



# 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

HOWARD GUSTAFSON  
*President*

PETER LE  
*Vice President*

THOMAS P. MOORE  
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, July 6, 2015, 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 6:30 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  
(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

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, July 1, 2015. 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.

- 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) Marina Coast Water District v, California Coastal Commission (California-American Water Company, Real Party in Interest), Santa Cruz County Superior Court Case No. CGC-13-528312 (Petition for Writ of Mandate).
  - 5) Marina Coast Water District v, California State Lands Commission (California-American Water Company, Real Party in Interest), case number pending (Petition for Writ of Mandate)
- B. Pursuant to Government Code 54957.6  
Conference with Labor Negotiators  
Agency Negotiators (Bill Kocher, Peter Le)  
Employee Organization: Marina Coast Water District Employees Association
- C. Pursuant to Government Code 54957.6  
Conference with Labor Negotiators  
Agency Negotiators (Bill Kocher, Peter Le)  
Employee Organization: Teamsters Local 890
- D. Pursuant to Government Code 54956.8  
Conference with Real Property Negotiator  
Property: Recycled Water Pipeline, Recycled Water  
Agency Negotiators: Peter Le and Howard Gustafson  
Negotiating parties: MRWPCA, MCWRA, MPWMD, City of Salinas, and others.  
Under Negotiation: Price and Terms
- E. Pursuant to Government Code 54956.8  
Conference with Real Property Negotiator  
Property: Sewer Infrastructure  
Negotiating parties: Howard Gustafson and Peter Le  
Under Negotiation: Price and Terms
- F. Pursuant to Government Code 54956.9  
Conference with Legal Counsel – Anticipated Litigation  
Initiation of Litigation pursuant to Government Code Section 54956.9(d)(4)  
One Potential Case

**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. 2015-32 to Recognize Richard Green, System Operator III, and Awarding a Plaque and Gift Certificate for 15 Years of Service to the Marina Coast Water District

*Action: The Board will consider adopting Resolution No. 2015-32 recognizing Richard Green, System Operator III, and awarding a plaque and gift certificate for 15 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 Regular Board Meeting of June 15, 2015

B. Approve the Draft Minutes of the Special Board Meeting of June 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. Discussion and Possible Action to Authorize the Board President to Submit a Comment Letter on the Monterey Peninsula Water Supply Project EIR

*Action: The Board of Directors will consider authorizing the Board President to submit a comment letter on the Monterey Peninsula Water Supply Project EIR.*

B. Discussion and Possible Action to Consider Adoption of Resolution No. 2015-33 to Adopt an Updated Water Shortage Contingency Plan

*Action: The Board of Directors will consider adopting an updated Water Shortage Contingency Plan.*

- C. Receive Information and Possible Direction to Staff on a Request for Use of an Easement on the Armstrong Ranch Property

*Action: The Board of Directors will consider the letter received regarding using District easements on the Armstrong Ranch property.*

- D. Discussion and Possible Action to Consider Adoption of Resolution No. 2015-34 to Approve a Professional Services Agreement to Provide Special Legal Counsel in Labor and Employment Law Services to the District

*Action: The Board of Directors will consider approving a contract for a labor attorney.*

- E. Discussion and Possible Action to Consider Adoption of Resolution No. 2015-35 to Approve a Contract with Whitson Engineers for Design of the Inter-Garrison Road Pipeline

*Action: The Board of Directors will consider approving a design contract for the Inter-Garrison Road pipeline.*

- F. Discussion and Possible Action to Extend the Interim General Manager's Employment Contract

*Action: The Board of Directors will consider extending the Interim General Manager's employment contract until August 3, 2015.*

- G. Discussion and Possible Action to Consider Adoption of Resolution No. 2015-36 to Approve the Memorandum of Understanding Between the Marina Coast Water District Employees Association and the Marina Coast Water District

*Action: The Board of Directors will consider approving the Memorandum of Understanding between the Marina Coast Water District Employees Association and the Marina Coast Water District.*

- H. Discussion and Possible Action to Consider Adoption of Resolution No. 2015-37 to Approve the Memorandum of Understanding Between the Teamsters Local 890 and the Marina Coast Water District

*Action: The Board of Directors will consider approving the Memorandum of Understanding between the Teamsters Local 890 and the Marina Coast Water District.*

- I. Discussion and Possible Action to Consider Adoption of Resolution No. 2015-38 to Approve the Terms and Conditions of the Employment Agreement Between the Unrepresented Employees and the Marina Coast Water District

*Action: The Board of Directors will consider approving the term and conditions of the employment agreement between the unrepresented employees and the Marina Coast Water District.*

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

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

*Regular Meeting: Monday, July 20, 2015, 6:30 p.m.,  
Marina Council Chambers, 211 Hillcrest Avenue, Marina*

Marina Coast Water District  
Agenda Transmittal

Agenda Item: 8-A

Meeting Date: July 6, 2015

Prepared By: James Derbin

Approved By: Bill Kocher

Agenda Title: Consider Adoption of Resolution No. 2015-32 in Recognition of Richard Green, Systems Operator III, and Awarding a Plaque and Gift Certificate for 15 Years of Service to the Marina Coast Water District

Staff Recommendation: recommends that the Board of Directors consider adoption of Resolution No. 2015-32 in recognition of Richard Green, Systems Operator III, and awarding a plaque and gift certificate for 15 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: Richard Green began his employment with the District on June 20, 2000 as a System Operator I. Following a successful four and a half years of Operations and Maintenance activity and professional certification achievements, Richard was promoted to a System Operator II in 2005. After additional professional certification and gaining Journey level experience, Richard was promoted to System Operator III in 2013.

