



MARINA COAST WATER DISTRICT

11 RESERVATION ROAD, MARINA, CA 93933-2099

Home Page: www.mcwd.org

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

DIRECTORS
WILLIAM Y. LEE
President

DAN BURNS
Vice President

HOWARD GUSTAFSON
KENNETH K. NISHI
JAN SHRINER

Agenda

Regular Board Meeting, Board of Directors Marina Coast Water District

11 Reservation Road, Marina, California
Tuesday, August 9, 2011, 6:45 p.m. PST

This meeting has been noticed according to the Brown Act rules. The Board of Directors 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 54956.9

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)

B. Pursuant to Government Code Section 54957

Public Employee Performance Evaluation
Title: General Manager

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, August 4, 2011 at the District office, Marina and Seaside City Halls, and at the Marina and Seaside Libraries. Information about items on this agenda or persons requesting disability related modifications and/or accommodations can contact the Board Clerk at: 831-883-5910. The next regular meeting of the Board of Directors is scheduled for September 13, 2011.

- D. Pursuant to Government Code Section 54956.9
Conference with Legal Counsel – Anticipated Litigation
Significant Exposure to Litigation Pursuant to Subdivision (b)
One Case

A letter dated June 21, 2011, from the Monterey County Board of Supervisors transmitted a “Summary of Preliminary Findings Regarding Director Stephen Collins’ Business Relationship With RMC Water and Environment and Marina Coast Water District.” The Summary, prepared by Remcho, Johansen & Purcell, LLP, states that certain conduct raises questions about the validity of contracts to which Marina Coast Water District is a party. Based on the statements in the Remcho Summary, and based on reports in the news media, a point has been reached where, in the opinion of the MCWD Board based on the advice of its legal counsel, there is a significant exposure to litigation against MCWD.

- E. Pursuant to Government Code Section 54959.9
Conference with Legal Counsel – Anticipated Litigation
Potential Initiation of Litigation (c)
One Case

7:00 p.m. Reconvene Open Session

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. Presentation

- A. Consider Adoption of Resolution No. 2011-49 in Recognition of Public Member, Mr. Steven Reeves, for his Dedicated Service to the Marina Coast Water District as a Member on the Water Conservation Commission

8. Consent Calendar *Board approval can be taken with a single motion and vote. A Board member or member of the public may request that any item be pulled from the Consent Calendar for separate consideration at this meeting or a subsequent meeting. The public may address the Board on any Consent Calendar item. Please limit your comment to three minutes.*

- A. Adopt Resolution No. 2011-57 to Authorize the General Manager and/or the Deputy General Manager/District Engineer to Sign an Amendment to Extend the License Agreement with the Regents of the University of California for the Well No. 32 Replacement/Well No. 34 Installation Project

- B. Approve the Expenditures for the Month of July 2011
- C. Approve the Draft Minutes of the Special Joint Board Meeting of July 8, 2011
- D. Approve the Draft Minutes of the Regular Board Meeting of July 12, 2011

9. Action Items *The Board will review and discuss agenda items and take action or direct staff to return to the Board for action at a following meeting. The public may address the Board on these Items as each item is reviewed by the Board. Please limit your comment to three minutes.*

- A. Reconsider Adoption of Resolution No. 2011-55 to Review a Request by the General Manager under Government Code Sections 995-996.6 and 825-825.6 and Authorize the District to Engage Legal Counsel for the General Manager

Action: The Board of Directors adopted Resolution No. 2011-55 on July 12, 2011. At the meeting succeeding that on which a final vote on any question has been taken, said vote may be reconsidered on the motion of a member of the Board who voted on the prevailing side.

- B. Consider Adoption of Resolution No. 2011-58 to Approve Revisions to the Finance Department Reorganization, Job Description and Salary Schedules

Action: The Board of Directors will consider approving additional revisions to the reorganization of the Finance Department and the related classifications and job descriptions.

- C. Consider Adoption of Resolution No. 2011-59 to Approve Submittal of the Clean Water State Revolving Fund Financial Assistance Application to the State Water Resources Control Board and Designate the General Manager as the Authorized District Representative

Action: The Board of Directors will consider approving submittal of the Clean Water State Revolving Fund Financial Assistance Application to the State Water Resources Control Board and designate the General Manager as the Authorized District Representative.

- D. Consider Adoption of Resolution No. 2011-60 to Authorize the General Manager and/or Deputy General Manager/District Engineer to Execute a Consultant Services Agreement with Evans Group International, LLC for Services Related to the Regional Desalination Project

Action: The Board of Directors will consider approving a Consultant Services Agreement with Evans Group International, LLC for services related to the Regional Desalination Project.

- E. Consider Adoption of Resolution No. 2011-61 to Approve a Request for Proposals to Provide Legal Review of Documents Related to the District's Water and Wastewater Operations

Action: The Board of Directors will consider approving a Request for Proposals to provide legal review of documents related to the District's water and wastewater operations.

- F. Consider Adoption of Resolution No. 2011-62 to Authorize the General Manager and/or Deputy General Manager/District Engineer to Enter into a Professional Services Agreement with Davies Public Affairs for Public Outreach Services

Action: The Board of Directors will consider approving a Professional Services Agreement with Davies Public Affairs for Public Outreach Services.

- G. Consider Adoption of Resolution No. 2011-63 to Amend the Professional Services Agreement for General Engineering Services with Schaaf & Wheeler Consulting Civil Engineers for the Well No. 34 Installation

Action: The Board of Directors will consider approving an amendment to the Professional Services Agreement for General Engineering Services with Schaaf & Wheeler Consulting Civil Engineers for the Well No. 34 Installation.

- H. Consider Revising the Director Appointment to the Joint City District Committee and the Liaison to the Monterey Regional Water Pollution Control Agency

Action: The Board President will make a recommendation to revise the appointment to the Joint City District Committee and the liaison to the Monterey Regional Water Pollution Control Agency.

10. Staff Report

- A. Receive 2nd Quarter 2011 Ord Community Water Consumption and Sewer Flow Report

11. Informational Items *Informational items are normally provided in the form of a written report or verbal update and may not require Board action. The public may address the Board on Informational Items as they are considered by the Board. Please limit your comments to 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
2. Joint City-District Committee
3. MRWPCA Board Member
4. LAFCO Liaison
5. FORA
6. Special Districts Association Liaison
7. JPIA Liaison
8. CalDesal
9. Executive Committee
10. Community Outreach
11. Regional Desalination Reports

E. Director's Comments

12. Correspondence

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

*Regular Meeting: Tuesday, September 13, 2011, 6:45 p.m.,
11 Reservation Road, Marina*

Marina Coast Water District
Agenda Transmittal

Agenda Item: 7-A

Meeting Date: August 9, 2011

Submitted By: Paul Lord

Presented By: Paul Lord

Reviewed By: Carl Niizawa

Agenda Title: Consider Adoption of Resolution No. 2011-49 in Recognition of Public Member, Mr. Steven Reeves, for his Dedicated Service to the Marina Coast Water District as a Member on the Water Conservation Commission

Detailed Description: The Board of Directors is asked to consider adopting a resolution that recognizes Mr. Steven Reeves for his service on the Water Conservation Commission.

Mr. Steven Reeves was appointed as a public member to the Water Conservation Commission in April 2010. As a member of the Commission he provided input on water conservation activities, practices and programs. During his tenure on the Water Conservation Commission, Mr. Reeves provided invaluable insights and guidance.

Mr. Reeves's dedication and commitment to public service has been recognized by his fellow Commission members and all those who have come into contact with him. For his unselfish dedication and commitment, the District wishes to recognize Mr. Steven Reeves for his service, and wishes him well in the future.

Environmental Review Compliance: None required.

Prior Committee or Board Action: None.

