



REVISED 1-7-2016

MARINA COAST WATER DISTRICT

11 RESERVATION ROAD, MARINA, CA 93933-2099

Home Page: www.mcwd.org

TEL: (831) 384-6131 FAX: (831) 883-5995

DIRECTORS

HOWARD GUSTAFSON
President

THOMAS P. MOORE
Vice President

WILLIAM Y. LEE
JAN SHRINER

Agenda

Regular Board Meeting, Board of Directors

Marina Coast Water District

Marina Council Chambers

211 Hillcrest Avenue, Marina, California

Monday, January 11, 2016, 6:30 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 6:30 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

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. Pursuant to Government Code section 54954.2(a)(1), the agenda for each meeting of the Board shall be posted at the City of Marina Council Chambers. The agenda shall also be posted at the following locations but those locations are not official agenda posting locations for purposes of section 54954.2(a)(1): District offices at 11 Reservation Road, Seaside City Hall, the City of Marina Library, and the City of Seaside Library. A complete Board packet containing all enclosures and staff materials will be available for public review on Wednesday, January 6, 2016. 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); First Appellate District Court of Appeals Case No. A145604.
- 4) Marina Coast Water District vs. California-American Water Company, Monterey County Water Resources Agency, and Does 1 through 50, San Francisco Superior Court Case No. CGC-15-547125 (Complaint for Breach of Warranties, etc.)
- 5) Marina Coast Water District v, California Coastal Commission (California-American Water Company, Real Party in Interest), Santa Cruz County Superior Court Case No. CV180839 (Petition for Writ of Mandate). Sixth District Court of Appeal Case No. H042742
- 6) Marina Coast Water District v, California State Lands Commission (California-American Water Company, Real Party in Interest), Santa Cruz County Superior Court Case No. CV180895 (Petition for Writ of Mandate)

- B. Pursuant to Government Code 54956.8
Conference with Real Property Negotiator
Property: Recycled Water Pipeline, Recycled Water
Agency Negotiators: Howard Gustafson
Negotiating parties: MRWPCA, MCWRA, MPWMD, City of Salinas, and others.
Under Negotiation: Price and Terms
- C. Pursuant to Government Code 54956.8
Conference with Real Property Negotiator
Property: Sewer Infrastructure
Negotiating parties: Howard Gustafson
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. Consider Adoption of Resolution No. 2016-01 Recognizing Sherrie Payne, Customer Representative II, Upon her Retirement from the Marina Coast Water District
- B. Consider Adoption of Resolution No. 2016-02 in Recognition of Stephenie Verduzco, Administrative Assistant, and Award a Plaque and Gift Certificate for 10 Years of Service to the Marina Coast Water District

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 Special Board Meeting of December 29, 2015

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. Recognize the Resignation of Director Peter Le effective January 4, 2016, Declare a Vacancy on the Board of Directors, Decide Whether to Fill the Vacancy by Appointment or by Special Election, and, if by Appointment, Set Dates for Applicant Interviews and Consideration of Appointment to Fill the Vacancy

Action: The Board of Directors will consider declaring a vacancy on the Board of Directors, decide whether to fill the vacancy by appointment or by special election, and, if by appointment, set dates for applicant interviews and consideration of appointment to fill the vacancy.

- B. Receive the Draft District FY 2016-2017 Budget Schedule and Set Date for the 2016-2017 Budget Workshop

Action: The Board of Directors will receive the draft FY 2016-2017 budget schedule and set a date for the 2016-2017 budget workshop.

- C. Discussion and Possible Action to Consider Adoption of Resolution No. 2016-04 to Accept the Infrastructure Improvements Installed Under a Construction and Transfer of Water, Sewer, and Recycled Water Infrastructure Agreement between the Marina Coast Water District and Marina Community Partners for the Dunes – Phase 1A Development Project

Action: The Board of Directors will consider accepting improvements installed under an Infrastructure Agreement with Marina Community Partners for the Dunes on Monterey Bay Phase 1A.

- D. Discussion and Possible Action to Consider Director Appointments to Standing Committees of the Board and to Outside Agencies for 2016, and as negotiators to any Ad Hoc Committees of the Board

Action: The Board of Directors will consider director appointments to standing committees of the Board and to outside agencies for 2016, and as negotiators to any Ad Hoc Committees of the Board.