Currently Richard Green holds the following professional certifications:

- SWRCB DDW Water Distribution Operator Grade D3
- SWRCB DDW Water Treatment Operator Grade II
- AWWA Backflow Prevention Assembly General Tester
- AWWA Cross Connection Control Program Specialist
- CWEA Collection System Maintenance Grade II

In addition to Richard's numerous professional certifications, he continually strives to improve his water and wastewater operational and supervisory skills. Richard has played an instrumental role in establishing an improved valve exercising program, maintains the District inventory of parts for emergency repairs and maintains enthusiasm about his work. Overall, Richard is a dedicated and loyal employee who is well-respected and admired by his fellow employees and District customers.

It is with great pleasure that the District recognizes Richard Green's fifteen years of service to the Marina Coast Water District. We collectively thank him for his years of outstanding service, and wish him well in his continued service to the District.

Environmental Review Compliance: None required.

Financial Impact:  Yes  No Funding Source/Recap: Expenditures for plaque and gift certificate is allocated across four cost centers from the Hospitality & Awards account.

Other Considerations: None.

Material Included for Information/Consideration: Resolution No. 2015-32.

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

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Board Action

Motion By \_\_\_\_\_ Seconded By \_\_\_\_\_ No Action Taken \_\_\_\_\_

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

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

July 6, 2015

Resolution No. 2015-32  
Resolution of the Board of Directors  
Marina Coast Water District  
In Recognition of Richard Green  
for 15 Years of Service to MCWD and Awarding a Plaque and Gift Certificate

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on July 6, 2015, at 211 Hillcrest Avenue, Marina, California as follows:

WHEREAS, Richard Green joined the District on June 20, 2000; and,

WHEREAS, Richard immediately began learning the diverse skills and assignments associated with Operations and Maintenance; and,

WHEREAS, since his arrival, Richard has performed all of his duties in an outstanding and enthusiastic manner; and,

WHEREAS, Richard voluntarily maintains the District inventory of parts for emergency water and wastewater repairs; and,

WHEREAS, Richard holds numerous professional certifications; and, was instrumental in improving the District’s Valve Exercising Program; and,

WHEREAS, Richard 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 Richard Green for fifteen-years of service with the District, and wishes him continued success with the District.

PASSED AND ADOPTED on July 6, 2015, 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:

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Bill Kocher, 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. 2015-32 adopted July 6, 2015.

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Bill Kocher, Secretary

Marina Coast Water District  
Agenda Transmittal

Agenda Item: 9

Meeting Date: July 6, 2015

Prepared By: Bill Kocher

Approved By: Bill Kocher

Agenda Title: Consent Calendar

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

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.”*

Consent calendar consisting of:

- A. Approve the Draft Minutes of the Regular Board Meeting of June 15, 2015
- B. Approve the Draft Minutes of the Special Board Meeting of June 29, 2015

Discussion/Analysis: See individual transmittals.

Environmental Review Compliance: None required.

Other Considerations: The Board of Directors can approve these items together or the Board can pull these items and discuss each one individually.

Material Included for Information/Consideration: Copy of the draft minutes of June 15, 2015; and, copy of the draft minutes of June 29, 2015.

Action Required: \_\_\_\_\_Resolution      X   Motion    \_\_\_\_\_Review  
(Roll call vote is required.)

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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: July 6, 2015

Prepared By: Paula Riso

Approved By: Bill Kocher

Agenda Title: Approve the Draft Minutes of the Regular Board Meeting of June 15, 2015

Staff Recommendation: The Board of Directors approve the draft minutes of the June 15, 2015 regular Board meeting.

Background: *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.*

Discussion/Analysis: The draft minutes of June 15, 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 June 15, 2015.

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

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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: July 6, 2015

Prepared By: Paula Riso

Approved By: Bill Kocher

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

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

Background: *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.*

Discussion/Analysis: The draft minutes of June 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 June 29, 2015.

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

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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: July 6, 2015

Prepared By: Bill Kocher

Approved By: Bill Kocher

Agenda Title: Possible Action to Edit and Authorize the Board President to Submit a Comment Letter on the Monterey Peninsula Water Supply Project Draft Environmental Impact Report

Staff Recommendation: Provide timely comments, additions and edits to the draft comment letter for submittal by the deadline for comments on July 13, 2015.

Background: *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.*

The Board directed staff to work with legal counsel to Monterey Peninsula Water Supply Project. At the time of this Board Submittal, the draft letter was not yet completed and will be delivered to Directors under separate cover or electronically in time they can review it prior to the July 6th meeting.

Discussion/Analysis: The deadline for comment is July 13, 2015, and the District is submitting comments as a responsible agency under the signature of the Board President.

Environmental Review Compliance: This comment letter complies with CEQA.