Board Goals/Objectives: *Strategic Plan, Goal No. 1 – To manage and sustain the District's ground water and desalinated water, recycled water and wastewater services, conservation activities, infrastructure and human resources at or above industry standards.*

Financial Impact: ___ Yes ___ X ___ No

Funding Source/Recap: None

Material Included for Information/Consideration: Resolution No. 2011-49.

Staff Recommendation: The Board of Directors consider adopting a resolution recognizing Mr. Steven Reeves for his service on the Water Conservation Commission.

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 _____

August 9, 2011

Resolution No. 2011 - 49
Resolution of the Board of Directors
Marina Coast Water District
Recognition of Public Member, Steven Reeves,
for Dedicated Service to the Marina Coast Water District as a Member on the
Water Conservation Commission

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on August 9, 2011 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, Steven Reeves was appointed in April 2010 to serve as a public member on the Water Conservation Commission of the Marina Coast Water District; and,

WHEREAS, during his tenure, Steven Reeves rendered superior service to the District by providing invaluable participation and insights, and by contributing significant personal time.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby express its gratitude and commends Steven Reeves for outstanding and dedicated service to the District and the Committee's of the Board.

PASSED AND ADOPTED on August 9, 2011, 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 _____

William Y. Lee, 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. 2011-49 adopted August 9, 2011.

Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8

Meeting Date: August 9, 2011

Submitted By: Paula Riso

Presented By: Paula Riso

Reviewed By: Carl Niizawa

Agenda Title: Consent Calendar

Detailed Description: Consent calendar consisting of:

- A) Adopt Resolution No. 2011-57 to Authorize the General Manager and/or the Deputy General Manager/District Engineer to Sign an Amendment to Extend the License Agreement with the Regents of the University of California for the Well No. 32 Replacement/Well No. 34 Installation Project
- B) Approve the Expenditures for the Month of July 2011
- C) Approve the Draft Minutes of the Special Joint Board Meeting of July 8, 2011
- D) Approve the Draft Minutes of the Regular Board Meeting of July 12, 2011

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: 8-A

Meeting Date: August 9, 2011

Submitted By: Gary Rogers

Presented By: Gary Rogers

Reviewed By: Carl Niizawa

Agenda Title: Consider Adoption of Resolution No. 2011-57 to Authorize the General Manager and/or the Deputy General Manager/District Engineer to Sign an Amendment to Extend the License Agreement with the Regents of the University of California for Well No. 32 Replacement/Well No. 34 Installation Project

Detailed Description: The Board of Directors is requested to consider authorizing the General Manager and/or the Deputy General Manager/District Engineer to sign an amendment to extend the previously executed License Agreement (Agreement) with the University of California (UC). The Amendment is intended to extend the duration of the Agreement with UC until June 12, 2012. This will allow the District to complete the construction of the Well No. 34 improvements.

Well No. 34 well facility is located on land owned by the UC. The District has an existing easement conveyed from the Fort Ord Reuse Authority (FORA) for this location where District Well 32 previously existed. UC required a License Agreement in order for the District to utilize land beyond the easement for the temporary mobilization of construction equipment needed during Well 34 facility construction.

Environmental Review Compliance: An Initial Study/Negative Declaration for the Well No. 32 Replacement/Eastern Distribution Project and Mitigation Monitoring and Reporting Program was completed and adopted via Board Resolution No. 2009-11, on February 10, 2009.

Prior Committee or Board Action: Resolution No. 2009-11, the Board adopted the Initial Study/Mitigated Negative Declaration for the Well No. 32 Replacement/Eastern Distribution System Project and approved the Mitigated Monitoring and Reporting Program; Resolution No. 2010-06, the Board Authorized the General Manager and/or the Deputy General Manager/District Engineer to Sign a License Agreement with the Regents of the University of California for Well No. 32 Replacement/Eastern Distribution System Project.

Board Goals/Objectives: *Objectives 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: There is no direct cost associated with the Amendment to the Agreement. The cost for District staff to process the Amendment will be assigned to CIP OW-0170 under the Ord Community Water Cost Center.

August 9, 2011

Resolution No. 2011 - 57
Resolution of the Board of Directors
Marina Coast Water District

Authorizing the General Manager and/or the Deputy General Manager/District Engineer to Sign an Amendment to Extend the License Agreement with the Regents of the University of California for Well No. 32 Replacement/Well No. 34 Installation Project

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on August 9, 2011, at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, authorization of this Amendment to the existing License Agreement (Resolution No. 2010-06) is necessary to complete the work for replacement of Well No. 32 with the proposed Well No. 34 which is partially funded with Proposition 50 grant funds; and,

WHEREAS, the Board Authorized the General Manager and/or the Deputy General Manager/District Engineer to Sign a License Agreement with the Regents of the University of California for Well No. 32 Replacement/Eastern Distribution System Project, Resolution No. 2010-06; and,

WHEREAS, this Amendment will to extend the duration of the License Agreement with the University of California until June 12, 2012; and,

WHEREAS, the University of California requires an Amendment to the License Agreement to allow the District to utilize land beyond the Well No. 32/34 easement for the temporary mobilization of construction equipment needed during Well 34 facility construction.

NOW, THEREFORE, BE IT RESOLVED THAT, based upon the foregoing, the Board of Directors of the Marina Coast Water District does hereby authorize the General Manager and/or Deputy General Manager/District Engineer to sign an Amendment to Extend the License Agreement with the Regents of the University of California.

PASSED AND ADOPTED on August 9, 2011 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 _____

William Y. Lee, 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. 2011-57 Adopted August 9, 2011.

Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8-B

Meeting Date: August 9, 2011

Submitted By: Kelly Cadiente

Presented By: Kelly Cadiente

Reviewed By: Carl Niizawa

Agenda Title: Approve the Expenditures for the Month of July 2011

Detailed Description: The Board of Directors is requested to approve the attached July 2011 check register for expenditures totaling \$1,468,989.07.

Environmental Review Compliance: None required.

Prior Committee or Board Action: None.

Board Goals/Objectives: *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 six cost centers; 01-Marina Water, 02-Marina Sewer, 03- Ord Water, 04- Ord Sewer, 05-Recycled Water, 06-Regional Water.

Material Included for Information/Consideration: July 2011 Summary Check Register.

Staff Recommendation: The Board of Directors approve the July 2011 expenditures totaling \$1,468,989.07.

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

Board Action

___ Resolution No ___ Motion By ___ Seconded By ___

Ayes ___ Abstained ___

Noes ___ Absent ___

Reagendized ___ Date ___ No Action Taken ___

JULY 2011 SUMMARY CHECK REGISTER

DATE	CHECK #	CHECK DESCRIPTION	AMOUNT
07/08/11	52206-52208	Payroll Checks and Direct Deposit Period Ended 07/01/11	66,955.15
07/07/11	52209-52236	Check Register	87,394.11
07/15/11	WIRE	Internal Revenue Service	25,837.83
07/15/11	WIRE	State of California-EDD	5,999.33
07/15/11	WIRE	Other Payroll Deduction	1,500.00
07/15/11	52237-52291	Check Register	312,176.50
07/22/11	52292-52294	Payroll Direct Deposit Period Ended 07/15/11	75,279.71
07/20/11	52295-52349	Check Register	804,837.66
07/29/11	WIRE	Internal Revenue Service	31,679.81
07/29/11	WIRE	State of California-EDD	7,611.34
07/29/11	WIRE	Other Payroll Deduction	1,500.00
07/29/11	52350-52364	Check Register	48,217.63
TOTAL DISBURSEMENTS			<u>1,468,989.07</u>

