



MARINA COAST WATER DISTRICT

11 RESERVATION ROAD, MARINA, CA 93933-2099

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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, October 17, 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, October 12, 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) Marina Coast Water District v. California Public Utilities Commission, California Supreme Court Case No. S230728, Writ of Review
- 4) 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
- 5) 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.)
- 6) 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
- 7) 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)
- 8) In the Matter of the Unauthorized Diversion and Use of Water by the California American Water Company, State Water Resources Control Board Cease and Desist Order WR 2009-0060

B. Pursuant to Government Code 54956.8
Conference with Real Property Negotiator
Property: Sewer Infrastructure
Negotiating parties: Howard Gustafson, Thomas Moore
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. Presentation

- A. Consider Adoption of Resolution No. 2016-59 in Recognition of Rene Magdaleno, Systems Operator II, 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. Receive and File the Check Register for the Month of September 2016
- B. Approve the Draft Minutes of the Regular Board Meeting of September 19, 2016
- C. Adopt Resolution No. 2016-60 to Amend the Marina Coast Water District Conflict of Interest Code That Was Adopted August 1, 2016
- D. Adopt Resolution No. 2016-61 to Authorize a Notice of Completion for the Bureau of Land Management Project be Filed with the Monterey County Recorder

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. Consider First Reading of Ordinance No. 59 Amending Sections 3.12.040 (D,E,F), 3.28.020 (A,B,C), 3.28.030 (A,B,C,D), 3.28.050 (A,B,C), and 3.28.060 (B,C) of the District Code and Direct Staff to Schedule a Second Reading on November 7, 2016

Action: The Board of Directors will hold a first reading of Ordinance No. 59 and direct staff to schedule a second reading on November 7, 2016.

- B. Consider Approving the Renewal of the District's Membership in CalDesal

Action: The Board of Directors will consider if they want to continue the membership with CalDesal.

11. Staff Reports

- A. Receive the Developer Account Report

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
- 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 | |

13. Board Member Requests for Future Agenda Items

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

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

*Regular Meeting: Monday, November 7, 2016, 6:30 p.m.,
Marina Council Chambers, 211 Hillcrest Avenue, Marina*

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8-A

Meeting Date: October 17, 2016

Prepared By: James Derbin

Approved By: Keith Van Der Maaten

Agenda Title: Consider Adoption of Resolution No. 2016-59 in Recognition of Rene Magdaleno, System Operator II, for 10 Years of Service to the Marina Coast Water District

Staff Recommendation: The Board of Directors adopt Resolution No. 2016-59 recognizing Rene Magdaleno and awarding a plaque and gift certificate for his 10-years of service.

Background: *2016 Strategic Element 5.1 – Recruit and Retain a High Performing, Engaged Workforce.*

Discussion/Analysis: Rene began his tenure with the District on October 16, 2006 as a Meter Reader. In this position, Rene was often complimented by District customers for his willingness to explain how the customer's water meter works and the resulting billing. Rene was successful in discovering several unbilled accounts, one of which was a water meter serving an Army BRAC cleanup site which resulted in a first monthly billed amount of \$5,000.

Following four years of successful meter reading, Rene was promoted to System Operator I in July of 2010. His new responsibilities included operation and maintenance of the water and wastewater systems serving Central Marina and the former Fort Ord. Rene quickly learned his new responsibilities as a System Operator I and was promoted to System Operator II in May 2011 after passing his State Water Resources Control Board Division of Drinking Water (DDW) Distribution II certification. Since this promotion, Rene has passed his CWEA Collections Grade II and DDW, Water Treatment Grade II.

Rene is always courteous and willing to take the time to help his co-workers. He is a dedicated and loyal employee who is well-respected and admired by his fellow employees, and District customers.

The District is grateful for Rene's diligence and hard work, thanks him for ten years of service and wishes him continued success with the District.

Environmental Review Compliance: None required.

Financial Impact: X Yes No Funding Source/Recap: The gift card and plaque costs are allocated to the Hospitality Account for all Cost Centers.

Other Considerations: None.

Material Included for Information/Consideration: Resolution No. 2016-59.

October 17, 2016

Resolution No. 2016-59
Resolution of the Board of Directors
Marina Coast Water District
Recognizing Rene Magdaleno, System Operator II,
For 10-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 October 17, 2016, at 211 Hillcrest Avenue, Marina, California as follows:

WHEREAS, Rene Magdaleno joined the District on October 16, 2006; and,

WHEREAS, Rene was originally hired as a Meter Reader and has since been promoted to System Operator I in July of 2010, and to System Operator II in May of 2011; and,

WHEREAS, Rene is a conscientious employee and always available to help his co-workers and District customers; and,

WHEREAS, Rene has earned his Grade II Water Treatment and Grade II Water Distribution certifications with The State Water Resources Control Board, Division of Drinking Water; and,

WHEREAS, Rene is a dedicated and loyal employee who is well-respected and admired by his fellow employees and District customers.

