



MARINA COAST WATER DISTRICT

11 RESERVATION ROAD, MARINA, CA 93933-2099

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DIRECTORS

JAN SHRINER
President

HERBERT CORTEZ
Vice President

THOMAS P. MOORE
GAIL MORTON
MATT ZEFFERMAN

Agenda

**Special Board Meeting, Board of Directors
Marina Coast Water District**

and

**Special Board Meeting, Board of Directors
Marina Coast Water District Groundwater Sustainability Agency
Hybrid Meeting**

**920 2nd Avenue, Suite A, Marina, California
and Zoom Teleconference**

Tuesday, May 24, 2022, 6:00 p.m. PST

Due to Governor Newsom's Executive Order N-29-20 and recommendations on protocols to contain the spread of COVID-19, some staff and Board members will be attending the May 24, 2022 meeting in person and some remotely from various locations. Members of the public may not yet attend the Board meeting in person but can continue to attend remotely via Zoom conference. The public is strongly encouraged to use the Zoom app for best reception.

There may be limited opportunity to provide verbal comments during the meeting. Persons who are participating via telephone will need to press *9 to be acknowledged for comments. Members of the public participating by Zoom will be placed on mute during the proceedings and will be acknowledged only when public comment is allowed, after requesting and receiving recognition from the Board President. Public comment on the action item can also be submitted in writing to Paula Riso at priso@mcwd.org by 9:00 am on Tuesday, May 24, 2022; such comments will be distributed to the MCWD Board before the meeting.

This meeting may be accessed remotely using the following Zoom link:

<https://us02web.zoom.us/j/87949381991?pwd=Tfosi6looZLiPWxWyVQixEXnATZ70.1>

Passcode: 351858

To participate via phone, please call: 1-669-900-9128; Meeting ID: 879 4938 1991 Passcode: 351858

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

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 District office at 11 Reservation Road. A complete Board packet containing all enclosures and staff materials will be available for public review on the District website, Friday, May 20, 2022. 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. Roll Call

3. Pledge of Allegiance

4. 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.*

5. Closed Session

- A. Pursuant to Government Code 54957
Public Employee Performance Evaluation
Title: General Manager

6. 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.*

7. 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. Adopt Resolution No. 2022-22 to Proclaim a Local Emergency, and Authorize Remote Teleconference Meetings of All District Legislative Bodies for the Following 30 Days
(Page 1)
- B. Consider the Introduction and First Reading of Ordinance No. 62, An Ordinance Amending Title 4, Recycled Water, of the Marina Coast Water District Code
(Page 5)

8. Workshop

- A. Strategic Planning Workshop:

The Board of Directors will continue discussion on the District's mission, vision and core values statements, review input gathered by the District's consultant and staff regarding the District's future, and discuss a five year strategy for the District.
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9. Director's Comments *Director reports on meetings with other agencies, organizations and individuals on behalf of the District and on official District matters.*

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

Regular Meeting: Monday, June 20, 2022, 6:30 p.m.

**Marina Coast Water District
Agenda Transmittal**

Agenda Item: 7-A

Meeting Date: May 24, 2022

Prepared By: Paula Riso

Approved By: Remleh Scherzinger

Agenda Title: Adopt Resolution No. 2022-22 to Proclaim a Local Emergency, and Authorize Remote Teleconference Meetings of All District Legislative Bodies for the Following 30 Days

Staff Recommendation: The Board of Directors adopt Resolution No. 2022-22 to proclaim a local emergency and authorize remote teleconference meetings of all District legislative bodies for the following 30 days.

Background: *Strategic Plan, Mission Statement – We provide our customers with high quality potable and recycled water, wastewater collection and conservation services that are safe, affordable, reliable and sustainable, through planning, management and the development of water resources in an environmentally sensitive manner.*

On March 4, 2020, Governor Newsom issued a Proclamation of State of Emergency in response to the COVID-19 pandemic. That proclamation remains in effect. As a result of the state of emergency, the Governor issued executive orders that waived the normally strict provisions of the Brown Act relating to holding and participating in meetings via teleconferencing. Executive Order N-29-20 allowed bodies subject to the Brown Act to meet without a physical meeting location, so long as various requirements were met, including providing the public the opportunity to observe and participate in the meeting telephonically or electronically. Executive Order No. N-08-21 extended the suspension of the Brown Act’s normal teleconferencing rules through September 30, 2021.

On September 16, 2021, Governor Newsom signed AB 361 which took effect immediately. This legislation amends the Brown Act to allow meeting bodies subject to the Brown Act to meet via teleconference during a proclaimed state of emergency in accordance with teleconference procedures established by AB 361 rather than under the Brown Act’s more narrow standard rules for participation in a meeting by teleconference. The Monterey County Health Officer has issued a recommendation for social distancing in legislative body meetings, so the first meeting after September 30, 2021, may be held without making findings. If the Board desires to continue to meet remotely via teleconference after that first meeting, the Board is required to make certain findings under AB 361 no later than 30 days after the first teleconference meeting held pursuant to AB 361, and every 30 days thereafter. If the Board does not meet again within 30 days, a special meeting may be necessary for this purpose. If the finding is not timely made, the Board will be required to meet in person to make findings to return to remote meetings.

Discussion/Analysis: The teleconference rules of AB 361 are operative only so long as the Governor’s proclamation of statewide emergency is in place; once that proclamation is terminated, the Board must either meet in person or utilize the normal Brown Act rules for teleconferencing.

On May 16, 2022, the Board adopted Resolution No. 2022-18 proclaiming a local emergency and authorizing remote teleconference meetings of all District Legislative bodies for 30 days. Staff

recommends proclaiming the emergency is still in place and authorize the Board to continue to meet remotely via teleconference until such time the emergency is over.

Environmental Review Compliance: None required.

Climate Adaptation: Not applicable.

Financial Impact: ____ Yes X No **Funding Source/Recap:** None

Other Considerations: The Board of Directors can elect to not proclaim a local emergency and return to in-person meetings.

Material Included for Information/Consideration: Resolution No. 2022-22.

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

Board Action

Motion By _____ Seconded By _____ No Action Taken _____

Ayes _____ Abstained _____

Noes _____ Absent _____

May 24, 2022

Resolution No. 2022 - 22
Resolution of the Board of Directors
Marina Coast Water District
Proclaiming a Local Emergency, and Authorize Remote Teleconference Meetings of All
Meetings of the Board of Directors and Specified Board Committees
for the Following 30 Days

RESOLVED, by the Board of Directors ("Board") of the Marina Coast Water District ("District"), at a special meeting duly called and held on May 24, 2022 via a video conference pursuant to Governor Newsom's Executive Order N-29-20, as follows:

WHEREAS, on March 4, 2020, Governor Newsom issued a Proclamation of State of Emergency in response to the COVID-19 pandemic; and,

WHEREAS, on September 16, 2021, Governor Newsom signed AB 361 which took effect immediately and amends the Brown Act to allow meeting bodies subject to the Brown Act to meet via teleconference during a proclaimed state of emergency in accordance with teleconference procedures established by AB 361 rather than under the Brown Act's more narrow standard rules for participation in a meeting by teleconference; and,

WHEREAS, the first meeting after September 30, 2021, may be held without making findings. However, if the Board desires to continue to meet remotely via teleconference after that first meeting, the Board is required to make certain findings under AB 361 no later than 30 days after the first teleconference meeting held pursuant to AB 361, and every 30 days thereafter; and,

WHEREAS, no later than 30 days after meeting via teleconference for the first time pursuant to AB 361, the body must make a finding that the body "has reconsidered the circumstances of the state of emergency" and further find that "[a]ny of the following circumstances exist: (i) The state of emergency continues to directly impact the ability of the members to meet safely in person. (ii) State or local officials continue to impose or recommend measures to promote social distancing." (Gov't Code §54953(e)(3) [AB 361, p. 11].); and,

WHEREAS, the teleconference rules of AB 361 are operative only so long as the Governor's proclamation of statewide emergency is in place; once that proclamation is terminated, the Board, the Executive Committee, Budget and Personnel Committee, and Community Outreach Committee, and Director participation in the Joint City-District Committee, must either meet in person or utilize the normal Brown Act rules for teleconferencing.