Check #	Invoice Date	Check Date	Vendor Name	Description - July 2011	Amount
52206-52208	07/01/2011	07/08/2011	Payroll Checks and Direct Deposits	PR Batch 902 06 2011 Checks and Direct Deposit (3 Checks)	66,955.15
52209	05/30/2011	07/07/2011	Insight Planners	Printing of Summer 2011 Water Report	2,112.00
52210	06/17/2011	07/07/2011	Denise Duffy & Associates Inc	Environmental Services for Regional Water Supply Project	23,240.29
52211	06/19/2011	07/07/2011	AT&T	831-000-1006 079 IP Flex, 831-000-1006 141 IP Flex	740.59
52212	06/15/2011	07/07/2011	AT&T	276-1514 Line Point to Point Beach Office, 883-4390 Booster Station	727.86
52213	06/14/2011	07/07/2011	AT&T	384-6131 Main Office DSL Line	133.38
52214	06/14/2011	07/07/2011	Area Communications	Answering Service thru 06/14/11	167.83
52215	04/30/2011	07/07/2011	Schaaf & Wheeler	Design/Bid Phase Services to Construct Well #34, Prop 50	10,395.65
52216	06/17/2011	07/07/2011	WFCB - OSH Commercial Services	Safety Gloves for O&M Dept	21.71
52217	05/21/2011	07/07/2011	Dept of Public Health	Grade I Water Treatment Operator Certificate Renewal-Pineda, Magdaleno, Foster	165.00
52218	05/30/2011	07/07/2011	Maggiore Bros Drilling	Well #11 Motor Repairs	5,881.47
52219	05/23/2011	07/07/2011	Mark Duplissie	Grade I Water Treatment Operator Certificate Renewal	55.00
52220	05/26/2011	07/07/2011	DataProse Inc	Billing for May, CCR Mailing	5,263.43
52221	06/13/2011	07/07/2011	Groeniger & Company	1-1/4" Couplings & Bushings for O&M Stock, Fire Hydrant Maintenance Parts for Stock, (10)-6" MJ Set for O&M Stock, General Operations and Maintenance Equipments	1,807.95
52222	06/24/2011	07/07/2011	CalPERS	PR Batch 902 6 2011	14,022.75
52223	06/28/2011	07/07/2011	Jonathan P Lord	MBWWA Workshop/Training Seminar Registration Fee	30.00
52224	06/22/2011	07/07/2011	NEC Financial Services, Inc.	Phone Equipment Lease 06/2011	775.60
52225	06/09/2011	07/07/2011	Carollo Engineers	RUWAP (Bidding/Oncall) Services	7,213.00
52226	06/13/2011	07/07/2011	Robert M Tasner & Associates	MCWD Conservation Education - Pencils	745.57
52227	06/13/2011	07/07/2011	Hoge Fenton Jones & Appel	Investigation, Interviews with Staff/Board and Findings to Resolve Complaint by General Manager	4,452.50
52228	06/30/2011	07/07/2011	Somkid Inc	Computer Training on Microsoft Windows-Payne	225.00
52229	06/28/2011	07/07/2011	BHI Management Consulting	Phase II of Strategic Plan - Board Workshop	3,225.00
52230	06/06/2011	07/07/2011	TriTel Communications	Remote Support for Printer, Backup, and E-mail Issues	360.00
52231	06/03/2011	07/07/2011	TJC and Associates Inc	Well No. 34 Specifications (Prop 50), SCADA Phase I	3,868.00
52232	06/29/2011	07/07/2011	Jean Premutati	Legislative Workshop - EAC Monterey Bay	30.00
52233	06/17/2011	07/07/2011	Channing Bete Company, Inc	Conservation Education Materials - (400)-"Let's Learn About Water; A Coloring & Activities Book"	490.62
52234	06/18/2011	07/07/2011	Verizon Business	(8)-Aircards, Cell Phones for DOF, GM, DGM/DE,O&M, & ENG	975.44
52235	06/20/2011	07/07/2011	Ferguson Enterprises, Inc #679	Repair Kit for O&M Dept, 3/4" Galvanized Pipe Fittings for O&M Stock	168.47

Check #	Invoice Date	Check Date	Vendor Name	Description - July 2011	Amount
52236	06/10/2011	07/07/2011	Springbrook User Group	SNUG Membership 2011	100.00
WIRE	07/08/2011	07/15/2011	Internal Revenue Service	PR Batch 901 7 2011 Federal Tax	25,837.83
WIRE	07/08/2011	07/15/2011	State of California - EDD	PR Batch 901 7 2011 State Tax	5,999.33
WIRE	07/08/2011	07/15/2011	Other Payroll Deduction	PR Batch 901 7 2011	1,500.00
52237	06/20/2011	07/15/2011	Carlons Fire Extinguisher	First Aid Supplies for Marina/Ft. Ord Office	87.02
52238	06/27/2011	07/15/2011	Salinas Valley Ford	(1)-2011 Ford F550 Regular Cab	39,389.25
52239	06/16/2011	07/15/2011	CSUS Foundation Inc	Operations/Maintenance Wastewater Collection Systems Course Packages-Magdalenno, Foster	218.08
52240	07/08/2011	07/15/2011	Rabobank, N.A. - Aflac URM	PR Batch 901 7 2011	526.90
52241	07/08/2011	07/15/2011	Hartford	PR Batch 901 7 2011	4,174.78
52242	06/19/2011	07/15/2011	AT&T	831-000-1006 141 IP Flex	44.44
52243	07/08/2011	07/15/2011	General Teamsters Union	PR Batch 901 7 2011	293.00
52244	06/16/2011	07/15/2011	USA Bluebook	(5)-Pkgs. of 100/Pkg Door Knob Cards - Temporary Shut-Off, (1)-Sewer Tigertail for O&M Dept	182.61
52245	06/16/2011	07/15/2011	E H Wachs Company	Wach's Valve Turner Equipment for 2011 Ford F550	50,056.73
52246	07/08/2011	07/15/2011	Franchise Tax Board	PR Batch 901 7 2011	65.53
52247	07/08/2011	07/15/2011	CalPERS	PR Batch 901 7 2011	14,038.78
52248	07/08/2011	07/15/2011	Devin Derham-Burk, Trustee	PR Batch 901 7 2011	161.54
52249	07/08/2011	07/15/2011	Hartford Life Insurance Company	PR Batch 901 7 2011	1,588.88
52250	06/01/2011	07/15/2011	Ground Zone LLC	Well #32 Replacement/Eastern Distribution System, Prop 50 Const/Implementation	1,914.50
52251	07/08/2011	07/15/2011	Prepaid Legal Services, Inc	PR Batch 901 7 2011	39.35
52252	07/08/2011	07/15/2011	Monterey Co Sheriff's Office Sheriff's Civil Unit	PR Batch 901 7 2011	574.30
52253	07/08/2011	07/15/2011	CA State Disbursement Unit	PR Batch 901 7 2011	581.07
52254	07/08/2011	07/15/2011	Principal Life Group	PR Batch 901 7 2011	147.35
52255	06/21/2011	07/15/2011	The EDCCO Group, Inc.	Service Marina, Ft Ord, Booster #F Telemetry Systems	14,365.73
52256	05/25/2011	07/15/2011	Friedman Dumas & Springwater LLP	Cal-Am Coastal Water Project - 01/03/11-01/11/11, 01/12/11-01/28/11, 02/2011, 03/2011, 04/2011, Ag Land Trust CEQA Lawsuit - 01/10/11-01/11/11, 01/12/11-01/31/11, 02/2011, Project Agreements/Contracts - 01/02/11-01/11/11, 01/12-01/31/11, 02/2011, 03/2011, 04/2011	174,413.45
52257	07/13/2011	07/15/2011	Ouita Martin	Refund Check - 3199 Crescent Ave	46.36
52258	07/13/2011	07/15/2011	Bobbie Buckley	Refund Check - 478 Crivello Rd	69.45
52259	07/13/2011	07/15/2011	Chiyoko Tyacke	Refund Check - 237 Harben Cir	57.23
52260	07/13/2011	07/15/2011	Mast Realty	Refund Check - 136 Kailua Cir	3.32
52261	07/13/2011	07/15/2011	Ruthie Negrete	Refund Check - 428 Reindollar Ave	10.91
52262	07/13/2011	07/15/2011	Dung Trinh	Refund Check - 229 Beach Rd	29.57

