



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, December 1, 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, November 26, 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) 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).

5) 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

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. 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 the Quarterly Financial Statements for April 1, 2014 to June 30, 2014

B. Receive the Quarterly Financial Statements for July 1, 2014 to September 30, 2014

C. Approve the Draft Minutes of the Regular Board Meeting of November 17, 2014

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

A. Receive a Report from Special Legal Counsel Regarding the Investigation on Director Peter Le's Actions at a Public Meeting and Consider Adoption of Resolution No. 2014-49 to Censure Director Peter Le

Action: The Board of Directors will receive a report from Special Counsel regarding the complaint made by Brian Lee against Director Peter Le and consider censuring Director Le.

B. Discussion and Possible Action to Consider Second Reading of Amended Ordinance No. 58 Amending Section 6.08.080 of the District Code

Action: Several members of the public requested that the Board of Directors discuss the private fire service fees that were implemented as part of the Proposition 218 process and budget adoption. The Board will consider a second reading of Ordinance No. 58 amending Section 6.08.080 of the District Code.

C. Discussion and Possible Action to Consider Adoption of Resolution No. 2014-50 to Establish a Fire Service Policy

Action: The Board of Directors will consider establishing a fire service policy.

- D. Discussion and Possible Action to Consider Adoption of Resolution No. 2014-51 to Amend the Professional Services Agreement with Neher & Associates to Conduct an Executive Search and Placement for the Position of General Manager

Action: The Board of Directors will consider amending the Professional Services Agreement with Neher & Associates to conduct an executive search and placement for the position of General Manager.

- E. Discussion and Provide Direction to Staff Regarding Agendizing Items Requested by the Board in Support of the District's Strategic Plan Goals

Action: The Board of Directors will discuss agendizing items supporting Strategic Plan goals for 2015.

10. 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
2. Special Legal Counsel

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 |

11. Board Member Requests for Future Agenda Items

12. Director's Comments

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

*Regular Meeting: Monday, December 15, 2014, 6:00 p.m.,
Marina Council Chambers
211 Hillcrest Avenue, Marina*

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8

Meeting Date: December 1, 2014

Submitted By: Brian C. Lee

Presented By: Brian C. Lee

Agenda Title: Consent Calendar

Detailed Description: Consent calendar consisting of:

- A) Receive the Quarterly Financial Statements for April 1, 2014 to June 30, 2014
- B) Receive the Quarterly Financial Statements for July 1, 2014 to September 30, 2014
- C) Approve the Draft Minutes of the Regular Board Meeting of November 17, 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: 8-A

Meeting Date: December 1, 2014

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

Presented By: Kelly Cadiente

Agenda Title: Receive the Quarterly Financial Statements for April 1, 2014 to June 30, 2014

Detailed Description: All figures reported for the quarter are based on accrual basis accounting. The District's consolidated financial statement for the quarter includes revenues of \$3.112 million and expenses of \$3.324 million, resulting in net loss from operations of \$0.212 million. The District budget projected net gain from operations of \$0.552 million for the same period.

The net gain from operations was lower than the budget expectation by \$0.764 million due to the timing of when revenues are earned and expenses are accrued produce different results than those in which the annual budget amounts are divided evenly by quarter. The actual net gain from operations for FY 2013-2014 was higher than budget expectation by \$0.194 million.

Summary of Cost Centers:

<u>Description</u>	<u>Actual Qtr</u>	<u>Budget Qtr</u>	<u>Actual FYTD</u>	<u>Budget FYTD</u>
Marina Water				
Revenue	1,015,464	1,002,897	4,119,229	4,011,586
Expenses	<u>628,715</u>	<u>640,320</u>	<u>2,286,079</u>	<u>2,561,279</u>
Net Gain	386,749	362,577	1,833,150	1,450,307
Marina Sewer				
Revenue	211,004	203,631	823,989	814,526
Expenses	<u>215,684</u>	<u>195,780</u>	<u>645,711</u>	<u>783,118</u>
Net Gain	(4,679)	7,852	178,279	31,408
Ord Community Water				
Revenue	1,433,973	1,316,003	5,416,427	5,264,011
Expenses	<u>1,848,495</u>	<u>1,222,215</u>	<u>5,225,691</u>	<u>4,888,859</u>
Net Gain	(414,522)	93,788	190,736	375,152
Ord Community Sewer				
Revenue	445,556	435,827	1,760,791	1,743,309
Expenses	<u>487,479</u>	<u>288,418</u>	<u>1,325,416</u>	<u>1,153,674</u>
Net Gain	(41,922)	147,409	435,375	589,636

