



MARINA COAST WATER DISTRICT

11 RESERVATION ROAD, MARINA, CA 93933-2099

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DIRECTORS

THOMAS P. MOORE
President

WILLIAM Y. LEE
Vice President

HOWARD GUSTAFSON
JAN SHRINER
PETER LE

Agenda

Regular Board Meeting, Board of Directors Marina Coast Water District

211 Hillcrest Avenue, Marina, California

Monday, November 3, 2014, 6:00 p.m. PST

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 6:00 p.m. and are held at the City of Marina Council Chambers at 211 Hillcrest Avenue, Marina, California.

Our Mission: *We provide our customers with high quality water, wastewater collection and conservation services at a reasonable cost, through planning, management and the development of water resources in an environmentally sensitive manner.*

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

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 & A.13-05-017 Settlement Agreement

This agenda is subject to revision and may be amended prior to the scheduled meeting. A final agenda will be posted at City of Marina Council Chambers (211 Hillcrest Avenue, Marina) and the District office (11 Reservation Road, Marina) no less than 72 hours prior to the meeting. A complete Board packet containing all enclosures and staff materials will be available for public review on Thursday, October 30, 2014. Copies will also be available at the Board meeting. Information about items on this agenda or persons requesting disability related modifications and/or accommodations should contact the Board Clerk 48 hours prior to the meeting at: 831-883-5910.

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)

4) California-American Water Company v. Lonestar California, Inc., CEMEX, Inc., et al., Monterey County Superior Court Case Nos. M129290 and M129303.

5) Appeal by California-American Water Co. of City of Marina decision denying permit for construction, operation, and decommissioning of slant test well, up to 4 monitoring well clusters, and related infrastructure at CEMEX sand mining plant, Lapis Road, Marina, Monterey County (California Coastal Commission Appeal No. A-3-MRA-14-0050).

6) Application of California-American Water Co. for permit to construct, operate, and decommission test slant well at CEMEX sand mining facility on Monterey Bay shoreline, Marina, Monterey County (California Coastal Commission Application No. 9-14-1735), this pertains to that portion of the proposed slant test well project below the mean-tide line for which the Coastal Commission has original jurisdiction.

- B. Pursuant to Government Code 54956.9
Conference with Legal Counsel – Anticipated Litigation
Significant Exposure to Litigation Pursuant to Subdivision (b) of 54956.9
Two Potential Cases
- C. Pursuant to Government Code 54956.9
Conference with Legal Counsel – Anticipated Litigation
Initiation of Litigation Pursuant to Subdivision (c) of 54956.9
One Potential Case
- D. Pursuant to Government Code 54957
Public Employee Appointment
Title: General Manager
- E. Pursuant to Government Code 54957
Public Employee Performance Evaluation
Title: Legal Counsel
- F. Pursuant to Government Code 54956.8
Conference with Real Property Negotiator
Property: Recycled Water Pipeline, Recycled Water
Negotiating parties: Tom Moore and Peter Le
Under Negotiation: Price and Terms
- G. Pursuant to Government Code 54956.8
Conference with Real Property Negotiator
Property: Armstrong Ranch
Negotiating parties: Tom Moore and Peter Le
Under Negotiation: Price and Terms

H. Pursuant to Government Code 54956.8
Conference with Real Property Negotiator
Property: Sewer Infrastructure
Negotiating parties: Tom Moore and Peter Le
Under Negotiation: Price and Terms

7:00 p.m. Reconvene Open Session

5. Reportable Actions Taken during Closed Session. *The Board will announce any reportable action taken during closed session and the vote or abstention on that action of every director present, and may take additional action in open session as appropriate. Any closed session items not completed may be continued to after the end of all open session items.*

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. Presentations

A. Discussion and Possible Action to Consider Adoption of Resolution No. 2014-45 in Recognition of Mr. Carroll Meuse, Public Member, for his Service on the Water Conservation Commission

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. Approve the Draft Minutes of the Regular Board Meeting of October 6, 2014

