



# MARINA COAST WATER DISTRICT

11 RESERVATION ROAD, MARINA, CA 93933-2099

Home Page: [www.mcwd.org](http://www.mcwd.org)

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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 15, 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. **Pledge of Allegiance**
4. **Administer Oath of Office**

*Action: The Oath of Office will be administered to Jan Shriner, William Y. Lee, and Howard Gustafson who were elected on November 4, 2014 to serve as Directors to the Marina Coast Water District Board.*

5. **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 2015.*

6. **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.*

7. **Closed Session**

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, December 11, 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.

- 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
  - 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

G. 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**

**8. 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.*

**9. 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.*

**10. 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 November 2014

B. Approve the Draft Minutes of the Regular Board Meeting of December 1, 2014

**11. 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 Approve the Proposed Regular Board Meeting Dates for 2015

*Action: The Board of Directors will consider approval of Board meeting dates for 2015.*

B. Receive a Report from Director Le Regarding his Attendance at the Association of California Water Agencies Fall Conference in San Diego

*Action: The Board of Directors will receive a brief report from Director Le on his attendance at the ACWA Fall Conference in San Diego.*

**12. 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 | 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 |

**13. Board Member Requests for Future Agenda Items**

**14. Director's Comments**

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

*Regular Meeting: Monday, January 5, 2015, 6:00 p.m.,  
Marina Council Chambers  
211 Hillcrest Avenue, Marina*

Marina Coast Water District  
Agenda Transmittal

Agenda Item: 4

Meeting Date: December 15, 2014

Submitted By: Brian C. Lee

Presented By: Brian C. Lee

Agenda Title: Administer Oath of Office

Detailed Description: In accordance with the November 4, 2014 election results, three individuals are to be sworn in to begin serving new four-year terms as members of the District Board of Directors. Ms. Jan Shriner, Mr. William Lee, and Mr. Howard Gustafson will be sworn in at this meeting.

*“I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.”*

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     No

Funding Source/Recap: N/A

Material Included for Information/Consideration: Copies of the Certificate of Election for the three individuals elected in November.

Staff Recommendation: Administer the oath of office to Ms. Jan Shriner, Mr. William Lee and Mr. Howard Gustafson who were elected at the November 4, 2014 election.

Action Required: \_\_\_\_\_Resolution    \_\_\_\_\_Motion    \_\_\_\_\_Review     Oath

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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: 5

Meeting Date: December 15, 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 June 2, 2014 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: 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  No

Funding Source/Recap: N/A

Material Included for Information/Consideration: None.

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

Action Required:  Resolution  Motion  Review

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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

Meeting Date: December 15, 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 November 2014
- B) Approve the Draft Minutes of the Regular Board Meeting of December 1, 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.)

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Board Action

\_\_\_\_\_Resolution No \_\_\_\_\_ Motion By \_\_\_\_\_ Seconded By \_\_\_\_\_

Ayes \_\_\_\_\_ Abstained \_\_\_\_\_

Noes \_\_\_\_\_ Absent \_\_\_\_\_

Reagendized \_\_\_\_\_ Date \_\_\_\_\_ No Action Taken \_\_\_\_\_



Marina Coast Water District  
Agenda Transmittal

Agenda Item: 10-A

Meeting Date: December 15, 2014

Submitted By: Tamela Hatfield

Presented By: Brian C. Lee

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

Detailed Description: The Board of Directors is requested to receive and file the attached November 2014 check register for expenditures totaling \$669,950.18.

Environmental Review Compliance: None required.

Prior Committee or Board Action: None.

Board Goals/Objectives: *2014 Strategic Plan, Objective No. 3 – Our objective is to manage public funds to assure financial stability, prudent rate management and demonstrate responsible stewardship. Our fiscal strategy is to forecast, control and optimize income and expenditures in an open and transparent manner. We will efficiently use our financial resources to assure availability to fund current and future demands.*

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: November 2014 Summary Check Register.