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

PASSED AND ADOPTED on October 17, 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. 2016-59 adopted October 17, 2016.

Keith Van Der Maaten, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 9

Meeting Date: October 17, 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: *2016 Strategic Plan Mission Statement – 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.*

Consent calendar consisting of:

- A) Receive and File the Check Register for the Month of September 2016
- B) Approve the Draft Minutes of the Regular Board Meeting of September 19, 2016
- C) Adopt Resolution No. 2016-60 to Amend the Marina Coast Water District Conflict of Interest Code That Was Adopted August 1, 2016
- D) Adopt Resolution No. 2016-61 to Authorize a Notice of Completion for the Bureau of Land Management Project be Filed with the Monterey County Recorder

Discussion/Analysis: See individual transmittals.

Environmental Review Compliance: None required.

Other Considerations: The Board of Directors can approve these items together or they can pull them separately for discussion.

Material Included for Information/Consideration: Check register for August 2016; draft minutes of September 19, 2016; Resolution No. 2016-60, 2016 Local Agency Biennial Report, and the revised Conflict of Interest Code of the Marina Coast Water District; Resolution No. 2016-61 and, Notice of Completion for the Bureau of Land Management, Building E, at 940 2nd Avenue.

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: October 17, 2016

Prepared By: Kelly Cadiente

Approved By: Keith Van Der Maaten

Agenda Title: Receive and File the Check Register for the Month of September 2016

Staff Recommendation: The Board of Directors receive and file the September 2016 expenditures totaling \$1,073,392.63.

Background: *2016 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.*

Discussion/Analysis: These expenditures were paid in September 2016 and the Board is requested to receive and file the check register.

Environmental Review Compliance: None required.

Financial Impact: Yes 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.

Other Consideration: None.

Material Included for Information/Consideration: September 2016 Summary Check Register.

Action Required: Resolution 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-B

Meeting Date: October 17, 2016

Prepared By: Paula Riso

Approved By: Keith Van Der Maaten

Agenda Title: Approve the Draft Minutes of the Regular Board Meeting of September 19, 2016

Staff Recommendation: The Board of Directors approve the draft minutes of the September 19, 2016 regular Board meeting.

Background: *2016 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 September 19, 2016 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 September 19, 2016.

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: 9-C

Meeting Date: October 17, 2016

Prepared By: Paula Riso

Approved By: Keith Van Der Maaten

Agenda Title: Adopt Resolution No. 2016-60 to Amend the Marina Coast Water District Conflict of Interest Code That Was Adopted August 1, 2016

Staff Recommendation: The Board of Directors is requested to adopt Resolution No. 2016-60 amending the Marina Coast Water District (District) Conflict of Interest Code.

Background: *Strategic Plan Mission Statement – 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.*

The Political Reform Act of 1974, Government Code Section 81000, et seq., requires state and local government agencies to adopt a Conflict of Interest Code (COI). California Government Code Section 82011(b) provides that the Monterey County Board of Supervisors is the reviewing body of the District COI once it is adopted. The Monterey County Board of Supervisors requires a Local Agency Biennial Report on even numbered years. The last amendment was made in August 2016 to update position titles required to file statements of economic interests as well as differentiate positions that manage public investments (i.e. Board members, General Manager, and Director of Administrative Services).

Discussion/Analysis: After its adoption on August 1, 2016, the District forwarded the amended COI to the Monterey County Supervisor's office for review. County Counsel reviewed amended COI and suggested several changes. They requested language to be included that states the District is located wholly within the County of Monterey and correcting the citation to 18700.3(a), to the definition of consultant.

Environmental Review Compliance: None required.

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

Other Considerations: None.

Material Included for Information/Consideration: Resolution No. 2016-60; 2016 Local Agency Biennial Report; and, the revised Conflict of Interest Code of the Marina Coast Water District.

