



MARINA COAST WATER DISTRICT

11 RESERVATION ROAD, MARINA, CA 93933-2099

Home Page: www.mcwd.org

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DIRECTORS
KENNETH K. NISHI
President

WILLIAM LEE
Vice President

THOMAS P. MOORE
HOWARD GUSTAFSON
DAN BURNS

Agenda

Regular Board Meeting, Board of Directors Marina Coast Water District

11 Reservation Road, Marina, California

Tuesday, July 13, 2010, 6:45 p.m. PST

This meeting has been noticed according to the Brown Act rules. The Board of Directors now meets regularly on the second Tuesday of each month. The meetings normally begin at 6:45 p.m. at the District offices at 11 Reservation Road, Marina, California.

Mission: *Providing high quality water, wastewater and recycled water services to the District's expanding communities through management, conservation and development of future resources at reasonable costs.*

Vision: *The Marina Coast Water District will be the leading public supplier of integrated water and wastewater services in the Monterey Bay Region.*

1. Call to Order

2. Roll Call

3. Closed Session

A. Pursuant to Government Code 54956.8

Conference with Real Property Negotiator (General Manager, Legal Counsel)

Property: Parcel of Land known as Sunset Place

Negotiating Parties: MCWD, Residents, City of Marina

Under Negotiation: Fee Title Ownership and Disposal

B. Pursuant to Government Code 54956.9

Conference with Legal Counsel – Existing Litigation

(Subdivision (a) of Section 54956.9)

Ag Land Trust v. Marina Coast Water District and Does 1-100, Monterey County

Superior Court Case No. M105019 (First Amended Petition for Writ of Mandate and Complaint for Declaratory Relief)

7:00 p.m. Reconvene Open Session

This agenda is subject to revision and may be amended prior to the scheduled meeting. A final agenda will be posted at the District office at 11 Reservation Road, Marina, 72 hours prior to the meeting. Copies will also be available at the Board meeting. A complete Board packet containing all enclosures and staff materials will be available for public review on Thursday, July 8, 2010 at the District office, Marina and Seaside City Halls, and at the Marina and Seaside Libraries. The next regular meeting of the Board of Directors is scheduled for August 10, 2010.

4. Possible Action on Closed Session Items *The Board will report out on any action taken during Closed Session, and may take additional action in Open Session, as appropriate. Any closed session items not completed will be discussed at the end of the meeting.*

5. Pledge of Allegiance

6. 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 three minutes. The public may comment on any other items listed on the agenda at the time they are considered by the Board.*

7. 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 three minutes.*

- A. Adopt Resolution No. 2010-44 to Approve the Contract Extension of the Temporary Assistant Engineer Position
- B. Adopt Resolution No. 2010-45 to Authorize the Contract Extension with Troutman Sanders Strategies to Provide Consultant Services in Connection with Federal Government Affairs for a Not-To-Exceed Amount of \$36,000 plus Direct Expenses
- C. Adopt Resolution No. 2010-46 to Authorize the Agreement with Bureau of Reclamation, Mid-Pacific Region, to Provide Assistance in Conducting a Feasibility Study and Associated Reviews and Assessments for a Not-To-Exceed Amount of \$20,000
- D. Consider Adoption of Resolution No. 2010-47 to Authorize the Construction Contract for CIP# OW-0170 With Randazzo Enterprises, Inc. for the Demolition of the Existing Municipal Well No.32 Site Structures Within a Not-To-Exceed Amount of \$29, 600
- E. Consider Adoption of Resolution No. 2010-48 to Approve a Professional Services Agreement with Earth Systems Pacific for Geotechnical Services Related to CIP# OW-0207 for the Installation of Potable Water Pipelines in 3rd Avenue and 12th Street in Marina, CA for a Not-To-Exceed Amount of \$6,200
- F. Approve the Expenditures for the Month of June 2010
- G. Approve the Draft Minutes of the Regular Board Meeting of June 22, 2010

8. 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 three minutes.*

- A. Consider Adoption of Resolution No. 2010-49 to Ratify the Amended and Restated Association of California Water Agencies Health Benefits Authority (ACWA HBA) Bylaws and Joint Powers Authority (JPA) Agreement and Designate ACWA HBA Membership Representatives

Action: The Board of Directors will consider ratifying the amended and restated Association of California Water Agencies Health Benefits Authority (ACWA HBA) Bylaws and Joint Powers Authority (JPA) Agreement and designate ACWA HBA Membership Representatives.

- B. Consider Adoption of Resolution No. 2010-50 to Approve an Amendment to the Professional Services Agreement with Denise Duffy and Associates for Environmental Services Related to the Regional Water Supply Project for a Not-to-Exceed Amount of \$535,000

Action: The Board of Directors is requested to amend the Professional Services Agreement with Denise Duffy & Associates for Environmental Services Related to the Regional Water Supply Project for a Not-to-Exceed Amount of \$535,000.

- C. Consider Adoption of Resolution No. 2010-51 to Reinstate the Budget and Personnel Committee, the Projects and Planning Committee and the Operations and Maintenance Committee, and to Approve the Charge, Formation and Meeting Day and Time of Each Committee

Action: The Board of Directors will consider reinstating the Budget and Personnel, the Projects and Planning and the Operations and Maintenance Committees; to approve the charge, formation and meeting day and time of each Committee.

9. Staff Reports

- A. Update on the Monterey Regional Water Pollution Control Agency Outfall Capacity Analysis
- B. Oral Update on the Regional Urban Water Augmentation Project
- C. Oral Update on the Regional Water Plan

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 three minutes.*

- A. General Manager's Report
- B. District Engineer's Report
- C. Counsel's Report

D. Committee and Board Liaison Reports

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

E. Director's Comments

11. Correspondence

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

*Regular Meeting: Tuesday, August 10, 2010, 6:45 p.m.,
11 Reservation Road, Marina*

*Special Meeting: Joint Board Meeting with FORA
Friday, August 13, 2010, 3:00 p.m.
201 13th Street, Building 2925, Marina*

Marina Coast Water District
Agenda Transmittal

Agenda Item: 7

Meeting Date: July 13, 2010

Submitted By: Paula Riso
Reviewed By: Carl Niizawa

Presented By: Paula Riso

Agenda Title: Consent Calendar

Detailed Description: Consent calendar consisting of:

- A) Adopt Resolution No. 2010-44 to Approve the Contract Extension of the Temporary Assistant Engineer Position;
- B) Adopt Resolution No. 2010-45 to Authorize the Contract Extension with Troutman Sanders Strategies to Provide Consultant Service in Connection with Federal Government Affairs for a Not-To-Exceed Amount of \$36,000 plus Direct Expenses;
- C) Adopt Resolution No. 2010-46 to Authorize the Agreement with Bureau of Reclamation, Mid-Pacific Region, to Provide Assistance in Conducting a Feasibility Study and Associated Reviews and Assessments for a Not-To-Exceed Amount of \$20,000;
- D) Adopt Resolution No. 2010-47 to Authorize the Construction Contract for CIP# OW-0170 With Randazzo Enterprises, Inc. for the Demolition of the Existing Municipal Well No.32 Site Structures Within a Not-To-Exceed Amount of \$29, 600
- E) Adopt Resolution No. 2010-48 to Approve a Professional Services Agreement with Earth Systems Pacific for Geotechnical Services Related to CIP# OW-0207 for the Installation of Potable Water Pipelines in 3rd Avenue and 12th Street in Marina, CA for a Not-To-Exceed Amount of \$6,200
- F) Approve the Expenditures for the Month of June 2010; and,
- G) Approve the Draft Minutes of the Regular Board Meeting of June 22, 2010.

Environmental Review Compliance: None required.

Prior Committee or Board Action: See individual transmittals.

Board Goals/Objectives: *Mission Statement - Providing high quality water, wastewater and recycled water services to the District's expanding communities through management, conservation and development of future resources at reasonable costs.*

Financial Impact: _____Yes _____No

Funding Source/Recap: See individual transmittals.

Material Included for Information/Consideration: See individual transmittals.

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

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

Board Action

____ Resolution No ____ Motion By _____ Seconded By _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Reagendized _____ Date _____ No Action Taken _____

Marina Coast Water District
Agenda Transmittal

Agenda Item: 7-A

Meeting Date: July 13, 2010

Submitted By: Jean Premutati

Presented By: Jean Premutati

Reviewed By: Carl Niizawa

Agenda Title: Adopt Resolution No. 2010-44 to Approve the Contract Extension of the Temporary Assistant Engineer Position

Detailed Description: In August 2009, the Board of Directors approved the hire of a temporary, one-year contract Assistant Engineer. The Temporary Assistant Engineer was tasked to perform less technical entry level engineering duties in order to free up the licensed professional engineers to conduct the more difficult and complex activities. At that time, staff requested the option of revisiting the duties and responsibilities after one year with the possibility of a contract extension.

The Temporary Assistant Engineer currently conducts in-house plan reviews and plan checks; calculates connection fees and prepares conditions of approval; provides engineering support for construction inspections and activities such as water and sewer connections and pipeline pressure testing. In addition, depending on the complexity of the activity, the Temporary Assistant Engineer will also assist Capital Improvement Project (CIP) efforts by participating in professional services procurement, developing CIP scope and schedule, developing specifications, and managing certain construction activities.

In light of the recently authorized contracts for construction of the FORA Building, installation of potable water pipelines, and the removal of the Beach Intake Well Vault, additional coordination from the Engineering department will be required to complete these projects on time and within budget. Staff is recommending the approval of a contract extension, not-to-exceed one year. Before that time, staff expects to conduct a department reorganization that may include career ladder classifications. In the event a classification of Assistant Engineer is established, a formal recruitment process will be conducted and the incumbent will be required to apply for the position.