Financial Impact:  Yes  No Funding Source/Recap: None

Other Considerations: The Board can elect not to submit comments or to edit the comments.

Material Included for Information/Consideration: At the time of this Board Submittal, the draft letter was not yet completed and will be delivered to Directors under separate cover or electronically in time they can review it prior to the July 6th meeting. Copies will be available for the public at the July 6, 2015 meeting.

Action Required:  Resolution  Motion  Review

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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: July 6, 2015

Prepared By: James Derbin

Approved By: Bill Kocher

Agenda Title: Discussion and Possible Action to Consider Adoption of Resolution No. 2015-33 to Adopt an Updated Water Shortage Contingency Plan

Staff Recommendation: recommends that the Board approve Resolution No. 2015-33 to Adopt an Updated Water Shortage Contingency Plan.

Background: *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.*

Water Code Section 10632 requires the District to adopt an Urban Water Shortage Contingency Plan in response to water supply shortages. The Water Shortage Contingency Plan is a mandatory element of the District's Urban Water Management Plan. The District has adopted these plans under separate resolutions. Therefore, updating the Water Shortage Contingency Plan does not require re-adoption of the Urban Water Management Plan. The updated Water Shortage Contingency Plan must be provided to the California Department of Water Resources for their files.

On July 29, 2014, the State Water Resources Control Board's (SWRCB) Emergency Mandatory Water Conservation Regulations went into effect. The Emergency regulation specifically required that each Urban Water Supplier implement "all requirements and actions of the stage of its' water shortage contingency plan that imposes mandatory restrictions on irrigation of ornamental landscapes or turf with potable water." At a regularly scheduled Board meeting, held on November 3, 2014, the Board adopted an updated Water Shortage Contingency Plan and declared a Stage 3 Water Shortage by Resolution No. 2014-34. In this action, the Board chose to implement most of the water use restrictions stated in Stage 3. The the following exceptions were made: extend the watering days from 2 days to 3 days per week, not impose water allotments, nor place a moratorium on issuing of new water meters.

Discussion/Analysis: On April 1, 2015, Governor Jerry Brown issued an Executive Order that required conservation for all residents and directed several state agencies including SWRCB to take immediate action to safeguard the state's remaining potable urban water supplies in preparation for a fifth potential year of drought. Although the Executive Order and SWRCB adoption of these restrictions places end user requirements on all California Residents, the Water Conservation Commission (WCC) agrees these edits are important changes to the WSCP and will aide in the District meeting the 12% State mandated reduction goal.

On June 4, 2015, the WCC reviewed the updated plan and requested consideration is given to approve revisions to the WSCP stages. The revised draft plan includes text changes to clarify the type of uses and the water use restrictions for each type of use in-line with recent Executive

Order from Governor Brown and the adopted state mandates and as recommended by the MCWD Water Conservation Commission. A tracked-changes comparison of the current and proposed plans is provided.

In summary, the following recommended WSCP updates are:

- Clarifying that other nonpotable water sources can be applied for outdoor irrigation without restriction
- Clarification that landscape watering is restricted when using sprinklers or automated irrigations systems
- Changes to the number of days outdoor irrigation is allowed
- Changes to the restrictions on manual landscape watering
- Adding restrictions on the irrigation of ornamental turf in median strips and parkways
- Change to the restrictions on car washing
- Clarifying that there are no water use restrictions for decorative water features 20 gallons or less
- Changes to the irrigation reduction goals for golf course operators

Environmental Review Compliance: None required.

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

Other Considerations: None.

Material Included for Information/Consideration: Resolution No. 2015-33, Current District Water Shortage Contingency Plan, adopted November 3, 2014; Proposed Updated District Water Shortage Contingency Plan Redlined; and, Proposed Updated District Water Shortage Contingency Plan Final.

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

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Board Action

Motion By \_\_\_\_\_ Seconded By \_\_\_\_\_ No Action Taken \_\_\_\_\_

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

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

July 6, 2015

Resolution No. 2015-33  
Resolution of the Board of Directors  
Marina Coast Water District  
Adopting an Updated Water Shortage Contingency Plan

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“MCWD”), at a regular meeting duly called and held on July 6, 2015, at 211 Hillcrest Avenue, Marina, California as follows:

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

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

WHEREAS, due to ongoing historic drought conditions, the District desires to incorporate current mandatory water conservation measures into an updated Water Shortage Contingency Plan.

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

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

PASSED AND ADOPTED on July 6, 2015 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:

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Bill Kocher, 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. 2015-33 adopted July 6, 2015.

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Bill Kocher, Secretary

Marina Coast Water District  
Agenda Transmittal

Agenda Item: 10-C

Meeting Date: July 6, 2015

Prepared By: Bill Kocher/Mike Wegley

Approved By: Bill Kocher

Agenda Title: Receive Information and Possible Direction to Staff on a Request for Use of an Easement on the Armstrong Ranch Property

Staff Recommendation: Consider the information contained in this transmittal and provide any direction to staff on a request for the use of easements on the upper and lower property lines of the parcel.

