 the Governor of the State of California Proclaimed a State of Emergency due to current drought conditions; and,

WHEREAS, the adopted Water Shortage Contingency Plan includes five stages of conservation; and,

WHEREAS, Conservation Stage One may be called due to prolonged drought conditions and a need to focus public attention on water conservation.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby declare a Stage One Conservation Level and directs the General Manager to take all actions and execute all documents as may be necessary or appropriate to give effect to this resolution.

PASSED AND ADOPTED on February 18, 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. 2014-07 adopted February 18, 2014.

Brian C. Lee, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 10-C

Meeting Date: February 18, 2014

Submitted By: Kelly Cadiente
Reviewed By: Brian C. Lee

Presented By: Kelly Cadiente

Agenda Title: Receive the FY 2013-2014 Mid-Year Report

Detailed Description: The FY 2013-2014 Mid-Year Report reflects the consolidated financial activity of the District through December 31, 2013 and compares the activity with the approved budget. This comparison will serve as indication of whether or not the District will need to do a budget adjustment.

The District's Mid-Year Report includes revenues of \$6.852 million and expenses, including CIP/Capitalized Equipment of \$6.181 million, resulting in net gain of \$0.671 million. The net gain will be used to offset the annual principal debt service which is due and payable in May, 2014.

Because the approved budget reflects the planned activity of FY 2012-2013, some of the individual line-items may have substantial variances from the approved budget. However, staff has worked diligently to keep the total activity within the total approved budget.

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: N/A

Material Included for Information/Consideration: Mid-year Report for FY 2013-2014 as of December 31, 2013.

Staff Recommendation: The Board of Directors receive the Mid-Year Report for FY 2013-2014.

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-D

Meeting Date: February 18, 2014

Submitted By: Kelly Cadiente

Presented By: Kelly Cadiente

Reviewed By: Brian C. Lee

Agenda Title: Receive Draft District FY 2014-2015 Budget Schedule and Set Date for the 2014-2015 Budget Workshop

Detailed Description: The Board is requested to receive the draft District budget for FY 2014-2015 and set a date for the 2014-2015 Budget Workshop.

Staff has begun the budget process for FY 2014-2015. Attached is the draft schedule for the FY 2014-2015 Budget. In order to get the budget approved by both the District Board and by FORA by June 30, 2014, staff requests the Board to set the date for the Budget Workshop for March 17, 2014.

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 No

Funding Source/Recap: None

Materials Included for Information/Consideration: Draft FY 2014-2015 Budget Schedule.

Staff Recommendation: The Board of Directors receive the Draft FY 2013-2014 Budget Schedule and set the date for the Budget Workshop for March 17, 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-E

Meeting Date: February 18, 2014

Requested By: Thomas Moore

Presented By: Brian C. Lee

Agenda Title: Consider Director Appointments to the LAFCO and FORA Committees of the Board for 2014

Detailed Description: At its February 3, 2014 meeting the Board voted to keep all appointments and committee assignments unchanged from last year with the exception of LAFCO and FORA representation. Director Le indicated an interest in serving as the FORA representative. Director Shriner indicated an interest in serving as the LAFCO representative. President Moore was going to inquire from FORA if he could remain on current FORA subcommittee assignments if the District's representative was changed.

The Board is asked to consider Director appointments to the LAFCO and FORA committees for 2014.

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

- | | | |
|----|-------|------------------------------|
| 1. | LAFCO | 1 Board member & 1 Alternate |
| 2. | FORA | 1 Board member & 1 Alternate |

Current appointments to outside agencies:

- | | | |
|----|-------|------------------------------------------|
| 1. | LAFCO | Le – Shriner and Gustafson as Alternates |
| 2. | FORA | Moore – Le and Gustafson as Alternates |

Environmental Review Compliance: None required.

Prior Committee or Board Action: On February 3, 2014, the Board approved continuing the Committee appointments made in 2013 with the exception of revisiting the LAFCO and FORA appointments.

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 the LAFCO and FORA Committees of the Board 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 18, 2014

Submitted By: Jean Premutati
Reviewed By: Brian C. Lee

Presented By: Jean Premutati

Agenda Title: Adopt Resolution No. 2014-08 to Approve a Professional Services Agreement to Conduct an Executive Recruitment and Placement for the Position of General Manager

Detailed Description: At a regular meeting on December 2, 2013, the Board made a motion to direct staff to draft a Request for Proposal (RFP) to hire an Executive Recruiter to conduct a search for a full-time General Manager. The Board approved the drafted RFP at the December 16 meeting and on December 18, staff mailed copies to thirteen firms who specialize in public sector recruiting. The deadline for submission was February 6, 2014.