- 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

- B. Counsel's Report

- C. Committee and Board Liaison Reports

- | | |
|-----------------------------------|-----------------------------------|
| 1. Water Conservation Commission | 7. LAFCO Liaison |
| 2. Joint City-District Committee | 8. FORA |
| 3. Executive Committee | 9. WWOC Report |
| 4. Community Outreach Committee | 10. JPIA Liaison |
| 5. Budget and Personnel Committee | 11. Special Districts Association |
| 6. MRWPCA Board Member Liaison | |

- 12. Board Member Requests for Future Agenda Items**

- 13. Director's Comments and Reports on Meetings** *Director reports on meetings with other agencies, organizations and individuals on behalf of the District and on official District matters.*

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

*Regular Meeting: Monday, February 1, 2016, 6:30 p.m.,
Marina Council Chambers, 211 Hillcrest Avenue, Marina*

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8-A

Meeting Date: January 11, 2016

Prepared By: Kelly Cadiente

Approved By: Keith Van Der Maaten

Agenda Title: Consider Adoption of Resolution No. 2016-01 Recognizing Sherrie Payne, Customer Representative II, Upon her Retirement from the Marina Coast Water District

Staff Recommendation: The Board consider adoption of Resolution No. 2016-01 recognizing Sherrie Payne, Customer Service Representative II, upon her retirement from the Marina Coast Water District after more than 32 years of service.

Background: *February 2015 Strategic Plan, Strategic Element 5.0 – Our objective is to recruit and maintain a highly qualified, diverse and inspired workforce that delivers the essential services of our mission statement to the public while providing outstanding customer service.*

Discussion/Analysis: Mrs. Sherrie Payne joined the District on July 18, 1983. During her thirty-two year tenure, Sherrie has played an integral role in the District's customer service department. When Sherrie first started at the District, the District served only the Central Marina community and all duties were performed manually. Over Sherrie's career with the District, the customer base more than doubled with the addition of the Ord Community and billing and receipting functions were automated a couple times over with the most recent migration from Springbrook version 6.05 to version 7.17.

Sherrie's primary responsibilities as a customer service representative included monitoring meter read reports, managing customer's accounts and greeting customers in the office. Sherrie has always been helpful in attending to customer queries regarding their water bill and other District issues and has been considered a dedicated and loyal employee of the District.

It is with great pleasure that the District recognizes Sherrie Payne's thirty-two years of service to the Marina Coast Water District. We collectively thank her for her many years of faithful service, and wish her well in her retirement.

Environmental Review Compliance: None required.

Financial Impact: X Yes No Funding Source/Recap: Hospitality & Awards account numbers. MW = 31%, MS = 7%, OW = 51%, OS = 11%.

Other Considerations: None.

Material Included for Information/Consideration: Resolution No. 2016-01.

January 11, 2016

Resolution No. 2016-01
Resolution of the Board of Directors
Marina Coast Water District
Recognition of Sherrie Payne, Customer Service Representative II,
Upon Her Retirement from the Marina Coast Water District

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on January 11, 2016 at 211 Hillcrest Avenue, Marina, California as follows:

WHEREAS, Sherrie Payne joined the District on July 18, 1983 as a Customer Service Representative; and,

WHEREAS, over the years, Sherrie has been helpful in attending to customer queries regarding their water bills and other District issues; and,

WHEREAS, while the customer based more than doubled and processes have been automated during her thirty years with the District, Sherrie has played an integral role in the District’s customer service department; and,

WHEREAS, Sherrie has been a dedicated and loyal employee to the District and its customers throughout her thirty two years of service.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby express its gratitude and recognizes Sherrie Payne for thirty-two years of service to the Marina Coast Water District and wishes her well in her retirement.

PASSED AND ADOPTED on January 11, 2016 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 _____

Howard Gustafson, President

ATTEST:

Keith Van Der Maaten, 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. 2016-01 adopted January 11, 2016.

Keith Van Der Maaten, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8-B

Meeting Date: January 11, 2016

Prepared By: Michael Wegley

Approved By: Keith Van Der Maaten

Agenda Title: Consider Adoption of Resolution No. 2016-02 in Recognition of Stephenie Verduzco, Administrative Assistant, and Award a Plaque and Gift Certificate for Ten Years of Service to the Marina Coast Water District

Staff Recommendation: The Board is requested to consider adoption of Resolution No. 2016-02 in recognition of Ms. Stephenie Verduzco, Administrative Assistant, and award of a plaque and gift certificate for ten years of service to the Marina Coast Water District.

