



MARINA COAST WATER DISTRICT

11 RESERVATION ROAD, MARINA, CA 93933-2099

Home Page: www.mcwd.org

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

DIRECTORS

HOWARD GUSTAFSON
President

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 20, 2015, 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
(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 15, 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)

7:00 p.m. Reconvene Open Session

5. **Reportable Actions Taken During Closed Session** *The Board will announce any reportable action taken during closed session and the vote or abstention on that action of every director present, and may take additional action in open session as appropriate. Any closed session items not completed may be continued to after the end of all open session items.*
6. **Pledge of Allegiance**
7. **Oral Communications** *Anyone wishing to address the Board on matters not appearing on the Agenda may do so at this time. Please limit your comment to four minutes. The public may comment on any other items listed on the agenda at the time they are considered by the Board.*
8. **Consent Calendar** *Board approval can be taken with a single motion and vote. A Board member or member of the public may request that any item be pulled from the Consent Calendar for separate consideration at this meeting or a subsequent meeting. The public may address the Board on any Consent Calendar item. Please limit your comment to four minutes.*
 - A. Receive and File the Check Register for the Month of June 2015
 - B. Approve the Draft Minutes of the Regular Board Meeting of July 6, 2015
9. **Action Items** *The Board will review and discuss agenda items and take action or direct staff to return to the Board for action at a following meeting. The public may address the Board on these items as each item is reviewed by the Board. Please limit your comment to four minutes.*
 - A. Discussion and Possible Action to Consider Adoption of Resolution No. 2015-39 to Amend the Procurement Policy

Action: The Board of Directors will consider amending the Procurement Policy to include the District Engineer.

- B. Discussion and Possible Action to Consider the Election of a Candidate to Seat A of the California Special Districts Association 2015 Board

Action: The Board of Directors will consider electing a candidate to Seat A of the CSDA 2015 Board.

- C. Discussion and Possible Action to Consider Adoption of Resolution No. 2015-40 to Nominate and Support a Candidate for the Position of President or Vice President of the Association of California Water Agencies

Action: The Board of Directors will consider nominating and supporting a Board member to run for President or Vice President of ACWA.

- 10. Informational Items** *Informational items are normally provided in the form of a written report or verbal update and may not require Board action. The public may address the Board on Informational Items as they are considered by the Board. Please limit your comments to four minutes.*

- A. General Manager's Report
- B. Counsel's Report
- C. Committee and Board Liaison Reports
 - 1. Water Conservation Commission
 - 2. Joint City-District Committee
 - 3. Executive Committee
 - 4. Community Outreach Committee
 - 5. Budget and Personnel Committee
 - 6. MRWPCA Board Member Liaison

- 7. LAFCO Liaison
- 8. FORA
- 9. WWOC Report
- 10. JPIA Liaison
- 11. Special Districts Association

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

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

*Regular Meeting: Monday, August 3, 2015, 6:30 p.m.,
Marina Council Chambers, 211 Hillcrest Avenue, Marina*

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8

Meeting Date: July 20, 2015

Prepared By: Paula Riso

Approved By: Bill Kocher

Agenda Title: Consent Calendar

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

Background: *2015 Strategic Plan Mission Statement – To provide our customers with high quality water, wastewater collection and conservation services at a reasonable cost, through planning, management and the development of water resources in an environmentally sensitive manner.*

Consent calendar consisting of:

- A) Receive and File the Check Register for the Month of June 2015
- B) Approve the Draft Minutes of the Regular Board Meeting of July 6, 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: Check register for June 2015; and the draft minutes of July 6, 2015.

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

Board Action

Motion By _____ Seconded By _____ No Action Taken _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8-A

Meeting Date: July 20, 2015

Prepared By: Kelly Cadiente

Approved By: Bill Kocher

Agenda Title: Receive and File the Check Register for the Month of June 2015

Staff Recommendation: The Board of Directors receive and file the June 2015 expenditures totaling \$1,216,486.30.

Background: *2015 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 June 2015 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: June 2015 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: 8-B

Meeting Date: July 20, 2015

Prepared By: Paula Riso

Approved By: Bill Kocher

Agenda Title: Approve the Draft Minutes of the Regular Board Meeting of July 6, 2015

Staff Recommendation: The Board of Directors approve the draft minutes of the July 6, 2015 regular Board meeting.

Background: *2015 Strategic Plan, Mission Statement – We Provide high quality water, wastewater collection and conservation services at a reasonable cost, through planning, management and the development of water resources in an environmentally sensitive manner.*

Discussion/Analysis: The draft minutes of July 6, 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 July 6, 2015.

Action Required: _____Resolution X Motion _____Review

Board Action

Motion By _____ Seconded By _____ No Action Taken _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Marina Coast Water District
Agenda Transmittal

Agenda Item: 9-A

Meeting Date: July 20, 2015

Prepared By: Kelly Cadiente

Approved By: Bill Kocher

Agenda Title: Discussion and Possible Action to Consider Adoption of Resolution No. 2015-39 to Approve Update of the District Procurement Policy

Staff Recommendation: The Board of Directors adopt Resolution No. 2015-39 to approve update to the District Procurement Policy.

Background: *2015 Strategic Plan, Strategic Element 3.3 – Fiscal Planning – Best Accounting Practices.*

On July 12, 2012, the Board adopted Resolution No. 2012-46 to approve the District Procurement Policy.