B. Approve the Draft Minutes of the Regular Board Meeting of October 20, 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. Discussion and Possible Action to Consider Motion for Reconsideration of the Report from Special Legal Counsel Regarding the Investigation on Director Peter Le's Complaint against Director Howard Gustafson and the Censure of Director Howard Gustafson, if the Motion for Reconsideration Passes, to Vote on the Censure of Director Howard Gustafson

Action: The Board is to entertain a motion for reconsideration to be made by a Board member who voted for censure of Director Gustafson at the October 20 Board meeting. This motion may be seconded by any Board member. If the motion for reconsideration is not seconded or does not pass, then the October 20 action remains in effect. If the motion for reconsideration passes, then the original motion is treated as if it had never been previously voted on. A motion to adopt the original motion could be made by any Board member, seconded, and voted upon by the Board. If this motion is not seconded or does not pass, then the original motion is treated as never having been adopted.

- B. Discussion and Possible Action to Consider Adoption of Resolution No. 2014-46 to Authorize a Construction Contract with Dilbeck & Sons Incorporated to Construct a Building E at 940 Imjin Office Parkway and authorize the Interim General Manager to Execute General Services Administration Lease Amendments 1&2

Action: The Board of Directors will consider authorizing a construction contract with Dilbeck & Sons Incorporated to construct a Building E at 940 Imjin Office Parkway and authorize the Interim General Manager to execute General Services Administration Lease Amendments 1&2.

- C. Discussion and Possible Action to Consider Adoption of Resolution No. 2014-39 to Adopt an Updated Water Shortage Contingency Plan, and Resolution No. 2014-34 to Declare Water Conservation Stage 3 as required by the State Water Resource Control Board's Emergency Mandatory Water Conservation Regulations

Action: The Board of Directors will consider adopting an updated Water Shortage Contingency Plan; and, declaring Water Conservation Stage 3 as required by the State Water Resources Control Board's Emergency Mandatory Water Conservation Regulations.

- D. Discussion and Possible Action to Consider Adoption of Resolution No. 2014-47 to Approve Funding for Directors to Attend the Association of California Water Agencies Fall Conference in San Diego

Action: The Board of Directors will consider approving funding for Directors to attend the Association of California Water Agencies Fall Conference in San Diego.

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
1. Correspondence Received by Board or General Manager
- B. Counsel's Report

1. District Legal Counsel

C. Committee and Board Liaison Reports

1. Water Conservation Commission

2. Joint City-District Committee

3. Executive Committee

4. Community Outreach

5. MRWPCA Board Member Liaison

6. LAFCO Liaison

7. FORA

8. WWOC Report

9. JPIA Liaison

10. Special Districts Association

12. Board Member Requests for Future Agenda Items

13. Director's Comments

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

*Regular Meeting: Monday, November 17, 2014, 6:00 p.m.,
Marina Council Chambers
211 Hillcrest Avenue, Marina*

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8-A

Meeting Date: November 3, 2014

Submitted By: Brian True

Presented By: Brian C. Lee

Agenda Title: Consider Adoption of Resolution No. 2014-45 in Recognition of Community Member, Mr. Carroll Meuse, for his Dedicated Service to the Marina Coast Water District as a Member on the Water Conservation Commission

Detailed Description: The Board of Directors is asked to consider adopting a resolution that recognizes Mr. Carroll Meuse for his service on the Water Conservation Commission.

Mr. Meuse was appointed as a public member to the Water Conservation Commission in April 2012. As a member of the Commission Mr. Meuse provided input on water conservation activities, practices and programs as well as invaluable insights and guidance.

Mr. Meuse's dedication and commitment to public service has been recognized by his fellow Commission members and all those who have come into contact with him. For his unselfish dedication and commitment, the District wishes to recognize Mr. Carroll Meuse for his service, and wishes him well in the future.

Environmental Review Compliance: None required.

Prior Committee or Board Action: None.