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

Board Action

Motion By _____ Seconded By _____ No Action Taken _____

Ayes _____

Abstained _____

Noes _____

Absent _____

October 17, 2016

Resolution No. 2016 - 60
Resolution of the Board of Directors
Marina Coast Water District
Amending the Marina Coast Water District
Conflict of Interest Code

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on October 17, 2016 at 211 Hillcrest Avenue, Marina, California as follows:

WHEREAS, the Political Reform Act of 1974, Government Code Section 81000, et seq., requires state and local government agencies to adopt a Conflict of Interest Code; and,

WHEREAS, Government Code Section 87200 requires that public officials who manage public investments file a full disclosure Form 700, and that they are not included as designated employees under the Conflict of Interest Code, but rather included on a separate exhibit to it; and,

WHEREAS, it is necessary for the District to periodically update its Conflict of Interest Code, with the last update in August 2016, for review by the District’s code filing body, the Monterey County Board of Supervisors; and,

WHEREAS, following Monterey County Counsel’s review of said Code, they are proposing language to be included that states the District is located wholly within the County of Monterey and correcting the citation number to the definition of consultant; and,

WHEREAS, District Counsel has reviewed and approved the proposed changes.

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

1. Amend the Marina Coast Water District Conflict of Interest Code to state the District is located wholly within the County of Monterey and correcting the citation of the definition of consultant to 18700.3(a).

PASSED AND ADOPTED on October 17, 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. 2016-60 adopted October 17, 2016.

Keith Van Der Maaten, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 9-D

Meeting Date: October 17, 2016

Prepared By: Patrick Breen
Reviewed By: Michael Wegley

Approved By: Keith Van Der Maaten

Agenda Title: Consider Adoption of Resolution No. 2016-61 to Authorize a Notice of Completion for the Bureau of Land Management Project be Filed with the Monterey County Recorder

Staff Recommendation: The Board of Directors adopt Resolution 2016-61 to authorize filing a Notice of Completion for the Bureau of Land Management (BLM) Project with the Monterey County Recorder.

Background: *Strategic Plan, Goal No. 2 – To meet 100% of current and future customers' needs and make timely improvements and increase infrastructure and level of services and human resources to meet needs of expanding service areas in an environmentally sensitive way.*

On October 29, 2014 the Board adopted Resolution No. 2014-46 to authorize a construction contract with Dilbeck & Sons Incorporated to construct Building E at 940 Imjin Office Parkway in the amount of \$3,452,479 which included a 10% contingency to house the Bureau of Land Management Central Coast Offices pursuant to a long term lease between the United States of America and the District.

On May 2, 2016 the Board of Directors of the Marina Coast Water District adopted Resolution No. 2016-29 which authorized an increase to the BLM Project Budget by \$120,000 in order to finalize the project.

Discussion/Analysis: Work on the BLM Project began in November 2014 and was completed August 12, 2016.

The Board authorized not-to-exceed amount for this project was \$3,572,479. Dilbeck & Sons, Inc. contracted amount was \$3,138,618. During the construction there were extra work items requested by the City of Marina, the U.S. Government, and District Staff. The extra items included a new sidewalk from Imjin Parkway to Twelfth Street, Government requested items (the costs of which were recouped via the lease), and additional work due to unforeseen conditions and unclear plan details. The total cost for these items was \$405,020.

The table below represents the authorized amount compared to the contracted amount.

Board Authorized Amount(s)	Contracted Amount		Balance
\$3,452,479 (2014-46)	Original	\$3,138,618	\$313,861
\$120,000 (2016-29)	Change Orders	\$405,020	(\$285,020)
\$3,572,479		\$3,543,638	\$28,841

The total cost of the construction totaled \$3,543,638 which is within the Board authorized amount (Resolution No. 2014-46 and Resolution No. 2016-29).

Staff is recommending a Notice of Completion be filed with the Monterey County Recorder as the work was completed pursuant to the plans and specification and contract obligations.

Environmental Review Compliance: None required.

Financial Impact: _____Yes ___X___No Funding Source/Recap: None

Other considerations: None.

Material Included for Information/Consideration: Resolution No. 2016-61.

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

Board Action

Motion By_____ Seconded By_____ No Action Taken_____

Ayes_____ Abstained_____

Noes_____ Absent_____

October 17, 2016

Resolution No. 2016-61
Resolution of the Board of Directors
Marina Coast Water District
Authorize Filing a Notice of Completion for the Bureau of Land Management Project

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on October 17, 2016, at 211 Hillcrest Avenue, Marina, California as follows:

WHEREAS, the District entered into a long term lease with the United States Government to construct and house the Central Coast Bureau of Land Management (BLM) Office; and,

WHEREAS, on November 17, 2014, the Board authorized a construction contract with Dilbeck & Sons Incorporated to construct Building E at 940 Imjin Office Parkway in the amount of \$3,138,618 with a total contract authorization of \$3,452,479 including a 10% contingency; and,