Discussion/Analysis: On January 5, 2015, the Board directed staff to recruit for a District Engineer position instead of a Deputy General Manager/District Engineer. Due to the change in the District's organizational structure, it is necessary to update the District Procurement Policy to reflect the change.

Environmental Review Compliance: None.

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

Other Consideration: None.

Material Included for Information/Consideration: Resolution No. 2015-39; Proposed Updated District Procurement Policy

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

Board Action

Motion By _____ Seconded By _____ No Action Taken _____

Ayes _____ Abstained _____

Noes _____ Absent _____

July 20, 2015

Resolution No. 2015-39
Resolution of the Board of Directors
Marina Coast Water District
Approving the District Procurement Policy

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on July 20, 2015 at 211 Hillcrest Avenue, Marina, California as follows:

WHEREAS, on July 12, 2012, the Board adopted Resolution No. 2012-46 to approve the District Procurement Policy; and,

WHEREAS, on January 5, 2015, the Board directed staff to recruit for a District Engineer instead of a Deputy General Manager/District Engineer; and,

WHEREAS the District Procurement Policy applies to all procurement actions of the District, regardless of the type of procurement or the source of funds; and,

WHEREAS, due to the change in the District’s organizational structure, it is necessary to update the District Procurement Policy to reflect the change.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby adopt Resolution No. 2015-39 to approve the updated District Procurement Policy.

PASSED AND ADOPTED on July 20, 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:

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. 2015-39 adopted July 20, 2015.

Bill Kocher, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 9-B

Meeting Date: July 20, 2015

Submitted By: Paula Riso

Presented By: Bill Kocher

Agenda Title: Discussion and Possible Action to Consider the Election of a Candidate to the Coastal Network, Seat A, of the California Special Districts Association Board

Staff Recommendation: The Board of Directors consider election of a candidate to the Coastal Network, Seat A, of the California Special Districts Association (CSDA) Board.

Background: Seat A of the Coastal Network to CSDA's Board is up for election for the 2016-2018 term. CSDA asked for nominations to Seat A of the Coastal Network on their Board and on March 2, 2015, the Board selected Director Peter Le to run for the seat. Director Le's information was sent to CSDA and on June 5th, the District received the ballot in the mail which is due by August 7, 2015.

Discussion/Analysis: Each network has three seats on the Board with staggered 3-year terms. CSDA received nominations for three candidates and the District can vote for one candidate to fill the seat. The three candidates are: Robert Blair, Nipomo Community Services District; Peter Le, Marina Coast Water District; and, Elaine Magner, Pleasant Valley Recreation & Park District.

Environmental Review Compliance: None required.

Prior Committee or Board Action: On March 2, 2015, the Board selected Director Peter Le to run for the seat..

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

Other Considerations: The Board can decide to not elect any of the candidates.

Material Included for Information/Consideration: CSDA letter, and Candidate's Information.

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: 9-C

Meeting Date: July 20, 2015

Submitted By: Paula Riso

Presented By: Bill Kocher

Agenda Title: Discussion and Possible Action to Consider Adoption of Resolution No. 2015-40 to Nominate and Support a Candidate for the Position of President or Vice President of the Association of California Water Agencies

Staff Recommendation: The Board of Directors discuss whether to select a Board member to run for nomination for the President or Vice President of the Association of California Water Agencies (ACWA).

Background: ACWA sent notice that there will be an election at their fall conference for President and Vice President.

Discussion/Analysis: An elected or appointed member of the Board is eligible for election to the officer positions. The member may run for only one position, either the President or Vice President. Nominations must be accompanied by a Resolution and Resume of the candidate. Nominations are due by Tuesday, September 1, 2015.

Environmental Review Compliance: None required.

Prior Committee or Board Action: None.

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

Other Considerations: The Board can decide not to nominate any Board member for either of the positions.

Material Included for Information/Consideration: Resolution No. 2015-40; and, ACWA letter with the Nomination Procedures.

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

Board Action

Motion By _____ Seconded By _____ No Action Taken _____

Ayes _____ Abstained _____

Noes _____ Absent _____

July 20, 2015

Resolution No. 2015 - 40
Resolution of the Board of Directors
Marina Coast Water District

To Nominate and Support _____ as a Candidate for the Position of
Association of California Water Agencies _____

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on July 20, 2015 at 211 Hillcrest Avenue, Marina, California as follows:

WHEREAS, the Association of California Water Agencies (ACWA) has announced that a Nominating Committee has been formed to develop a slate for the Associations’s statewide positions of President and Vice President; and,

WHEREAS, the individual who fills an officer position will need to have a working knowledge of water industry issues and concerns, possess strength of character and leadership capabilities, and be experienced in matters related to the performance of the duties of the office, and,

WHEREAS, this person must be able to provide the dedication of time and energy to effectively serve in this capacity; and,

WHEREAS, _____ has served in a leadership role as a member of the Marina Coast Board of Directors since _____; and,

WHEREAS, (list positions held to demonstrate knowledge of water and leadership); and,

WHEREAS, it is the opinion of the Marina Coast Board of Directors that _____ possesses all of the qualities needed to fulfill the duties of the office of ACWA _____.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Marina Coast Water District, to hereby nominate and support _____ as a candidate for the office of ACWA _____, pledging the District’s support of his/her endeavors in fulfilling the duties of this office if elected.

PASSED AND ADOPTED on July 20, 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:

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. 2015-40 adopted July 20, 2015.

Bill Kocher, Secretary