Description	Actual Qtr	Budget Qtr	Actual FYTD	Budget FYTD
Recycled Water Project				
Revenue	5,949	2,000	10,127	8,000
Expenses	<u>143,715</u>	<u>61,799</u>	<u>246,423</u>	<u>247,195</u>
Net Gain	(137,767)	(59,799)	(236,297)	(239,195)
Regional Project				
Revenue	-	-	-	-
Expenses	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Net Gain	-	-	-	-
Consolidated Cost Centers				
Revenue	3,111,946	2,960,358	12,130,564	11,841,432
Expenses	<u>3,324,087</u>	<u>2,408,531</u>	<u>9,729,321</u>	<u>9,634,126</u>
Net Gain	(212,141)	551,827	2,401,243	2,207,307

As of June 30, 2014, the District had \$10.679 million in liquid investments, and \$0.038 million of principal as internal loans to the Ord Community Cost Centers payable to the Marina Cost Centers. The District also had \$2.108 million of bond proceeds for construction purposes, \$3.084 million of 2006 bond proceeds and \$0.849 million of 2010 refunding bond proceeds for debt reserve purposes in the bank. The District owed \$36.160 million in debt for the 2006 Revenue Certificates of Participation Bond, \$5.670 million for the 2010 Refunding Bond and \$2.228 million for IOP Construction Loan.

Environmental Review Compliance: None required.

Prior Committee or Board Action: None.

Board Goals/Objectives: *2014 Strategic Plan, Strategic Element No. 3.2 – Regular Financial Updates to Policymakers and Managers.*

Financial Impact: Yes No

Funding Source/Recap: N/A

Material Included for Information/Consideration: Quarterly Financial Statements, Investments and Debt Summary Statements.

Staff Recommendation: The Board of Directors receive the Quarterly Financial Statements for April 1, 2014 to June 30, 2014.

Action Required: Resolution Motion Review

Board Action

_____ Resolution No _____ Motion By _____ Seconded By _____

Ayes _____ Abstained _____

Noes _____

Reagendized _____ Date _____ No Action Taken _____

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8-B

Meeting Date: December 1, 2014

Submitted By: Kelly Cadiente
Reviewed By: BrianC Lee

Presented By: Kelly Cadiente

Agenda Title: Receive the Quarterly Financial Statements for July 1, 2014 to September 30, 2014

Detailed Description: All figures reported for the quarter are based on accrual basis accounting. The District's consolidated financial statement for the quarter includes revenues of \$3.416 million and expenses of \$1.937 million, resulting in net gain from operations of \$1.479 million. The District budget projected net gain from operations of \$0.837 million for the same period.

The net gain from operations was higher than the budget expectation by \$0.643 million due to the timing of when revenues are earned and expenses are accrued produce different results than those in which the annual budget amounts are divided evenly by quarter.

Summary of Cost Centers:

<u>Description</u>	<u>Actual Qtr</u>	<u>Budget Qtr</u>	<u>Actual FYTD</u>	<u>Budget FYTD</u>
Marina Water				
Revenue	1,070,132	1,051,864	1,070,132	1,051,864
Expenses	<u>502,672</u>	<u>645,590</u>	<u>502,672</u>	<u>645,590</u>
Net Gain	567,461	406,275	567,461	406,275
Marina Sewer				
Revenue	220,469	235,653	220,469	235,653
Expenses	<u>120,764</u>	<u>186,168</u>	<u>120,764</u>	<u>186,168</u>
Net Gain	99,705	49,484	99,705	49,484
Ord Community Water				
Revenue	1,676,307	1,631,949	1,676,307	1,631,949
Expenses	<u>1,072,798</u>	<u>1,358,871</u>	<u>1,072,798</u>	<u>1,358,871</u>
Net Gain	603,509	273,078	603,509	273,078
Ord Community Sewer				
Revenue	449,501	495,189	449,501	495,189
Expenses	<u>240,627</u>	<u>327,517</u>	<u>240,627</u>	<u>327,517</u>
Net Gain	208,874	167,672	208,874	167,672