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

1. Proclaim a local emergency; and,
2. Reconsidered the circumstances of the state of emergency and find that the following circumstances exist: (i) The state of emergency continues to directly impact the ability of the members to meet safely in person. (ii) State or local officials continue to impose or recommend measures to promote social distancing; and,

3. Authorize Remote Teleconference Meetings of All Meetings of the Board of Directors, the Executive Committee, Budget and Personnel Committee, and Community Outreach Committee, and Director participation in the Joint City-District Committee for the Following 30 Days.

PASSED AND ADOPTED on May 24, 2022 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 _____

Jan Shriner, President

ATTEST:

Remleh Scherzinger, 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. 2022-22 adopted May 24, 2022.

Remleh Scherzinger, Secretary

**Marina Coast Water District
Agenda Transmittal**

Agenda Item: 7-B

Meeting Date: May 24, 2022

Prepared By: Cheryl Parker
Reviewed By: Patrick Breen

Approved By: Remleh Scherzinger

Agenda Title: Consider the Introduction and First Reading of Ordinance No. 62, An Ordinance Amending Title 4, Recycled Water, of the Marina Coast Water District Code

Staff Recommendation: Introduce and conduct or waive the first reading of Ordinance No. 62 approving an Ordinance Amending Title 4, Recycled Water, of the Marina Coast Water District Code.

Background: *Strategic Plan, Mission Statement – To provide our customers with high-quality potable and recycled water, wastewater collection, and conservation services that are safe, affordable, reliable, and sustainable, through planning, management, and the development of water resources in an environmentally sensitive manner.*

Discussion/Analysis: District ordinances for the collection, treatment, and disposal of sewage waste and stormwater of the district and its inhabitants and rates and charges for the services and facilities furnished are covered by Water Code Sections 31100-31106. Water Code Section 31105(a) provides that ordinances adopted relating to the provision of such services and facilities “shall be in full force and effect immediately upon adoption.” The provision of recycled water could be deemed to be a “disposal of sewage waste,” consequently, District Legal Counsel advises that, if adopted, the ordinance can go into effect upon adoption.

In Title 4 of the District Code, Sections 4.28.010, 4.28.020, 4.28.030, and 4.28.040 were largely amended for clarification. In addition, Sections 4.28.050, 4.28.060, 4.28.070, 4.28.080, 4.28.090, 4.28.100, 4.28.110, 4.28.120 were added to Title 4 to be consistent with state regulations and provide more transparent guidelines to assist our customers through the mandated regulatory process.

This ordinance is considered for action by the Board of Directors at a regularly scheduled and noticed meeting. The agenda was posted in accordance with County Water District law with an opportunity for public review in advance of the meeting and public comment during consideration of the ordinance by the Board.

The District’s legal counsel advises, and the Board finds, that adoption of this ordinance is exempt from the requirements of the California Environmental Quality Act (“CEQA”) pursuant to Public Resources Code Section 21080(b)(8) and Section 15273 of the State CEQA Guidelines codified at 14 CCR §15273 because the ordinance pertains to the adoption of charges necessary to maintain services within the District’s existing service area.

The Board is requested to introduce and conduct or waive the first reading of the above Ordinance as the first step to adopting updated District recycled water requirements. All ordinances must be read in full at the time of introduction unless a regular motion waiving further reading is adopted by a majority of the Board members present.

The Board President would introduce the Ordinance and a Director could waive the reading of the entire Ordinance with the following form of motion: “Move to waive the reading of Ordinance No. 62, An Ordinance Amending Title 4, Recycled Water, of the Marina Coast Water District Code.” If the motion passes, then the entire Ordinance would not be required to be read.

The Board would then by resolution set a public hearing on the proposed Ordinance. In the process of adopting ordinances and enacting fees and charges for Central Marina and the annexed portions of the Ord Community service areas, the District is required to conduct first and second readings of the proposed ordinance, set a public hearing date on the proposed change in charges, and publish the Ordinance in full, once, in a newspaper of general circulation, printed, published and circulated in the district within 10 days after adoption with the names of those directors voting for and against adoption. Notice of the public hearing at which the ordinance could be adopted shall be made in accordance with Government Code Section 6066.

Below is a history of the district’s recycled water ordinance:

- The Board adopted Title 4 Recycled water in Ordinance No 29 in 1995
- This proposed ordinance was originally introduced at the May 16, 2022, board meeting but was pulled from the agenda due to substantial change requests.

Substantial questions were raised by the Directors regarding the process for ordinance amendments. To provide clarification, below is a summary of the outline and steps required for the adoption of this proposed ordinance changes:

- Staff makes a presentation on the proposed ordinance.
 - Board members are allowed to ask clarifying questions of staff through the President.
- President asks for any public comment on the proposed ordinance.
- Board considers any Director-proposed amendments
- President introduces the ordinance amending the District Code pertaining to Recycled Water Service.
 - A Director moves to waive the read of the entire ordinance with the following form of motion: “Move to waive the reading of Ordinance No. 62, An Ordinance Amending Sections 1.04.010, 4.28.010, 4.28.020, 4.28.030, 4.28.040, and Establishing Sections 4.28.050, 4.28.060, 4.28.070, 4.28.080, 4.28.090, 4.28.100, 4.28.110, 4.28.120 of the District Code pertaining to Recycled Water Service.”
 - After the motion is seconded, roll call vote on the motion to waive the reading.
- President asks for a motion to set a public hearing for _____ PM at the June 20, 2022, regular Board meeting to consider the adoption of the proposed ordinance and to authorize the publication of a notice of public hearing pursuant to Government Code Section 6066.
- Motion moved and seconded, and roll call vote.

Environmental Review Compliance: None Required.

Climate Adaptation: Not Applicable.

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

Other Considerations: None

Material Included for Information/Consideration: Draft Ordinance No. 62 redlined version and clean version.

Action Required: _____ Resolution X Motion _____ Review

Board Action

Motion By _____ Seconded By _____ No Action Taken _____

Ayes _____ Abstained _____

Noes _____ Absent _____

MARINA COAST WATER DISTRICT
ORDINANCE NO. 62

AN ORDINANCE AMENDING SECTIONS 1.04.010, 4.28.010,
4.28.020, 4.28.030, 4.28.040,
AND ESTABLISHING SECTIONS 4.28.050, 4.28.060, 4.28.070,
4.28.080, 4.28.090, 4.28.100, 4.28.110, 4.28.120
OF THE DISTRICT CODE PERTAINING TO
RECYCLED WATER SERVICE
FOR THE CENTRAL MARINA SERVICE AREA
AND THE ORD SERVICE AREA

Be it ordained by the Board of Directors of
Marina Coast Water District
as follows:

Section 1. Authority. This Ordinance is enacted pursuant to Sections 30000 and following the California Water Code, and Section 6 of Article XIII D of the California Constitution.

Section 2. Findings.

- A. This ordinance is considered for action by the Board of Directors at a regularly scheduled and noticed meeting. The agenda was posted in accordance with the Brown Act with an opportunity for public review in advance of the meeting and public comment during consideration of the ordinance by the Board. The District has complied with the publication, notice, and hearing requirements of Section 66016 of the California Government Code and Section 31105 of the California Water Code.

- B. ~~The protection, conservation, and replenishment of the underground water supplies are one of the main functions of a County Water District. (Atchison Etc. Ry. Co. v. Kings Co. Water Dist. (1956) 47 Cal.2d 140,146.)~~ The District has the power generally to perform all acts necessary to carry out fully the provisions of the County Water District Law (Water Code § 31001), may adopt ordinances relating to the provision of sewer and recycled water services and facilities, and the regulation of those services and facilities establish rules and regulations for the distribution and use of water (Water Code § 31105024); and, may undertake a water conservation program to reduce water use (Water Code § 31035); ~~and may commence and maintain actions and proceedings to prevent interference with or diminution of any natural subterranean supply of waters which may (a) be used or be useful for any purpose of the District, (b) be of common benefit to the land or its inhabitants, (c) endanger the inhabitants or land (Water Code § 31082).~~

- C. The Board of Directors finds that it is in the best interests of the District to adopt this ordinance.

Section 3. Purpose of Ordinance. The purpose of this Ordinance is to amend sections 1.04.010, 4.28.010, 4.28.020, 4.28.030, and 4.28.040; and establish sections 4.28.050, 4.28.060, 4.28.070, 4.28.080, 4.28.090, 4.28.100, 4.28.110, 4.28.120 to the recycled water District Code.