WHEREAS, during construction various items were necessary utilizing the contingency authorized including but not limited to BLM funded requests, Permitting Requirements, and Project Delays; and,

WHEREAS, authorized change orders of \$405,020 increased total contract amount to \$3,543,638; and,

WHEREAS, the Board adopted Resolution No. 2016-29 which authorized an increase to the BLM Project Budget by \$120,000 for a total budget of \$3,572,479 in order finalize the project; and,

WHEREAS, Dilbeck & Sons, Inc. has completed the BLM Project according to the contract documents including staff requested extra work.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby authorize the General Manager to file a Notice of Completion for the BLM Project with the Monterey County Recorder, and to take all actions and execute all documents as may be necessary or appropriate to give effect to this resolution.

PASSED AND ADOPTED on October 17, 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. 2016-61 adopted October 17, 2016.

Keith Van Der Maaten, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 10-A

Meeting Date: October 17, 2016

Prepared By: James Derbin

Approved By: Keith Van Der Maaten

Agenda Title: Consider First Reading of Ordinance No. 59 Amending Sections 3.12.040 (D,E,F), 3.28.020 (A,B,C), 3.28.030 (A,B,C,D), 3.28.050 (A,B,C), and 3.28.060 (B,C) of the District Code and Direct Staff to Schedule a Second Reading on November 7, 2016

Staff Recommendations: The Board is requested to conduct the first reading of Ordinance No. 59 to approve suggested updates to the Temporary Water Service and Cross Connection Control requirements and direct staff to schedule a second reading on November 7, 2016.

Background: *2016 Strategic Plan 6.2 – Routinely review policies and procedures.*

The District has an active and effective cross connection control program. To continue to be as effective as possible, it is necessary to routinely review the District Code and update or clarify the requirements of that program. Staff recently reviewed the District Code, Title 3, Chapters 3.12 and 3.28 and is providing updated clarifying edits to the Code.

Pursuant to the California Code of Regulations, Title 17, Public Health, and entitled “Regulations Relating to Cross-Connections” the district adopted Ordinance 5. Ordinance 5 outlined the requirements concerning the protection of the potable water supply from contamination. Ordinance 59 further clarifies those requirements.

Discussion/Analysis: In summary, the following sections of District Code, Title 3, Chapters 3.12 and 3.28 were edited:

- **3.12.040 (D,E,F)** – “Temporary service”, this section was modified to clarify the use requirements related to hydrant meters and temporary water connections.
- **3.28.020 (A,B,C)** – “Cross-connection protection requirements.” This section was updated to address properties with long water service lines after the meter are subject to review and requiring all multifamily housing units with 3 separate units or more need backflow protection.
- **3.28.030 (A,B,C,D)** - “Backflow prevention devices”, Updated to address backflow prevention device installation and testing requirements including that any change of tenancy, ownership or renovation of the building will require review by district Cross-connection control staff.
- **3.28.050 (A,B,C)** – “Administrative procedures”, clarifies that cross connection control surveys apply to new and existing connections as needed, timeline for customer notifications related to inspection/surveys and testing of devices.
- **3.28.060 (B,C)** – “Water service termination”, further clarifies process and fees related to termination and restoration of water service.

Environmental Review Compliance: None required.

Financial Impact: _____Yes No Funding Source/Recap: None

Other considerations: Take no action to clarify the District Code.

Material Included for Information/Consideration: Draft Ordinance No. 59; and, Title 3, in track changes mode.

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-B

Meeting Date: October 17, 2016

Prepared By: Keith Van Der Maaten

Approved By: Keith Van Der Maaten

Agenda Title: Consider Approving the Renewal of the District's Membership in CalDesal

Staff Recommendation: That the Board of Directors not renew the District's annual membership with CalDesal at this time and evaluate re-joining this organization next year.

Background: *2015 Strategic Plan, Strategic Goal 1.5 – Develop an alternative water sources work plan that will carry us from conception to development.*

CalDesal is an organization formed by a collection of various water agencies throughout the State to be a source of information-sharing and support to those considering desalination as a source of new supply. The organization has matured to become the definitive source of information for regulators and other agencies within the State of California who seek technical information about desalination.

When the District was previously engaged in the Regional Desalination Project, it was a founding member of CalDesal but ceased to be a member when that project ceased to move forward. On April 20, 2015, the Board approved renewing the District's annual membership with CalDesal which has since expired. CalDesal recently contacted the District asking if it is interested in renewing its annual membership.