Check #	Invoice Date	Check Date	Vendor Name	Description - July 2011	Amount
52263	07/13/2011	07/15/2011	Alliance Residential Company (Abrams Park)	Refund Check - 2967 Clark Ct	45.29
52264	07/13/2011	07/15/2011	Alliance Residential Company (Abrams Park)	Refund Check - 584 Ingman Ct	18.98
52265	07/13/2011	07/15/2011	FOAM-RS	Refund Check - 1535 Devers Ct	14.91
52266	07/13/2011	07/15/2011	Mary Castro	Refund Check - 714 Brown Ct	77.15
52267	07/13/2011	07/15/2011	Innovative Technical Solutions	Refund Check - Hydrant Meter	1,890.00
52268	07/13/2011	07/15/2011	Clark Realty Builders	Refund Check - Hydrant Meter #048	1,649.23
52269	07/13/2011	07/15/2011	Lori McClary	Refund Check - 2947 Jordan Ct	6.16
52270	07/13/2011	07/15/2011	Luiz Maciel	Refund Check - 2080 Crumpton Ln #13	34.57
52271	07/13/2011	07/15/2011	Duran & Vanables Inc.	Refund Check - Hydrant Meter #058	293.74
52272	07/13/2011	07/15/2011	Chad Ventimiglia	Refund Check - 3031 Bayer Dr	3.04
52273	07/13/2011	07/15/2011	Sheila Mc Cray	Refund Check - 2943 Harvey Ct	80.82
52274	07/13/2011	07/15/2011	Laura Swick	Refund Check - 4432 Cypress Ridge Ct	65.00
52275	07/13/2011	07/15/2011	Jonathan Bruno	Refund Check - 727 Bandholtz Ct	58.43
52276	07/13/2011	07/15/2011	Barbara Holodiloff	Refund Check - 3130 Ocean Terrace	9.35
52277	07/13/2011	07/15/2011	Chelsea Van Poucke	Refund Check - 525 Wilson Ct	7.52
52278	07/13/2011	07/15/2011	Adeba Sultana	Refund Check - 326 Lievry Wy	41.74
52279	07/13/2011	07/15/2011	Kevin & Chandra Hamilton	Refund Check - 3033 King Cir	21.06
52280	07/13/2011	07/15/2011	Dilbeck & Sons Inc.	Refund Check - Hydrant Meter #068	1,677.61
52281	07/13/2011	07/15/2011	Chanea Howard	Refund Check - 3137-B California Ave	22.69
52282	07/13/2011	07/15/2011	Roxanne Gray	Refund Check - 2953 Jordan Ct	35.00
52283	07/13/2011	07/15/2011	Zachry Wagner	Refund Check - 3141 Ocean Terrace	35.00
52284	07/13/2011	07/15/2011	Sarah Weimer	Refund Check - 716 Brown Ct	11.71
52285	07/13/2011	07/15/2011	Coldwell Banker	Refund Check - 490 Lavelle Ct	35.00
52286	07/13/2011	07/15/2011	Maurilio Serrano	Refund Check - 473 Forest Cir	2.51
52287	07/13/2011	07/15/2011	Trace Wilhelm	Refund Check - 117 Crocus	46.49
52288	07/13/2011	07/15/2011	Stuart Shankle	Refund Check - 431 Diana Pl	25.41
52289	07/13/2011	07/15/2011	Scott Ghiringhelli	Refund Check - 45 Azalea Cir	76.95
52290	07/14/2011	07/15/2011	Bureau of Land Management	Refund Check - Hydrant Meter #046	1,061.01
52291	07/14/2011	07/15/2011	Lee Wilson Electric Inc.	Refund Check - Hydrant Meter #052	1,750.00
52292- 52294	07/15/2011	07/22/2011	Payroll Checks and Direct Deposits	PR Batch 902 06 2011 Checks and Direct Deposit (3 Checks)	75,279.71
52295	06/30/2011	07/20/2011	Ace Hardware	General Operations & Maintenance Equipments	496.75
52296	06/23/2011	07/20/2011	Alhambra and Sierra Springs	Distilled Water for Laboratory Use	58.45
52297	05/27/2011	07/20/2011	New Cal Industries	5000 Copy Machine Maintenance 05/30/11-05/30/12	1,255.71
52298	06/19/2011	07/20/2011	Manpower Inc.	Accounting Tech 06/2011	3,698.59
52299	06/21/2011	07/20/2011	Monterey Pen Unified Sch Dist	Conservation Education Program	6,384.22

Check #	Invoice Date	Check Date	Vendor Name	Description - July 2011	Amount
52300	06/30/2011	07/20/2011	Insight Planners	Web Maintenance and Hosting	192.00
52301	05/26/2011	07/20/2011	Fisher Scientific	UV Lamp Replacement for Barnstead Easypure II, pH Electrode, Conductivity Cell, 0.2u Bell Filters, TimeTapes, Kimwipes, Thermometer, Latex Gloves, Recording Charts	2,775.72
52302	07/01/2011	07/20/2011	Carmel Marina Corporation	Marina/Ft. Ord Trash Pickup 07/2011	501.71
52303	06/22/2011	07/20/2011	AT&T	384-2068 Modem Line, 582-9817 Mainframe Computer, 384-0267 O&M Fax, 384-6103 Booster Station, 384-3133 Alarm Lines at Marina Office, 582-9739 MCWD DSL Line	186.12
52304	07/07/2011	07/20/2011	AT&T	271-3430 Water Telemetry	102.40
52305	06/29/2011	07/20/2011	Dionex Corporation	Replacement Suppressor of Ion Chromatograph	1,043.68
52306	06/25/2011	07/20/2011	PG&E	Electric - IOP Bldg C Suite A, Booster Pump Bldg #122	46.16
52307	06/22/2011	07/20/2011	Grainger	Janitorial Supplies for Stock	214.84
52308	06/30/2011	07/20/2011	ACWA Health Benefits Authority	Medical/Dental/Vision Insurance 07/2011	43,603.91
52309	06/07/2011	07/20/2011	The Californian	Ads for Monterey Bay Regional Desalination Project	1,573.84
52310	06/12/2011	07/20/2011	The Monterey County Herald	Legal Ad for Ordinance #54, Ads for Monterey Bay Regional Desalination Project Website	1,969.05
52311	06/28/2011	07/20/2011	McDonald Refrigeration Inc	Repair O&M Dept Ridgid Freeze Kit	95.00
52312	06/28/2011	07/20/2011	Valley Saw and Garden Equip	Honda Weed Trimmer, Portable Generator for O&M Dept	1,489.80
52313	05/26/2011	07/20/2011	Innovyze, Inc.	Annual Subscription Program Renewal for H2OMAP Water/Sewer Suite,	4,600.00
52314	06/24/2011	07/20/2011	HD Supply Waterworks	(4)-1.5"meters,(76)-3/4"x7.5,(4)-2" MJ,(2) Turbos with Strainer for Marina/Ft Ord AMR C/O	21,062.14
52315	06/17/2011	07/20/2011	AFLAC	Employees Withholding	758.04
52316	06/29/2011	07/20/2011	Groeniger & Company	Corp Stop and Brass Bushings for O&M Dept Stock, General Operations & Maintenance Equipment	334.44
52317	07/19/2011	07/20/2011	Special District Association	SDA Dinner Meeting-Gustafson, 07/19/11	25.00
52318	06/20/2011	07/20/2011	Robert M Tasner & Associates	(2550)-MCWD Water Drop Magnets	806.08
52319	06/24/2011	07/20/2011	Carmel Pine Cone Inc	5-Week Ads for Monterey Bay Regional Desal Project Website	600.00
52320	06/09/2011	07/20/2011	CalDesal	Annual CalDesal Membership for District, 2011-2012 Voting	5,000.00
52321	06/30/2011	07/20/2011	Dilbeck & Sons Inc	FORA Building C (Imjin Office Park)	592,173.65
52322	05/31/2011	07/20/2011	Pinnacle Bank	FORA Building C (Imjin Office Park) Retention	65,797.12
52323	07/05/2011	07/20/2011	Somkid Inc	Computer Training-Payne	670.00
52324	07/07/2011	07/20/2011	Elizabeth Bernhardt	3156 Eucalyptus St. #35 - Toilet Rebate	125.00
52325	06/08/2011	07/20/2011	O'Reilly Automotive Inc	General Operation & Maintenance Equipment	56.92
52326	06/30/2011	07/20/2011	Harold A. Steuber Enterprises, Inc.	Coffee Supplies for Eng & O&M Depts	108.15
52327	06/30/2011	07/20/2011	McGrath Rent Corp.	Rent on Mobile Modular Office for Regional Project	211.95
52328	07/11/2011	07/20/2011	Quang Ngo	336 Morse Ct-Toilet Rebate	250.00