Section 4. General Provisions. Section 1.04.010 is hereby amended to read as follows:

1.04.010 Definitions.

The existing definition of “Available to existing water users” in Section 1.04.010 Definitions, Title 1, General Provisions, is hereby repealed and the following adopted in its place:

"Available to existing water users." Recycled water is deemed available to existing water users when the Marina Coast Water District has provided a service lateral from the recycled water system to the property line and has installed a water meter for the recycled water to be used on the property, and the proposed use is authorized for recycled water use under Section 4.28.060.”

The existing definition of “Available to new water users” in Section 1.04.010 Definitions, Title 1, General Provisions, is hereby repealed and the following adopted in its place:

"Available to new water users." Recycled water is deemed available to new water users when the distance between the nearest recycled water line and the near edge of the parcel is less than the following distance: twenty-five feet plus the distance between the nearest potable water main and the near edge of the parcel and the property and the proposed use is authorized for recycled water use under Section 4.28.060.

Section 5. Recycled Water. Title 4. Recycled Water Sections 4.28.010, 4.28.020, 4.28.030, and 4.28.040 are hereby amended to read as follows:

4.28.010 Purpose and policy.

- A. Purpose. The purpose of this chapter is to establish the process, rules, and enforcement protocol for the safe use and operation of on-site recycled water systems. The goal of this chapter is to promote the use of recycled water consistent with the state of California’s mission to conserve water in accordance with Section 13550 et seq., of the California Water Code and Section 65602 (e) of the California Government Code. This chapter shall apply to all properties receiving recycled water services from the Marina Coast Water District’s (district).
- B. Policy. It is the policy of the district that recycled water shall be used for all approved uses whenever available within the district’s recycled water-use area. All recycled water use shall be consistent with legal requirements and the preservation of public health, safety, welfare, and the environment.
 - 1. Recycled water is deemed to be available when it meets the conditions outlined in Section 4.28.050 of this chapter and Section 13550 et seq., of the California Water Code and Section 65602(e) of the California Government Code.
 - 2. Recycled water use areas within the district’s service areas areis defined in Section 4.28.020 of this chapter, and Section 65603(a) of the California Government Code.

The dDistrict shall have the exclusive right to own and recapture any and all applied recycled water under this chapter that is deemed to percolate into the groundwater aquifer. In addition, the district shall have the exclusive right to claim groundwater

credits for the delivery and use of recycled water that results in a cessation or reduction in the extraction of groundwater by the district pursuant to Water Code Section 1005.4.

4.28.020 Recycled water service areas.

The district shall designate Recycled Water Service Areas to encourage and expand the use of recycled water to meet district goals. The following provisions shall apply to the Recycled Water Service Areas:

- A. Establishment of Recycled Water Service Areas. The Recycled Water Service Areas shall be established based upon an evaluation of the location and size of present and future wastewater treatment facilities, distribution pipelines, pump stations, storage facilities, and other related recycled water facilities. The district is authorized to establish such areas outside of the district's Central Marina and Ord Community service areas upon agreement with cities, agencies, and ~~customers~~users to provide recycled water.
- B. Types of Uses of Recycled Water. Recycled water uses within the Recycled Water Service Areas may include, but are not limited to, irrigation, appropriate industrial, construction, and commercial uses as cited in Section 4.28.060.
- ~~C. Recycled Water Use. Irrigation and appropriate industrial process and commercial uses within the Recycled Water Service Areas may be provided recycled water unless the district determines that recycled water is unavailable or infeasible.~~

4.28.030 Description of service.

- A. Supply. The district will endeavor, so far as is reasonably possible, to deliver a continuous supply of recycled water to the ~~customer~~users at sufficient pressure at the meter, and to avoid any shortage or interruption in delivery.
- ~~B. Written Release. If in the opinion of the district, it is doubtful that satisfactory recycled water service can be given due to the location or elevation of the premises or other factors, then the district may require a written release from liability for any damage or inconvenience that may occur by reason of insufficient pressure or inadequate volume of recycled water or intermittent supply or other factors. The release shall, without further notice from the district, remain in effect for all consumers taking recycled water through the service, until changes, extensions or betterments may be made to the recycled water distribution system by the district.~~
- ~~C.B.~~ Quality. The district will endeavor to deliver ~~safe~~ recycled water ~~at all times~~ that satisfies the applicable water quality requirements of the State Division of Drinking Water (DDW) and the Central Coast Regional Water Quality Control Board. The district shall bear no responsibility for damages or inconveniences that may occur due to the quality of the recycled water.

~~D.C.~~ Classes of Service. all services installed by the district will be classified as follows:

1. Recycled Water Residential;
2. Recycled Water Commercial;

3. Recycled Water Industrial;
4. Recycled Water Construction;

~~E.D.~~ Interruptions in Service. The district will not be liable for the interruption, shortage, insufficiency of supply, or for any loss or damage occasioned thereby. The district whenever it may find it necessary or convenient ~~to for the purpose of making make~~ repairs or improvements to its system shall have the right to temporarily suspend delivery of recycled water and it shall not be liable for any loss or damage occasioned thereby. Repairs or improvements will be made as rapidly as is practicable and, so far as possible, at such times as will cause the least inconvenience to the ~~customers~~users. Whenever possible and as time permits, all ~~customers~~users affected will be notified ~~prior to~~before such shutdowns.

4.28.040 Service connections, charges, and fees.

- A. Service connections. Each user of recycled water shall be served through a separate meter connecting the public facility belonging to the district to the ~~customer~~users's private recycled water on-site distribution system.
- B. Recycled water distribution pipelines which are deeded to and become the property and responsibility of the district, shall be constructed by a user for service only under the same circumstances and in the same manner as would be required for potable water service to the same property.
- C. Charges and fees. All charges and fees applicable to recycled water connection and use shall be as approved by the Board.
- D. Each such service shall require the establishment of a billing account in the district's accounting system. All charges for construction, metering, connection fees, capacity charges, recycled water usage charges, penalties, or other authorized charges for service provided shall be as approved by the Board.

Section 6. Recycled Water. Title 4. Recycled Water hereby establishes Sections 4.28.050, 4.28.060, 4.28.070, 4.28.080, 4.28.090, 4.28.100, 4.28.110, 4.28.120 as follows:

4.28.050 Recycled water service availability.

- A. Existing Potable Water Users.
 1. The owner must connect to the recycled water system when recycled water is deemed available to a property.
 - i. The owner must pay for the cost of completing this connection to the recycled water system.
 - ~~ii.~~ The owner must apply for an on-site recycled water use permit (permit) per Section 4.28.070 along with any required application fee to connect to the recycled water system.
 - ~~iii.~~ ~~The district may require the use of recycled water for approved uses, however, users may be exempt from connecting to the recycled water system at the discretion of the district.~~

2. In the case that the owner does not agree to the terms of recycled water use outlined in the recycled water use permit or if the district determines that recycled water use is unavailable or infeasible, the district maintains the authority to reject the application and to refuse to provide recycled water services.

B. New Recycled Water Service Users.

1. If an owner ~~would like to request~~s recycled water service, the district maintains the authority to determine whether the property and the proposed use are authorized for recycled water use under Section 4.28.060 and whether or not recycled water services would otherwise be available or feasible.
 - i. If the district determines that recycled water services would be available, the owner is responsible for following the necessary procedures including filling out a recycled water use permit application per Section 4.28.070.
 - ii. Any additional requirements for recycled water use may be included as conditions of approval for the proposed installation, remodel, alteration, or change.
2. All new construction that also includes the construction of new private or public irrigation water systems, whether currently anticipating connection to the recycled system or which shall be connected to the potable water system temporarily while awaiting availability of recycled water, shall be constructed or retrofitted according to the district's procedure, guidelines, and design requirements and existing district design standard specifications.