Environmental Review Compliance: None.

Prior Committee or Board Action: In August 2009, the Board of Directors approved the hire of a temporary, one-year contract Assistant Engineer.

Board Goals/Objectives: *Mission Statement – Providing high quality water, wastewater and recycled water services to the District's expanding communities through management, conservation and development of future resources at reasonable costs.*

Financial Impact: ___X___ Yes ___ ___ No

Funding Source/Recap: Engineering account.

July 13, 2010

Resolution No. 2010 - 44
Resolution of the Board of Directors
Marina Coast Water District

Approving the Contract Extension of the Temporary Assistant Engineer Position

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on July 13, 2010 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, the Temporary Assistant Engineer was hired to perform less technical entry level engineering duties to free up the licensed professional engineers to conduct more complex and difficult activities; and,

WHEREAS, the Temporary Assistant Engineer conducts in-house plan reviews and plan checks; calculates connection fees and prepares conditions of approval; provides engineering support for construction inspections and activities such as water and sewer connections and pipeline pressure testing; and,

WHEREAS, the Temporary Assistant Engineer assists Capital Improvement Project (CIP) efforts by participating in professional services procurement, developing CIP scope and schedule, developing specifications, and managing certain construction activities; and,

WHEREAS staff proposes the approval of a contract extension not to exceed one-year at which time a department reorganization is expected that may include career ladder classifications. In the event an Assistant Engineer classification is established, a formal recruitment process will be conducted.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby approve the contract extension of the Temporary Assistant Engineer position not-to-exceed one-year.

PASSED AND ADOPTED on July 13, 2010, 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 _____

Kenneth K. Nishi, President

ATTEST:

Jim Heitzman, 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. 2010-44 adopted July 13, 2010.

Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 7-B

Meeting Date: July 13, 2010

Submitted By: Suresh Prasad

Presented By: Suresh Prasad

Reviewed By: Carl Niizawa

Agenda Title: Adopt Resolution No. 2010-45 to Authorize the Contract Extension with Troutman Sanders Strategies to Provide Consultant Services in Connection with Federal Government Affairs for a Not-To-Exceed Amount of \$36,000 plus Direct Expenses

Detailed Description: The Board is requested to authorize the contract extension with Troutman Sanders Strategies (TSS) to provide consultant services in connection with federal governmental affairs for a not-to-exceed amount of \$36,000 plus direct expenses. The engagement shall be for a period of six months beginning July 1, 2010 and ending December 31, 2010.

During the term of this extension, TSS will continue to assist the District with a voice in Washington with the following priorities:

- Continue with efforts on establishing lines of communication with key members of Congress;
- Continue to identify issues that MCWD wishes to stay abreast of for purposes of knowing the playing field and staying ahead of the curve; and,
- Continue to develop Federal support for the goals of the Sustainable Water Supply Program for Monterey County.

Environmental Review Compliance: None.

Prior Board Action: None.

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

Financial Impact: X Yes No

Funding Source/Recap: This contract will be funded from the District's Regional Water Project CIP# GW-0157.

Material Included for Information/Consideration: Resolution No. 2010-45; and, copy of the contract extension with Troutman Sanders Strategies.

Staff Recommendation: The Board of Directors consider adoption of Resolution No. 2010-45 authorizing the contract extension with Troutman Sanders Strategies to provide consultant services in connection with Federal Government Affairs for a not-to-exceed amount of \$36,000 plus direct expenses.

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

Board Action

_____ Resolution No _____ Motion By _____ Seconded By _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Reagendized _____ Date _____ No Action Taken _____

July 13, 2010

Resolution No. 2010 - 45
Resolution of the Board of Directors
Marina Coast Water District

Authorizing the Contract Extension with Troutman Sanders Strategies to
Provide Consultant Services in Connection with Federal Government Affairs
for a Not-To-Exceed Amount of \$36,000 plus Direct Expenses

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on July 13, 2010 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, during the term of this extension, Troutman Sanders Strategies will continue to assist the District with a voice in Washington; and,

WHEREAS, this contract will be funded from the District’s Regional Water Project CIP# GW-0157.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby authorize the General Manager and/or the Deputy General Manager/District Engineer to execute a contract extension with Troutman Sanders Strategies to provide consultant services in connection with Federal Government Affairs for a not-to-exceed amount of \$36,000 plus Direct Expenses and to take all actions and execute all documents as may be necessary or appropriate to give effect to this resolution.

PASSED AND ADOPTED on July 13, 2010, 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 _____

Kenneth K. Nishi, President

ATTEST:

Jim Heitzman, 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. 2010-45 adopted July 13, 2010.

Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 7-C

Meeting Date: July 13, 2010

Submitted By: Suresh Prasad

Presented By: Suresh Prasad

Reviewed By: Carl Niizawa

Agenda Title: Adopt Resolution No. 2010-46 to Authorize the Agreement with Bureau of Reclamation, Mid-Pacific Region, to Provide Assistance in Conducting a Feasibility Study and Associated Reviews and Assessments for a Not-To-Exceed Amount of \$20,000

Detailed Description: The Board is requested to authorize the agreement with Bureau of Reclamation, Mid-Pacific Region (Reclamation) to provide assistance to Marina Coast Water District (MCWD) in conducting a feasibility study and associated reviews and assessments under applicable Federal cultural and environmental laws for the Monterey Regional Desalination Facility Project for a not-to-exceed amount of \$20,000. The agreement shall remain in force ending on December 31, 2012. MCWD will advance \$20,000 to Reclamation upon execution of this agreement.

Title XVI of P.L. 102-575 authorizes Reclamation to participate in evaluating the feasibility of water recycling projects. MCWD is in the process of developing a water reclamation project and is planning to construct facilities to desalinate intruded groundwater and distribute the potable water in Monterey County coastal communities and the Monterey Peninsula. Reclamation will provide oversight and guidance to MCWD for preparing a feasibility report and developing environmental documentation for the Project.

Environmental Review Compliance: None required.

Prior Board Action: None.

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

Financial Impact: Yes No

Funding Source/Recap: This contract will be funded from the District's Recycled Water Project CIP# RW-0155.

Material Included for Information/Consideration: Resolution No. 2010-46 and copy of the agreement with Bureau of Reclamation, Mid-Pacific Region.

Staff Recommendation: The Board of Directors consider adoption of Resolution No. 2010-46 authorizing the agreement with Bureau of Reclamation, Mid-Pacific Region to provide assistance

to MCWD in conducting a feasibility study and associated reviews and assessments under applicable Federal cultural and environmental laws for the Monterey Regional Desalination Facility Project for a not-to-exceed amount of \$20,000.

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

Board Action

_____ Resolution No _____ Motion By _____ Seconded By _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Reagendized _____ Date _____ No Action Taken _____

July 13, 2010

Resolution No. 2010 - 46
Resolution of the Board of Directors
Marina Coast Water District

Authorizing the Agreement with the Bureau of Reclamation, Mid-Pacific Region
to Provide Assistance in Conducting a Feasibility Study and Associated Reviews
for the Monterey Regional Desalination Facility Project
for a Not-To-Exceed Amount of \$20,000

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on July 13, 2010 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, Bureau of Reclamation, Mid-Pacific Region will provide assistance to Marina Coast Water District in conducting a feasibility study and associated reviews and assessments under applicable Federal cultural and environmental laws for the Monterey Regional Desalination Facility Project; and,

WHEREAS, Marina Coast Water District is in the process of developing a water reclamation project and is planning to construct facilities to desalinate intruded groundwater and distribute the potable water in Monterey County coastal communities and the Monterey Peninsula; and,

WHEREAS, Bureau of Reclamation, Mid-Pacific Region will provide oversight and guidance to MCWD for preparing a feasibility report and developing environmental documentation for the Project; and,

WHEREAS, the agreement shall remain in force ending on December 31, 2012 and Marina Coast Water District will advance \$20,000 to Bureau of Reclamation, Mid-Pacific Region upon execution of this agreement; and,

WHEREAS, this agreement will be funded from the District’s Recycled Water Project CIP# RW-0155.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby authorize the General Manager and/or the Deputy General Manager to execute the agreement with Bureau of Reclamation, Mid-Pacific Region to provide will provide assistance in conducting a feasibility study and associated reviews and assessments under applicable Federal cultural and environmental laws for the Monterey Regional Desalination Facility Project for a not-to-exceed amount of \$20,000 and to take all actions and execute all documents as may be necessary or appropriate to give effect to this resolution.

PASSED AND ADOPTED on July 13, 2010, 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 _____

Kenneth K. Nishi, President

ATTEST:

Jim Heitzman, 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. 2010-46 adopted July 13, 2010.

Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 7-D

Meeting Date: July 13, 2010

Submitted By: Gary Rogers

Presented By: Brian True

Reviewed By: Carl Niizawa

Agenda Title: Adopt Resolution No. 2010-47 to Authorize the Construction Contract for CIP# OW-0170 With Randazzo Enterprises, Inc. for the Demolition of the Existing Municipal Well No.32 Site Structures Within a Not-To-Exceed Project Work Amount of \$29, 600

Detailed Description: The Board is requested to authorize the construction contract for CIP# OW-0170 with Randazzo Enterprises, Inc. for the demolition and disposal of the MCWD Well No. 32 site structures. This proposed contract includes the removal of the existing well building, above/underground piping, electrical components and other onsite appurtenances. Subsequent phases to complete the installation of the new Well No. 34 site facility will be proposed for Board approval in the future.