Board Goals/Objectives: *2014 Strategic Plan Mission Statement – To provide our customers with high quality water, wastewater collection and conservation services at a reasonable cost, through planning, management and the development of water resources in an environmentally sensitive manner.*

Financial Impact: Yes No

Funding Source/Recap: None

Material Included for Information/Consideration: Resolution No. 2014-45.

Staff Recommendation: The Board of Directors consider adopting a resolution recognizing Mr. Carroll Meuse for his service on the Water Conservation Commission.

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

Board Action

____ Resolution No ____ Motion By _____ Seconded By _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Reagendized _____ Date _____ No Action Taken _____

November 3, 2014

Resolution No. 2014 - 45
Resolution of the Board of Directors
Marina Coast Water District
Recognition of Community Member, Mr. Carroll Meuse,
for his Dedicated Service to the Marina Coast Water District as a Member on the
Water Conservation Commission

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

WHEREAS, Carroll Meuse was appointed in April 2012 to serve as a member on the Water Conservation Commission of the Marina Coast Water District; and,

WHEREAS, during his tenure, Carroll rendered superior service to the District by providing invaluable participation and insights, and by contributing significant personal time.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby express its gratitude and commends Carroll Meuse for outstanding and dedicated service to the District and the Committee's of the Board.

PASSED AND ADOPTED on November 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, 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. 2014-45 adopted November 3, 2014.

Brian C. Lee, Deputy Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 9

Meeting Date: November 3, 2014

Submitted By: Brian C. Lee

Presented By: Brian C. Lee

Agenda Title: Consent Calendar

Detailed Description: Consent calendar consisting of:

- A) Approve the Draft Minutes of the Regular Board Meeting of October 6, 2014
- B) Approve the Draft Minutes of the Regular Board Meeting of October 20, 2014

Environmental Review Compliance: None required.

Prior Committee or Board Action: See individual transmittals.

Board Goals/Objectives: *2014 Strategic Plan, Mission Statement – We Provide high quality water, wastewater collection and conservation services at a reasonable cost, through planning, management and the development of water resources in an environmentally sensitive manner.*

Financial Impact: See individual transmittals.

Funding Source/Recap: See individual transmittals.

Material Included for Information/Consideration: See individual transmittals.

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

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

Board Action

_____Resolution No _____ Motion By _____ Seconded By _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Reagendized _____ Date _____ No Action Taken _____

Marina Coast Water District
Agenda Transmittal

Agenda Item: 9-A

Meeting Date: November 3, 2014

Submitted By: Brian C. Lee

Presented By: Brian C. Lee

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

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

Environmental Review Compliance: None required.

Prior Committee or Board Action: None.

Board Goals/Objectives: *2014 Strategic Plan, Mission Statement – We Provide high quality water, wastewater collection and conservation services at a reasonable cost, through planning, management and the development of water resources in an environmentally sensitive manner.*

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

Funding Source/Recap: None.

Material Included for Information/Consideration: Draft minutes of October 6, 2014.

Staff Recommendation: The Board of Directors approve the draft minutes of the October 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-B

Meeting Date: November 3, 2014

Submitted By: Brian C. Lee

Presented By: Brian C. Lee

Agenda Title: Approve the Draft Minutes of the Regular Board Meeting of October 20, 2014

Detailed Description: The Board of Directors is requested to approve the draft minutes of October 20, 2014.

Environmental Review Compliance: None required.

Prior Committee or Board Action: None.

Board Goals/Objectives: *2014 Strategic Plan, Mission Statement – We Provide high quality water, wastewater collection and conservation services at a reasonable cost, through planning, management and the development of water resources in an environmentally sensitive manner.*

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

Funding Source/Recap: None.

Material Included for Information/Consideration: Draft minutes of October 20, 2014.