4.28.060 Authorized uses and conditions of service.

- A. Authorized uses of recycled water include only those uses approved by the Central Coast Regional Water Quality Board, DDW, and which meet the requirements of Title 22, Division 4 of the California Code of Regulations.
 1. Each such use will be considered for approval by the district on a case-by-case basis with the submittal of ~~the~~ an on-site recycled water use permit application (permit application) per Section 4.28.070. ~~Prior to~~ Before approval, the user must comply with the requirements established by this chapter and any other requirements imposed by the district, Central Coast Regional Water Quality Board, DDW, or any other regulatory agencies that have jurisdiction over such use.
 2. The district's General Manager is authorized to determine whether certain classifications of uses are authorized ~~uses~~.
- B. The user must obtain a recycled water-use permit from the district to receive recycled water service. The recycled water use shall be subject to the conditions of service outlined in this chapter, all applicable state and local recycled water use requirements, and any additional terms and conditions specific to the user established in the recycled water use permit.

1. Recycled water service for dual plumbed systems, including residential landscape irrigation, shall be subject to additional requirements as defined in Title 22, Division 4, Chapter 3, Article 5 of the California Code of Regulations.

~~C. Conditions of Service. If any of the conditions of service are not satisfied at all times, the recycled water use permit may be revoked or suspended by the district.~~

- ~~1. Discharge of recycled water is prohibited. Discharge includes overflow, bypass, and/or overspray to adjacent drainage ways or properties.~~

- ~~i. For the purposes of this prohibition, insignificant amounts of runoff at peripheries of spray irrigated areas shall not be considered a violation of this section provided that the runoff is minimal, and the user is utilizing good irrigation practices.~~

- ~~2. Use of recycled water shall be accomplished at a time and in a manner that minimizes ponding and the possibility of public contact.~~

- ~~i. Drinking water fountains, eating areas, and other areas accessed by the public shall be protected from direct or windblown spray.~~

- ~~ii. Irrigation usage shall occur between the hours of 9 PM to 6 AM when grounds will have maximum opportunity to dry out before use by the public unless otherwise approved within the site specific on site recycled water permit issued by the district.~~

- ~~1. Water efficient irrigation methods, such as drip or subsurface irrigation, are excluded from watering time restrictions so long as all of the following are met:~~

- ~~a. The site's operational plan details the watering will meet all of the following:~~

- ~~i. Emission apparatuses apply the recycled water below grade and are out of reach to the public.~~

- ~~ii. The timing and apparatuses are called out within the district approved plans.~~

- ~~iii. Sufficient consideration has been given to allowing a drying out period to be the public uses the area.~~

- ~~iv. Commitments include a visual confirmation of the site to ensure no people are in the areas to be irrigated.~~

- ~~b. Approved design drawings call out all applicable water efficient apparatus.~~

- ~~2. For special circumstances, the district may grant a user permission~~

~~to use recycled water with any irrigation apparatuses outside of this time period provided that sufficient measures are put in place to restrict public access during irrigation and drying.~~

- ~~3. Recycled water use for all uses listed in the user's recycled water use permit shall comply with the requirements for the safe use of recycled water specified in Title 22, Division 4, Chapter 3, Article 3 of the California Code of Regulations.~~
- ~~4. Recycled water shall be applied at such a rate and volume as not to exceed vegetative demand and soil moisture conditions.
 - ~~i. Special precautions must be taken to prevent clogging of spray nozzles, to prevent overwatering, and to minimize runoff.~~~~
- ~~5. Pipelines and facilities shall be regularly inspected and maintained to prevent loss or leakage of recycled water.~~
- ~~6. Recycled water shall not be used during periods of extended rainfall and/or runoff.~~
- ~~7. Signs shall be provided to inform the public that recycled water is being stored or used. For golf courses, notification shall be provided on scorecards.~~
- ~~8. Personnel involved in producing, transporting, or using recycled water shall have undergone adequate training in recycled water use, as provided by the district or the site's user supervisor.~~
- ~~9. Vehicles used for transporting recycled water shall be appropriately labeled and shall not leak.~~
- ~~10. Vehicle and disposal bin washing shall be limited to stall areas where the airborne spray is contained, and runoff is diverted into the sanitary sewer system.~~
- ~~11. Recycled water piping, (excluding existing landscape piping), controllers, valves, etc., shall be marked or colored purple for easy differentiation from potable water facilities.~~
- ~~12. Recycled water valves, couplers, and all other facilities shall be secured in a manner that permits operation only by authorized personnel.~~
- ~~13. Use or installation of hose bibs on recycled water systems is prohibited.~~
- ~~14. Proper backflow and cross-connection prevention equipment shall be required on all potable water systems where recycled water systems are in use.~~
- ~~15. Recycled water shall not be used for irrigation or impounded within one hundred feet of any well used for domestic supply.~~

4.28.070 Recycled water use permits.

- A. All users required or agreeing to receive recycled water shall obtain an on-site recycled

water-use permit from the district and shall be subject to all the conditions outlined in the permit and this chapter. A recycled water permit is non-assignable and/or transferable at the time of change of ownership and/or management of the on-site recycled water facilities.

B. To obtain a ~~recycled water~~ permit, users are responsible for completing an ~~on-site recycled water use~~ permit application form provided by the district. The information supplied by the user shall be considered authoritative and final. If any error in such application shall cause the installation of a service connection that is improper, either in size or location, the cost of all changes required shall be borne by the user. The steps for obtaining a ~~recycled water use~~ permit are as follows:

A.C. The user completes and submits an ~~on-site recycled water service~~ permit application, including all required information and supporting documents as outlined in the district's *Engineering Procedures, Guidelines, and Design Requirements*, the district's *Recycled Water User's Rules of Service*, and any other information pertinent to the use of recycled water as requested by the district;

~~i.~~ 1. ~~Recycled water service~~ Applications for dual plumbed use, including residential landscape irrigation, are subject to additional application requirements including additional forms and an engineering report. The engineering report submitted with the application must meet all requirements specified in Title 22, Division 4, Chapter 3, Article 5, Section 60314 of the California Code of Regulations and must be reviewed and approved by the district and DDW.

~~ii.~~ 2. The district reserves the right to request additional information or require the submittal of an engineering report as needed on a case-by-case basis to ensure the safe use of recycled water.

B.D. The user and the district will address any concerns that the DDW may have regarding the engineering report and revise the report accordingly.;

C.E. The user must designate and maintain a ~~User S~~ supervisor who must be trained and certified for the operation and maintenance of the on-site recycled water system ~~at the time of permit application~~.

D.F. The user will schedule a cross-connection test of the on-site recycled water system to ensure that cross-connections do not exist. The user shall notify the district, State DDW, and Central Coast Regional Water Quality Control Board at least two (2) business days ~~prior to~~ before the initial test date with the intent that the district, DDW, and Central Coast Regional Water Quality Control Board will attend. For the initial cross-connection test, potable water supplied through an approved backflow device will be used for the irrigation piping system. The test shall be performed by a CA/NV AWWA certified Cross Connection Control Specialist hired by the user. A Cross-connection Shut-Down Test Form must be completed. This form can be found on the district's website. The user shall notify the district, the State DDW, and the MCHD at least two (2) business days ~~prior to~~ before the initial test date with the intent that both agencies and the district will attend as required per 22 CCR §60316(a). The user shall comply with all cross-connection procedures and requirements in the district's Recycled Water User's Rules of Service.

E.G. Once the district approves the on-site recycled water use permit application, the user will enter into an on-site recycled water use permit with the district, and pay any remaining applicable fees.

F.H. Upon the successful completion of the test and payment of any remaining applicable outstanding fees, the district may authorize recycled water service to begin.

4.28.080 Responsibilities of users.

~~Recycled water u~~Users are responsible for complying with all requirements, provisions, and conditions outlined in this chapter and as required by the Central Coast Regional Water Quality Control Board, DDW, and district.

Users shall comply with all applicable provisions contained in this chapter, the district's *Engineering Procedures, Guidelines, and Design Requirements*, the district's *Recycled Water User's Rules of Service*, and the user's recycled water use permit, and other laws, regulations, agreements, permits, orders, guidelines, and/or standards, any amending or superseding requirements thereof.

The user shall bear all costs incurred to remedy the noncompliance with any such provisions and shall pay any monetary penalties or ~~fi~~ees imposed for the violation of or noncompliance with such provisions. The omissions or acts by the district shall not relieve the user of responsibility to comply with the provisions of this section.

In the event that any rule, provision, or criteria set forth in this section conflicts with or is inconsistent with any state regulation, the more stringent rule, provision, or criteria shall apply.