Description	Actual Qtr	Budget Qtr	Actual FYTD	Budget FYTD
Recycled Water Project				
Revenue	-	2,000	-	2,000
Expenses	-	61,592	-	61,592
Net Gain	-	(59,592)	-	(59,592)
Regional Project				
Revenue	-	-	-	-
Expenses	-	-	-	-
Net Gain	-	-	-	-
Consolidated Cost Centers				
Revenue	3,416,409	3,416,655	3,416,409	3,416,655
Expenses	1,936,860	2,579,738	1,936,860	2,579,738
Net Gain	1,479,549	836,917	1,479,549	836,917

As of September 30, 2014, the District had \$12.409 million in liquid investments. The internal loans to the Ord Community Cost Centers payable to the Marina Cost Centers were paid off during the period. The District also had \$2.110 million of bond proceeds for construction purposes, \$3.084 million of 2006 bond proceeds and \$0.849 million of 2010 refunding bond proceeds for debt reserve purposes in the bank. The District owed \$36.160 million in debt for the 2006 Revenue Certificates of Participation Bond, \$5.670 million for the 2010 Refunding Bond and \$2.228 million for IOP Construction Loan.

Environmental Review Compliance: None required.

Prior Committee or Board Action: None.

Board Goals/Objectives: *2014 Strategic Plan, Strategic Element No. 3.2 – Regular Financial Updates to Policymakers and Managers.*

Financial Impact: Yes No

Funding Source/Recap: N/A

Material Included for Information/Consideration: Quarterly Financial Statements, Investments and Debt Summary Statements.

Staff Recommendation: The Board receives the Quarterly Financial Statements for July 1, 2014 to September 30, 2014.

Action Required: Resolution Motion Review

Board Action

_____ Resolution No _____ Motion By _____ Seconded By _____

Ayes _____ Abstained _____

Noes _____

Reagendized _____ Date _____ No Action Taken _____

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8-C

Meeting Date: December 1, 2014

Submitted By: Brian C. Lee

Presented By: Brian C. Lee

Agenda Title: Approve the Draft Minutes of the Regular Board Meeting of November 17, 2014

Detailed Description: The Board of Directors is requested to approve the draft minutes of November 17, 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 November 17, 2014.

Staff Recommendation: The Board of Directors approve the draft minutes of the November 17, 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-A

Meeting Date: December 1, 2014

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

Presented By: Jeanine DeBacker

Agenda Title: Consider Adoption of Resolution No. 2014-49 to Censure Director Peter Le

Detailed Description: By this action, the Board will decide whether to proceed with censure of Director Peter Le for actions inconsistent with the Board's Policy Procedure Manual and California Government Code Section 54957.

Special Legal Counsel received a complaint regarding Director Peter Le's comments and conduct during a November 5, 2014 negotiation meeting between the District and the Monterey Regional Water Pollution Control Agency.

Special Legal Counsel communicated with four attendees of the meeting – District President Tom Moore, District Interim General Manager Lee, PCA Director Libby Downing (City of Monterey) and PCA General Manager Israel. Each attendee confirmed that during the meeting, IGM Lee sought to verbally correct a statement or assertion made by Director Le. In response, Director Le told IGM Lee to "Shut Up!" Three of the four attendees stated that Director Le also said, "You aren't even authorized to be here. I'm allowing you to be here!" and "I am a Director. You don't interrupt me." All of the witnesses said that the statements were yelled (or screamed) at IGM Lee. President Moore also confirmed that he had asked IGM Lee to attend the meeting.

In April 2014, Director Le was censured for inappropriate, unprofessional, and potentially harassing behavior towards District staff. An independent investigator (Anne Olsen) determined that Director Le's public comments had a demoralizing effect on staff. Director Le was reminded that Board policies require that the directors be courteous, professional and respectful.

Description of Proposed Action:

The proposed action is to determine if the other Board members wish to censure Director Le for his above described actions.

Censure is an official reprimand of a Board member by the Board, normally based on a violation of Board policy or other behavior considered inappropriate by the Board. The Board Procedures Manual provides that 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. A majority vote is required to adopt a resolution or pass a motion for censure.