Staff Recommendation: The Board of Directors receive and file the November 2014 expenditures totaling \$669,950.18.

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

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Board Action

\_\_\_ Resolution No \_\_\_     Motion By \_\_\_     Seconded By \_\_\_

Ayes \_\_\_     Abstained \_\_\_

Noes \_\_\_     Absent \_\_\_

Reagendized \_\_\_     Date \_\_\_     No Action Taken \_\_\_

Marina Coast Water District  
Agenda Transmittal

Agenda Item: 10-B

Meeting Date: December 15, 2014

Submitted By: Brian C. Lee

Presented By: Brian C. Lee

Agenda Title: Approve the Draft Minutes of the Regular Board Meeting of December 1, 2014

Detailed Description: The Board of Directors is requested to approve the draft minutes of December 1, 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 December 1, 2014.

Staff Recommendation: The Board of Directors approve the draft minutes of the December 1, 2014 regular Board meeting.

Action Required:     \_\_\_ Resolution     \_\_\_ **X** Motion     \_\_\_ Review

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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: 11-A

Meeting Date: December 15, 2014

Submitted By: Paula Riso

Presented By: Paula Riso

Agenda Title: Approve the Proposed Regular Board Meeting Dates for 2015

Detailed Description: The Board is requested to approve the proposed regular Board meeting dates for 2015.

**Board Meeting Schedule for 2015**

1<sup>st</sup> and 3<sup>rd</sup> Monday of Each Month\*  
6:00 p.m.

January 5, 2015	January 20, 2015* (Tuesday)
February 2, 2015	February 17, 2015* (Tuesday)
March 2, 2015	March 16, 2015
April 6, 2015	April 20, 2015
May 4, 2015	May 18, 2015
June 1, 2015	June 15, 2015
July 6, 2015	July 20, 2015
August 3, 2015	August 17, 2015
September 8, 2015* (Tuesday)	September 21, 2015
October 5, 2015	October 19, 2015
November 2, 2015	November 16, 2015
December 7, 2015	December 21, 2015

\* Monday is a Holiday so the meeting is scheduled for Tuesday. January 20<sup>th</sup> is also the Special Districts Association meeting.

Environmental Review Compliance: None required.

Prior Committee or Board Action: None.

Board Goals/Objectives: *Strategic Plan, Goal No. 1 - To manage and sustain the District's groundwater and desalinated water, recycled water and wastewater services, conservation activities, infrastructure and human resources at or above industry standards.*

Financial Impact: \_\_\_\_\_Yes  No

Funding Source/Recap: N/A

Material Included for Information/Consideration: None.

Staff Recommendation: The Board of Directors consider approving the proposed regular Board meeting dates for 2015.

Action Required: \_\_\_\_\_Resolution  Motion \_\_\_\_\_Review

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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: 11-B

Meeting Date: December 15, 2014

Submitted By: Brian C. Lee

Presented By: Director Peter Le

Agenda Title: Receive a Report from Director Le Regarding his Attendance at the Association of California Water Agencies Fall Conference in San Diego

Detailed Description: As District Legal Counsel noted at the November 17, 2014 Board meeting, California Government Code Section 53232.3(d) states: *Members of a legislative body shall provide brief reports on meetings attended at the expense of the local agency at the next regular meeting of the legislative body.*

Director Le will provide a brief report on his conference attendance in San Diego on December 3<sup>rd</sup> and 4<sup>th</sup>.

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: None.

Staff Recommendation: The Board of Directors receive a brief report from Director Le.

Action Required:     \_\_\_ Resolution     \_\_\_ **X** \_\_\_ Motion     \_\_\_ Review

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Board Action

\_\_\_ Resolution No \_\_\_     Motion By \_\_\_     Seconded By \_\_\_

Ayes \_\_\_     Abstained \_\_\_

Noes \_\_\_     Absent \_\_\_

Reagendized \_\_\_     Date \_\_\_     No Action Taken \_\_\_