Staff Recommendation: The Board of Directors approve the draft minutes of the October 20, 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: 10-A

Meeting Date: November 3, 2014

Submitted By: Brian C. Lee

Presented By: Jeanine DeBacker

Agenda Title: Discussion and Possible Action to Consider Motion for Reconsideration of the Report from Special Legal Counsel Regarding the Investigation on Director Peter Le's Complaint against Director Howard Gustafson and the Censure of Director Howard Gustafson, if the Motion for Reconsideration Passes, to Vote on the Censure of Director Howard Gustafson

Detailed Description: The Board of Directors is requested to discuss and consider motion for reconsideration of the report from Special Legal Counsel regarding Director Peter Le's complaint against Director Howard Gustafson and the censure of Director Howard Gustafson, if the motion for reconsideration passes, to vote on the Censure of Director Howard Gustafson.

On September 2, 2014, Special Legal Counsel distributed a memorandum at the regularly scheduled Board meeting regarding complaints made of unprofessional, disrespectful, and allegedly harassing emails and verbal comments among Directors as well as some made towards District Staff. The content of those emails that are the basis for the complaints were included in the memorandum.

Director Le's complaint was based on an email which was provided to Counsel; no further investigation was necessary or appropriate other than to determine if Director Le had received additional emails and to determine if Director Gustafson had any explanation he wished to provide regarding his statements. In response to Special Legal Counsel's inquiry, Director Le did not produce additional documents. Director Le did note that Director Gustafson has made verbal comments toward other Directors that Director Le feels are inappropriate. The Board is thus tasked with determining if it wishes to take any action with regard to Director Le's complaint.

Director Gustafson did not attend the September 2, 2014 Board meeting. Given the nature and subject matter of the complaints, Special Legal Counsel distributed the memorandum for review in anticipation that the matter would be placed on the agenda of a later scheduled meeting at which all Directors would be present, as the Board had given such direction in prior instances of similar matters.

The primary complaint at issue before the Board is Director Peter Le's complaint regarding email communications from Director Howard Gustafson. This email is included in the September 2, 2014 memorandum. In reviewing Director Le's complaint, Director Gustafson is permitted to sit at the dais, participate in the discussion, submit responsive information and vote on any proposed resolution (and any discussion on setting such a vote).

Special Legal Counsel sought Director Gustafson's response to Director Le's allegation that his email was unprofessional, inappropriate and potentially harassing. Director Gustafson elected to

address this matter with the full Board at the October 20, 2014 meeting, rather than through Special Counsel.

The Board may elect to take any, all, or none of the following options: additional training for all or some Directors; public censure of a Director; removal of a Director from committees and positions for a period of time; preventing a Director from placing items on the agenda without authorization for a period of time.

The Board may elect to publicly censure a Director for his conduct, as well as removing him from committees and positions for a limited period of time and/or limiting his ability to place items on the meeting agenda for a limited period of time.

The Board Procedures Manual provides that “If a Director breaches any of the policies contained in Sections 5 [Harassment-Free Work Environment] . . . 13 [Communications]. . . [and] 15 [Comments by Directors Concerning Staff Members]. . . the Board may, in addition to any other consequences provided by law, publicly censure the offending Director and may as part of the censure take any or all of the following other actions, to be effective for a time determined by the Board: (a) remove the offending Director from committees and representative positions to which the Director has been appointed or designated by the Board, and/or (b) prevent the offending Director from placing items on the agenda without the specific, advance authorization of the Board. (Section 43).

Environmental Review Compliance: None required.

Prior Committee or Board Action: None.

Board Goals/Objectives: *2014 Strategic Plan, Mission Statement – We Provide high quality water, wastewater collection and conservation services at a reasonable cost, through planning, management and the development of water resources in an environmentally sensitive manner.*

Financial Impact: _____Yes X No

Funding Source/Recap: None.

Material Included for Information/Consideration: September 2, 2014 memorandum from Special Legal Counsel to the Board of Directors

Staff Recommendation: None.