On July 6, 2010, District staff opened bids submitted on a competitive basis from contractors for the Well No. 32 Site Demolition (within CIP# OW-0170). Randazzo Enterprises, located in Castroville, California, is the apparent low bidder by submitting a project bid totaling \$24,700. PSC Industrial Services, submitted a bid in the amount of \$30,554 while a third bid was submitted for \$33,925. Randazzo Enterprises will enter into a MCWD contract for this type of work, staff has examined the bid documents and finds them and the contractor's qualifications acceptable in meeting the bidding requirements, and MCWD will hold the Payment and Performance Bonds for the full amount bid. District staff is proposing to use MCWD in-house inspection and construction management resources with as-needed support from Harris & Associates.

The staff recommendation below for authorizing the construction contract includes a contingency value of \$4,900 (approximately 20% over contract value), making the Board-authorized not-to-exceed project work amount \$29, 600.

Environmental Review Compliance: An Initial Study/Mitigated Negative Declaration CEQA Document, dated February 6, 2009 and Mitigation Monitoring and Reporting Program has been completed and was adopted via Board Resolution No. 2009-11 on February 10, 2009.

Prior Committee or Board Action: Resolution No. 2009-11, the Board adopted the Well No. 32 Replacement/EDS Project Initial Study/Mitigated Negative Declaration CEQA Document; Resolution No. 2009-12, the Board approved the Well 32 Replacement/Eastern Distribution System Project.

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

Financial Impact: Yes No

Funding Source/Recap: The project amount of \$29,600 (including contractor cost plus contingency) for this proposed construction contract will be assigned to the construction tasks for the project that appears in the FY 2010/2011 Budget as CIP No. OW-0170 with a value of \$1,544,400.

Material Included for Information/Consideration: Resolution No. 2010-47.

Staff Recommendation: The Board of Directors adopt Resolution No. 2010-47 authorizing the General Manager and/or the Deputy General Manager/District Engineer to execute a construction contract with Randazzo Enterprises, Inc. for the demolition of Well No. 32 site structures within CIP# OW-170 and to take all actions and execute all documents as may be necessary or appropriate to give effect to this resolution with a not-to-exceed amount of \$29,600.

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

Board Action

_____Resolution No_____ Motion By_____ Seconded By_____

Ayes_____ Abstained_____

Noes_____ Absent_____

Reagendized_____ Date_____ No Action Taken_____

July 13, 2010

Resolution No. 2010 - 47
Resolution of the Board of Directors
Marina Coast Water District
Authorizing the Construction Contract for CIP# OW-0170
With Randazzo Enterprises, Inc for
Demolition of the Existing Municipal Well No.32 Site Structures
Within a Not-To-Exceed Project Work Amount of \$29,600

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on July 13, 2010 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, the proposed Well 32 Replacement/Eastern Distribution System Project contains components that are part of the MCWD CIP and identified within the 2006 Master Plan; and,

WHEREAS, in Resolution No. 2009-11, the Board adopted the Initial Study/Mitigated Negative Declaration (IS/MND) for the Well 32 Replacement/Eastern Distribution System Project and approved the Mitigated Monitoring and Reporting Program; and,

WHEREAS, in Resolution No. 2009-12, the Board approved the Well 32 Replacement/Eastern Distribution System Project; and,

WHEREAS, Randazzo Enterprises, Inc. submitted the apparent low bid of \$24,700 to demolish the Well No. 32 site structures and Randazzo’s submittal met the bid requirements.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby authorize the General Manager and/or the Deputy General Manager/District Engineer to execute a construction contract with Randazzo Enterprises, Inc for CIP# OW- 0170 for demolishing the Well No. 32 site structures and to take all actions and execute all documents as may be necessary or appropriate to give effect to this resolution within a not-to-exceed amount of \$29,600 which includes a \$4,900 (approximately 20%) contingency value.

PASSED AND ADOPTED on July 13, 2010, 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 _____

Kenneth K. Nishi, President

ATTEST:

Jim Heitzman, 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. 2010-47 adopted July 13, 2010.

Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 7-E

Meeting Date: July 13, 2010

Submitted By: Brian True

Presented By: Brian True

Reviewed By: Carl Niizawa

Agenda Title: Adopt Resolution No. 2010-48 to Approve a Professional Services Agreement with Earth Systems Pacific for Geotechnical Services Related to CIP# OW-0207 for the Installation of Potable Water Pipelines in 3rd Avenue and 12th Street in Marina, CA for a Not-to-Exceed Project Amount of \$6,200

Detailed Description: The Board of Directors is requested to approve a Professional Services Agreement with Earth Systems Pacific for geotechnical services related to the 3rd Avenue Water Main Extension (CIP# OW-0207). CIP# OW-0207 provides for the installation of a 12-inch PVC potable water pipeline (approximately 710-LF) in 3rd Avenue and an 8-inch PVC potable water pipeline (approximately 510-LF) in 12th Street.

Earth Systems Pacific will provide geotechnical construction support services for the installation of the subject potable water pipelines. The scope consists mainly for providing soil compaction testing and documentation for the backfill placed around the pipelines within the constructed trench and associated excavations for the pipeline appurtenances. The contract value is for a not-to-exceed amount of \$4,968. The staff recommendation below for authorizing the PSA includes a contingency value of \$1,232 (approximately 25% over contract value), making the Board-authorized not-to-exceed project work amount \$6,200.

Earth Systems Pacific was selected from a Request for Qualifications (RFQ) process. Earth Systems Pacific was the most qualified and responsive consultant to conduct the construction support work needed by MCWD for the subject project. Staff reviewed their proposal and finds their level of effort and rates reasonable and consistent with industry norms.

Environmental Review Compliance: No environmental review is required for this action. A Notice of Exemption has been filed for the CIP OW-0207 construction activity.

Prior Board Action: Board Resolution No. 2010-17 on March 16, 2010 to Approve an Agreement with Monterey Peninsula College (MPC) to Construct Potable Water Infrastructure. Board Resolution No. 2010-40 on June 22, 2010 to Authorize the Construction Contract for CIP# OW-0207 with Monterey Peninsula Engineering for Installing Potable Water Pipelines in 3rd Avenue and 12th Street in Marina, CA.

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

Financial Impact: ___X___ Yes _____ No

Funding Source/Recap: The project funding needed for this PSA is planned for in the FY 10/11 CIP Budget within CIP# OW-0207 which is budgeted at \$276,000. MPC will reimburse MCWD for 75% of the costs related to this PSA (per the amended Agreement with MPC). The MCWD share of the PSA costs will be funded by District operational revenues intended for CIP elements of the District's planned expenditures in FY 10/11.

Material Included for Information/Consideration: Resolution No. 2010-48.

Staff Recommendation: The Board of Directors approve a Professional Services Agreement with Earth Systems Pacific for geotechnical services related to CIP# OW-0207 for the installation of potable water pipelines in 3rd Avenue and 12th Street in Marina, CA for a not-to-exceed amount of \$6,200, including contingency.

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

Board Action

___ Resolution No ___ Motion By ___ Seconded By ___

Ayes ___ Abstained ___

Noes ___ Absent ___

Reagendized ___ Date ___ No Action Taken ___

July 13, 2010

Resolution No. 2010 - 48
Resolution of the Board of Directors
Marina Coast Water District
Approving a Professional Services Agreement with
Earth Systems Pacific for
Geotechnical Services Related to CIP# OW-0207 for the
Installation of Potable Water Pipelines in 3rd Avenue and 12th Street in Marina, CA
for a Not-to-Exceed Amount of \$6,200

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on July 13, 2010, at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, the Board of Directors adopted Board Resolution No. 2010-17 on March 16, 2010 to approve an Agreement with Monterey Peninsula College (MPC) to construct potable water infrastructure in 3rd Avenue and 12th Street in Marina, CA that obligates the District to conduct the project work for CIP# OW-0207 and that Agreement obligates MPC to pay a fair-share division of the project costs; and,

WHEREAS, the funding of this project will come from the operational revenue sources of MCWD and from MPC as obligated under the terms of the Resolution No. 2010-17 Agreement; and,

WHEREAS, MCWD staff conducted the professional selection process consistent with District procedures and determined Earth Systems Pacific to be most responsive and qualified firm to provide the geotechnical construction support services related to CIP# OW-0207; and,

WHEREAS, MCWD staff reviewed the proposal from Earth Systems Pacific and found their level of effort and rates reasonable and consistent with industry norms such that staff recommends that a Professional Services agreement with Earth Systems Pacific be approved by the Board for a not-to-exceed amount of \$6,200.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby authorize the General Manager and/or Deputy General Manager/District Engineer to execute a Professional Services Agreement with Earth Systems Pacific for geotechnical services related to CIP# OW-0207 and to take all actions and execute all documents as may be necessary or appropriate to give effect to this resolution with the total not-to-exceed amount of \$6,200, including contingency.

PASSED AND ADOPTED on July 13, 2010 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 _____

Kenneth K. Nishi, President

ATTEST:

Jim Heitzman, 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. 2010-48 adopted July 13, 2010.

Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 7-F

Meeting Date: July 13, 2010

Submitted By: Suresh Prasad

Presented By: Suresh Prasad

Reviewed By: Carl Niizawa

Agenda Title: Approve Expenditures for the Month of June 2010

Detailed Description: The Board of Directors is requested to approve the attached June 2010 check register for expenditures totaling \$1,896,383.41.

Environmental Review Compliance: None required.

Prior Committee or Board Action: None.

Board Goals/Objectives: *2007/2008 Strategic Plan, Goal No. 4 – To manage the District's finances in the most effective and fiscally responsible manner.*

Financial Impact: ___ Yes ___ **X** ___ No

Funding Source/Recap: Expenditures are allocated across the five cost centers; 01-Marina Water, 02-Marina Sewer, 03- Ord Water, 04- Ord Sewer, 05-New Water.

Material Included for Information/Consideration: June 2010 Summary Check Register.