Background: As previously reported to the Board at its June 1, 2015 meeting, the District acquired the 224-acre Armstrong Ranch property in a Grant Deed recorded in June 2010. There was a restriction placed on the property against any use/purpose other than: “the production, storage, treatment or distribution of treated water (tertiary treatment or its equivalent) or potable water, and any incidental uses reasonably necessary or appropriate thereto.” Staff was asked in the June 1, 2015 meeting to contact the Armstrong family regarding the proposed use of this easement to determine if it was their opinion that such use would be consist

Discussion/Analysis: As was presented at the June 1 meeting, MCWD staff was approached by Ramco Enterprises, L.P. who is leasing the property on either side of the Armstrong Ranch property to allow it to use existing easements on the upper and lower lot lines. Ramco would then use those easements to place water mains and diesel-powered pumps to move water across the Armstrong Ranch property, thereby connecting its farmed property on either side.

Ramco staff contacted the Armstrong family as requested by the Board and the email they received from Jack Armstrong on June 2, 2015 is attached to this staff report. It states that easement across the District’s property existed since 1996 and were intended to provide access between the Armstrong property on either side of the MCWD parcel that were severed by the District’s acquisition. The easements were to be used, among other things, “for agricultural irrigation, roads, utilities, pipelines and any other purpose for which a road may be used.” Checking with their attorney, Mr. Armstrong was assured that there is no link between these easements and the Grant Deed’s Conditions Subsequent.

Additionally, initial review of this request for easement by District Legal Counsel and the Bond Counsel for the tax-exempt bonds with which the property was purchased have indicated this appears to be a permitted use for the property since the proposed pipelines and appurtenances are located in already-designated utility easements. The District Engineer has reviewed the proposal for possible interference with the District’s future use of the property and has suggested we need to work closely with the requestor to assure our interests are considered with any such location of utilities.

There remain many questions that should be answered prior to the final execution of the easement agreement. Some of the questions that have been asked of staff by Directors are:

1. What can the Armstrong install or use these easements for? Was the use described in the grant deed to the District or in other documents or attachments? *Previously answered within this transmittal.*

2. From question 1 above, are these easements for access only? Or for pipeline only and NOT for any above ground structure? *Again, previously answered with this transmittal.*

3. Is a pump station or structure allowed on top of the easement? If so, where is it described in the grant deed? *The description of the intended use by Mr. Armstrong would suggest that any appurtenances related to irrigation across this property would be an allowable use of this easement though certainly the District would have final approval of any such construction to assure it does not interfere with the District's intended use of the property.*

4. If a new pump station structure is allowed to be constructed on top of the easement, it may interfere with our future pipeline or treatment plant or future development of the site. How do we address this problem? *The District has control of the use of this easement and our engineering group would be responsible for review plans and assuring the District's interests were protected.*

5. Can we place a condition on the approval that the grower needs to relocate their pipes and structure if there are conflicts with our future development? *Conditioning relocation of pipes and appurtenances for interferences with the Districts use of the balance of Parcel 1 for the intended uses of the Grant Deed as stated in the Grantor reservations would be reasonable.*

6. Can we also place a time limit on the use of the easement? *The District can't place a time limit on the use of the easement. The Grantor reservations state that the easement is "freely assignable and usable by others, and not subject to extinguished or limited..."*

7. When the farmer stops farming, can we place a condition that he removes all underground pipes and structures since he no longer needs them? Also the removal of all structures, if we allow them, is necessary to prevent pollution and contamination of the site. *Unless the Grant Deed states otherwise, it appears to be a reasonable condition.*

8. We need some kind of written agreement for both the grower and the District to sign to remove any ambiguity and misunderstanding. *Since Armstrong is assigning the easement, the District should have an agreement with RAMCO.*

Environmental Review Compliance: None required.

Financial Impact:   X   Yes             No      Funding Source/Recap: Directing staff to proceed the with the necessary work to determine the feasibility of granting this easement request will involve the investment of some undetermined amount of staff time (likely only a few hours) and possibly some investment in legal review, possible surveying, and bond counsel review. No funds are currently budgeted for this specific project. District Counsel has suggested that the Board direct Ramco Enterprises that in order to proceed with the work it is required to issue a check to the District for \$5000 which the District would draw upon to finance this work.

Other Considerations: As previously stated, arguably the District purchased the Armstrong Ranch property for future use for water augmentation and that the property was intended to be used for no other purpose. The Board is not obligated to grant any such request though the letter from Mr. Armstrong does encourage the Board to grant this request to Ramco Enterprises.

Additionally, if the Board is interested in leasing or selling this easement, it should direct staff to obtain an appraisal for the value of any such easement.

Material Included for Information/Consideration: Parcel maps identifying the location of the requested easements; and electronic mail from Mr. Jack Armstrong.

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

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Board Action

Motion By\_\_\_\_\_ Seconded By\_\_\_\_\_ No Action Taken\_\_\_\_\_

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

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

Marina Coast Water District  
Agenda Transmittal

Agenda Item: 10-D

Meeting Date: July 6, 2015

Prepared By: Jean Premutati

Approved By: Bill Kocher

Agenda Title: Discussion and Possible to Consider Adoption of Resolution No. 2015-34 to Approve a Professional Services Agreement to Provide Special Legal Counsel in Labor and Employment Law Services to the District

Staff Recommendation: The Board of Directors adopt Resolution No. 2015-34 to approve a Professional Services Agreement (PSA) to provide Special Legal Counsel in Labor and Employment Law Services to the District.