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: November 3, 2014

Submitted By: Patrick Breen

Presented By: Brian C. Lee

Reviewed By: Brian C. Lee

Agenda Title: Discussion and Possible Action to Consider Adoption of Resolution No. 2014-46 to Authorize a Construction Contract with Dilbeck & Sons Incorporated to Construct a Building E at 940 Imjin Office Parkway and authorize the Interim General Manager to Execute General Services Administration Lease Amendments 1&2

Detailed Description: The Board is requested to consider authorization of a construction contract for the construction of Building E at 940 Imjin Office Parkway within the Imjin Office Park with Dilbeck & Sons Incorporated in the amount of \$3,138,618 and a contingency amount of 10% or \$313,861.

Also, the Board is requested to authorize the Interim General Manager to execute General Services Administration (GSA) Amendments 1&2 to Lease No. GS-09B-03074 between the Marina Coast Water District and United States of America.

On August 17, 2009, the Board adopted Resolution No. 2009-63 approving an agreement with the Association of Monterey Bay Area Governments (AMBAG) to purchase property within the Imjin Office Park. On December 11, 2009, the District successfully closed escrow and obtained ownership to the AMBAG portion of the Imjin Office Park Property through the use of District Reserves.

The District's initial intent for the property was to consolidate the administrative, engineering, and operational staffs at a centralized location. However, the Bureau of Land Management (BLM) is seeking property in Marina to house their regional offices which presents the District the opportunity to recoup the cost of constructing Building E through leasing the building to BLM. Therefore, on November 13, 2012, the Board adopted Resolution No. 2012-77 authorizing the General Manager to take any and all actions necessary to provide a conditional commitment to the General Services Administration to construct an Imjin Office Park Building to house the Bureau of Land Management Regional Office.

On April 1, 2013 the Board of Directors of the Marina Coast Water District adopted Resolution No. 2013-26, authorizing an agreement with Rabobank, N.A. to provide a loan to fund construction of office Building E and site improvements within the Imjin Office Park Project, the use of District Reserves to fund the soft costs of the project. The authorized amount was for \$3.2 million which included \$2.5 Million for construction and \$600 Thousand for soft costs.

On September 9th 2014 the District conducted a bid opening for the construction of the building. One bid was receive from Dilbeck & Sons Incorporated in the amount of \$3,138,618. The amount is over the budgeted amount of \$2.5 Million dollars. Once the bid was received Staff

engaged GSA in order to amend the lease to ensure the District could recoup the overage through the lease term.

GSA agreed to two lease amendments. The first amendment extended the term of the lease from 15 years to 20 years firm, while the second amendment ordered an amount of \$389,607.77 be paid via a lump sum at building occupancy.

Environmental Review Compliance: None required.

Prior Committee or Board Action: On August 17, 2009, the Board adopted Resolution No. 2009-63 approving an agreement with the Association of Monterey Bay Area Governments (AMBAG) to purchase property within the Imjin Office Park; on November 13, 2012, the Board adopted Resolution No. 2012-77 authorizing the General Manager to take any and all actions necessary to provide a conditional commitment to the General Services Administration to construct an Imjin Office Park Building to house the Bureau of Land Management Regional Office. On April 1, 2013 the Board of Directors of the Marina Coast Water District adopted Resolution No. 2013-26, authorizing an agreement with Rabobank, N.A. to provide a loan to fund construction of office Building E and site improvements within the Imjin Office Park Project, the use of District Reserves to fund the soft costs of the project.

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: Upfront costs to be funded through General Reserves of Marina and Ord water and wastewater cost centers; debt service of the loan would be funded through lease revenue.

Material Included for Information/Consideration: Resolution No. 2014-46; and, Projection of Total Project Costs versus Rental Income.

Staff Recommendation: The Board of Directors consider adoption of Resolution No. 2014-46 to authorize a construction contract with Dilbeck & Sons Incorporated to construct a Building E at 940 Imjin Office Parkway in the amount of \$3,452,479 which includes a 10% contingency; and authorize the Interim General Manager to execute General Services Administration Lease Amendments 1&2 between the Marina Coast Water District and the United States of America.