Staff Recommendation: The Board of Directors approve the June 2010 expenditures totaling \$1,896,383.41.

Action Required: ___ Resolution ___ **X** ___ Motion ___ Review

Board Action

___ Resolution No ___ Motion By ___ Seconded By ___

Ayes ___ Abstained ___

Noes ___ Absent ___

Reagendized ___ Date ___ No Action Taken ___

Marina Coast Water District
Agenda Transmittal

Agenda Item: 7-G

Meeting Date: July 13, 2010

Submitted By: Paula Riso
Reviewed By: Carl Niizawa

Presented By: Paula Riso

Agenda Title: Approve the Draft Minutes of the Regular Board Meeting of June 22, 2010

Detailed Description: The Board of Directors is requested to approve the attached draft minutes of June 22, 2010.

Environmental Review Compliance: None required.

Prior Committee or Board Action: None.

Board Goals/Objectives: *2007/2008 Strategic Plan, Mission Statement – Providing high quality water, wastewater and recycled water services to the District's expanding communities through management, conservation and development of future resources at reasonable costs.*

Financial Impact: _____ Yes X No

Funding Source/Recap: None.

Material Included for Information/Consideration: Draft minutes of June 22, 2010.

Staff Recommendation: The Board of Directors approve the draft minutes of the June 22, 2010 regular Board meeting.

Action Required: _____ Resolution X Motion _____ Review

Board Action

_____ Resolution No _____ Motion By _____ Seconded By _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Reagendized _____ Date _____ No Action Taken _____

Marina Coast Water District

Dual Locations
Country Inn & Suites
2621 Prince William Parkway
Woodbridge, VA 22192
and
District Offices
11 Reservation Road
Marina, California

Regular Board Meeting
June 22, 2010
6:45 p.m.

Draft Minutes

1. Call to Order:

President Nishi called the meeting to order at 6:45 p.m. on June 22, 2010.

2. Roll Call:

Board Members Present:

Ken Nishi– President
Bill Lee – Vice President
Howard Gustafson
Tom Moore – via telephone
Dan Burns

Board Members Absent:

None.

Staff Members Present:

Jim Heitzman, General Manager
Lloyd Lowrey, Legal Counsel
Carl Niizawa, Deputy General Manager/District Engineer
Suresh Prasad, Director of Finance
Rich Youngblood, Conservation Coordinator
Brian True, Capital Projects Manager
James Derbin, Assistant Operations and Maintenance Superintendent
Gary Rogers, Associate Engineer
Jean Premutati, Management Services Administrator
Richard Green, Systems Operator II
Paula Riso, Executive Assistant/Board Clerk

Audience Member:

Luana Conley, Marina Resident

The Board entered into closed session at 6:46 p.m.

3. Closed Session:

A. Pursuant to Government Code 54956.8

Conference with Real Property Negotiator (General Manager, Legal Counsel)

Property: Parcel of Land known as Sunset Place

Negotiating Parties: MCWD, Residents, City of Marina

Under Negotiation: Fee Title Ownership and Disposal

C. Pursuant to Government Code 54956.9

Conference with Legal Counsel – Anticipated Litigation

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9

1 Case

D. Pursuant to Government Code 54956.9

Conference with Legal Counsel – Existing Litigation

(Subdivision (a) of Section 54956.9)

Ag Land Trust v. Marina Coast Water District and Does 1-100, Monterey County Superior Court Case No. M105019 (First Amended Petition for Writ of Mandate and Complaint for Declaratory Relief)

President Nishi reconvened the meeting to open session at 7:06 p.m.

4. Possible Action on Closed Session Items:

Mr. Lloyd Lowrey, Legal Counsel, reported that no action was taken and appropriate direction was given as to each item.

5. Pledge of Allegiance:

President Nishi asked Mr. Richard Green to lead everyone present in the Pledge of Allegiance.

6. Oral Communications:

Ms. Luana Conley, Marina resident, commented that the Board's Goals and Objectives Item No. 2 is to "meet customers' needs 100%". She then asked the Board of Directors to consider scheduling Board meetings on nights other than those of Marina City Council and Marina City

Agenda Item 6 (continued):

Commission so interested members of the public can attend both sets of meetings. Ms. Conley also commented that the Board should consider hiring Access Monterey Peninsula (AMP) to film and broadcast the Board meetings. Ms. Conley again asked that the Board of Directors consider rescheduling the Board meetings for a different day of the week and to have AMP film and broadcast the meetings.

7. Presentation:

- A. Consider Adoption of Resolution No. 2010-29 to Recognize Richard Green, System Operator II, and Awarding a Plaque and Gift Certificate for 10 Years of Service to the Marina Coast Water District:

Director Gustafson made a motion to recognize Richard Green, System Operator II, and awarding a plaque and gift certificate for 10 years of service to the Marina Coast Water District. Vice President Lee seconded the motion. Mr. James Derbin, Assistant Operations and Maintenance Superintendent, commented that staff was very appreciative of Mr. Green's outstanding service to the District. The motion was passed.

Director Moore	-	Yes	Vice President Lee	-	Yes
Director Gustafson	-	Yes	President Nishi	-	Yes
Director Burns	-	Yes			

President Nishi read the narration and presented Mr. Green with a plaque and gift certificate. Mr. Green voiced his appreciation to the Board for everything and stated that he anticipated working at the District for many more years to come. Mr. Jim Heitzman, General Manager, commented that Mr. Green was a valuable worker and the District appreciated his hard work and dedication.

8. Consent Calendar:

Director Moore requested to pull items G and K from the Consent Calendar. Director Burns requested to pull item C from the Consent Calendar.

Director Gustafson made a motion to approve the Consent Calendar consisting of items A) Adopt Resolution No. 2010-30 to Authorize a Professional Services Agreement with Recommended Industrial Hygienist/Hazardous Materials Specialist Firm for the Well 32 Replacement/Eastern Distribution System Project; B) Adopt Resolution No. 2010-31 to Authorize a Professional Services Agreement with Recommended Licensed Land Surveyor Firm for the Well 32 Replacement/Eastern Distribution System Project; D) Adopt Resolution No. 2010-33 to Authorize Investment of Monies and Update Signatures for the Local Agency Investment Fund (LAIF);

Agenda Item 8 (continued):

E) Adopt Resolution No. 2010-34 Authorizing Application to the Director of Industrial Relations, State of California for a Certificate of Consent to Self-Insure Workers' Compensation Liabilities and Resolution No. 2010-35 Consenting to Enter the Joint Protection Programs of the Association of California Water Agencies (ACWA)/Joint Powers Insurance Authority (JPIA) Contingent Upon Passing a Risk Assessment and JPIA Executive Committee Authorization; F) Adopt Resolution No. 2010-36 to Approve a Change in Vendors for the Short-Term Disability (STD)/Long-Term Disability (LTD) Benefits for District Employees; H) Approve the Draft Minutes of the Special Board Meeting of April 19, 2010; I) Approve the Draft Minutes of the Regular Board Meeting of May 11, 2010; and J) Approve the Draft Minutes of the Special Board Meeting of May 27, 2010. Vice President Lee seconded the motion. The motion was passed.

Director Moore	-	Yes	Vice President Lee	-	Yes
Director Gustafson	-	Yes	President Nishi	-	Yes
Director Burns	-	Yes			

C. Adopt Resolution No. 2010-32 to Extend the Current FY 2009-2010 District Budget:

Director Burns inquired on the Public Hearing dates for the FY 2010-2011 District Budget. Mr. Suresh Prasad, Director of Finance, answered that there will be two Public Hearings to consider the budget. August 10, 2010 will be the Public Hearing for Central Marina, and August 13, 2010 will be the Public Hearing for the Ord Community.

Director Burns made a motion to extend the current FY 2009-2010 District Budget. Vice President Lee seconded the motion. The motion was passed.

Director Moore	-	Yes	Vice President Lee	-	Yes
Director Gustafson	-	Yes	President Nishi	-	Yes
Director Burns	-	Yes			

G. Approve the Expenditures for the Month of May 2010:

Director Moore questioned why three separate checks were issued to the Paul Davis Partnership on the same day. Mr. Prasad answered that there were about twenty invoices that were paid with those checks. Mr. Carl Niizawa, Deputy General Manager/Deputy Engineer, answered that there were different invoice dates for the three checks. Director Moore questioned why a single check wasn't written for all the invoices. President Nishi answered that there was a concern that the work wasn't getting done and invoices weren't getting paid. On May 4th, he requested that the checks get cut to get the project moving along and taking care of the economic situation of this area.

Agenda Item 8-G (continued):

Director Moore commented that he understood the reason to cut the checks, but not separate checks. President Nishi answered that large checks required two signatures and it was easier this way. He stated that he had met with Paul Davis and was going to hand deliver the checks. Mr. Prasad clarified that checks over \$25,000 require two signatures, one staff and one Director's signature. By cutting smaller checks, staff was able to sign the checks without a Director's signature. Director Moore voiced his concern that this action circumvented District policy.

Director Moore commented that Friedman Dumas received another large check from the District, this one for over \$109,000.

Director Gustafson made a motion to approve the expenditures for May 2010. Vice President Lee seconded the motion. The motion was passed.

Director Moore	-	Yes	Vice President Lee	-	Yes
Director Gustafson	-	Yes	President Nishi	-	Yes
Director Burns	-	Yes			

K. Approve the Draft Minutes of the Special Board Meeting of June 10, 2010:

Director Moore commented that he wanted to abstain on this item since he was not present for the meeting.

Vice President Lee made a motion to approve the draft minutes of the Special Board meeting of June 10, 2010. Director Gustafson seconded the motion. The motion was passed.