Discussion/Analysis: The District will be analyzing its water supply options, including desalination, through this fiscal year through a three-party planning agreement between the District, FORA, and MRWPCA. Since specific actions to move forward on desalination plans will likely not occur until completion of this study, staff recommends that the District not renew its annual membership at this time and evaluate re-joining this organization next year pending completion of the three party planning process.

Environmental Review Compliance: None required.

Financial Impact: Yes No Funding Source/Recap: There is no fiscal impact if the Board decides to not renew the annual membership with CalDesal; however, should the Board wish to continue as a member of CalDesal, the cost of the annual membership in CalDesal is \$5,000 and the membership dues were not included in the Fiscal Year 2016-2017 Budget (funds would need to be obtained through the Marina Water and Ord Water membership cost centers).

Other Considerations: Should the Board wish to continue as a member of CalDesal, it would provide an easily accessible network of agencies that have experience in desalination.

Material Included for Information/Consideration: None.

Action Required: Resolution Motion Review

Board Action

Motion By _____ Seconded By _____ No Action Taken _____

Ayes _____

Abstained _____

Noes _____

Absent _____

Marina Coast Water District
Staff Report

Agenda Item: 11-A

Meeting Date: October 17, 2016

Prepared By: Brian True

Approved By: Keith Van Der Maaten

Reviewed By: Michael Wegley

Agenda Title: Developer Account Update

Staff Recommendation: The Board of Directors receive an update on Developer Accounts.

Background: *Strategic Plan, Goal No. 2 – 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.*

Staff has been providing quarterly reports to the board on the status of the Development Accounts. The Board has asked staff to look into what can be done to improve the delinquent accounts and what options exist. As part of that Board request, staff has been working on process improvements for managing development accounts and will continue to report the progress on those improvements as part of the quarterly update report on Developer Accounts.

Discussion/Analysis: A new updated format for the Developer Deposit Balance Sheet has been completed and is provided with this staff report. The new format summarizes development account balances with comments beneath each account balance line to provide the current status, comments and recommendations for the disposition of each development account. Future Developer Deposit Balance Reports will also be divided between large and medium/small active projects. This will separate subdivision developers from single parcel developments that have significantly different magnitudes, processes, and levels of outcomes. The project intake process (discussed below) will assist in making this change to the format of the Developer Deposit Balances sheet.

Staff is working on a recommendation to come to the Board in the near future to consider writing-off balances owed to MCWD for the Marina Cottages and Del Rey Oaks projects. Obtaining compensation for MCWD expenses from either project is highly unlikely and legally challenging. The Del Rey Oaks developer is defunct. The Marina Cottages project is now a very aged account, and the units are owned by individuals (not the original developer).

Currently, deposits received for the suspended 300-AFY Existing Desal Agreement are included in the Developer Deposit Balance Sheet affecting three projects. They are Cypress Knolls, Marina Heights, and Dunes. Staff is working on a recommendation to come to the board in the near future to consider listing only those expenses and resources utilized to conduct the planning, design, and installation of the proposed project's infrastructure on the Developer Deposit Sheet. A policy along those lines would clear up the Deposit Available or Balance Due for each of those three projects.

Other internal process improvements are also under way as follows:

- Development Project Application Form (project intake process)
- Development Review and Inspection Coordination with Land-Use Jurisdictions

The Development Project Application Form is being redesigned to improve the internal work-flow process and provide a more user-friendly application for small and medium-sized single parcel development projects. More importantly, this form will create a legally enforceable agreement not just for District codes and ordinances but for cost recovery of District expenses. This form is in the final stages of development and will be made available for public review prior to implementation.

Staff has been reaching-out to the main local Land-Use Jurisdictions (LUJs) (i.e the City of Marina, the City of Seaside, and Monterey County, etc.) to assist in developing improved external development project review and approval processes. Discussions with the City of Marina have been conducted recently that should improve the building occupancy certification process (which requires an MCWD potable water meter to be complete).

Furthering the objective of improving the home occupancy certification process, staff is working towards adoption of the MCWD Water Code by LUJs where MCWD jurisdictions overlap (similar to the way the LUJs adopt and enforce building codes). This will allow MCWD to shift the time-consuming expense of inspection of every individual home for water conservation features (e.g. low flow toilets and hot-water recirculation systems) that building officials can perform concurrent with building inspections and allow MCWD engineering staff to focus on engineering projects, CIPs, and the development of the standards that go into the MCWD Water Code. If the LUJs were to adopt the MCWD Water Code, it appears likely that MCWD will then be in a position to provide a potable water meter at an earlier moment in the home occupancy certification process – an outcome that will likely be well received by the development community.