4.28.090 Operation and maintenance of facilities.

On-site rRecycled water systems shall be regularly inspected to assure proper operation and compliance with rules. The users must provide all required reports to the district as set forth in the user's permit.

The operation, surveillance, repair, and maintenance of all user-owned recycled water facilities are the responsibility of the owner, or a person designated by the owner to be the "on-site" recycled water user supervisor. The owner is responsible for maintaining all on-site facilities that are under the ownership of parties other than the district and shall be responsible for all operation and maintenance as defined in the district's *Recycled Water User's Rules of Service*.

For all off-site recycled water facilities and systems owned and maintained by the district, only the district's personnel may operate or make changes to these facilities.

4.28.100 Monitoring and inspection by District.

The district shall be allowed to monitor and inspect as needed all recycled water facilities including those owned by the district and those owned by the user to ensure that all requirements are being met for the use of recycled water.

Therefore, the district shall be granted rights to access the user's premises to monitor and inspect the on-site facilities at all times. For all recycled water facilities with restricted access via

locks, combination pads, etc., the User shall provide the necessary copies of keys or access codes to allow the district access to these facilities.

4.28.110 Violations and enforcement.

A. The recital of specified instances in this chapter wherein the district is authorized to discontinue service to the user is not to be construed as limiting the authority of the district to the instances specified.

B. ~~The district shall have the general right to discontinue service to any user upon failure of to compliance comply with, or violation of the user's recycled water permit, ~~or this chapter, or any rule adopted by the General Manager in accordance with Section 4.28.120, including any amendments or additions thereto, The right to discontinue service shall also include or any rules and regulations adopted by the district in amplification hereof, which may then be in force after notice has been given where the noncompliance with, or violation of this chapter by the user results, or is likely to result, in a dangerous or unsanitary condition on the user's premises, or in the district's water system or elsewhere, or where discontinuance of service is necessary to protect the district from fraud, imposition, loss or abuse.~~~~

C. A discontinued recycled water service shall not be allowed to connect to any existing potable water system. The connection of an on-site recycled water system to a potable water system is an imminent health risk to the user, the public, or the district's water system or supply, and a violation of the district's general permit. Any recycled water system found to be connected to a potable water system is a cross-connection, as defined in 17 CCR §7583(e). When the district determines that an unauthorized cross-connection has occurred, the district may terminate the potable water service pursuant to District Code section 3.28.060

D. Any violation of this chapter is declared to be a public nuisance.

1. The district may immediately and summarily abate a public nuisance when the district determines that the violation could be an imminent health risk to the user, the public, or the district's water system or supply
2. The district's attorney may, upon order of the board of directors, bring a civil suit or other action to enjoin or abate the nuisance. In a civil proceeding brought to abate a nuisance or to obtain injunctive relief under this chapter, any person who creates or maintains a public nuisance in violation of this chapter shall be liable for the costs of abatement, including but not limited to D.4 and the following:
 - i. Cost of investigation;
 - ii. Cost of labor and parts to repair any affected water system or premises, to bring such water system or premises into compliance with this chapter, or to install facilities necessary to assure compliance with this chapter;
 - iii. Court costs;
 - iv. Attorney's fees and costs, including the fees and costs of experts employed by the attorney; and
 - v. Costs of monitoring compliance.
3. If any person causes, suffers, or permits a public nuisance to continue after written notice is given to such person by the district directing such person to cease the nuisance, and such continuation goes beyond the time set for abatement in the notice, then such person shall be liable to the district for the following:

- i. The costs of abatement set forth above;
- ii. Any other costs of enforcement imposed by the court; and
- iii. A civil penalty of fifty percent (50%) of those costs (set forth in subsections D.2 and D.4), payable to the district.

4. In addition, the costs of abatement whether through summary action or civil proceeding shall also include, but not be limited to, injury and damages to others and the costs to remediate the district’s water system or supply. The user and person causing the violation if other than the user shall indemnify, defend, and hold harmless the district from all injuries and damages to others in any way related to the violation of this chapter.

5. This Section 4.28.110 does not preclude the district from taking action against individuals for the unauthorized taking of water under Penal Code Section 498.

~~The connection of a recycled water system to a potable water system is an imminent health risk to the user, the public, and the district’s water supply, and a violation of the district’s general permit. Service may in accordance with.~~

~~The connection of a recycled water system to a potable water system is an imminent health risk to the public and the district’s water supply, and a violation of the district’s general permit.~~

~~— Per California Water Code Division 7, Chapter 7, Article 4 § 13525, the district may seek the regional board to request the Attorney General to petition the superior court for the issuance of a temporary restraining order, preliminary injunction, permanent injunction, or combination there as may be appropriate prohibit forthwith any person from violating or threatening to violate the provision of article 4.~~

~~— The district may impose a fee of \$5,000 against any person who is found with an unapproved cross connection between the potable and recycled water systems.~~

D. -Penalties.

1. Each violation of this chapter shall be ~~an infraction.~~ misdemeanor pursuant to Water Code Section 31106 and Penal Code Section 19.

~~— Any violation that occurs or continues from one calendar day to the next shall be deemed a separate violation, for each calendar day during which such violation occurs or continues to occur.~~

~~2. The district may impose a fee of \$5,000 against any person who is found with an unapproved cross connection between the potable and recycled water systems.~~

4.28.120 Rules and regulations.

The General Manager may adopt rules, regulations, procedures, guidelines, design requirements, and specifications (collectively, “rules”) as deemed appropriate by the General Manager to assist in implementing this title, but this title is self-executing and does not depend on the adoption of any such rules to be effective.

~~A district recycled water permit is non-assignable and/or transferable at the time of change of ownership and/or management of the on-site recycled water facilities.~~

Section 7. Enforcement and Administration. The General Manager and all officers and employees of the District, including all ex-officio officers and employees, shall enforce all the

provisions of this Ordinance. The General Manager shall implement and administer this Ordinance. The General Manager shall report to the Board all factors which affect the implementation of this Ordinance and shall maintain a separate file of violations of this Ordinance and a file of any requests for variances from this Ordinance.

Section 8. Repeal of Inconsistent and Prior Provisions. This Ordinance supersedes and repeals Marina Coast Water District's Ordinances No. 27 and the corresponding provisions of the Marina Coast Water District Code.

Section 9. Notice of Exemption Notice of Determination. The Secretary is authorized and directed to give due notice of exemption of this ordinance from the provisions of CEQA, pursuant to Title 14 California Code of Regulations section 15062.

Section 10. Existing Charges. Existing rates, fees, and charges in effect when this ordinance is adopted shall remain in effect unless specifically changed by this ordinance and, if specifically changed by this ordinance, then until the Effective Date of this ordinance. Further, any terms, conditions, and requirements set forth in those portions of the District Code specifically referenced herein which are not amended or modified by the Ordinance shall remain in full force and effect.

Section 11. Interpretation. Words and phrases used in this ordinance shall be read conjunctively with and shall have the same meaning as in prior district ordinances and the district Code, unless specifically changed by this ordinance or unless the context requires some other construction. If there is any inconsistency between this ordinance and prior provisions, this ordinance shall control.

On motion of Director _____, seconded by Director _____; the foregoing Ordinance is enacted and shall take effect upon adoption by the following roll call of the Board:

Ayes: _____

Nays: _____

Absent: _____

Abstained: _____

By _____
Jan Shriner, President

ATTEST:

Remleh Scherzinger, Secretary

CERTIFICATE OF SECRETARY

The undersigned hereby certifies that the foregoing Ordinance was adopted and approved by the Board of Directors at their regular meeting on June 20, 2022.

Remleh Scherzinger, Secretary

MARINA COAST WATER DISTRICT
ORDINANCE NO. 62

AN ORDINANCE AMENDING SECTIONS 1.04.010, 4.28.010,
4.28.020, 4.28.030, 4.28.040,
AND ESTABLISHING SECTIONS 4.28.050, 4.28.060, 4.28.070,
4.28.080, 4.28.090, 4.28.100, 4.28.110, 4.28.120
OF THE DISTRICT CODE PERTAINING TO
RECYCLED WATER SERVICE

Be it ordained by the Board of Directors of
Marina Coast Water District
as follows:

Section 1. Authority. This Ordinance is enacted pursuant to Sections 30000 and following the California Water Code, and Section 6 of Article XIII D of the California Constitution.