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

Board Action

_____ Resolution No _____ Motion By _____ Seconded By _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Reagendized _____ Date _____ No Action Taken _____

November 3, 2014

Resolution No. 2014 - 46
Resolution of the Board of Directors
Marina Coast Water District

Authorizing a Construction Contract with Dilbeck & Sons Incorporated to Construct a Building E at 940 Imjin Office Parkway and authorizes the Interim General Manager to Execute General Services Administration Lease GS-09B-03074 Amendments 1&2

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

WHEREAS, on August 17, 2009, the Board adopted Resolution No. 2009-63 approving an agreement with the Association of Monterey Bay Area Governments (AMBAG) to purchase property within the Imjin Office Park; and,

WHEREAS, the Board of Directors finds that the property was purchased to be used as the centralized location for District administrative, engineering, and operational staffs. However, the property is not currently being used. The property will be needed for District use when the District’s existing administrative offices will need to be relocated due to continuing beach erosion or due to other causes so the Board finds that it is in the best interests of the District to retain and lease out the property at this time; and,

WHEREAS, the Bureau of Land Management (BLM) is seeking property in Marina to house their regional offices which presents the District the opportunity to recoup the cost of constructing Building E through leasing the building to BLM; and,

WHEREAS, Rabobank, N.A. has proposed a loan program to fund the construction and site improvements of the project; and,

WHEREAS, on April 1, 2013 the Board of Directors of the Marina Coast Water District adopted Resolution No. 2013-26, authorizing an agreement with Rabobank, N.A. to provide a loan to fund construction of office Building E and site improvements within the Imjin Office Park Project, the use of District Reserves to fund the soft costs of the project; and,

WHEREAS, the District conducted a public bidding process and opened bids on September 9th 2014 and received a responsible bid from Dilbeck & Sons Incorporated; and,

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District adopt Resolution No. 2014-46, which authorizes a construction contract with Dilbeck & Sons Incorporated to construct Building E at 940 Imjin Office Parkway and authorizes the Interim General Manager to execute General Services Administration Lease GS-09B-03074 Amendments 1&2 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 November 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, 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. 2014-46 adopted November 3, 2014.

Brian C. Lee, Deputy Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 10-C

Meeting Date: November 3, 2014

Submitted By: Brian C. Lee

Presented By: Brian C. Lee

Agenda Title: Consider Adoption of Resolution No. 2014-39 to Adopt an Updated Water Shortage Contingency Plan, and Resolution No. 2014-34 to Declare Water Conservation Stage 3 as required by the State Water Resource Control Board's Emergency Mandatory Water Conservation Regulations

Detailed Description: The State Water Resources Control Board's (SWRCB) Emergency Mandatory Water Conservation Regulations (Emergency Regulations) went into effect on July 29, 2014. Since MCWD supplies more than 3,000 acre-feet of water annually, it is classified as an "urban water supplier" pursuant to Water Code Section 10617. The Emergency Regulations specifically require the following:

To promote water conservation, each urban water supplier shall implement all requirements and actions of the stage of its water shortage contingency plan that imposes mandatory restrictions on outdoor irrigation of ornamental landscapes or turf with potable water.

Under the District's Water Shortage Contingency Plan (District Plan), mandatory restrictions on outdoor irrigation of ornamental landscapes or turf with potable water are not required until Water Conservation Stage 3.

Water Code Section 10632 required the District to adopt an Urban Water Shortage Contingency Plan in response to water supply shortages. Since the triggering mechanisms for the various Stages of the District Plan relate more to catastrophic interruption of water supply or seawater intrusion rather than State-wide drought, staff has revised the water shortage contingency plan as needed to include a drought response. The revised draft plan also includes updated references to the relevant provisions of the Water Code, and text changes to clarify the difference between triggers and conservation measures. A tracked-changes comparison of the current and proposed plans is provided.

The Water Shortage Contingency Plan is a mandatory element of the District's Urban Water Management Plan. The District has adopted these plans under separate resolutions. Therefore, updating the Water Shortage Contingency Plan does not require re-adoption of the Urban Water Management Plan. The updated Water Shortage Contingency Plan must be provided to the State Department of Water Resources for their files.