Background: *2014 5-Year Strategic Plan – all Elements of Organizational Health and Personnel.* Previously, at the request of the Board, staff developed a Request for Proposal (RFP) to solicit proposals for District Legal Counsel and Special Legal Counsel for Labor and Employment Law services. After receiving only two (2) responses to the District Counsel RFP and one (1) response to the Special Legal Counsel for Labor and Employment Law, the Board, at the May 18, 2015 Regular meeting, directed staff to maintain current legal services with Griffith & Masuda as District Legal Counsel and to distribute a new RFP for Labor and Employment Law services.

Staff was directed to advertise the RFP on the following websites: Marina Coast Water District, California Special District's Association, the Association of California Water Agencies, and the American Water Works Association. Staff also developed a new list of firms that represent public sector and distributed an additional twelve (12) RFP's to those firms.

Discussion/Analysis: The newly revised RFP's went out on May 19, 2015. Nine (9) responses were received by the deadline of 5:00 pm, June 8, 2015. Staff reviewed and summarized the proposals; however one proposal was for investigative services only. The following criteria were used to evaluate the proposals:

- Experience, qualifications and recommendations
- Economics and value
- Locale of proposer
- Quality of proposal

Environmental Review Compliance: None required.

Financial Impact:   X   Yes           No    Funding Source/Recap: Services performed will be funded through FY 2015/2016 Operating Budget of the Central Marina and Ord Community cost centers Marina Water (MW) – 27%; Marina Sewer (MS) – 7%; Ord Water (OW) – 54%; Ord Sewer (OS) – 12%.

Other Considerations: None

Material Included for Information/Consideration: Resolution No. 2015-34; evaluation matrix, and, copies of proposals from: Liebert Cassidy Whitmore; Richards Watson Gershon; Ellis Buehler Makus; Renne Sloan Holtzman Sakai; Cota Cole; Burke Williams & Sorenson; McPharlin Sprinkles & Thomas; Hirschfeld Kraemer; Prentice Long & Epperson provided separately.

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

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Board Action

Motion By \_\_\_\_\_ Seconded By \_\_\_\_\_ No Action Taken \_\_\_\_\_

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

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

July 6, 2015

Resolution No. 2015-34  
Resolution of the Board of Directors  
Marina Coast Water District

Approve a Professional Services Agreement with \_\_\_\_\_ to Provide  
Special Legal Counsel in Labor and Employment Law Services to the District

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on July 6, 2015, at 211 Hillcrest Avenue, Marina, California as follows:

WHEREAS, the Board directed staff to develop a Request for Proposal (RFP) for Special Legal Counsel in Labor and Employment Law Services to the District; and,

WHEREAS, staff posted the RFP on the following websites; Marina Coast Water District, California Special Districts Association, American Water Works Association and the Association of California Water Agencies in addition to mailing out twelve (12) RFP’s to public sector focused firms with a deadline of June 8, 2015; and,

WHEREAS, a total of nine (9) proposals were received and reviewed by staff in the attached matrix for experience, qualifications and recommendations, economics and value, locales of proposer and quality of proposal; and,

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby adopt Resolution No. 2015-34, to approve a Professional Services Agreement with \_\_\_\_\_, and authorizes 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 July 6, 2015, 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 \_\_\_\_\_

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Howard Gustafson, President

ATTEST:

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Bill Kocher, 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. 2015-34 adopted July 6, 2015.

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Bill Kocher, Secretary

Marina Coast Water District  
Agenda Transmittal

Agenda Item: 10-E

Meeting Date: July 6, 2015

Submitted By: Andrew Sterbenz

Approved By: Bill Kocher

Agenda Title: Discussion and Possible Action to Consider Adoption of Resolution 2015-35 to Approve a Contract with Whitson Engineers for Design of the Inter-Garrison Road Pipeline

Staff Recommendation: The Board of Directors adopt Resolution 2015-35 authorizing a contract with Whitson Engineers for the Design of the Inter-Garrison Road Pipeline Upsizing Project.

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.*

The Inter-Garrison Road Pipeline Upsizing Project, CIP No. OW-0206, is the design and construction of approximately 1,700-LF of 18-inch potable water pipeline in Inter-Garrison Road between Schoonover Road and East Garrison to replace the existing 12-inch C-Zone water main. This will allow the District to meet commercial fire flows in East Garrison prior to building a B-Zone reservoir. Commercial development is currently projected to begin in 2017.

The Fort Ord Reuse Authority has completed 90% design of the future widening of Inter-Garrison Road from 2 lanes to 4, and has included the construction in their CIP for FY 2016-2017 through FY 2018-2019. Whitson Engineers is the design firm for the road improvements.

Discussion/Analysis: East Garrison is within the District's B-Zone elevation range. Water is supplied from a 12-inch C-Zone water main in Inter-Garrison Road, fed by Reservoir C2. In 2012, the District installed a pressure reducing valve station on Inter-Garrison Road at the entrance to East Garrison. The existing 12-inch main provides sufficient flow and pressure to meet residential fire demands, but cannot support commercial fire flow demands in excess of 2,000 gpm. The existing 12-inch water main is approximately 3,800 LF, and transitions to an 18-inch transmission main between Schoonover Rd and 6<sup>th</sup> Avenue. Replacing 1,700 LF of 12-inch water main with an 18-inch pipe will reduce the friction losses and allow commercial fire flows to be met. The PRV station piping is configured to connect to the proposed 18-inch water main.