Background: *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.*

Discussion/Analysis: Ms. Verduzco joined the District on December 28, 2005 as an Administrative Assistant. Some of her first duties were to support an active construction bidding processes for the numerous Capital Improvement Project undertakings. Ms. Verduzco has consistently accepted offers to expand her role on the District team during her ten years of service. She currently has broad administrative duties and responsibilities for the Engineering Department and to assist other departments at the Ord office that she performs with skill and forthrightness. Some of her particular responsibilities include processing and managing Engineering accounts payable, contracts, and agreements, and document recordations, supporting construction bidding processes, supporting the management of Developer accounts, supporting the preparation of invoices associated with Grant funding and other complex invoices, and supporting the District Engineer position.

Ms. Verduzco is a dedicated District employee who serves as the communications and coordination hub for the District's Ord office. She is routinely the first person a customer meets or contacts at the Ord office and is recognized as a "go-to" person within MCWD and by outside agencies and vendors. The respect she holds within the organization is exhibited by her election by her coworkers as a leader within the MCWD Employees Association. During her ten years of service to the District, Ms. Verduzco has exhibited consistent professional growth, in particular within her management of contract related topics, invoicing, and accounts payable.

The District recognizes Ms. Stephenie Verduzco for ten years of service to MCWD.

Environmental Review Compliance: None required.

Financial Impact: X Yes No Funding Source/Recap: Hospitality & Awards account numbers. MW = 31%, MS = 7%, OW = 51%, OS = 11%.

Other Considerations: None.

Material Included for Information/Consideration: Resolution No. 2016-02.

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

Board Action

Motion By _____ Seconded By _____ No Action Taken _____

Ayes _____ Abstained _____

Noes _____ Absent _____

January 11, 2016

Resolution No. 2016 – 02
Resolution of the Board of Directors
Marina Coast Water District
Recognizing Stephenie Verduzco, Administrative Assistant,
For Ten Years of Service to MCWD

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on January 11, 2016 at 211 Hillcrest Avenue, Marina, California as follows:

WHEREAS, Ms. Stephenie Verduzco joined the District on December 28, 2005 as an Administrative Assistant; and,

WHEREAS, Ms. Verduzco currently has broad duties and responsibilities that she performs with exemplary skill and forthrightness, including processing and managing engineering accounts payable, contracts, and agreements, construction bidding processes, supporting the developer accounts, and supporting the District Engineer position; and,

WHEREAS, Ms. Verduzco is a dedicated employee who serves as the communications hub for the District’s Engineering Department and the Ord Office: and,

WHEREAS, Ms. Verduzco has exhibited consistent professional growth in her management of contract related topics and invoicing tasks.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby express its gratitude and recognizes Ms. Stephenie Verduzco for ten years of service to the Marina Coast Water District, presents her with a plaque and gift certificate and wishes her continued success with the District.

PASSED AND ADOPTED on January 11, 2016 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 _____

Howard Gustafson, President

ATTEST:

Keith Van Der Maaten, 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. 2016-02 adopted January 11, 2016.

Keith Van Der Maaten, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 9

Meeting Date: January 11, 2016

Prepared By: Paula Riso

Approved By: Keith Van Der Maaten

Agenda Title: Consent Calendar

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

Background: *2015 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.*

Consent calendar consisting of:

A) Approve the Draft Minutes of the Special Board Meeting of December 29, 2015

Discussion/Analysis: See individual transmittals.

Environmental Review Compliance: None required.

Other Considerations: The Board of Directors can pull this item and discuss it.

Material Included for Information/Consideration: Draft minutes of December 29, 2015.

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

Board Action

Motion By _____ Seconded By _____ No Action Taken _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Marina Coast Water District
Agenda Transmittal

Agenda Item: 9-A

Meeting Date: January 11, 2016

Prepared By: Paula Riso

Approved By: Keith Van Der Maaten

Agenda Title: Approve the Draft Minutes of the Special Board Meeting of December 29, 2015

Staff Recommendation: The Board of Directors approve the draft minutes of the December 29, 2015 special Board meeting.

Background: *2015 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.*

Discussion/Analysis: The draft minutes of December 29, 2015 are provided for the Board to consider approval.

Environmental Review Compliance: None required.

Financial Impact: ___Yes ___X___No Funding Source/Recap: None

Other Considerations: The Board can suggest changes/corrections to the minutes.

Material Included for Information/Consideration: Draft minutes of December 29, 2015.