The Board has given Director Le adequate notice of the proposed action and an opportunity to respond. The Board should review this Transmittal and the proposed Resolution, memorandum

from Special Legal Counsel dated November 17, 2014 and presentation by Special Legal Counsel of that same date, and decide whether the actions of Director Le support censure.

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: Special Legal Counsel memorandum dated November 17, 2014; and Resolution No. 2014-49.

Staff Recommendation: None.

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

Board Action

___ Resolution No ___ Motion By _____ Seconded By _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Reagendized _____ Date _____ No Action Taken _____

December 1, 2014

Resolution No. 2014-49
Resolution of the Board of Directors
Marina Coast Water District Issuing
Censure of Director Le

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regularly scheduled meeting duly called and held on December 1, 2014 at 211 Hillcrest Avenue, Marina, California as follows:

WHEREAS, Director Peter Le is a member of the Marina Coast Water District Board of Directors; and,

WHEREAS, after a November 5, 2014 negotiation meeting between the District and the Monterey Regional Water Pollution Control Agency, District staff complained of harassing, inappropriate and unprofessional conduct by Director Le during the meeting and directed at the Interim General Manager; and,

WHEREAS, Special Legal Counsel interviewed several participants of the meeting, and detailed her findings in a memorandum to the Board dated November 17, 2014 that included a summary of potential actions that the Board could elect to take; and,

WHEREAS, Special Legal Counsel presented her findings to the full Board in open session on November 17, 2014; and,

WHEREAS, a Board member requested that the matter of potential censure of Director Le be placed on the agenda for the next Board meeting; and,

WHEREAS, the Board is thus being asked to censure Director Le for actions that violated Sections 5 [Harassment-Free Work Environment], 13 [Communications] and 15 [Comments by Directors Concerning Staff Members] of the District’s Board Procedures Manual and for actions that violated the Interim General Manager’s right to privacy per Government Code Section 54957; and,

WHEREAS, censure is an official reprimand of a Board member by the Board; and,

WHEREAS, per Board Policy Manual Section 43 censure may include any or all of the following other actions, to be effective for a time determined by the Board:

- remove the offending Director from committees and representative positions to which the Director has been appointed or designated by the Board; and/or
- prevent the offending Director from placing items on the agenda without the specific advance authorization of the Board.

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

- 1) The Board confirms that District staff brought forth valid complaints against Director Le; and,
- 2) Director Le violated the Board policies that require the Board of Directors to treat the District staff courteously and respectfully and to refrain from publicly censuring or criticizing staff; and,
- 3) Director Le further violated the Interim General Manger's privacy rights per Government Code Section 54957; and,
- 4) Director Le shall be removed from all standing and ad-hoc committees he currently serves on; and,
- 5) Director Le shall be removed from all District representative positions he currently holds; and,
- 6) Director Le shall not serve as a representative of the District or on any committee of the District until the first regularly scheduled Board meeting of January 2016, when during the course of normal elections committee and representative nominations are considered; and,
- 7) Director Le is requested to refrain from engaging in similar conduct in the future.

PASSED AND ADOPTED on December 1, 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. 2014-49 adopted December 1, 2014.

Brian C. Lee, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 9-B

Meeting Date: December 1, 2014

Submitted By: Brian C. Lee

Presented By: Brian C. Lee

Agenda Title: Consider Second Reading of Amended Ordinance No. 58 Amending Section 6.08.080, Private Fire Service, of the District Code

Detailed Description: The Board is requested to review the amended draft Ordinance No. 58, Amending Section 6.08.080 of the District Code to define the term “Meter Size” and to address the use of the same term as to the Ord Service Area Monthly Fire Service Fee, and approve publishing the draft Ordinance for public review.

Ordinance No. 56 and Board Resolution No. 2014-20, both adopted on May 19, 2014, updated the Marina and Ord Community customer rate schedules. Among other changes, the monthly fee for private fire services was changed from a flat monthly rate to a scheduled rate based upon meter size. The term fire service meter size is not defined in the District Code. When the new rates were implemented, beginning in July 2014, several customers addressed the Board, stating that the rates for the larger fire services are prohibitive.