Director Moore	-	Abstain	Vice President Lee	-	Yes
Director Gustafson	-	Yes	President Nishi	-	Yes
Director Burns	-	Abstain			

9. Action Items:

A. Consider Adoption of Resolution No. 2010-37 to Amend the Professional Services Agreement with Schaaf & Wheeler Consulting Civil Engineers for Updating the 2005 MCWD Urban Water Management Plan:

Mr. Niizawa introduced Mr. Gary Rogers, Associate Engineer, and stated that Mr. Rogers would present this item. Mr. Rogers introduced this item.

Agenda Item 9-A (continued):

Vice President Lee made a motion to adopt Resolution No. 2010-37 amending the Professional Services Agreement with Schaaf & Wheeler Consulting Civil Engineers for updating the 2005 MCWD Urban Water Management Plan. Director Gustafson seconded the motion. The motion was passed.

Director Moore	-	Yes	Vice President Lee	-	Yes
Director Gustafson	-	Yes	President Nishi	-	Yes
Director Burns	-	Yes			

B. Consider Adoption of Resolution No. 2010-38 to Authorize a Construction Contract and Related Expenses for Construction of the FORA Building at Imjin Office Park Building:

Mr. Niizawa introduced this item. Director Burns asked who would do the inspections on the project. Mr. Niizawa answered that a temporary staff member would be hired to perform inspections on this project.

Director Moore asked if the site improvements, allocated at \$680,000, were complete and what was the final cost. Mr. Brian True, Capital Projects Manager, answered that the improvements were about 80% complete and that cost shouldn't go much higher at completion. President Nishi asked if the improvements were for the entire site. Mr. True answered that the improvements were being completed in three phases and this was phase two. Phase three will be for the remaining buildings.

Ms. Conley questioned why the District was building this office for FORA when they will sunset in 2014, and why couldn't any of the vacant buildings in Fort Ord be used? President Nishi asked Ms. Conley to make an appointment with the General Manager and he could provide her with the answers.

Director Gustafson made a motion to adopt Resolution No. 2010-38 to authorize a construction contract and related expenses for construction of the FORA Building at Imjin Office Park Building. Vice President Lee seconded the motion. The motion was passed.

Director Moore	-	Yes	Vice President Lee	-	Yes
Director Gustafson	-	Yes	President Nishi	-	Yes
Director Burns	-	Yes			

C. Consider Adoption of Resolution No. 2010-39 to Provide for the Creation of the Imjin Office Park Owners Association and to Appoint Two Owners Association Directors:

Mr. True introduced this item and stated that appointments can be made now or at a later time.

Agenda Item 9-C (continued):

President Nishi commented that the appointments needed to be made because there is a meeting scheduled. Mr. True answered that the meeting was tentative and if appointments were not made tonight, the meeting could be rescheduled.

President Nishi asked who would be funding the District Counsel's fees for the Imjin Office Park Owners Association (IOPOA). Mr. Lloyd Lowrey, Legal Counsel, commented that it was his understanding that since the District will have two of the four votes of the IOPOA, the District would be lending the District's Legal Counsel for the first meeting and will be reimbursed by the group as a whole. President Nishi stated that things should be in order before attending any meetings instead of doing it haphazardly.

Director Moore commented that the Board of Directors has not seen the Covenants, Conditions, Restrictions, and Reciprocal Easement Agreement (CCRs), only the suggested amendments. He would have liked to see the CCRs so the Board could better understand what the rules are. President Nishi voiced his concerns over some improvement decisions that are being made and if they are cost effective.

Director Gustafson volunteered to be appointed as an IOPOA Director and suggested that the General Manager or designee be the other.

Director Gustafson made a motion to adopt Resolution No. 2010-39 to provide for the creation of the Imjin Office Park Owners Association and to appoint Director Gustafson and the General Manager or designee as Owners Association Directors. Director Moore asked for clarification in the CCRs where they mention the tie-breaking vote will be the FORA Executive Officer. He then asked what happens when FORA sunsets? Mr. True answered that before FORA sunsets, another disinterested third party organization will be selected by the IOPOA to be the tie-breaker. Vice President Lee seconded the motion. The motion was passed.

Director Moore	-	Yes	Vice President Lee	-	Yes
Director Gustafson	-	Yes	President Nishi	-	Yes
Director Burns	-	Yes			

- D. Consider Adoption of Resolution No. 2010-40 to Authorize the Construction Contract for CIP# OW-0207 with Monterey Peninsula Engineering for Installing Potable Water Pipelines in 3rd Avenue and 12th Street in Marina, CA Within a Not-To-Exceed Project Amount of \$176,000:

Mr. True introduced this item. Director Burns asked who would be inspecting this project. Mr. True answered that District staff would do the inspections. It was pointed out that the Resolution number needed to be corrected from 2009-40 to 2010-40 on the Resolution title.

Agenda Item 9-D (continued):

Director Moore made a motion to adopt Resolution No. 2010-40 to authorize the construction contract for CIP# OW-0207 with Monterey Peninsula Engineering for installing potable water pipelines in 3rd Avenue and 12th Street in Marina, CA within a not-to-exceed project amount of \$176,000. Director Gustafson seconded the motion. The motion was passed.

Director Moore	-	Yes	Vice President Lee	-	Yes
Director Gustafson	-	Yes	President Nishi	-	Yes
Director Burns	-	Yes			

- E. Consider Adoption of Resolution No. 2010-41 to Authorize the Construction Contract with Maggiora Bros. Drilling, Inc. to Remove the Beach Intake Well Vault and to Cut and Cap the Well Casing Within a Not-To-Exceed Project Work Amount of \$28,000:

Mr. True introduced this item and provided the Board of Directors with a photo of the exposed intake well vault. Director Moore asked why this item had a 37% contingency amount. Mr. True answered that it was because the contract amount was small and there could be additional costs such as: 1) if the State Parks has a problem with the sand covering the vault; 2) if the Department of Public Health has any unseen inspection fees; and, 3) it is a difficult site to work on. Director Burns asked if there would be GPS coordinates of the vault. Mr. True answered that there would definitely be GPS coordinates.

Vice President Lee made a motion to adopt Resolution No. 2010-41 to authorize the construction contract with Maggiora Bros. Drilling, Inc. to remove the Beach Intake Well Vault and to cut and cap the well casing within a not-to-exceed project work amount of \$28,000. Director Gustafson seconded the motion. The motion was passed.

Director Moore	-	Yes	Vice President Lee	-	Yes
Director Gustafson	-	Yes	President Nishi	-	Yes
Director Burns	-	Yes			

- F. Consider Adoption of Resolution No. 2010-42 to Approve an Amendment to the Professional Services Agreement with RMC Water and Environment for Program Management and Engineering Services for the Regional Water Supply Project:

Mr. Niizawa introduced this item and noted that California American Water Company (CalAm) has reviewed and agreed to the contract amendment. These services are eligible for reimbursement by CalAm.

Agenda Item 9-F (continued):

Vice President Lee made a motion to adopt Resolution No. 2010-42 to approve an Amendment to the Professional Services Agreement with RMC Water and Environment for Program Management and Engineering Services for the Regional Water Supply Project. Director Gustafson seconded the motion. The motion was passed.

Director Moore	-	Yes	Vice President Lee	-	Yes
Director Gustafson	-	Yes	President Nishi	-	Yes
Director Burns	-	Yes			

G. Consider District's Position and Direct Staff to Prepare a Letter Regarding the Assembly Bill 155, Which Would Limit Local Government's Ability to Make Their Own Financial Decision to Declare Bankruptcy:

Mr. Prasad introduced this item. Director Gustafson commented that the District should be able to make its own financial decisions.

Director Moore made a motion to direct staff to prepare a letter regarding opposing Assembly Bill 155, which would limit local government's ability to make their own financial decision to declare bankruptcy. Director Gustafson seconded the motion. The motion was passed.

Director Moore	-	Yes	Vice President Lee	-	Yes
Director Gustafson	-	Yes	President Nishi	-	Yes
Director Burns	-	Yes			

H. Consider Reinstating Standing Committees of the Board:

President Nishi stated that he had asked to have this item on the agenda. Director Gustafson commented that it would be good to reinstate the committees. Director Moore asked for staff's opinion. Mr. Heitzman stated that it would be valuable for staff. Mr. Lowrey suggested that since the committees have been on hiatus, it would be good for staff to bring this item back next month with the composition and charge for each committee. He added that there should be a list of what the committee does, who serves on the committee and how members are appointed.

President Nishi asked to bring this back next month with a composition and charge for each committee.

- I. Consider Adoption of Resolution No. 2010-43 to Authorize District Staff to Work with LAFCO Staff to Initiate an Annexation Process of Any or All of the Ord Community into the Marina Coast Water District at a Cost Not-To-Exceed \$100,000:

Mr. Heitzman introduced this item and explained that this would allow staff to begin CEQA work and keep moving forward in giving the Board more information for future decisions on how to proceed.

Vice President Lee made a correction to the fifth WHEREAS on Resolution No. 2010-43 in removing the word “the”.

Director Moore made a motion to adopt Resolution No. 2010-43 to authorize District staff to work with LAFCO staff to initiate an annexation process of any or all of the Ord Community into the Marina Coast Water District at a cost not-to-exceed \$100,000, as corrected. Director Gustafson seconded the motion. The motion was passed.

Director Moore	-	Yes	Vice President Lee	-	Yes
Director Gustafson	-	Yes	President Nishi	-	Yes
Director Burns	-	Yes			

10. Informational Items:

A. General Manager’s Report:

Mr. Heitzman commented that last week there were public hearings in San Francisco at the California Public Utilities Commission and all the general managers and legal counsel made their comments and gave testimony. There will be local public hearings in Monterey and Seaside on June 28th and 29th with a ruling expected in late fall. Mr. Heitzman directed the Board’s attention to the correspondence and noted that he often receives compliments of staff and wanted to share an example with the Board.