Section 2. Findings.

- A. This ordinance is considered for action by the Board of Directors at a regularly scheduled and noticed meeting. The agenda was posted in accordance with the Brown Act with an opportunity for public review in advance of the meeting and public comment during consideration of the ordinance by the Board. The District has complied with the publication, notice, and hearing requirements of Section 66016 of the California Government Code and Section 31105 of the California Water Code.
- B. The District has the power generally to perform all acts necessary to carry out fully the provisions of the County Water District Law (Water Code § 31001), may adopt ordinances relating to the provision of sewer and recycled water services and facilities, and the regulation of those services and facilities (Water Code § 31105) and may undertake a water conservation program to reduce water use (Water Code § 31035).
- C. The Board of Directors finds that it is in the best interests of the District to adopt this ordinance.

Section 3. Purpose of Ordinance. The purpose of this Ordinance is to amend sections 1.04.010, 4.28.010, 4.28.020, 4.28.030, and 4.28.040; and establish sections 4.28.050, 4.28.060, 4.28.070, 4.28.080, 4.28.090, 4.28.100, 4.28.110, 4.28.120 to the recycled water District Code.

Section 4. General Provisions. Section 1.04.010 is hereby amended to read as follows:

1.04.010 Definitions.

The existing definition of "Available to existing water users" in Section 1.04.010 Definitions, Title 1, General Provisions, is hereby repealed and the following adopted in its place:

"Available to existing water users." Recycled water is deemed available to existing water users when the Marina Coast Water District has provided a service lateral from the recycled water

system to the property line and has installed a water meter for the recycled water to be used on the property, and the proposed use is authorized for recycled water use under Section 4.28.060.”

The existing definition of “Available to new water users” in Section 1.04.010 Definitions, Title 1, General Provisions, is hereby repealed and the following adopted in its place:

"Available to new water users." Recycled water is deemed available to new water users when the distance between the nearest recycled water line and the near edge of the parcel is less than the following distance: twenty-five feet plus the distance between the nearest potable water main and the near edge of the parcel and the property and the proposed use is authorized for recycled water use under Section 4.28.060.

Section 5. Recycled Water. Title 4. Recycled Water Sections 4.28.010, 4.28.020, 4.28.030, and 4.28.040 are hereby amended to read as follows:

4.28.010 Purpose and policy.

- A. Purpose. The purpose of this chapter is to establish the process, rules, and enforcement protocol for the safe use and operation of on-site recycled water systems. The goal of this chapter is to promote the use of recycled water consistent with the state of California’s mission to conserve water in accordance with Section 13550 et seq., of the California Water Code and Section 65602 (e) of the California Government Code. This chapter shall apply to all properties receiving recycled water services from the Marina Coast Water District (district).
- B. Policy. It is the policy of the district that recycled water shall be used for all approved uses whenever available within the district’s recycled water-use area. All recycled water use shall be consistent with legal requirements and the preservation of public health, safety, welfare, and the environment.
 - 1. Recycled water is deemed to be available when it meets the conditions outlined in Section 4.28.050 of this chapter and Section 13550 et seq., of the California Water Code and Section 65602(e) of the California Government Code.
 - 2. Recycled water use areas within the district’s service areas are defined in Section 4.28.020 of this chapter, and Section 65603(a) of the California Government Code.

The district shall have the exclusive right to own and recapture any and all applied recycled water under this chapter that is deemed to percolate into the groundwater aquifer. In addition, the district shall have the exclusive right to claim groundwater credits for the delivery and use of recycled water that results in a cessation or reduction in the extraction of groundwater by the district pursuant to Water Code Section 1005.4.

4.28.020 Recycled water service areas.

The district shall designate Recycled Water Service Areas to encourage and expand the use of recycled water to meet district goals. The following provisions shall apply to the Recycled Water Service Areas:

- A. Establishment of Recycled Water Service Areas. The Recycled Water Service Areas shall be established based upon an evaluation of the location and size of present and

future wastewater treatment facilities, distribution pipelines, pump stations, storage facilities, and other related recycled water facilities. The district is authorized to establish such areas outside of the district's Central Marina and Ord Community service areas upon agreement with cities, agencies, and users to provide recycled water.

- B. Types of Uses of Recycled Water. Recycled water uses within the Recycled Water Service Areas may include, but are not limited to, irrigation, appropriate industrial, construction, and commercial uses as cited in Section 4.28.060.

4.28.030 Description of service.

- A. Supply. The district will endeavor, so far as is reasonably possible, to deliver a continuous supply of recycled water to the users at sufficient pressure at the meter, and to avoid any shortage or interruption in delivery.
- B. Quality. The district will endeavor to deliver recycled water that satisfies the applicable water quality requirements of the State Division of Drinking Water (DDW) and the Central Coast Regional Water Quality Control Board. The district shall bear no responsibility for damages or inconveniences that may occur due to the quality of the recycled water.
- C. Classes of Service. all services installed by the district will be classified as follows:
 - 1. Recycled Water Residential;
 - 2. Recycled Water Commercial;
 - 3. Recycled Water Industrial;
 - 4. Recycled Water Construction;
- D. Interruptions in Service. The district will not be liable for the interruption, shortage, insufficiency of supply, or for any loss or damage occasioned thereby. The district whenever it may find it necessary or convenient to make repairs or improvements to its system shall have the right to temporarily suspend delivery of recycled water and it shall not be liable for any loss or damage occasioned thereby. Repairs or improvements will be made as rapidly as is practicable and, so far as possible, at such times as will cause the least inconvenience to the users. Whenever possible and as time permits, all users affected will be notified before such shutdowns.

4.28.040 Service connections, charges, and fees.

- A. Service connections. Each user of recycled water shall be served through a separate meter connecting the public facility belonging to the district to the users' private recycled water on-site distribution system.
- B. Recycled water distribution pipelines which are deeded to and become the property and responsibility of the district, shall be constructed by a user for service only under the same circumstances and in the same manner as would be required for potable water service to the same property.
- C. Charges and fees. All charges and fees applicable to recycled water connection and use shall be as approved by the Board.

- D. Each such service shall require the establishment of a billing account in the district's accounting system. All charges for construction, metering, connection fees, capacity charges, recycled water usage charges, penalties, or other authorized charges for service provided shall be as approved by the Board.

Section 6. Recycled Water. Title 4. Recycled Water hereby establishes Sections 4.28.050, 4.28.060, 4.28.070, 4.28.080, 4.28.090, 4.28.100, 4.28.110, 4.28.120 as follows:

4.28.050 Recycled water service availability.

A. Existing Potable Water Users.

- 1. The owner must connect to the recycled water system when recycled water is deemed available to a property.
 - i. The owner must pay for the cost of completing this connection to the recycled water system.
The owner must apply for an on-site recycled water use permit (permit) per Section 4.28.070 along with any required application fee to connect to the recycled water system.
- 2. In the case that the owner does not agree to the terms of recycled water use outlined in the recycled water use permit or if the district determines that recycled water use is unavailable or infeasible, the district maintains the authority to reject the application and to refuse to provide recycled water services.

B. New Recycled Water Service Users.

- 1. If an owner requests recycled water service, the district maintains the authority to determine whether the property and the proposed use are authorized for recycled water use under Section 4.28.060 and whether or not recycled water services would otherwise be available or feasible.
 - i. If the district determines that recycled water services would be available, the owner is responsible for following the necessary procedures including filling out a recycled water use permit application per Section 4.28.070.
 - ii. Any additional requirements for recycled water use may be included as conditions of approval for the proposed installation, remodel, alteration, or change.
- 2. All new construction that also includes the construction of new private or public irrigation water systems, whether currently anticipating connection to the recycled system or which shall be connected to the potable water system temporarily while awaiting availability of recycled water, shall be constructed or retrofitted according to the district's procedure, guidelines, and design requirements and existing district design standard specifications.

4.28.060 Authorized uses and conditions of service.

- A. Authorized uses of recycled water include only those uses approved by the Central

Coast Regional Water Quality Board, DDW, and which meet the requirements of Title 22, Division 4 of the California Code of Regulations.