Whitson Engineers will design the 18-inch water main from Schoonover Road to East Garrison, replacing the full 3,800 LF of existing 12-inch main. The plans will be configured so that the initial 1,700 LF may be bid and constructed as a stand-alone project, and the remaining 2,100 LF may be constructed when FORA widens Inter-Garrison Road. The District has constructed pipelines in conjunction with FORA roadway projects in the past, which saves the District the cost of paving, traffic control and construction management. Staff intends to issue this project for bid in the spring of 2016, and complete the work in summer-fall 2016.

Staff is recommending a sole-source award to Whitson Engineers. Whitson Engineers has already completed 90% design of this roadway project for FORA, so they may add the pipeline components to the existing plan set more efficiently than another firm creating new drawings. Whitson Engineers is the civil designer for East Garrison, and is familiar with the MCWD design standards. They designed all of the in-tract water piping for East Garrison, including the District's 24-inch well field main.

The estimated cost for this contract is \$59,000, which includes a 10% contingency. The work includes supplemental surveying and potholing to add the new PRV station and the existing 18-inch water main, which are outside the limits of the FORA plans. Whitson Engineers has in-house survey staff, so there is no sub-consultant mark-up on the survey effort.

Environmental Review Compliance: Pipelines with public street rights-of-way less than one mile in length are exempt from CEQA.

Other considerations: None.

Financial Impact:  Yes  No Funding Source/Recap: Funding for this project comes from the FY 2015-2016 Capital Improvements Budget, Project OW-0206, Inter-Garrison Road Pipeline Upsizing, budgeted at \$167,485. This budget includes design and initial construction.

Material Included for Information/Consideration: Resolution No. 2015-35.

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

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Board Action

Motion By \_\_\_\_\_ Seconded By \_\_\_\_\_ No Action Taken \_\_\_\_\_

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

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

July 6, 2015

Resolution No. 2015-35  
Resolution of the Board of Directors  
Marina Coast Water District  
Authorizing a Contract with Whitson Engineers  
For Design of the Inter-Garrison Road Pipeline

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on July 6, 2015, at 211 Hillcrest Avenue, Marina, California as follows:

WHEREAS, the District Capital Improvement Program includes the Inter-Garrison Road Pipeline Project to improve flows to East Garrison in the Ord Community; and,

WHEREAS, the Fort Ord Reuse Authority (FORA) has contracted with Whitson Engineers to design the widening Inter-Garrison Road, and this project has reached the 90% design stage; and,

WHEREAS, the District and FORA have constructed pipelines and road improvements concurrently in the past, resulting in a cost savings to the District; and,

WHEREAS, staff recommends a sole-source award of the pipeline design contract to Whitson Engineers, due to the efficiency of adding the pipeline to the roadway plans, and their demonstrated competence designing other pipelines for the District; and,

WHEREAS, this work is included in the FY 2015-2016 Capital Improvements Program budget as Project OW-0206;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby authorize the General Manager to execute a contract with Whitson Engineers for design of the Inter-Garrison Road Pipeline Project, and to take all actions and execute all documents as may be necessary or appropriate to give effort to this resolution, the total project budget dollar amount for which shall not-to-exceed \$59,000, which includes the base scope of work and a ten percent contingency.

PASSED AND ADOPTED on June 15, 2015 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 \_\_\_\_\_

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Howard Gustafson, President

ATTEST:

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Bill Kocher, 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. 2015-35 adopted July 6, 2015.

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Bill Kocher, Secretary

Marina Coast Water District  
Agenda Transmittal

Agenda Item: 10-F

Meeting Date: July 6, 2015

Prepared By: Bill Kocher

Approved By: Bill Kocher

Agenda Title: Discussion and Possible Action to Extend the Interim General Manager's Employment Contract

Staff Recommendation: The Board of Directors extend the Interim General Manager's employment contract until August 3, 2015.

Background: *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.*

Discussion/Analysis: On January 5, 2015, the Board approved a six-month contract with Bill Kocher to serve as the Interim General Manager while recruiting for a regular, full-time General Manager. Following an intensive recruitment, the Board made their selection and on June 15, 2015, approved a contract with Keith Van Der Maaten. Mr. Van Der Maaten is scheduled to begin work with the District on August 3, 2015. By extending Mr. Kocher's contract until Mr. Van Der Maaten reports to work, the Board is ensuring the District is adequately represented and staffed.

Environmental Review Compliance: None required.

Financial Impact: \_\_\_\_\_Yes      X  No    Funding Source/Recap: None

Other Considerations: The Board can decide not to extend the Interim General Manager's contract.

Material Included for Information/Consideration: None.