In addition to a table of water use restrictions, Water Conservation Stage 3 also requires the District to prescribe an allotted quantity of water per billing cycle for each water service connection and to not issue building permits or install new meters for new accounts that had not received building permits before the "Severe Shortage" was declared. Since an actual "Severe Shortage" does not exist, District staff recommends that these two Stage 3 requirements **not** be

implemented at this time but that the remainder of the table of Stage 3 water use restrictions be implemented at this time.

Environmental Review Compliance: None required.

Prior Committee or Board Action: At the regularly scheduled August 18, 2014 meeting the Board requested that staff revise the water shortage contingency plan to apply to Statewide drought response. The Board discussed this item on September 15, 2014 and October 6, 2014.

Board Goals/Objectives: *2014 Strategic Plan, Mission Statement – We provide high quality water, wastewater collection and conservation services at a reasonable cost, through planning, management and the development of water resources in an environmentally sensitive manner.*

Financial Impact: _____Yes ___X___No

Funding Source/Recap: None.

Material Included for Information/Consideration: Resolution No. 2014-39; Current District Water Shortage Contingency Plan, adopted June 14, 2011; Proposed Updated District Water Shortage Contingency Plan Redlined; Proposed Updated District Water Shortage Contingency Plan Final; Resolution No. 2014-34; SWRCB Resolution 2014-0038; Mandatory Water Conservation Regulations Fact Sheet; and 7-2014 SWRCB Press Release.

Staff Recommendation: The Board of Directors consider adoption of Resolution No. 2014-39 adopting an updated Water Shortage Contingency Plan, and Resolution No. 2014-34 declaring Water Conservation Stage 3 as required by the SWRCB’s Emergency Regulations.

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

Board Action

_____Resolution No _____ Motion By _____ Seconded By _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Reagendized _____ Date _____ No Action Taken _____

November 3, 2014

Resolution No. 2014-39
Resolution of the Board of Directors
Marina Coast Water District
Adopting an Updated Water Shortage Contingency Plan

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

WHEREAS, Section 10632 of the California Water Code requires the Marina Coast Water District to maintain a Water Shortage Contingency Plan within its Urban Water Management Plan; and,

WHEREAS, the District maintains a Water Shortage Contingency Plan and desires to update said plan in accordance with the Water Code and provide a guidance document for management of water shortages within the District; and,

WHEREAS, the District desires to incorporate mandatory water conservation measures due to drought conditions in the Water Shortage Contingency Plan.

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

1. Approve and adopt the attached Water Shortage Contingency Plan, and,
2. Authorize the Interim General Manager to file the Water Shortage Contingency Plan with the California Department of Water Resources.

PASSED AND ADOPTED on November 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, 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. 2014-39 adopted November 3, 2014.

Brian C. Lee, Deputy Secretary

November 3, 2014

Resolution No. 2014-34
Resolution of the Board of Directors
Marina Coast Water District
Declaring Water Conservation Stage 3 as Required by the State Water Resource Control Board's
Emergency Mandatory Water Conservation Regulations

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

WHEREAS, the State Water Resources Control Board (SWRCB) adopted Mandatory Water Conservation Regulations (Emergency Regulations), which went into effect on July 29, 2014; and,

WHEREAS, the District supplies more than 3,000 acre-feet of water annually and, therefore, the District is classified as an "urban water supplier" pursuant to Water Code Section 10617; and,

WHEREAS, the Emergency Regulations specifically require the following:

To promote water conservation, each urban water supplier shall implement all requirements and actions of the stage of its water shortage contingency plan that imposes mandatory restrictions on outdoor irrigation of ornamental landscapes or turf with potable water.