Action Required: ___Resolution ___X___Motion ___Review

Board Action

Motion By _____ Seconded By _____ No Action Taken _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Marina Coast Water District
Agenda Transmittal

Agenda Item: 10-A

Meeting Date: January 11, 2016

Prepared By: Keith Van Der Maaten

Approved By: Keith Van Der Maaten

Agenda Title: Recognize the Resignation of Director Peter Le effective January 4, 2016, Declare a Vacancy on the Board of Directors, Decide Whether to Fill the Vacancy by Appointment or by Special Election, and, if by Appointment, Set Dates for Applicant Interviews and Consideration of Appointment to Fill the Vacancy

Staff Recommendation: The Board of Directors consider declaring a vacancy on the Board of Directors, decide whether to fill the vacancy by appointment or by special election, and, if by appointment, set dates for applicant interviews and consideration of appointment to fill the vacancy.

Background: *2015 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.*

With the resignation of Director Peter Le, received and effective January 4, 2016, the Marina Coast Water District's Board has a vacant seat that expires December 2, 2016.

Discussion/Analysis: Pursuant to Government Code Section 1780, staff has notified the Monterey County Elections Department of the resignation within 15 days of receiving the notice. To advertise the vacancy and seek applicants, staff will post the notice of vacancy at the Marina City Hall, Marina Library, Marina Post Office, District Reservation Road office and the Marina Coast Water District web site. Also, for additional exposure, although not required by Government Code Section 1780, the District will run an ad in the Monterey County Weekly.

Per Government Code Section 1780, the District may either fill the vacancy or hold a special election. If the District desires to proceed by appointment, Government Code Section 1780 requires the notice of vacancy to be posted at least 15 days prior to the appointment to fill that vacancy and that an appointment must be made within 60 days from receipt of the resignation. If the vacancy is not filled by the district board by appointment, or if the district board has not called for an election within 60 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, then the city council of the city in which the district is wholly located, or if the district is not wholly located within a city, the board of supervisors of the county representing the larger portion of the district area in which the election to fill the vacancy will be held, may appoint a person to fill the vacancy within 90 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, or the city council or board of supervisors may order the district to call an election to fill the vacancy.

Under either scenario, the newly-appointed/elected director serves out the remainder of Director Le's term, which is set to expire December 2, 2016.

Should the Board of Directors decide to call a special election, the cost to hold a consolidated special election in June would cost between \$49,000 and \$66,000, and the cost for an independent special election would be between \$66,000 and \$83,000. Given the estimated cost of holding a special election in relation to the relatively short period of time remaining on the unexpired term, staff recommends the Board consider the appointment to fill the vacancy at the February 1, 2016 Board meeting. This time frame will allow the posting requirement to be fulfilled and allow the newly appointed Board member to take seat at the February 16, 2016 Board meeting.

Environmental Review Compliance: None required.

Financial Impact: _____ Yes X No Funding Source/Recap: None.

Other Considerations: None.

Material Included for Information/Consideration: Copy of Director Le's resignation letter; and, a copy of the Vacancy Advertisement.

Action Required: _____ Resolution X Motion _____ Review

Board Action

Motion By _____ Seconded By _____ No Action Taken _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Marina Coast Water District
Agenda Transmittal

Agenda Item: 10-B

Meeting Date: January 11, 2016

Prepared By: Kelly Cadiente

Approved By: Keith Van Der Maaten

Agenda Title: Receive the Draft District FY 2016-2017 Budget Schedule and Set Date for the 2016-2017 Budget Workshop

Staff Recommendation: The Board of Directors receive the Draft FY 2016-2017 Budget Schedule and set the date for the Budget Workshop for March 7, 2016.

Background: *Strategic Plan, Element No. 3 – Fiscal Planning.*

Discussion/Analysis: Staff has begun the budget process for FY 2016-2017. Attached is the draft schedule for the FY 2016-2017 Budget. In order to get the budget approved by both the District Board and by FORA by June 30, 2016, staff requests the Board set the date for the Budget Workshop for March 7, 2016.

Environmental Review Compliance: None required.

Financial Impact: Yes No Funding Source/Recap: None

Other Considerations: None.

Materials Included for Information/Consideration: Draft FY 2016-2017 Budget Schedule.