1. Each such use will be considered for approval by the district on a case-by-case basis with the submittal of an on-site recycled water use permit application (permit application) per Section 4.28.070. Before approval, the user must comply with the requirements established by this chapter and any other requirements imposed by the district, Central Coast Regional Water Quality Board, DDW, or any other regulatory agencies that have jurisdiction over such use.
 2. The district's General Manager is authorized to determine whether certain classifications of uses are authorized uses.
- B. The user must obtain a recycled water-use permit from the district to receive recycled water service. The recycled water use shall be subject to the conditions of service outlined in this chapter, all applicable state and local recycled water use requirements, and any additional terms and conditions specific to the user established in the recycled water use permit.
1. Recycled water service for dual plumbed systems, including residential landscape irrigation, shall be subject to additional requirements as defined in Title 22, Division 4, Chapter 3, Article 5 of the California Code of Regulations.

4.28.070 Recycled water use permits.

- A. All users required or agreeing to receive recycled water shall obtain an on-site recycled water-use permit from the district and shall be subject to all the conditions outlined in the permit and this chapter. A permit is non-assignable and/or transferable at the time of change of ownership and/or management of the on-site recycled water facilities.
- B. To obtain a permit, users are responsible for completing a permit application form provided by the district. The information supplied by the user shall be considered authoritative and final. If any error in such application shall cause the installation of a service connection that is improper, either in size or location, the cost of all changes required shall be borne by the user. The steps for obtaining a permit are as follows:
- C. The user completes and submits a permit application, including all required information and supporting documents as outlined in the district's *Engineering Procedures, Guidelines, and Design Requirements*, the district's *Recycled Water User's Rules of Service*, and any other information pertinent to the use of recycled water as requested by the district;
1. Applications for dual plumbed use, including residential landscape irrigation, are subject to additional application requirements including additional forms and an engineering report. The engineering report submitted with the application must meet all requirements specified in Title 22, Division 4, Chapter 3, Article 5, Section 60314 of the California Code of Regulations and must be reviewed and approved by the district and DDW.
 2. The district reserves the right to request additional information or require the

submittal of an engineering report as needed on a case-by-case basis to ensure the safe use of recycled water.

- D. The user and the district will address any concerns that the DDW may have regarding the engineering report and revise the report accordingly.
- E. The user must designate and maintain a user supervisor who must be trained and certified for the operation and maintenance of the on-site recycled water system.
- F. The user will schedule a cross-connection test of the on-site recycled water system to ensure that cross-connections do not exist. The user shall notify the district, State DDW, and Central Coast Regional Water Quality Control Board at least two (2) business days before the initial test date with the intent that the district, DDW, and Central Coast Regional Water Quality Control Board will attend. For the initial cross-connection test, potable water supplied through an approved backflow device will be used for the irrigation piping system. The test shall be performed by a CA/NV AWWA certified Cross Connection Control Specialist hired by the user. A Cross-connection Shut-Down Test Form must be completed. This form can be found on the district's website. The user shall notify the district, the State DDW, and the MCHD at least two (2) business days before the initial test date with the intent that both agencies and the district will attend as required per 22 CCR §60316(a). The user shall comply with all cross-connection procedures and requirements in the district's *Recycled Water User's Rules of Service*.
- G. Once the district approves the on-site recycled water use permit application, the user will enter into an on-site recycled water use permit with the district and pay any remaining applicable fees.
- H. Upon the successful completion of the test and payment of any remaining applicable outstanding fees, the district may authorize recycled water service to begin.

4.28.080 Responsibilities of users.

Users are responsible for complying with all requirements, provisions, and conditions outlined in this chapter and as required by the Central Coast Regional Water Quality Control Board, DDW, and district.

Users shall comply with all applicable provisions contained in this chapter, the district's *Engineering Procedures, Guidelines, and Design Requirements*, the district's *Recycled Water User's Rules of Service*, and the user's recycled water use permit, and other laws, regulations, agreements, permits, orders, guidelines, and/or standards, any amending or superseding requirements thereof.

The user shall bear all costs incurred to remedy the noncompliance with any such provisions and shall pay any monetary penalties or fees imposed for the violation of or noncompliance with such provisions. The omissions or acts by the district shall not relieve the user of responsibility to comply with the provisions of this section.

In the event that any rule, provision, or criteria set forth in this section conflicts with or is inconsistent with any state regulation, the more stringent rule, provision, or criteria shall apply.

4.28.090 Operation and maintenance of facilities.

On-site recycled water systems shall be regularly inspected to assure proper operation and compliance with rules. The users must provide all required reports to the district as set forth in the user's permit.

The operation, surveillance, repair, and maintenance of all user-owned recycled water facilities are the responsibility of the owner, or a person designated by the owner to be the "on-site" recycled water user supervisor. The owner is responsible for maintaining all on-site facilities that are under the ownership of parties other than the district and shall be responsible for all operation and maintenance as defined in the district's *Recycled Water User's Rules of Service*.

For all off-site recycled water facilities and systems owned and maintained by the district, only the district's personnel may operate or make changes to these facilities.

4.28.100 Monitoring and inspection by District.

The district shall be allowed to monitor and inspect as needed all recycled water facilities including those owned by the district and those owned by the user to ensure that all requirements are being met for the use of recycled water.

Therefore, the district shall be granted rights to access the user's premises to monitor and inspect the on-site facilities at all times. For all recycled water facilities with restricted access via locks, combination pads, etc., the user shall provide the necessary copies of keys or access codes to allow the district access to these facilities.

4.28.110 Violations and enforcement.

A. The recital of specified instances in this chapter wherein the district is authorized to discontinue service to the user is not to be construed as limiting the authority of the district to the instances specified.

B. The district shall have the right to discontinue service to any user upon failure to comply with, or violation of the user's permit, this chapter, or any rule adopted by the General Manager in accordance with Section 4.28.120.

C. A discontinued recycled water service shall not be allowed to connect to any existing potable water system. The connection of an on-site recycled water system to a potable water system is an imminent health risk to the user, the public, or the district's water system or supply, and a violation of the district's general permit. Any recycled water system found to be connected to a potable water system is a cross-connection, as defined in 17 CCR §7583(e). When the district determines that an unauthorized cross-connection has occurred, the district may terminate the potable water service pursuant to District Code section 3.28.060

D. Any violation of this chapter is declared to be a public nuisance.

1. The district may immediately and summarily abate a public nuisance when the district determines that the violation could be an imminent health risk to the user, the public, or the district's water system or supply.

2. The district's attorney may, upon order of the board of directors, bring a civil suit or other action to enjoin or abate the nuisance. In a civil proceeding brought to abate a nuisance or to obtain injunctive relief under this chapter, any person who creates or maintains a public nuisance in violation of this chapter shall be liable for the costs of abatement, including but not limited to D.4 and the following:
 - i. Cost of investigation;
 - ii. Cost of labor and parts to repair any affected water system or premises, to bring such water system or premises into compliance with this chapter, or to install facilities necessary to assure compliance with this chapter;
 - iii. Court costs;
 - iv. Attorney's fees and costs, including the fees and costs of experts employed by the attorney; and
 - v. Costs of monitoring compliance.
3. If any person causes, suffers, or permits a public nuisance to continue after written notice is given to such person by the district directing such person to cease the nuisance, and such continuation goes beyond the time set for abatement in the notice, then such person shall be liable to the district for the following:
 - i. The costs of abatement set forth above;
 - ii. Any other costs of enforcement imposed by the court; and
 - iii. A civil penalty of fifty percent (50%) of those costs (set forth in subsections D.2 and D.4), payable to the district.
4. In addition, the costs of abatement whether through summary action or civil proceeding shall also include, but not be limited to, injury and damages to others and the costs to remediate the district's water system or supply. The user and person causing the violation if other than the user shall indemnify, defend, and hold harmless the district from all injuries and damages to others in any way related to the violation of this chapter.
5. This Section 4.28.110 does not preclude the district from taking action against individuals for the unauthorized taking of water under Penal Code Section 498.

D. Penalties.

1. Each violation of this chapter shall be a misdemeanor pursuant to Water Code Section 31106 and Penal Code Section 19.

Any violation that occurs or continues from one calendar day to the next shall be deemed a separate violation, for each calendar day during which such violation occurs or continues to occur.