B. District Engineer’s Report:

No report.

C. Counsel’s Report:

Mr. Lowrey commented that a special package of water bills were passed last fall and ACWA has been presenting information on those bills. Some of that legislation could impact the District or give it tools that could be useful as the scope of operations is increased.

D. Committee and Board Liaison Reports:

1. Water Conservation Commission:

Vice President Lee commented that they were continuing with public outreach and at the last meeting they went on a tour of the Rubber Dam.

2. Joint City-District Committee:

President Nishi stated they were meeting on Thursday, June 24, 2010.

3. MRWPCA Board Member:

President Nishi commented that the regular meeting was boiler-plate. At the Budget Workshop on June 10th, President Nishi said the City of Salinas wanted to have a pipeline and it be include it in the 2010-2011 CIP.

4. LAFCO Liaison:

Director Moore stated that Tom Perkins was recognized and the new member, Graig Stephens, was introduced. President Nishi commented that at the June 16th Sphere of Influence meeting, some minor changes were suggested for the June 28th meeting, and he would attend that meeting for Director Moore while he is unavailable.

5. JPIA Liaison:

No comments.

6. FORA:

President Nishi stated that the meeting was boiler-plate and CIP meetings would be held in July and August.

7. Executive Committee:

No meeting was held.

8. Community Outreach:

Director Gustafson commented that ACWA had a two page write-up in their latest issue with several pictures of Mr. Heitzman.

9. Special Districts Association Liaison:

Director Gustafson commented that the next meeting was scheduled for July 20th.

E. Director's Comments:

Director Burns commented that the CSIP is going out to bid and suggests getting together to decide if the District wants to participate in the bid. Director Burns also stated that he did not receive any communication on canceling the regular Board meeting of June 8th and scheduling a special meeting for June 10th for which he was not available. He would like the communication to be clearer to allow everyone a chance to comment on their availability.

Director Moore commented that he was also unable to attend the special meeting and did not see the urgency in holding that meeting. He stated that there were not many items on tonight's agenda that couldn't have been handled at the June 8th meeting. Director Moore stated that it was important to honor the scheduled meeting dates and agrees with de-conflicting the District's meeting dates with those of City Council.

Vice President Lee thanked staff for giving excellent presentations and preparing this work on these items to allow the Board to get things done in a timely manner.

President Nishi commented that he would like the General Manager to let the Board know when compliments towards staff are received so the Board could do something to appreciate the employees. President Nishi noted that no one was notified of the special meeting because it was the President's decision to hold the meeting in an effort to get the City of Marina to comply. He added that he went with the General Manager to Sacramento to see Assembly members Caballero and Monning, John Moffitt from the Governor's office, and Steinberg and Perez. President Nishi stated that he was glad the Board was working together even though they would always have a difference of opinion.

Director Burns commented that the Outfall Capacity Study was to be completed in April and asked what the outcome was. Mr. Niizawa answered that RMC was in receipt of the completed study and responded to the MRWPCA. Staff is now awaiting the response from MRWPCA. Director Burns asked to have an update at the next meeting.

12. Adjournment:

The meeting was adjourned at 8:28 p.m.

Regular Board Meeting
June 22, 2010
Page 13 of 13

APPROVED:

Kenneth K. Nishi, President

ATTEST:

Jim Heitzman, General Manager

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8-A

Meeting Date: July 13, 2010

Submitted By: Jean Premutati

Presented By: Jean Premutati

Reviewed By: Carl Niizawa

Agenda Title: Consider Adoption of Resolution 2010-49 to Ratify the Amended and Restated Association of California Water Agencies Health Benefits Authority (ACWA HBA) Bylaws and Joint Powers Authority (JPA) Agreement and Designate ACWA HBA Membership Representatives

Detailed Description: Over the years ACWA HBA has sponsored and provided administrative services for employee benefit coverage with insurance carriers for medical, dental, vision, disability, life and employee assistance programs. These programs were all fully insured until 2009. In 2009, after having established sufficient reserves in the medical Participating Provider Option (PPO) program and maintaining large group enrollment numbers in the medical and dental PPO programs, these programs were converted to a self-funded platform.

The introduction of the self-funded platform has increased the fiduciary responsibilities of the Trustees and the advisory bodies to the Trustees. The existing structure of the Trustee board required that each Trustee participate in at least one HBA sponsored program. The structure of the ACWA Insurance and Personnel Committee requires that at least one of the two members from each ACWA region participate in at least one HBA sponsored program. Members of the ACWA Finance Committee are not required to participate in any HBA plan.

As directed by the Trustees at a meeting on December 17, 2009, the HBA Bylaws and JPA Agreement were redrawn to reflect the proposed changes for strengthening the HBA structure in fulfilling its fiduciary responsibility to the participating membership. As the changes in the new structure are fairly significant it was felt that the documents needed to be amended and restated in lieu of solely amending them. Provided below is a summary of the changes that are included in the new documents, based on 2010 input from the Trustees on February 3rd, and March 25th; and from a trustee workgroup on April 23, 2010.

These documents are now presented to the membership of the ACWA HBA for ratification.

Bylaws:

The Bylaws designate that all groups below have representation from both large and small employer groups from both the northern and southern sections of the State of California. In addition to outlining the groups below, the document outlines the mechanical functions of the meetings, quorums, notices on voting while abiding to the terms of the Brown Act and following Roberts Rules of Order.

1) **Structure of Governing Bodies**

Membership

- Oversight of JPA Agreement and structure
- Elects the members of the Board of Directors
- Elections are done by mailed ballots

Board of Directors

- Consists of eleven (11) members
 - President of Board of Directors
 - Vice President of Board of Directors
 - Eight (8) members at large (with representation from North, South, large and small agencies)
 - Chair of the ACWA Insurance and Personnel Committee, or designee if Chair does not participate in the self-funded medical or dental plans
- Rotating four (4) year terms
- For continuity, grandfather current Trustees who participate in the self-funded plans into the new Board of Directors
- Eligible persons must be enrolled in one of the self-funded plans (medical or dental)
- Oversight of plans, rates, budgets, audits and administration

2) **Structure of Advisory Committees**

Health Benefits Program Committee

- Consists of seven (7) representatives from participating agencies, appointed by the President of the Board of Directors and ratified by the entire Board. Three (3) members from the North, three (3) members from the South and at least one (1) member from each region with twenty (20) or more employees and one (1) with less than twenty (20) employees
- Chaired by a member of the Board of Directors
- Advisory capacity to Board of Directors on the medical plans in terms of rates, benefits and administration

Ancillary Benefits Program Committee

- Consists of seven (7) representatives from participating agencies and appointed by the President of the Board of Directors and ratified by the entire Board. Three (3) members from the North, three (3) members from the South and at least one (1) member from each region with twenty (20) or more employees and one (1) with less than twenty (20) employees
- Chaired by a member of the Board of Directors
- Advisory capacity to Board of Directors on the dental, vision, life and AD&D, disability and employee assistance plans in terms of rates, benefits and administration

Finance and Audit Committee

- Consists of seven (7) representatives from participating agencies and appointed by the President of the Board of Directors and ratified by the entire Board. Each representative will have professional or practical experience in finance.
- Chaired by a member of the Board of Directors
- Advisory capacity to Board of Directors on financial issues such as the annual budget, annual audit, investment and reserve policies

Joint Powers Authority Agreement

The first 5 pages are largely unchanged in outlining the government codes under which the JPA was formed, the purpose, the parties to the agreement and the powers of the Authority. Streamlined the definition of "Agency"...

Pages 6, 7 and 8 outline the structure of the Board of Directors as referenced in the Bylaws. These pages outline the powers of the Board of Directors and the officers of the Authority.

Page 9 references the new advisory committees as set forth in the Bylaws.

The rest of the agreement is largely unchanged in that the Articles reference the same topics, duties and responsibilities as before but references to the advisory committees and the Board of Directors were unchanged to reflect the new bodies established.

Environmental Review Compliance: None.

Prior Committee or Board Action: None.

Board Goals/Objectives: *Mission Statement – Providing high quality water, wastewater and recycled water services to the District's expanding communities through management, conservation and development of future resources at reasonable costs.*

Financial Impact: _____Yes X No

Funding Source/Recap: N/A

Material Included for Information/Consideration: Resolution 2010-49; Bylaws of the ACWA HBA Amended and Restated as of June 1, 2010; JPA Agreement Creating the ACWA HBA Amended and Restated as of June 1, 2010; and, Ratification of the Amended and Restated ACWA HBA JPA Agreement and Bylaws.

Staff Recommendation: The Board of Directors adopt Resolution No. 2010-49, to authorize and ratify the amended and restated ACWA HBA Bylaws and JPA Agreement and designate the Board President and General Manager as ACWA HBA Membership Representatives.