Check #	Invoice Date	Check Date	Vendor Name	Description - July 2011	Amount
52329	06/21/2011	07/20/2011	TriTel Communications	Interim Technical Service and Support 6/28/11 - 07/12/11	625.00
52330	06/28/2011	07/20/2011	TJC and Associates Inc	SCADA Communication Solutions	4,184.50
52331	06/29/2011	07/20/2011	Efrem Valentin	706 Brown Ct-Washing Machine Rebate	125.00
52332	06/27/2011	07/20/2011	Benjamin Cuentas	2580 Ardennes Cir-Washing Machine Rebate	125.00
52333	06/27/2011	07/20/2011	Floy A. Yates	136 Kailua Cir-Washing Machine Rebate	125.00
52334	06/27/2011	07/20/2011	Andrea Ripley	3328 Abdy Way-Washing Machine Rebate	125.00
52335	06/27/2011	07/20/2011	David Howell	3368 Greenbrook Pl-Washing Machine Rebate	125.00
52336	06/22/2011	07/20/2011	Raymond Dedden	489 Lewis Place-Landscape Incentive Rebate	232.50
52337	07/06/2011	07/20/2011	Ying Zhou	1124 Jackson Ct-Washing Machine Rebate	125.00
52338	06/24/2011	07/20/2011	Voyager Fleet Systems Inc	Fleet Gasoline	3,425.78
52339	07/08/2011	07/20/2011	Public Agency Retirement Services	PARS Administrative Fee 05/2011	327.81
52340	05/20/2011	07/20/2011	Sun Life Financial	Life/AD&D/Short/Long Term Insurance 06/2011	3,457.70
52341	07/14/2011	07/20/2011	Marina Tire & Auto Repair	Oil Change for Vehicle # 0302, Service Repair for Vehicle# 0504 Valve Turner Truck	156.11
52342	07/01/2011	07/20/2011	JEA & Associates	Retainer Fee for Lobbyist for New Water 07/2011	2,500.00
52343	06/27/2011	07/20/2011	Marina Square Apartments	269 Reservation Rd. #124-Toilet Rebate	77.77
52344	07/05/2011	07/20/2011	Ferguson Enterprises, Inc #679	(2)-3/4" Coupler, (3)-3/4" Compression Couplers for O&M Dept Stocks	79.95
52345	06/27/2011	07/20/2011	Springbrook Software Inc	SSI Maintenance Agreement 07/2011 - 06/2012, SSI Maintenance Agreement A/P-PR 07/2011 - 06/2012, Insert Signatures in A/P/PR Modules	18,966.00
52346	06/03/2011	07/20/2011	Dell Marketing LP	(6)-Dell OptiPlex 790 Computers	9,246.00
52347	06/20/2011	07/20/2011	Culligan Water Enterprises	Water Softener-Well #10, Well #11, Well #12, Booster #F	337.10
52348	06/23/2011	07/20/2011	Monterey County Weekly	Ads for Monterey Bay Regional Desalination Project Website	610.00
52349	07/06/2011	07/20/2011	Montgomery Watson Harza Labs	DMW2 Regional Desal Monitoring Well	1,595.00
WIRE	07/22/2011	07/29/2011	Internal Revenue Service	PR Batch 902 7 2011 Federal Tax	31,679.81
WIRE	07/22/2011	07/29/2011	State of California - EDD	PR Batch 902 7 2011 State Tax	7,611.34
WIRE	07/22/2011	07/29/2011	Other Payroll Deduction	PR Batch 902 7 2011	1,500.00
52350	07/22/2011	07/29/2011	Hartford	PR Batch 902 7 2011	4,424.78
52351	07/13/2011	07/29/2011	Pitney Bowes Credit Corp	Postage Machine Lease 07/2011-10/2011	1,170.07
52352	05/31/2011	07/29/2011	Schaaf & Wheeler	General Engineering Services for Urban Water Management Plan	5,063.54
52353	06/30/2011	07/29/2011	ACWA Joint Power Ins Authority	Workers Comp Insurance 04/2011-06/2011	14,992.00
52354	07/15/2011	07/29/2011	Federal Express	Return Ridgid Freeze Kit for Repairs	431.57
52355	07/01/2011	07/29/2011	The Maynard Group	NEC Maintenance	120.00
52356	07/22/2011	07/29/2011	Franchise Tax Board	PR Batch 902 7 2011	60.00
52357	07/13/2011	07/29/2011	Canon Financial Services, Inc.	5050 Copy Machine Lease 07/2011-06/2012	320.46

Check #	Invoice Date	Check Date	Vendor Name	Description - July 2011	Amount
52358	07/22/2011	07/29/2011	Devin Derham-Burk, Trustee	PR Batch 902 7 2011	161.54
52359	07/22/2011	07/29/2011	Hartford Life Insurance Company	PR Batch 902 7 2011	1,588.88
52360	07/11/2011	07/29/2011	Complete Paperless Solutions	Laserfiche Annual Software Support (07/28/11-07/27/12)	13,877.00
52361	07/22/2011	07/29/2011	Monterey Co Sheriff's Office Sheriff's Civil Unit	PR Batch 902 7 2011	574.30
52362	07/22/2011	07/29/2011	CA State Disbursement Unit	PR Batch 902 7 2011	581.07
52363	07/20/2011	07/29/2011	Sun Life Financial	Life/AD&D/Short-Long Term Insurance 08/2011	1,686.59
52364	07/13/2011	07/29/2011	Bank of the West	Document Storage Lease 07/2011	3,165.83
				Total Disbursements July 2011	1,468,989.07

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8-C

Meeting Date: August 9, 2011

Submitted By: Paula Riso

Presented By: Paula Riso

Reviewed By: Carl Niizawa

Agenda Title: Approve the Draft Minutes of the Special Joint Board Meeting of July 8, 2011

Detailed Description: The Board of Directors is requested to approve the attached draft minutes of July 8, 2011.

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 ___X___No

Funding Source/Recap: None.

Material Included for Information/Consideration: Draft minutes of July 8, 2011.

Staff Recommendation: The Board of Directors approve the draft minutes of the July 8, 2011 special joint 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
Marina Coast Water District and Fort Ord Reuse Authority

Carpenters Union Hall
910 2nd Avenue
Marina, California

Special Joint Board Meeting
July 8, 2011
3:00 p.m.