Action Required: Resolution Motion Review

Board Action

Motion By _____ Seconded By _____ No Action Taken _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Marina Coast Water District
Agenda Transmittal

Agenda Item: 10-C
Prepared By: Brian True
Presented By: Mike Wegley

Meeting Date: January 11, 2016
Approved By: Keith Van Der Maaten

Agenda Title: Discussion and Possible Action to Consider Adoption of Resolution No. 2016-04 to Accept the Infrastructure Improvements Installed Under a Construction and Transfer of Water, Sewer, and Recycled Water Infrastructure Agreement between the Marina Coast Water District and Marina Community Partners for the Dunes – Phase 1A Development Project

Staff Recommendation: The Board considers adopting Resolution No. 2016-04 accepting the infrastructure improvements installed under the Construction and Transfer of Water, Sewer, and Recycled Water Infrastructure Agreement between the Marina Coast Water District and Marina Community Partners for the Dunes – Phase 1A development project.

Background: *Five-year Strategic Plan, Strategic Element 2.0 Infrastructure – Our objective is to provide a high quality water distribution system and an efficiently operating wastewater collection system to serve existing and future customers. Through the master planning process, our infrastructure strategy is to carefully maintain our existing systems and ensure future additions and replacements will meet District Standards.*

Marina Community Partners (MCP) constructed the Dunes – Phase 1A (formerly University Villages – Phase 1A) development project in the City of Marina portion of the Ord Community. The District entered into a Construction and Transfer of Water, Sewer, and Recycled Water Infrastructure Agreement (Infrastructure Agreement) with MCP by adopting Resolution No. 2005-71 on December 14, 2005.

Discussion/Analysis: The infrastructure improvements made by MCP for which acceptance of ownership is requested includes potable water pipelines and appurtenances, recycled water pipelines, and sanitary sewer pipelines and appurtenances. Marina Community Partners installed both off-site and on-site improvements on behalf of MCWD. A more detailed break-down of the infrastructure to be owned by MCWD may be found within the attached Bill of Sale. The included Exhibits depict the locations of the infrastructure. The total value of the infrastructure to be transferred to MCWD for ownership totals approximately \$3,121,000.

Please note that the infrastructure was installed in 2007. There are several reasons the transfer of ownership is just now occurring. The most significant reason was the suspension of work brought on by the economic down-turn compounded by the loss of a key member of the development team. As the new team-members came in to resume the project, their focus was on moving the project forward (and generating revenue for the project) rather than on looking back to completing the remaining infrastructure agreement items. After all, the completed infrastructure was in-service and functioning well. Finally as attention was turned to completing the infrastructure agreement, specific barriers to achieving transfer of ownership were addressed

related to: A) required easement language changes; and, B) the understanding by both parties of exactly what infrastructure was to be transferred with which phase of the development project.

Under the terms of the Infrastructure Agreement, MCWD requires the following items prior to final acceptance:

- Final inspection and walk-through by MCWD to verify completion of all punch-list items
- Completed easements for all pipelines outside of public rights-of-way or recorded public utility easements
- Conveyance of the property to MCWD by means of a Bill-of-Sale
- Submission of As-Built drawings for the work
- Submission of a One-Year Warranty Bond

The developer and MCWD conducted a punch-list walk-through and the associated corrective work was completed by August, 2007. The easements appropriate for this transfer-of-ownership transaction were recorded in Monterey County on November 1, 2012 and December 1, 2015; all currently proposed MCWD assets are located within the public right-of-way, public utility easements recorded on the subdivision's Final Map, or easements in MCWD's favor. A Bill of Sale is prepared for execution and is awaiting this Board action for acceptance. As-built drawings for the improvements described above were received during the summer of 2007 and incorporated within MCWD's system-maps in November 2007. Two draft One-Year Warranty Bonds, for approximately 20% of the infrastructure values enumerated above, are prepared for implementation; one Warranty Bond is for the sanitary sewer infrastructure and the other is for the water and recycled water infrastructure. In accord with the Infrastructure Agreement, this fulfills the District's requirements and conditions for accepting ownership of the installed infrastructure.

The Bill of Sale is coming from Shea Marina Villages as MCP sold the property/land and associated appurtenances and infrastructure to Shea Marina Villages. Shea Marina Villages is a wholly owned subsidiary of Shea Properties, a partner with Marina Community Partners in this development.

Environmental Review Compliance: None required.

Financial Impact: Yes No Funding Source/Recap: There is no direct cost to MCWD in these transactions; however, with the addition of new infrastructure, a near-term future increase in operational and maintenance costs may be reasonably anticipated within the Ord Water and Ord Sewer cost centers as well as in increase in the Recycled Water cost center in the more distant future.

Other Considerations: None recommended.

Material Included for Information/Consideration: Resolution No. 2016-04; Bill of Sale prepared for execution; and Warranty Bonds (for Water and Sanitary Sewer infrastructure) prepared for execution and submittal.