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

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Board Action

Motion By \_\_\_\_\_ Seconded By \_\_\_\_\_ No Action Taken \_\_\_\_\_

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

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

Marina Coast Water District  
Agenda Transmittal

Agenda Item: 10-G

Meeting Date: July 6, 2015

Prepared By: Bill Kocher

Approved By: Bill Kocher

Agenda Title: Consider Adoption of Resolution No. 2015-36 to Approve the Memorandum of Understanding between the Marina Coast Water District Employees Association and the Marina Coast Water District

Staff Recommendation: The Board of Directors consider adoption of Resolution No. 2015-36 to approve the Memorandum of Understanding between the MCWDEA and the Marina Coast Water District.

Background: *“2014 Strategic Plan Goal 5.0 - Our objective is to recruit and retain a highly qualified, diverse and inspired workforce that delivers the essential services of our mission statement to the public while providing outstanding customer service. Our strategy is to utilize sound policies and personnel practices, offer competitive compensation and benefits, and provide opportunities for training, development, and professional growth while ensuring a safe and secure workplace.”*

The Board appointed Interim General Manager, Bill Kocher and Vice President Peter Le as the negotiators to represent the District.

Discussion/Analysis: Over the past several months, the District negotiators and the Marina Coast Water District Employees Association (MCWDEA) met several times and worked toward agreement on a Memorandum of Understanding (MOU). Negotiations have produced a tentative agreement on the MOU and the Board is now asked to consider final approval with a retroactive date of July 1, 2015, unless otherwise noted in the MOU.

Environmental Review Compliance: None required.

Financial Impact:  Yes  No Funding Source/Recap: Expenditures are allocated across all cost centers for salaries and benefits.

Other Considerations: If the Board cannot agree on the terms of the MOU, the Board can continue negotiations until a mutual agreement is reached.

Material Included for Information/Consideration: Resolution No. 2015-36; and, the draft MOU between the MCWDEA and the Marina Coast Water District will be provided at the meeting.

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

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Board Action

Motion By \_\_\_\_\_ Seconded By \_\_\_\_\_ No Action Taken \_\_\_\_\_

Ayes \_\_\_\_\_

Abstained \_\_\_\_\_

Noes \_\_\_\_\_

Absent \_\_\_\_\_

July 6, 2015

Resolution No. 2015-36  
Resolution of the Board of Directors  
Marina Coast Water District  
Approving Memorandum of Understanding  
Between the Marina Coast Water District Employees Association  
and 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 July 6, 2015, at 211 Hillcrest Avenue, Marina, California as follows:

WHEREAS, the Board appointed Interim General Manager, Bill Kocher, and Vice President Peter Le to represent the District in negotiations with the supervisory and general service staff; and,

WHEREAS, the District negotiators met and negotiated with representatives of the Marina Coast Water District Employees Association; and,

WHEREAS, a tentative agreement has been reached on the MOU between the Marina Coast Water District Employees Association and the Marina Coast Water District; and,

WHEREAS, the effective date of the MOU will be retroactive to July 1, 2015, unless otherwise noted in the MOU.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby approve the Memorandum of Understanding between the Marina Coast Water District Employees Association and the Marina Coast Water District (attached as Exhibit “A”), and authorizes and directs the General Manager to execute the Agreement in substantially the same form presented at this meeting on behalf of the Marina Coast Water District, and to take all other actions necessary to fully perform the District’s obligations under the Agreement.

PASSED AND ADOPTED on July 6, 2015, 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 \_\_\_\_\_

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Howard Gustafson, President

ATTEST:

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Bill Kocher, 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. 2015-36 adopted July 6, 2015.

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Bill Kocher, Secretary

Marina Coast Water District  
Agenda Transmittal

Agenda Item: 10-H

Meeting Date: July 6, 2015

Prepared By: Bill Kocher

Approved By: Bill Kocher

Agenda Title: Consider Adoption of Resolution No. 2015-37 to Approve the Memorandum of Understanding between the Teamsters Local 890 and the Marina Coast Water District

Staff Recommendation: The Board of Directors consider adoption of Resolution No. 2015-37 to approve the Memorandum of Understanding between the Teamsters Local 890 and the Marina Coast Water District.

Background: *“2014 Strategic Plan Goal 5.0 - Our objective is to recruit and retain a highly qualified, diverse and inspired workforce that delivers the essential services of our mission statement to the public while providing outstanding customer service. Our strategy is to utilize sound policies and personnel practices, offer competitive compensation and benefits, and provide opportunities for training, development, and professional growth while ensuring a safe and secure workplace.”*

The Board appointed Interim General Manager Bill Kocher and Vice President Peter Le as the negotiators to represent the District.

Discussion/Analysis: Over the past several months, the District negotiators and the Teamsters Local 890 (Teamsters) met several times and worked toward agreement on a Memorandum of Understanding (MOU). Negotiations have produced a tentative agreement on the MOU and the Board is now asked to consider final approval with a retroactive date of July 1, 2015, unless otherwise noted in the MOU.

Environmental Review Compliance: None required.

Financial Impact:  Yes  No Funding Source/Recap: Expenditures are allocated across all cost centers for salaries and benefits.

Other Considerations: If the Board cannot agree on the terms of the MOU, the Board can continue negotiations until a mutual agreement is reached.

Material Included for Information/Consideration: Resolution No. 2015-37; and, the draft MOU between the Teamsters and the Marina Coast Water District will be provided at the meeting.