WHEREAS, on November 3, 2014, the District adopted a Water Shortage Contingency Plan (District Plan) pursuant to Water Code Section 10632; and,

WHEREAS, under the District Plan, mandatory restrictions on outdoor irrigation of ornamental landscapes or turf with potable water are not required until Stage 3; and,

WHEREAS, the District' water supply is not actually experiencing a severe water shortage; and,

WHEREAS, the Emergency Regulations require the Board of Directors to declare a Water Conservation Stage 3 even though the District is not actually experiencing a severe water shortage.

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

1. Declare a Water Conservation Stage 3 under the District Plan as mandated by the SWRCB.

2. Find that since the District's water supply is not actually experiencing a severe water shortage, the following Stage 3 requirements shall **not** be implemented at this time, but shall be subject to periodic review by the Board of Directors:

a. "Each water service connection shall receive an allotted quantity of water, typically specified in hundred cubic feet (hcf) units per billing cycle."

b. "No building permits will be issued or meters installed for new accounts that had not received building permits before the 'Severe Shortage' was declared."

3. The Stage 3 mandatory water use restrictions set forth in the District Plan's restrictions table for Stage 3 shall be implemented effective with the adoption of this Resolution.

4. Direct staff to notify all customers in writing of this decision within 10 days of the date of adoption.

PASSED AND ADOPTED on November 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, 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. 2014-34 adopted November 3, 2014.

Brian C. Lee, Deputy Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 10-D

Meeting Date: November 3, 2014

Submitted By: Jean Premutati

Presented By: Jean Premutati

Reviewed By: Brian C. Lee

Agenda Title: Discussion and Possible Action to Consider Adoption of Resolution No. 2014-47 to Approve Funding for Directors to Attend the Association of California Water Agencies Fall Conference in San Diego

Background: The Board is requested to consider approving funding for Directors to attend the ACWA conference to be held December 3-5, 2014 in San Diego.

A request from Director Le was received to add this item to the agenda as he would like to attend the ACWA conference and have the District pay for conference registration, hotel, and all meals. The early bird registration full conference fee is \$695 and includes breakfast and lunch. The early bird registration without meals is \$510. The conference hotel, Manchester Grand Hyatt cost per night is \$189/night + taxes + resort fees + \$30/night for self-parking = approximately \$245/night. The total for 2 nights plus the full conference registration is approximately \$1,250. Currently, there is a balance of \$2,675 in the budget for Board conferences.

Environmental Review Compliance: None required.

Prior Committee or Board Action: None

Board Goals/Objectives: *Five-year Strategic Plan – 6.1 Encourage Board Development-Provide Board members with opportunities to engage in training to promote better decision and policy making to the District's benefit..*

Financial Impact: Yes No

Funding Source/Recap: Marina Water and Ord Water Cost Centers.

Material Included for Information/Consideration: Resolution No. 2014-47; Director Le's request; and, and a copy of the conference brochure.

Staff Recommendation: None.

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

Board Action

____ Resolution No ____ Motion By _____ Seconded By _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Reagendized _____ Date _____ No Action Taken _____

November 3, 2014

Resolution No. 2014-47
Resolution of the Board of Directors
Marina Coast Water District

Approving Funding for Directors to Attend the Association of California
Water Agencies (ACWA) Fall Conference to be held December 3-5, 2014 in San Diego

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

WHEREAS, a request from Director Le was received to attend the annual Fall ACWA Conference December 3-5, 2014 in San Diego at the District’s expense for registration, hotel and meals; and,

WHEREAS, the cost of the full registration is \$695 and includes meals. The cost for the conference without meals is \$510. The conference hotel rate is \$245/night and includes taxes, resort fees and self-parking. For FY 2014/2015, money was budgeted for Board conferences. Currently, there is a balance of \$2,675 and the approximate total for the ACWA conference registration, hotel and meals is \$1,250.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby adopt Resolution No. 2014-47 to approve Director Le to attend the ACWA conference December 3-5, 2014 in San Diego and the District will pay registration, hotel and meals only.

PASSED AND ADOPTED on November 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. 2014-47 adopted November 3, 2014

Brian C. Lee, Secretary