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

Board Action

Motion By: _____ Seconded By: _____ No Action Taken: _____

Ayes: _____

Abstained: _____

Noes: _____

Absent: _____

January 11, 2016

Resolution No. 2016-04
Resolution of the Board of Directors
Marina Coast Water District

Accepting the Infrastructure Improvements Installed Under a Construction and Transfer of
Water, Sewer, and Recycled Water Infrastructure Agreement
Between Marina Coast Water District and Marina Community Partners for the
Dunes – Phase 1A Development Project

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on January 11, 2016 at 211 Hillcrest Avenue, Marina, California as follows:

WHEREAS, Marina Community Partners LLC, a California limited liability corporation (“Developer”), has constructed water, sewer and recycled water infrastructure for their Dunes – Phase 1A development project in the Ord Community portion of the City of Marina; and,

WHEREAS, the Developer entered into a Construction and Transfer of Water, Sewer and Recycled Water Infrastructure Agreement with the District in December, 2005; and,

WHEREAS, construction of the water, sewer and recycled water infrastructure is complete and the Developer has now satisfied all of the close-out conditions required in the Infrastructure Agreement for the Dunes – 1A development project; and,

WHEREAS, the Developer requests that the District take ownership of the installed infrastructure.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby accept the transfer of ownership of the Water, Sewer, and Recycled Water Infrastructure for the Dunes – Phase 1A development project and directs the General Manager to take all actions and execute all documents as may be necessary or appropriate to give effect to this resolution.

PASSED AND ADOPTED on January 11, 2016 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 _____

Howard Gustafson, President

ATTEST:

Keith Van Der Maaten, 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. 2016-04 adopted January 11, 2016.

Keith Van Der Maaten, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 10-D

Meeting Date: January 11, 2016

Prepared By: Paula Riso

Presented By: Keith Van Der Maaten

Agenda Title: Consider Director Appointments to Committees of the Board and to Outside Agencies for 2016, and as Negotiators to any Ad Hoc Committees of the Board

Staff Recommendation: The Board of Directors consider making Director appointments to Board of Director's Committees and outside agencies for 2016.

Background: *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.*

Discussion/Analysis: The Board is asked to consider Director appointments to committees and outside agencies for 2016. The Joint City/District, Executive and Community Outreach Committees shall have two appointed directors and such other persons as the Board may appoint; the Water Conservation Commission shall have one director appointed. The Board President also has the authority to appoint members to Ad Hoc Committees and negotiators to those Committees.

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

The Board appoints representatives to the following District Standing Committees:

- | | | |
|----|-------------------------------|-------------------------------|
| 1. | Water Conservation Commission | 1 Board member & 1 Alternate |
| 2. | Joint City/District Committee | 2 Board members & 1 Alternate |
| 3. | Executive Committee | 2 Board members |
| 4. | Budget and Personnel | 2 Board members & 1 Alternate |
| 5. | Community Outreach | 2 Board members & 1 Alternate |

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

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

The Board appoints representatives to the following Ad Hoc committees:

- | | | |
|----|---------------|-----------------|
| 1. | MRWPCA Ad Hoc | 2 Board members |
| 2. | SCSD Ad Hoc | 2 Board members |

Current Committee Assignments are:

- | | | |
|----|-------------------------------|-----------------------|
| 1. | Water Conservation Commission | Le - Lee as Alternate |
| 2. | Joint City/District Committee | Gustafson, Le |
| 3. | Executive Committee | Gustafson, Le |
| 4. | Budget and Personnel | Gustafson, Le |
| 5. | Community Outreach | Gustafson, Le |

Current appointments to outside agencies:

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

Current appointments to Ad Hoc Committees:

- | | |
|----|--|
| 1. | MRWPCA / MCWD Ad Hoc Committee – Gustafson and Le as negotiators |
| 2. | MCWD / Seaside County Sanitation District Ad Hoc Committee – Gustafson and Le as negotiators |

Environmental Review Compliance: None required.

Financial Impact: _____Yes X No Funding Source/Recap: None.

Other Considerations: The Director appointed to serve on the MRWPCA Board will receive a stipend of \$100 per meeting and that an updated FPPC Form 806 will be completed and posted on the District’s website following the appointment.

Material Included for Information/Consideration: Proposed appointments for 2016.

Action Required: _____Resolution X Motion _____Review

Board Action

Motion By _____ Seconded By _____ No Action Taken _____

Ayes _____ Abstained _____

Noes _____ Absent _____