Ordinance No. 56 and Board Resolution No. 2014-20 also adjusted the monthly water service fees for the Marina and Ord Community service areas. In Central Marina, the monthly meter fee decreased in 2014 for customers with a 1-inch meter or larger. In the Ord Community, the monthly meter fee decreased in 2014 for customers with a 1.5-inch meter or larger.

In a typical development, the fire service lateral to the parcel is installed by the project developer who is constructing the streets and the underground utilities. In many cases, the final building fire service needs are not yet defined when the streets are built, so the developer will install an oversized fire service lateral so the site owner does not need to cut into the new street to install a water or fire service. Once the building and its fire sprinkler system are designed, an appropriately sized backflow preventer is installed on the existing lateral, and the on-site fire service is connected from there.

The proposed Ordinance No. 58 defines the fire service meter size as the size of the backflow prevention check valve on the fire service lateral. This more appropriately defines the fire demand of the building versus the size of the lateral, and should reduce the cost impact to District customers. At the November 17th meeting, the Board of Directors added additional language to the Ordinance so that Section 6.08.080 of the District Code would include, “If the customer or property owner can show the District, to the satisfaction of the District Engineer, that the pipe after the check valve is of a different size than the check valve, then the District can adjust the monthly fire service fee in accordance with the pipe size.”

Environmental Review Compliance: None required.

Prior Committee or Board Action: The Board received a staff report on this subject on October 6, 2014, and directed staff to develop a policy to charge customers based upon their fire service size and not the size of the fire lateral. The Board held a first reading of amended Ordinance No. 58 on November 17, 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 No

Funding Source/Recap: None.

Material Included for Information/Consideration: Amended Draft Ordinance No. 58.

Staff Recommendation: The Board of Directors review draft amended Ordinance No. 58, amending Section 6.08.080 of the District Code to define the term “Meter Size” and to address the use of the same term as to the Ord Service Area Monthly Fire Service Fee, and approve publishing the draft Ordinance for public review.

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 _____

Marina Coast Water District
Agenda Transmittal

Agenda Item: 9-C

Meeting Date: December 1, 2014

Submitted By: Brian C. Lee

Presented By: Brian C. Lee

Agenda Title: Consider Adoption of Resolution No. 2014-50 to Establish a Fire Service Policy

Detailed Description: The Board is requested to consider adoption of Resolution 2014-50, Establishing a Fire Service Policy to standardize the method for assessing the size of a fire service connection for billing purposes. This item is supplemental to Ordinance No. 58, earlier on this agenda.

The District charges customers with fire service connections a monthly fee based upon the size of the connection. Ordinance No. 58, appearing earlier on this meeting's agenda, amends the District Code to define the size of the fire service as the size of the backflow prevention valve on the fire service lateral. Ordinance No. 58 also authorizes the District Engineer to adjust the fire service fee if the customer can demonstrate that the on-site fire service piping is smaller than the backflow prevention valve.

The proposed Fire Service Policy (attached) explains what the customer must submit to have such a fee adjustment considered. The District's responsibility ends at the property line, so we typically do not maintain records of the on-site water, sewer and fire system piping. Under the proposed policy, a customer wishing to demonstrate that their on-site fire system piping is smaller than the backflow prevention valve on the fire service lateral would be required to submit one of the following items:

1. Approved building plans showing the fire system piping and sizes
2. Fire system design calculations for the building, signed by the system designer and showing the piping sizes
3. Photographs of the pipeline reducer after the backflow prevention valve
4. Photographs of the building fire riser.
5. Number of turns required to close or open the first gate valve (or post indicator valve) past the backflow prevention valve.

Items 3, 4 or 5 would require a staff member to visit the property and verify the data. This would be a one-time occurrence for a limited number of properties, and is not expected to create a significant additional workload for staff.

Environmental Review Compliance: None required.

Prior Committee or Board Action: The Board reviewed draft Ordinance No. 58 on November 17, 2014, and scheduled the second reading of the draft ordinance for December 1, 2014. The Board received a staff report on this subject on October 6, 2014, and directed staff to develop a policy to charge customers based upon their fire service size and not the size of the fire lateral.

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 No

Funding Source/Recap: None.