Draft Minutes

1. Call to Order and Roll Call of Both Boards:

1st Vice Chair, Mayor Edelen called the meeting to order at 3:01 p.m. on July 8, 2011.

Fort Ord Reuse Authority Board of Directors:

Voting members present (*Quorum present at call to order*)

1st Vice Chair/Mayor Edelen (City of Del Rey Oaks)
Mayor Pendergrass (City of Sand City)
Mayor Pro-Tem Kampe (City of Pacific Grove)
Councilmember Brown (City of Marina)
Supervisor Parker (County of Monterey)
Mayor McCloud (City of Carmel-by-the-Sea)
Councilmember Selfridge (City of Monterey)
Councilmember Oglesby (City of Seaside)

Arriving after the roll call:

Jim Cook (County of Monterey)
2nd Vice Chair/Mayor Pro-Tem O'Connell (City of Marina)

Absent:

Chair/Supervisor Potter (County of Monterey),
Mayor Bachofner (City of Seaside),
Councilmember Barrera (City of Salinas).

Ex-Officio members present:

Graham Bice (University of California Santa Cruz ("UCSC")),
John Marker (California State University Monterey Bay ("CSUMB")),
Vicki Nakamura (Monterey Peninsula College ("MPC")),
Bill Collins (Base Realignment and Closure ("BRAC")),
Debbie Hale (Transportation Agency for Monterey County ("TAMC")),
COL Darcy Brewer (United States Army),
Alec Arago (17th Congressional District)
Ken Nishi (Marina Coast Water District ("MCWD")),
Nicole Charles (27th State Assembly District).

Absent: Dan Albert, Jr., (Monterey Peninsula Unified School District), Hunter Harvath (Monterey Salinas Transit), and representation from the 15th State Senate District.

Special Joint Board Meeting
July 8, 2011
Page 2 of 9

Marina Coast Water District Board Members Present:

Dan Burns – Vice President
Howard Gustafson
Ken Nishi
Jan Shriner

Bill Lee – President, was absent.

Marina Coast Water District Staff Members Present:

Lloyd Lowrey, Legal Counsel
Carl Niizawa, Deputy General Manager/District Engineer
Kelly Cadiante, Director of Administrative Services
Patrick Breen, Capital Projects Manager
Brian True, Capital Projects Manager
Paula Riso, Executive Assistant/Clerk to the Board

Members from the Public Present:

LeVonne Stone, Fort Ord Environmental Justice Network
Christina Spang, Department of the Army, DPW O&M
Bob Schaffer, Community Partners
Doug Yount, City of Marina
Ray Corpuz, City Manager, City of Seaside
Kathleen Lee, Monterey County
George Riley, Citizens for Public Water

2. Pledge of Allegiance:

1st Vice Chair, Mayor Edelen led the Pledge of Allegiance.

3. Continued New Business:

Mr. Carl Niizawa, MCWD Deputy General Manager/District Engineer, gave a brief presentation regarding the past and current projects that the District has undertaken; the bonds taken out by the District; the Bartle Wells rate study; and the reason for the rate increase.

Supervisor Parker clarified that the increase in interest cost is due to an accelerated payment plan and suggested spreading the payment over a longer period of time to waylay some of the costs to customers that come along later. Ms. Kelly Cadiante, Director of Administrative Services, commented that when the District refinanced a 10-year promissory note used to purchase property on the Armstrong Ranch, it maintained the same debt schedule.

Agenda Item 3 (continued):

Mayor McCloud asked how many years were left on the 10-year note and the bonds. Ms. Cadiente answered that when the District refinanced, it combined the promissory note into the 2010 bonds, and there were about 8 years left on the debt schedule.

MCWD Director Shriner commented that a public member, Paula Pelot, had emailed some questions and asked that the questions be answered. Mr. Niizawa commented that the questions were received just prior to the meeting and staff would try to answer them as best they could. Ms. Cadiente stated that two of the questions were on the interest expense of which the answer was already provided. Ms. Cadiente said that several questions were regarding increases to maintenance expenses for both water and wastewater. She answered that those costs were for maintenance on aged equipment that needs to be maintained until it can be replaced; i.e., vehicles and valves. Ms. Cadiente said there was a question on Laboratory Contract services and that the increase is because the District is required to increase lab testing for permits. She added that it looks like a large increase, 71%, because the lab budget is small. Mr. Niizawa answered the question on annexation. He explained that the District has been working on this issue for quite a while and there will be an update at the next MCWD Board meeting on July 12, 2011. Mr. Niizawa said the MCWD Board already hired a consultant who has been doing environmental work and it is almost complete.

Director Shriner commented that one of the questions from Ms. Pelot was regarding how much the rates have been increased since 2003. Ms. Cadiente stated that she would have to get back to Director Shriner as she did not have data from 2003 with her.

Ms. Lavonne Stone, Fort Ord Environmental Justice Network, said that she heard that part of the increase was for properties that needed to be maintained and asked what those properties were. She noted that many people in the Preston Park area were struggling, low income families and voiced her concern over the proposed rate increase. Ms. Stone stated that for years, Ord Community ratepayers have been asking for the annexation so they could have representation on the MCWD Board and voiced her concern over the amount of time that has passed.

Supervisor Parker commented that one question at the last meeting was regarding the 25% protest and if there was a substance or pattern to the protest. She added that she appreciated the fact that MCWD staff provided answers to her questions from last meeting, but did not know if everyone's questions were answered. Supervisor Parker suggested that in the future a staff report with all the questions and answers be provided in advance of the meeting. Mr. Niizawa answered that of the protests, two were large institutions with multiple connections, and the number of users protesting was actually 1.3%.

Mayor McCloud asked if the District kept two books, one for the Regional Project and one for Marina Coast Water District. Ms. Cadiente answered affirmatively that there is a separate cost center for the Regional Project.

Agenda Item 3 (continued):

Mayor Pro-Tem Kampe echoed Supervisor Parker's comments regarding the staff report with all the questions and answers. He also thanked MCWD staff for meeting with him face-to-face and answering all his questions.

2nd Vice Chair/Mayor Pro-Tem O'Connell apologized for arriving late and asked if Ms. Pelot's questions had been answered. Mr. Niizawa stated that staff just finished answering her questions.

Director Shriner commented that Ms. Pelot's questions also included how the percentage between metered and unmetered accounts works and why the metered accounts have dropped off. Mr. Niizawa commented that, along with water conservation efforts, MCWD is actually implementing a large-scale meter installation on the Ord Community and water usage has dropped now that customers can see how much water they are using.

COL Darcy Brewer commented that it is the Army's goal to meter all of their buildings and there is less emphasis on green spaces and more on saving water.

2nd Vice Chair/Mayor Pro-Tem O'Connell asked if the annexation question had been answered. Mr. Niizawa answered that the District is moving forward on the annexation with an update scheduled for the next MCWD Board meeting, and environmental work is being completed at this time.

Director Gustafson commented that there is an agreement between the City of Marina and MCWD, done in 1975 or 1976, that requires a vote of the 1960 "original" Marina in order for MCWD to annex.

Supervisor Parker questioned having an independent audit of the rate structure and the distribution of expenses to the different cost centers and suggested doing it for the next proposed increase. Ms. Cadiente stated that the District does do annual independent financial audits and asked if Supervisor Parker is suggesting another audit in addition to the District's audit. Supervisor Parker answered affirmatively and suggested the audit be part of the packet when looking at future rate increases.