4.28.120 Rules and regulations.

The General Manager may adopt rules, regulations, procedures, guidelines, design requirements, and specifications (collectively, “rules”) as deemed appropriate by the General Manager to assist in implementing this title, but this title is self-executing and does not depend on the adoption of any such rules to be effective.

Section 7. Enforcement and Administration. The General Manager and all officers and employees of the District, including all ex-officio officers and employees, shall enforce all the provisions of this Ordinance. The General Manager shall implement and administer this Ordinance. The General Manager shall report to the Board all factors which affect the implementation of this Ordinance and shall maintain a separate file of violations of this Ordinance and a file of any requests for variances from this Ordinance.

Section 8. Repeal of Inconsistent and Prior Provisions. This Ordinance supersedes and repeals Marina Coast Water District's Ordinances No. 27 and the corresponding provisions of the Marina Coast Water District Code.

Section 9. Notice of Exemption Notice of Determination. The Secretary is authorized and directed to give due notice of exemption of this ordinance from the provisions of CEQA, pursuant to Title 14 California Code of Regulations section 15062.

Section 10. Existing Charges. Existing rates, fees, and charges in effect when this ordinance is adopted shall remain in effect unless specifically changed by this ordinance and, if specifically changed by this ordinance, then until the Effective Date of this ordinance. Further, any terms, conditions, and requirements set forth in those portions of the District Code specifically referenced herein which are not amended or modified by the Ordinance shall remain in full force and effect.

Section 11. Interpretation. Words and phrases used in this ordinance shall be read conjunctively with and shall have the same meaning as in prior district ordinances and the district Code, unless specifically changed by this ordinance or unless the context requires some other construction. If there is any inconsistency between this ordinance and prior provisions, this ordinance shall control.

On motion of Director _____, seconded by Director _____; the foregoing Ordinance is enacted and shall take effect upon adoption by the following roll call of the Board:

Ayes: _____

Nays: _____

Absent: _____

Abstained: _____

By _____
Jan Shriner, President

ATTEST:

Remleh Scherzinger, Secretary

CERTIFICATE OF SECRETARY

The undersigned hereby certifies that the foregoing Ordinance was adopted and approved by the Board of Directors at their regular meeting on June 20, 2022.

Remleh Scherzinger, Secretary

**Strategic Plan
Workshop
Item 8-A**

**Draft Strategic
Plan**

INTRO Pieces

- Leaders Page
- TOC
- Message from GM
- Forward from Board Pres.
- District at a Glance (Fields of Service)
- Organizational Structure
- Community Profile??
- Process and Organization of MCWD Strategic Plan
- Overall Strategic Focus Areas

DRAFT

MISSION (4/12 Draft)

We are a public agency providing safe, affordable, reliable and sustainable water and wastewater services.

CORE VALUES (4/12 Draft)

- **Service**: We will effectively deliver services in an open, honest, ethical and responsible manner to all members of our community.
- **Collaboration**: We will work together to achieve our Mission.
- **Planning and Innovation**: We will engage in innovative planning to serve the public now and in the future.
- **Environment**: We will weigh the environmental costs and benefits in all of our decision-making.

VISION (4/12 Draft)

MCWD is a regional water resources leader.

1. WATER RESOURCES

Our objective is to manage and protect our current water sources (recycled water, groundwater, water storage and the groundwater basin) and find alternative water sources. We will secure and protect our developed potable and recycled water sources sufficiently to supply current and future customers. Our water sources strategy is to work with local land use jurisdictions to determine what their ultimate and interim projected demands will be and explore alternative water sources such as desalination, surface water treatment and expanded recycled water use, to find the most efficient, and to secure cost effective water source portfolio. The following is a summary of the 5-Year strategic goals for this strategic element:

- 1.1. Water Supply Assessment
- 1.2. GSA Ground Water Replenishment
- 1.3. Develop a Carbon Free Water supply
- 1.4. Source Environmentally Sustainable Water
- 1.5. Develop regional partnerships to improve supply reliability

2. FISCAL HEALTH

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. The following is a summary of the 5-Year strategic goals for this strategic element:

2.1.Replenish Reserves

2.2.Leverage current and future ERPs for efficient financial operations

2.3.Develop comprehensive long-Term Investment Strategies

2.4.Develop rates that cover 100% of O&M costs plus 20% for Replacement Capital

2.5.Simplify overall financial processes

2.6.Implement and expand environmental sustainability and centralize purchasing practices

2.7.Develop/utilize a 10 yr fiscal plan

3. ORGANIZATIONAL HEALTH

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, employee tenure recognition, and provide opportunities for training, development, and professional growth while ensuring a safe and secure workplace. The following is a summary of the 5-Year strategic goals for this strategic element:

- 3.1. Work to reflect the Diversity of our community
- 3.2. Strengthen Core Business Practices and align the District with similar sized organizations
- 3.3. Align Job Descriptions with Industry Standards
- 3.4. Embed environmentally friendly components into agreements
- 3.5. Support succession planning by creating a culture of a learning
- 3.6. Consider and develop non-salary related employment incentives

4. FACILITIES

Our objective is to provide high-quality water (potable water and recycled water) distribution systems 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. The following is a summary of the 5-Year strategic goals for this strategic element:

- 4.1. Maintain Facilities at the highest level of readiness
- 4.2. Locate and remove & replace 10% of aging capital from the system annually
- 4.3. Integrate SCADA into all operational systems to increase efficiency
- 4.4. Integrate Asset Management with CMMS and ARCGIS
- 4.5. Ensure Facilities are prepared for Climate Adaptation//climate change

Vision to Action Table

**Proposed Dates
(Start-Milestone-
Completion)**

Strategic Focus	Strategic Goals	
<p>1.0 Water Resources</p>	<p>1.1 Water Supply Assessment 1.2 GSA Groundwater Replenishment 1.3 Develop Carbon-free Water Supply 1.4 Source Environmentally Sustainable Water 1.5 Develop Regional Partnerships to Improve Supply Reliability</p>	
<p>2.0 Fiscal Health</p>	<p>2.2 Replenish Reserves 2.2 Leverage Current and Future ERP’s for Efficient Financial Operations 2.3 Develop Comprehensive Long-Term Investment Strategies 2.4 Develop rates that cover 100% of O&M costs plus 20% for Replacement Capital 2.4 Simplify overall financial processes 2.6 Implement and expand environmental sustainability and centralize purchasing practices 2.7 Develop/utilize a 10 yr fiscal plan</p>	
<p>3.0 Organizational Health</p>	<p>3.1 Work to reflect the Diversity of our community 3.2 Strengthen Core Business Practices and align the District with similar sized organizations 3.3 Align Job Descriptions with Industry Standards 3.4 Embed environmentally friendly components into agreements 3.5 Support succession planning by creating a culture of a learning 3.6 Consider and develop non-salary related employment incentives</p>	
<p>4.0 Facilities</p>	<p>4.1 Maintain Facilities at the highest level of readiness 4.2 Locate and remove & replace 10% of aging capital from the system annually 4.3 Integrate SCADA into all operational systems to increase efficiency 4.4 Integrate Asset Management with CMMS and ARCGIS 4.5 Ensure Facilities are prepared for Climate Adaptation//climate change</p>	

Glossary of Acronyms

ACWA	Association of California Water Agencies
AWWA	American Water Works Association
BHI	BHI Management Consulting
BMPs	Best Management Practices
CAFR	Comprehensive Annual Financial Report
CDPH	California Department of Public Health
CII	Commercial, Industrial and Institutional
CIP	Capital Improvement Plan
CPA	Certified Public Accountant
CUWCC	California Urban Water Conservation Council
DMM	Demand Management Measures
DPR	
FY	Fiscal Year
HCF	Hundreds of Cubic Feet
HECW	High Efficiency Clothes Washer
GPS	Global Positioning System
LS	Lift Station
MGD	Millions of Gallons per Day
NIMS	National Incident Management System
OES	Office of Emergency Services
pH	Potential Hydrogen – ion activity in gram equivalents per liter to measure alkalinity/acidity
PFAS	
RWQCB	Regional Water Quality Control Board
SRF	State Revolving Fund
SCADA	Supervisory Control and Data Acquisition
SEMS	Standardized Emergency Management System
the District	Marina Coast Water District
WDRs	Waste Discharge Requirements
WWTP	Wastewater Treatment Plant