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

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Board Action

Motion By \_\_\_\_\_ Seconded By \_\_\_\_\_ No Action Taken \_\_\_\_\_

Ayes \_\_\_\_\_

Abstained \_\_\_\_\_

Noes \_\_\_\_\_

Absent \_\_\_\_\_

July 6, 2015

Resolution No. 2015-37  
Resolution of the Board of Directors  
Marina Coast Water District  
Approving Memorandum of Understanding  
Between the Teamsters Local 890 and 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 July 6, 2015, at 211 Hillcrest Avenue, Marina, California as follows:

WHEREAS, the Board appointed Interim General Manager, Bill Kocher, and Vice President Peter Le to represent the District in negotiations with the management and confidential staff; and,

WHEREAS, the District negotiators met and negotiated with representatives of the Teamsters Local 890; and,

WHEREAS, a tentative agreement has been reached on the MOU between the Teamsters Local 890 and the Marina Coast Water District; and,

WHEREAS, the effective date of the MOU will be retroactive to July 1, 2015, unless otherwise noted in the MOU.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby approve the Memorandum of Understanding between the Teamsters Local 890 and the Marina Coast Water District (attached as Exhibit “A”), and authorizes and directs the General Manager to execute the Agreement in substantially the same form presented at this meeting on behalf of the Marina Coast Water District, and to take all other actions necessary to fully perform the District’s obligations under the Agreement.

PASSED AND ADOPTED on July 6, 2015, 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 \_\_\_\_\_

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Howard Gustafson, President

ATTEST:

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Bill Kocher, 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. 2015-37 adopted July 6, 2015.

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Bill Kocher, Secretary

Marina Coast Water District  
Agenda Transmittal

Agenda Item: 10-I

Meeting Date: July 6, 2015

Prepared By: Bill Kocher

Approved By: Bill Kocher

Agenda Title: Consider Adoption of Resolution No. 2015-38 to Approve the Terms and Conditions of the Employment Agreement Between the Unrepresented Employees and the Marina Coast Water District

Staff Recommendation: The Board of Directors consider adoption of Resolution No. 2015-38 to approve the Terms and Conditions of the Employment Agreement between the unrepresented employees and the Marina Coast Water District.

Background: *“2014 Strategic Plan Goal 5.0 - Our objective is to recruit and retain a highly qualified, diverse and inspired workforce that delivers the essential services of our mission statement to the public while providing outstanding customer service. Our strategy is to utilize sound policies and personnel practices, offer competitive compensation and benefits, and provide opportunities for training, development, and professional growth while ensuring a safe and secure workplace.”*

Discussion/Analysis: The Deputy General Manager/District Engineer, Legal Counsel and Management Services Administrator are management positions which are not currently part of the represented management group (Teamsters Local 890). At this time, only the Management Services Administrator position is filled.

On February 8, 2011, the Board approved Resolution No. 2011-16 approving the unrepresented employee's terms and conditions of employment as more appropriate to the salary and benefits as that of the Teamsters Local 890 Memorandum of Understanding (MOU) and a letter outlining the terms and conditions was placed in the files of the unrepresented employees.

As a new Teamsters MOU has been drafted, and, once approved, the Board is requested to continue to apply the same terms and conditions of the 2015-2019 MOU to the unrepresented employees.

Environmental Review Compliance: None required.

Financial Impact:  Yes  No Funding Source/Recap: Expenditures are allocated across all cost centers for salaries and benefits.

Other Considerations: This agreement is dependent upon approval of the Teamsters MOU.

Material Included for Information/Consideration: Resolution No. 2015-38.

Action Required:  Resolution  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 \_\_\_\_\_

July 6, 2015

Resolution No. 2015-38  
Resolution of the Board of Directors  
Marina Coast Water District  
Approving the Change in Terms and Conditions of the Employment Agreement  
Between the Unrepresented Employees and 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 July 6, 2015, at 211 Reservation Road, Marina, California as follows:

WHEREAS, the Deputy General Manager/District Engineer, Legal Counsel and Management Services Administrator are management positions, but not currently part of the represented management group (Teamsters Local 890); and,

WHEREAS, the Management Services Administrator is the only unrepresented position that is currently filled; and,

WHEREAS, previously, the Board approved the unrepresented employee’s terms and conditions of employment as more appropriate to the salary and benefits as that of the Teamsters Local 890 Memorandum of Understanding (MOU) and a letter outlining the terms and conditions was placed in the files of the unrepresented employees; and,

WHEREAS, the recently approved terms and conditions of the Teamsters Memorandum of Understanding (MOU), July 1, 2015 through June 30, 2019, are appropriate to the current salary and benefits of the unrepresented employees and should be applied in the employment agreement.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby approve a Change in Terms and Conditions of the Employment Agreement between the Unrepresented Employees and the Marina Coast Water District, and authorizes and directs the General Manager to execute an Agreement in substantially the same form presented at this meeting on behalf of the Marina Coast Water District, and to take all other actions necessary to fully perform the District’s obligations under the Agreement.

PASSED AND ADOPTED on July 6, 2015, 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 \_\_\_\_\_

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Howard Gustafson, President

ATTEST:

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Bill Kocher, 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. 2015-38 adopted July 6, 2015.

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Bill Kocher, Secretary