Councilmember Oglesby asked for clarification on what Supervisor Parker was looking for in an audit. Supervisor Parker answered that she was suggesting having an independent auditor look into the rate structure and the way expenses are allocated to the cost centers.

a. Ord Community and Marina Water/Wastewater Systems Proposed Budget and Rates for FY 2011-2012:

- (1) FORA Board Approval of Resolution Nos. 11-03 and 11-04 Adopting a Compensation Plan and Setting Rates, Fees and Charges for Base-Wide Water, Recycled Water and Sewer Services on the Former Fort Ord:

Mayor Pro-Tem Kampe made a motion to approve Resolution Nos. 11-03 and 11-04 adopting a Compensation Plan and setting rates, fees and charges for base-wide Water, Recycled Water and Sewer Services on the Former Fort Ord. Graham Bice seconded the motion. Mr. Michael Houlemard, FORA Executive Officer, commented that everyone had Resolution Nos. 11-03 and 11-04 in front of them with a revised date and noted that nothing else had changed in the Resolution. The motion failed with the following vote:

1 st Vice Chair/Mayor Edelen	- Yes
2 nd Vice Chair/Mayor Pro-Tem O'Connell	- No
Mayor Pendergrass	- No
Mayor Pro-Tem Kampe	- Yes
Councilmember Brown	- No
Supervisor Parker	- No
Mayor McCloud	- Yes
Councilmember Selfridge	- No
Councilmember Oglesby	- No
Jim Cook	- Yes

Mayor McCloud asked what the reason was that the Marina Councilmembers voted no. 1st Vice Chair/Mayor Edelen asked anyone who voted no to voice their concerns.

Supervisor Parker commented that she would like an independent analysis done sooner rather than later. Councilmember Oglesby agreed with Supervisor Parker stating that he needed more information.

Councilmember Selfridge commented that they need more information.

2nd Vice Chair/Mayor Pro-Tem O'Connell said he had the same concern as Supervisor Parker.

Mayor McCloud asked if those who want the independent study done would be willing to put the motion forward again with that contingency and a date certain.

Supervisor Parker clarified mayor McCloud's request and said that with the level of concern and question, she would like to see the analysis first.

1st Vice Chair/Mayor Edelen commented that after conferring with Mr. Houlemard, an analysis may take approximately sixty days.

Agenda Item 3a1 (continued):

1st Vice Chair/Mayor Edelen suggested continuing this item for sixty days to allow time for the analysis, that it be provided to the Board, and revisit the issue in two months to get consensus on which way to go. Supervisor Parker clarified that the date certain will be put on the analysis and return in September with the analysis.

Mayor Pro-Tem Kampe suggested that whoever makes the motion be specific about what they want the analysis to provide; and that when a rate analysis is done, there is the possibility that the cost basis is higher than anticipated. He asked if the analysis validates a higher rate, will the Board members be prepared to accept that rate and approve it.

1st Vice Chair/Mayor Edelen commented that staff is aware of the Board members who had concerns and that they would be contacted so staff could get their specific concerns and they would be included as part of the analysis.

Mr. Houlemard commented that FORA would have to work with MCWD to secure the independent consultant in the appropriate way. He stated that MCWD is the water purveyor and they would have to make the decision. Mr. Houlemard noted that the cost to provide infrastructure and water service is important to continue. He stated that he was concerned that they would lose the ability to provide the conservation measures and quality water services on a continuous basis. Mr. Houlemard added that there are obligations that include contracts MCWD has with the Army to provide water service to the military. He said he wants to make sure those questions are answered without a gap that says they are financially unable to provide those services. Mr. Houlemard stated that he believes an independent analysis will confirm that. Mr. Houlemard clarified that he understands the Board is saying there is not enough detail and they want more specifics. He added that it is important that the Board not let this hang on too long.

Mr. Jim Cook voiced his concern that after sixty days they would be right back where they are now. He asked if MCWD would be doing the audit or FORA. Mr. Cook suggested a collaborative approach with staff to clarify the specific questions to be subject to the audit, send it out to the FORA Board members that have a concern to make sure the questions are getting answered. He stated that the audit needed to be on-point and done in a way that is credible to avoid a sixty, or ninety day delay.

Councilmember Oglesby stated that he just wants to be sure the rate is appropriate. He stated that he understands there are obligations that need to be paid for, but he wanted to make sure they are paid at the appropriate level.

Director Nishi commented that both agencies would have to work together and come up with a solution. He voiced his concern that they were setting precedence.

Agenda Item 3a1 (continued):

Director Nishi said he could attend a County Supervisors meeting and ask the County to spend additional funds in addition to their audit, as well as the Cities of Seaside, Marina, and Monterey, and say that he wanted to ensure and validate that their financial numbers are correct. Director Nishi said that MCWD is there to serve. He added that he didn't know if they wanted to jeopardize the mission of the Army and CSUMB because to hold the fees for sixty days may lead to a loss of service. Director Nishi said he wanted to work together because they were all here to serve the people.

Director Gustafson commented that the MCWD does have the rate study by Bartle Wells which shows a 7.8% rate increase. He cautioned that there could be serious consequences by the delay.

Mayor McCloud commented on what Mayor Pro-Tem Kampe said, that they should be careful what they wish for because they might come out with figures that show they are half of what is needed. She added that she was unclear of what they were asking the figures to show. Mayor McCloud questioned if they were asking that they ensure everyone only pays what the actual costs are; or, if rates should be increased 7.8% and pay the actual costs.

Director Shriner suggested they look at responsible spending and what the basis of the rate increase was. She said that MCWD did reduce the proposed increase from 7.8% to 4.9% but it was proposed from the Bartle Wells study which was finished before the economic crisis. Director Shriner said that since the MCWD Board approved the 5% rate increase, their spending has gone up quite a bit. She said that a bonus and a base-salary compensation increase were given to the General Manager as well as increasing his ability to launch contracts with consultants that include investigations that go through law offices. Director Shriner stated that she hoped the independent audit will give a measure of responsible spending and rate increases that are not based on a study that was prepared prior to the recognition of an economic crisis.

1st Vice Chair/Mayor Edelen commented that they are looking at an independent audit, joint teamwork between MCWD and FORA Board, and getting specific information from those that voted no and asked if there was a motion.

Supervisor Parker made the motion for an independent audit, joint teamwork between MCWD and FORA Board, and getting specific information from those that voted no, and clarified that FORA would conduct the independent analysis by hiring an independent auditor and return in sixty days with the analysis. Councilmember Oglesby seconded the motion.

Mayor Pro-Tem Kampe inquired how much the FORA Board was committing to spend on the study.

Supervisor Parker asked if Mr. Houlemard had any idea of what the audit would cost.

Agenda Item 3a1 (continued):

Mr. Houlemard answered that he was not sure of the cost, but verified that he understood this audit to be a confirmation of the work that was done by Bartle Wells years ago. Mr. Houlemard suggested an amount not-to-exceed \$15,000 for the audit noting that it is possible it could be completed for a lot less.

Mayor Pro-Tem Kampe made a motion to amend the previous motion to include an amount not-to-exceed \$15,000. Supervisor Parker seconded the amended motion.

Councilmember Oglesby asked why MCWD isn't required to pay for the audit. Director Nishi commented that it was up to the MCWD Board. He added that this shows a lack of faith in MCWD.

Councilmember Oglesby amended the already amended motion to require MCWD to pay half of the cost of the audit with the total not-to-exceed \$15,000.

Director Nishi commented that he is only one member of the Board, but he would agree to pay for half of the audit if the FORA Board agreed to pay whatever comes out of the audit. He referenced Mayor Pro-Tem Kampe's earlier comment regarding the rate increase and if the numbers show that the correct rate increase should be 7.8%, he would like the FORA Board to agree to that increase.

Mayor Pro-Tem Kampe made a motion to amend his previously amended motion to require MCWD to pay half of the cost of the audit. 2nd Vice Chair/Mayor Pro-Tem O'Connell asked if the motion included Director Nishi's comment regarding the higher rate increase. Mayor Pro-Tem Kampe stated his motion did not include Director Nishi's comment.