Material Included for Information/Consideration: Resolution No. 2014-50; and, Draft Fire Service Policy.

Staff Recommendation: The Board of Directors adopt Resolution No. 2014-50, Establishing a Fire Service Policy.

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 _____

December 1, 2014

Resolution No. 2014-50
Resolution of the Board of Directors
Marina Coast Water District
Establishing a Fire Service Policy

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on December 1, 2014, at 211 Hillcrest Avenue, Marina, California as follows:

WHEREAS, the District recently adopted a rate schedule that charges fire service customers a monthly fee based upon the size of the fire service connection, replacing a flat fee applied to all service sizes; and,

WHEREAS, the District adopted Ordinance No. 58, defining that the fire service size is determined as the size of the backflow prevention valve on the fire service lateral, and allowing the customer to request billing for a smaller connection if the customer can demonstrate to the District Engineer that the on-site fire system piping is smaller than the backflow prevention valve; and,

WHEREAS, the District wishes to standardize how such customer requests are submitted and verified; and,

WHEREAS, staff has prepared a draft Fire Service Policy (Exhibit A).

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby establish the attached Fire Service Policy, to become effective concurrently with Ordinance No. 58, and directs the General Manager to take such actions as required to implement said policy.

PASSED AND ADOPTED on December 1, 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. 2014-50 adopted December 1, 2014.

Brian C. Lee, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 9-D

Meeting Date: December 1, 2014

Submitted By: Jean Premutati

Presented By: Jean Premutati

Reviewed By: Brian C. Lee

Agenda Title: Consider Adoption of Resolution No. 2014-51 to Amend the Professional Services Agreement with Bob Neher and Associates to Conduct an Executive Search and Placement for the Position of General Manager

Detailed Description: At a regular meeting on February 18, 2014, the Board of Directors selected Bob Neher and Associates to conduct an executive search for the position of General Manager. The original professional services agreement (PSA) was for a not to exceed amount of \$16,000. As of this date, the Board has not hired a candidate and there is a remaining balance of \$885.61 on the PSA. The Board is requested to provide direction whether to amend the PSA or select another course of action.

Environmental Review Compliance: None required.

Prior Committee or Board Action: The Board of Directors approved a Professional Services Agreement with Bob Neher and Associates on February 18, 2014.

Board Goals/Objectives: *Five-year Strategic Plan – 5.1 Recruit and retain high performing, engaged personnel.*

Financial Impact: Yes No

Funding Resource/Recap: Across all four cost centers.

Material Included for Information/Consideration: Resolution No. 2014-51; and Scope of Work.

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 _____

December 1, 2014

Resolution No. 2014-51
Resolution of the Board of Directors
Marina Coast Water District
Approval to Amend the Professional Services Agreement with
Bob Neher and Associates 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 December 1, 2014 at 211 Hillcrest Avenue, Marina, California as follows:

WHEREAS, in the Board of Directors approved a Professional Services Agreement (PSA) with Bob Neher and Associates on February 18, 2014 to conduct an executive search and placement for the position of General Manager; and,

WHEREAS, the original PSA was for a not to exceed amount of \$16,000. As of this date, the Board has not hired a General Manager and there is only a balance of \$885.61 on the PSA.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby adopt Resolution No. 2014-51, to approve an amendment to the a professional services agreement with Bob Neher and Associates in the amount of \$_____, and direct Bob Neher to_____

PASSED AND ADOPTED on December 1, 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. 2014-51 adopted December 1, 2014.

Brian C. Lee, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 9-E

Meeting Date: December 1, 2014

Submitted By: President Moore

Presented By: President Moore

Agenda Title: Discussion and Possible Direction to Staff Regarding Agendizing Items Requested by the Board in Support of the District's Strategic Plan Goals

Detailed Description: The Board will consider determining, in conjunction with the General Manager, if and when to place any of the attached specific items on the agenda for a Board meeting, in support of goals in the District strategic plan. The Board will not discuss each item in detail at this meeting, only if and when it should be placed on an agenda.

Environmental Review Compliance: None required.

Prior Committee or Board Action: None.

Board Goals/Objectives:

Financial Impact: _____Yes _____No

Funding Resource/Recap: Possible cost in staff time.

Material Included for Information/Consideration: List of proposed agenda items.

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_____