Staff received seven valid responses by the deadline. Two firms declined to respond and one proposal was received after the deadline. Staff has conducted reference checks on the seven firms and prepared an analysis of the proposals based on the following criteria:

- Experience, qualification and references
- Economics and value
- Quality of proposal
- Scope of work and methodologies to be used

Prior Committee or Board Action: The Board of Directors requested staff to prepare a RFP and approved the RFP at the December 16, 2013 meeting.

Financial Impact: Yes No

Funding Resource/Recap: Across all four cost centers.

Material Included for Information/Consideration: Resolution No. 2014-08; Analysis Matrix of Proposals; and, seven consultant proposals (provided separately).

Staff Recommendation: The Board of Directors adopt Resolution No. 2014-08 approving a professional services agreement to conduct an executive search and placement for the position of General Manager.

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 18, 2014

Resolution No. 2014-08
Resolution of the Board of Directors
Marina Coast Water District
Approving a Professional Services Agreement with _____
to Conduct an Executive Search and Placement for the Position of General Manager

RESOLVED by the Board of Directors ("Directors") of the Marina Coast Water District ("District"), at a regular meeting duly called and held on February 18, 2014 at 211 Hillcrest Avenue, Marina, California as follows:

WHEREAS, in December 2013, the Board approved staff to draft a Request for Proposals (RFP's) to conduct an executive search and placement for the position of General Manager; and,

WHEREAS, staff mailed copies to eleven firms whose specialty is public sector recruiting. Several valid responses were received prior to the deadline of February 6, 2014. The proposals range in cost from \$16,000 to \$27,500; and,

WHEREAS, the attached matrix analysis provides a breakdown of the proposals.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby adopt Resolution No. 2014-08, to approve a professional services agreement with _____ to conduct an executive search and placement for the position of General Manager.

PASSED AND ADOPTED on February 18, 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. 2014-08 adopted February 18, 2014.

Brian C. Lee, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 10-G

Meeting Date: February 18, 2014

Requested By: Brian C. Lee

Presented By: Brian C. Lee

Agenda Title: Consider the Sale of Surplus Property - 11 Reservation Road, Marina

Detailed Description: In December 2007, the District declared 11 Reservation Road as surplus property. Staff would like to review what will be required to sell the subject property and consolidate administration at the Imjin Office Park (IOP) location.

Specific issues that need to be addressed:

1. The property value of 11 Reservation Road?
2. How much of the property does the District wish to retain for existing and/or future use? (e.g. existing desalination plant)
3. How much will completion of the IOP building cost?
- D. How long will completion of the IOP building take?
- E. How much will it cost to consolidate administration staff at IOP?
- F. What site upgrades will be needed at the Ord Office for Operations staff?

Staff would like Board authorization to obtain a property appraisal for 11 Reservation Road. Staff will begin preparing a report and plan of action for Board review. After the report has been reviewed by the Board, the District can sell the property through a public sale with a reserved price (appraised value) and/or issue an RFP to hire a real-estate agent and put a 'for sale' sign up if the Board approves.

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: 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-H

Meeting Date: February 18, 2014

Submitted By: Brian C. Lee

Presented By: Brian C. Lee

Agenda Title: Consider Impact of Request for Board Agenda Items

Detailed Description: Staff is requesting that the Board consider how to coordinate requests for agenda items. At the February 3rd meeting there were ten out of twelve action items requested by the Board. Nine of those requests came from one Director. For the upcoming March 3rd agenda an additional twelve items have been requested by a single Director.

Staff appreciates the Board's interest and wants to provide support for all requests. However, resources are limited and without additional staff it will be impossible to provide the appropriate attention requested in the proposed timeframe. Additionally, staff has noticed that Board meetings appear to be getting longer, ending after 10 p.m. on a regular basis. Individual Directors have also commented regarding the current length of Board meetings.

As directed by the Board at the February 3rd meeting, staff is working on revisions to the Board Procedures Manual, including revisions to how items are added to agendas. As discussed on February 3rd, the draft revision is scheduled for review by the Board in May 2014.

In the interim, staff is seeking direction on how to handle requests for Board Agenda items that may significantly impact staffing resources or significantly impact Board meeting length. An option for consideration may be to give the President and Vice President authority to reschedule requests for Board Items to a future Board Meeting if the current agenda looks like it may extend past 10 p.m. An alternative option would be to hold to the 10 p.m. time limit and carry-over unaddressed items to the next agenda.

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: None.

Action Required: Resolution Motion Review

Board Action

____ Resolution No ____ Motion By _____ Seconded By _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Reagendized _____ Date _____ No Action Taken _____