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

Board Action

Resolution No _____ Motion By _____ Seconded By _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Reagendized _____ Date _____ No Action Taken _____

July 13, 2010

Resolution No. 2010 - 49
Resolution of the Board of Directors
Marina Coast Water District
Ratifying the Amended and Restated
Association of California Water Agencies Health Benefits Authority (ACWA HBA) Bylaws
and Joint Powers Authority (JPA) Agreement
and Designate ACWA HBA Membership Representatives

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on July 13, 2010 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, the Association of California Water Agencies Health Benefits Authority (ACWA HBA) provides health benefits to its members; and,

WHEREAS, ACWA HBA has introduced a self-insured/self-funded platform for its medical and dental preferred provider organization programs, requiring greater fiduciary responsibilities of its Trustees and the advisory bodies to the Trustees; and,

WHEREAS, the ACWA HBA Bylaws and Joint Powers Authority (JPA) Agreement have been redrawn to strengthen the ACWA HBA structure in fulfilling its fiduciary responsibility to the participating membership; and,

WHEREAS, the ACWA HBA Board of Trustees adopted the Amended and Restated Bylaws and JPA Agreement on May 4, 2010; and,

WHEREAS, the ACWA HBA Board of Trustees requires the endorsement of said Bylaws and JPA Agreement by member agencies; and,

WHEREAS, the Marina Coast Water District is a member of ACWA HBA; and,

WHEREAS, the District currently participates in the ACWA HBA programs to provide benefits to its employees; and,

WHEREAS, the District has considered the Amended and Restated ACWA HBA Bylaws and JPA Agreement having an effective date of June 1, 2010, and finds it in the best interest of the District to approve the Amended and Restated ACWA HBA Bylaws and to remain a party to said JPA Agreement; and,

WHEREAS, the District hereby adopts the Amended and Restated ACWA HBA Bylaws and JPA Agreement.

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

1. The foregoing recitals are true and correct.
2. The Bylaws and Agreement referred to in the recitals above are incorporated in the resolution by reference.
3. The President shall sign the Ratification of the Amended and Restated ACWA HBA Bylaws and JPA Agreement in the name of the Marina Coast Water District to be effective as to this District on the date of this Resolution.
4. The District designates the President of the Board of Directors, as its regular representative and the General Manager as its alternate representative.

PASSED AND ADOPTED on July 13, 2010, 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 _____

Kenneth K. Nishi, President

ATTEST:

Jim Heitzman, 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. 2010-49 adopted July 13, 2010.

Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8-B

Meeting Date: July 13, 2010

Submitted By: Carl Niizawa
Reviewed By: Jim Heitzman

Presented By: Carl Niizawa

Agenda Title: Consider Adoption of Resolution No. 2010-50 to Approve an Amendment to the Professional Services Agreement with Denise Duffy and Associates for Environmental Services Related to the Regional Water Supply Project for a Not-to-Exceed Amount of \$535,000

Detailed Description: The Board of Directors is requested to authorize an amendment to the Professional Services Agreement with Denise Duffy and Associates for environmental services related to the Regional Water Supply Project (Regional Project) for \$535,000.

The National Environmental Policy Act (NEPA) is a United States environmental law that is the federal equivalent but not identical to the California Environmental Quality Act (CEQA). As the Environmental Impact Report (EIR) for the Regional Project was completed under the CEQA rules, additional environmental work is needed to meet NEPA guidelines. NEPA environmental document must be completed before the Regional Project is eligible for any federal funding, such as Title XVI grants from the Bureau of Reclamation. The NEPA document also can be used to satisfy the California CEQA plus requirements needed to apply for low-interest loans from the State of California State Revolving Fund (SRF) program. The potential financial benefits to the Project from federal grants and low interest SRF loans are substantial, with potential savings of several hundred million dollars when compared to other financing methods. The NEPA document is one of the keys needed to access those potential benefits.

At the Board's April 19th 2010 meeting, it approved the initial phase of NEPA work for \$165,000 to start the work and cover the requirement for biological surveys that focus on special-status plants before the end of the spring blooming season. The proposed contract amendment is to cover the remainder of the work required by NEPA for not-to-exceed amount of \$535,000. The amended contract total is proposed to be for a not-to-exceed total of \$700,000.

The scope of work for this amendment is shown in the attached table. The 15% contingency is to cover several possible tasks which will be implemented if required by the US Bureau of Reclamation.

The overall NEPA process is very long and may take up to one year to complete. Since construction done before the completion of NEPA is generally not eligible for federal grants, delay of the NEPA work may limit the portion of the project eligible for federal grants. Note that preparation of the NEPA document is one of the items specifically included in the reimbursement agreement between California American Water (CAW) and MCWD (Section 3.3.2 of the Reimbursement Agreement).

July 13, 2010

Resolution No. 2010 - 50
Resolution of the Board of Directors
Marina Coast Water District
Authorizing an Amendment to the Professional Services Agreement with
Denise Duffy & Associates for
Environmental Services Related to the Regional Water Supply Project

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on July 13, 2010, at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, the District needs to conduct environmental work to timely meet the needs of the National Environmental Policy Act (NEPA) environmental documentation needed for federal funding support of the Regional Water Supply project; and,

WHEREAS, Denise Duffy & Associates has been a qualified local environmental consultant providing fine work for the District, was selected by the Board for the initial NEPA required, and has been competitively selected for environmental work based on qualifications.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby authorize the General Manager and/or Deputy General Manager/District Engineer to execute an amendment to the Professional Services Agreement with Denise Duffy & Associates in the amount of \$535,000 for environmental services related to the Regional Water Supply project and to take all actions and execute all documents as may be necessary or appropriate to give effect to this resolution. The Professional Services Agreement with Denise Duffy & Associates for the initial phase of NEPA work was for \$165,000 along with the amended amount of \$535,000, total a revised dollar amount of the contract not-to-exceed \$700,000.

PASSED AND ADOPTED on July 13, 2010 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 _____

Kenneth K. Nishi, President

ATTEST:

Jim Heitzman, 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. 2010-50 adopted July 13, 2010.

Jim Heitzman, Secretary

Amendment for Additional Environmental Review Services for the Regional Water Project
Denise Duffy & Associates' Team Budget
 July 13, 2010

Tasks 1 - 3.5 were approved previously under PSA Contract No. 2010-24; the tasks below are new tasks now required to be completed in order to comply with the National Environmental Policy Act (NEPA).

	Task Description	Subtask Total	Task Total
3	PRELIMINARY FEDERAL COMPLIANCE/FILL DATA GAPS		\$ 25,337
3.6	Additional Biological Tasks	\$ 16,541	
3.7	NHPA Section 106 Records Search, Research, & Memo	\$ 8,796	
4	ESTABLISH NEPA COMPLIANCE PROCESS AND PROPOSED ACTION DEFINITION		\$ 46,082
4.1	Prepare Draft Proposed Action/Alternatives Description	\$ 23,080	
4.2	Finalize NEPA Determination and EA Form/Content	\$ 5,492	
4.3	Preliminary Affected Environment /Setting Research for EA	\$ 12,380	
4.4	Preliminary Federal Environmental Compliance Meetings	\$ 5,130	
5	CONSTRAINTS ANALYSIS, MAPPING		\$ 32,779
5.1	Multi-Issue Constraints Analysis/GIS mapping	\$ 17,177	
5.2	Prepare and submit Final Cultural APE	\$ 8,764	
5.3	Review and comment on Final Biological PIA	\$ 3,856	
5.4	Final Project/Alternative definitions for NEPA Studies	\$ 2,982	
6	FEDERAL REGULATORY REPORTING FOR NEPA		\$ 118,739
6.1	Biological Resources Impact Study	\$ 19,466	
6.2	Wetland Delineation Map and Report	\$ 14,140	
6.3	Federal ESA Section 7 Biological Assessments (USFW)	\$ 21,187	
6.4	Federal ESA Section 7 Biological Assessments (NOAA)	\$ 19,770	
6.5	NHPA Section 106 & Indian Trust Assets Compliance	\$ 44,176	
7	ENVIRONMENTAL ASSESSMENT (EA)		\$ 210,568
7.1	Prepare First Administrative Draft EA	\$ 144,655	
7.2	Prepare Screen-Check/Draft EA	\$ 26,995	
7.3	Prepare Final EA	\$ 38,919	
8	MEETINGS/PROJECT MANAGEMENT		\$ 57,182
8.1	Progress Meetings	\$ 10,412	
8.2	Conference Calls	\$ 30,101	
8.3	Project Management	\$ 16,669	
	Total Cost		\$ 465,349
	Contingency Amount 15% (see Note Below)		\$ 69,651
	Total Budget, including Contingency		\$ 535,000

NOTE: One or more of the following possible tasks could be completed using contingency:

9.0	OPTIONAL CULTURAL TASKS (Dependent upon direction of US Bureau of Reclamation)	
9.1	Additional Cultural Resources Surveys (two surveys).....	\$ 11,714
9.2	Separate Stand-Alone Section 106 report	\$ 16,661
9.3	Recordation of One Cultural Resource (multiply by number required)	\$ 874
9.4	Memorandum of Agreement, Historic Properties Treatment Plan	\$ 82,588
10.0	OPTIONAL ENVIRONMENTAL/PERMITTING/IMPLEMENTATION/MONITORING	
10.1	Other State and Federal Permitting/Regulatory Approval Assistance	\$10,000 - \$40,000
10.2	Local Agency Permits/Entitlements	\$5,000 - \$30,000
10.3	CEQA Services	TBD
10.4	Implementation of MMRP/Condition Compliance Program.....	\$10,000 - \$40,000

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8-C

Meeting Date: July 13, 2010

Submitted By: Paula Riso

Presented By: Carl Niizawa

Reviewed By: Carl Niizawa

Agenda Title: Consider Adoption of Resolution No. 2010-51 to Reinstate the Budget and Personnel Committee, the Projects and Planning Committee and the Operations and Maintenance Committee, and to Approve the Charge, Formation and Day and Time of Each Committee

Detailed Description: In September 2003, the Board of Directors decided to place the Budget and Personnel, Projects and Planning, and Operations and Maintenance Committees on hold due to the scheduling of two Board meetings per month. In August 2008, the Board of Directors revised the Board meeting schedule of two meetings per month back to one per month due to the lack of agenda items and development activity in the Ord and Marina Communities.

On June 22, 2010, the Board of Directors requested information regarding each Committee's charge and formation to be provided for consideration and reinstatement.

Refer to Attachment A for the proposed charge, formation and day and time of each committee.

Environmental Review Compliance: None required.

Prior Committee or Board Action: None.

Board Goals/Objectives: *Strategic Plan, Mission Statement – Providing high quality water, wastewater and recycled water services to the District's expanding communities through management, conservation and development of future resources at reasonable costs.*

Financial Impact: Yes No

Funding Source/Recap: None.

Material Included for Information/Consideration: Resolution No. 2010-51; and, Attachment A.

Staff Recommendation: The Board of Directors is requested to adopt Resolution No. 2010-51 to reinstate the Budget and Personnel Committee, the Projects and Planning Committee and the Operations and Maintenance Committee, and to approve the charge, formation meeting and day and time of each committee.

Action Required: Resolution Motion Review

Board Action

____ Resolution No ____ Motion By _____ Seconded By _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Reagendized _____ Date _____ No Action Taken _____

July 13, 2010

Resolution No. 2010 - 51
Resolution of the Board of Directors
Marina Coast Water District

Reinstating the Budget and Personnel Committee, the Projects and Planning Committee
and the Operations and Maintenance Committee,
and to Approve the Charge, Formation and Meeting Day and Time of Each Committee

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on July 13, 2010, at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, in September 2003, the Board of Directors canceled the Budget and Personnel, the Projects and Planning and the Operations and Maintenance Committees; and,

WHEREAS, the Board of Directors has requested to reinstate the Budget and Personnel, the Projects and Planning and the Operations and Maintenance Committees; and,

WHEREAS, the formal charge, formation and meeting day and time of each committee is attached as Attachment A to this Resolution.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby reinstate the Budget and Personnel, the Projects and Planning and the Operations and Maintenance Committees, approves the charge, formation and meeting day and time of each committee (Attachment A).

PASSED AND ADOPTED on July 13, 2010 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 _____

Kenneth K. Nishi, President

ATTEST:

Jim Heitzman, 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. 2010-51 adopted July 13, 2010.

Jim Heitzman, Secretary

Attachment A

1) Budget and Personnel Committee:

The duties and responsibilities of the Budget and Personnel Committee shall include:

- (a) developing and recommending a financial policy to the Board;
- (b) reviewing the District's annual operating budget and making recommendations thereon to the Board;
- (c) reviewing the quarterly financial statement of the District;
- (d) advising the Board on methods and procedures which will assure that the financial policies adopted by the Board are carried out;
- (e) reviewing and advising the Board on financial feasibility of District projects, acting on undertakings referred to it by the Board;
- (f) requesting an annual audit;
- (g) receiving, reviewing, and evaluating the findings and financial reports of the outside auditors, including any and all management letters; and, based thereon, making recommendations to the Board concerning the financial operations of, and services provided by, the District;
- (h) reviewing the check register;
- (i) reviewing salary and wage levels, as proposed by the General Manager; and,
- (j) reporting and making personnel recommendations to the Board that are consistent with the Committee's budgetary review.

The Budget and Personnel Committee shall consist of two Directors and such other persons as the Board may appoint.

2) Operations and Maintenance Committee:

The duties and responsibilities of the Operations and Maintenance Committee shall be:

- (a) reviewing and making recommendations to the Board on the operation and maintenance of the District's works, as defined in section 30024 of the Water Code; and,
- (b) reviewing and making recommendations to the Board for regular and emergency operation and maintenance procedures and related expenditures.

The Operations and Maintenance Committee shall consist of two Directors and such other persons as the Board may appoint.

3) Projects and Planning Committee:

The duties of the Projects and Planning Committee shall be:

- (a) reviewing existing projects and making recommendations to the Board, as appropriate; and,
- (b) reviewing staff reports on proposed projects and making recommendations to the Board, as appropriate.

The Projects and Planning Committee shall consist of two Directors and such other persons as the Board may appoint.

Marina Coast Water District
Staff Report

Agenda Item: 9-A

Meeting Date: July 13, 2010

Prepared By: Carl Niizawa
Reviewed By: Jim Heitzman

Presented By: Carl Niizawa

Subject: Monterey Regional Water Pollution Control Agency Outfall Capacity Analysis

The Outfall Agreement between the Monterey Regional Water Pollution Control Agency (MRWPCA) and the Marina Coast Water District (District) calls for a baseline engineering analysis for determination of two factors used for the calculation of the outfall capacity fee for the District's share in costs associated with the capital repair/replacement of the outfall. These factors are the determination of the outfall capacity and the impact on useful life of the outfall with the addition of the brine discharge from the proposed District Regional Desalination Facility. Per the Outfall Agreement, the baseline engineering analysis is to be paid for by the District and arranged by MRWPCA for determination of these factors.

MRWPCA has hired the environmental engineering firm CH2MHill to conduct the outfall analysis and supply draft and final reports on its findings. The initial draft of this baseline engineering analysis "MRWPCA Outfall Hydraulic Flow Analysis" dated March 4th, 2010 by CH2MHill was completed and submitted to District staff for review and comment. The CH2MHill Outfall Report evaluated the outfall capacity and estimated the corrosion potential with the addition of the brine to the outfall.

The District staff commented on the CH2MHill draft report with the submittal of technical memorandums from the Trussell Technologies on both outfall capacity and brine corrosion potential. Trussell Technologies is a prominent environmental engineering firm with expertise in desalination treatment processes and corrosion control who serve as a sub-consultant to RMC in the District's Regional Project efforts. These memorandums provide additional detailed information into the elements shaping both the outfall capacity and brine corrosion potential.

The results from the technical analysis in the CH2MHill report and detailed response by Trussell Technologies for outfall capacity and the impact of the brine discharge from the desalination facility are summarized below.

Outfall Capacity

The capacity charge per the Outfall Agreement is based the share of use of the outfall by the District's brine discharge. Determination of the outfall total capacity is required for calculation of the District's cost share per Exhibit C of the Outfall Agreement.

CH2MHill indicated in its draft report "MRWPCA Outfall Hydraulic Flow Analysis" that the actual outfall capacity is dependent on the roughness of the interior of the pipe (Hazen Williams "C" factor) and whether or not the outfall pipe is fitted with its maximum capacity of discharge valves – currently, 42 of the 171 discharge ports are plugged. CH2MHill did not determine the

Hazen Williams C factor for pipe surface roughness, but provided an estimated range. This resulted in a range for the outfall capacity with alternative scenarios for current condition with the 42 discharge ports plugged and the case with all the ports outfitted with valves. Their draft results are shown below. The treated water and brine mixture quantity assumes 12.7 mgd of brine from the District’s Regional Desalination Facility.

**Maximum Outfall Flow (million gallons per day)
Draft CH2M Hill Study 3/4/10**

Roughness factor “C”	Treated Water and Brine		Treated Water Only	
	Ports Plugged	Ports Open	Ports Plugged	Ports Open
80	53.2	58.4	66.2	71.8
100	64.8	71.4	76.9	84.8
120	73.2	82.3	87.5	96

CH2MHill modeling results shows a range of total capacity for the outfall with the brine and the existing ports plugged to be 53.2 – 73.2 mgd and with all ports open to be from 58.4 – 82.3 mgd.

By comparison, example value used in exhibit C of the outfall in calculation of the capacity charge is 65 mgd.

The technical memorandum from Trussell Technologies “Impact of MCWD Desal Concentrate on the Hydraulic Capacity of the MRWPCA outfall” provided detailed explanation that the increased density of the treated water (effluent from sewage treatment facility) and brine (from the desalination facility) mix should *increase* the flow capacity of the outfall line and not result in decreased capacity compared to the treated water only, as shown in the CH2MHill draft results. Trussell revised the CH2MHill modeling results using the increased density that would increase the net “driving head” for outfall flow. The revised total capacity for the outfall with brine and with the existing ports plugged to be from 66.6 to 87.9 mgd and all ports open ranged from 72.7 to 96.5 mgd.

Comparison of the Trussell revised data to that of the draft CH2MHill report is shown below.

**Maximum Outfall Flow (million gallons per day)
Comparison of CH2M Hill and Trussell Results
For Treated Water and Brine Capacities**

Roughness factor “C”	CH2MHill		Trussell Technologies	
	Ports Plugged	Ports Open	Ports Plugged	Ports Open
80	53.2	58.4	66.6	72.2
100	64.8	71.4	77.4	85.2
120	73.2	82.3	87.9	96.5

It is notable that the revised calculated outfall capacity for the range of all listed roughness factors and both port scenarios exceed the example 65 mgd figure used in Exhibit C of the Outfall Agreement.

Impact of Brine Mixture on Outfall Corrosion

The Outfall agreement states that the District will pay for additional costs for repair or replacement if the Outfall requires repair or replacement significantly earlier due to the District's brine as indicated by the baseline engineering analysis.

The draft CH2MHill report indicated that with the increased chloride content of the brine and treated water mixture, the internal surface life of a new reinforced concrete pipe will be decreased by 40% from 48 years to 26 years.

The District comment to this was based on the submittal of Trussell Technologies Technical Memorandum No. 10 "Impact of MCWD Desalination Concentrate on Corrosion and Scaling on the MRWPCA Outfall". The memo indicates that "the life of the structure is not limited by the chloride in the concentrate for the Regional Desalination Plant, which is blended with the MRWPCA effluent, but from the chloride in marine environment, itself, in which the outfall has been located from the time of its construction." Trussell concluded that "in summary the introduction of the concentrate to the MRWPCA outfall should not be expected to reduce the life of the reinforced concrete outfall pipeline because the governing factor in the outfall life is the marine environment on the exterior of the pipe."

As a follow-up, MRWPCA staff has indicated that CH2MHill is preparing a revised MRWPCA Outfall Hydraulic Flow Analysis in response to the submitted Trussell memorandums.