Councilmember Oglesby seconded the amended motion. The motion was unanimously passed.

Mayor McCloud noted that there were no attachments to the agenda and suggested that next time the attachments be included with the agenda.

Mr. Houlemard commented that the audit information will be brought back to the FORA Board prior to sixty days and staff would also provide the specific questions and answers that were provided to the Board members so everyone could see them.

Supervisor Parker affirmed that just because one person asked the question doesn't mean that was the only person with that same question and everyone should see the answers.

1st Vice Chair/Mayor Edelen commented that the presentation was quantitative and not qualitative and if the presentation had included more specific numbers the outcome might have been different. He thanked everyone for their cooperation.

Special Joint Board Meeting
July 8, 2011
Page 9 of 9

4. Announcements and Correspondence:

There were no announcements or correspondence.

5. Adjournment:

The meeting was adjourned at 3:58 p.m.

APPROVED:

William Y. Lee, President

ATTEST:

Jim Heitzman, General Manager

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8-D

Meeting Date: August 9, 2011

Submitted By: Paula Riso

Presented By: Paula Riso

Reviewed By: Carl Niizawa

Agenda Title: Approve the Draft Minutes of the Regular Board Meeting of July 12, 2011

Detailed Description: The Board of Directors is requested to approve the attached draft minutes of July 12, 2011.

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 ___X___No

Funding Source/Recap: None.

Material Included for Information/Consideration: Draft minutes of July 12, 2011.

Staff Recommendation: The Board of Directors approve the draft minutes of the July 12, 2011 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

District Office
11 Reservation Road
Marina, California

Regular Board Meeting
July 12, 2011
6:45 p.m.

Draft Minutes

1. Call to Order:

President Lee called the meeting to order at 5:45 p.m. on July 12, 2011.

2. Roll Call:

Board Members Present:

Bill Lee – President
Dan Burns – Vice President
Howard Gustafson
Jan Shriner
Kenneth K. Nishi

Staff Members Present:

Jim Heitzman, General Manager
Lloyd Lowrey, Legal Counsel
Carl Niizawa, Deputy General Manager/District Engineer
Jean Premutati, Management Services Administrator
Kelly Cadiente, Director of Administrative Services
Thomas Barkhurst, Water Quality Chemist
Paul Lord, Water Conservation Specialist
Brian True, Capital Projects Manager
James Derbin, Interim Operations and Maintenance Superintendent
Patrick Breen, Capital Projects Manager
Gary Rogers, Associate Engineer
Paula Riso, Executive Assistant/Board Clerk

Audience Members:

Tom Moore, Marina Resident	Brenda Lewis, MPWMD Board Member
Richard Newhouse, Marina Resident	Kuei Villa, Marina Resident
Ed Mitchell, Prunedale Resident	Alberto Villa Corona, Marina Resident
Paula Pelot, Preston/Abrams Tenants Association	
Denise Turley, Preston/Abrams Tenants Association	
Carmelita Garcia, Mayor of Pacific Grove	
Judi Lehman, MPWMD Board Member	
George Riley, Monterey Resident	
Bob Holden, MRWPCA	

The Board entered into closed session at 5:45 p.m., after announcement per Government Code Section 54957.7(a).

3. Closed Session:

- B. Pursuant to Government Code Section 54956.95
Liability Claims
Claimant: Ausonio Incorporated
Agency Claimed Against: Marina Coast Water District
- C. 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)
- C. Pursuant to Government Code Section 54957
Public Employee Performance Evaluation
Title: District Counsel
- D. Pursuant to Government Code Section 54957
Public Employee Performance Evaluation
Title: General Manager
- E. Pursuant to Government Code Section 54957.6
Conference with Labor Negotiator
Agency Designated Representatives: William Lee and Dan Burns
Unrepresented Employee: General Manager
- F. Pursuant to Government Code Section 54956.9
Conference with Legal Counsel – Anticipated Litigation
Significant Exposure to Litigation Pursuant to Subdivision (b)
One Case

A letter dated June 21, 2011, from the Monterey County Board of Supervisors transmitted a “Summary of Preliminary Findings Regarding Director Stephen Collins’ Business Relationship With RMC Water and Environment and Marina Coast Water District.” The Summary, prepared by Remcho, Johansen & Purcell, LLP, states that certain conduct raises questions about the validity of contracts to which Marina Coast Water District is a party. Based on the statements in the Remcho Summary, and based on reports in the Monterey Herald this morning, a point has been reached where, in the opinion of the MCWD Board based on the advice of its legal counsel, there is a significant exposure to litigation against MCWD.

G. Pursuant to Government Code Section 54959.9
Conference with Legal Counsel – Anticipated Litigation
Potential Initiation of Litigation (c)
One Case

The Board ended closed session at 7:06 p.m.

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

4. Possible Action on Closes Session Items:

Mr. Lloyd Lowrey, Legal Counsel, reported the following:

- 3-A – the Board of Directors conferred with Legal Counsel and no action was taken.
- 3-B – the Board of Directors conferred with Legal Counsel and no action was taken.
- 3-C – the Board of Directors evaluated District Counsel.
- 3-D – the Board of Directors evaluated the General Manager.
- 3-E – the Board of Directors conferred with the negotiators.
- 3-F – the Board of Directors conferred with Legal Counsel and no action was taken.
- 3-G – the Board of Directors conferred with Legal Counsel and no action was taken.

5. Pledge of Allegiance

President Lee led everyone present in the pledge of allegiance.

6. Oral Communications:

Mr. Tom Moore, Marina resident, commented that More Transparency is a non-profit association that raises money to pay for the filming and re-broadcasting of Marina Coast Water District Board meetings. He said donations can be sent to: More Transparency, P.O. Box 693, Marina, CA 93933.

Mr. Moore commented that he was pleased when the District released a preliminary report on July 1, 2011 by James Markman regarding the conflict of interest allegations. He hopes the final report will be based on sworn testimony. Mr. Moore noted that he looked at the Board agendas for the past several months and did not see any Board action authorizing the Markman investigation and questioned when the authorization was made.

Mr. Moore commented that since January 2011, there have been twelve special board meetings and many were scheduled during the workday hours which makes it difficult for the public to attend.

7. Presentation:

- A. Consider Adoption of Resolution No. 2011-49 in Recognition of Community Member, Mr. Steven Reeves, for his Dedicated Service to the Marina Coast Water District as a Member on the Water Conservation Commission:

Mr. Reeves was not present so President Lee tabled this item until next month.

8. Consent Calendar:

Director Shriner pulled items A and E from the Consent Calendar. President Lee pulled items G and I from the Consent Calendar.

Director Gustafson made a motion approve Consent Calendar consisting of items:

- B. Adopt Resolution No. 2011-51 to Approve a Memorandum of Understanding between Marina Coast Water District and the Monterey Peninsula Unified School District Regarding the In-School Water Conservation Education Program with a Not-to-Exceed Amount of \$18,500
- C. Approve the Expenditures for the Month of June 2011
- D. Approve the Draft Minutes of the Special Board Meeting of May 24, 2011
- F. Approve the Draft Minutes of the Special Joint Board Meeting of June 10, 2011
- H. Approve the Draft Minutes of the Special Board Meeting of June 16, 2011

Vice President Burns seconded the motion. The motion was passed.

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

- A. Adopt Resolution No. 2011-50 to Approve the District Records Retention Policy and Retention Schedules:

Director Shriner questioned the length of time to keep records. Ms. Kelly Cadiente, Director of Administrative Services, noted that the record retention was based on Government Code and Internal Revenue Service requirements and that any records involved in possible litigation or any “open item” of the Board will not be destroyed until two years after the issue is settled and they are no longer required. Director Shriner questioned the wisdom of destroying records at this time when there is a possible investigation going on. Ms. Cadiente answered that this item was approved for staff to begin working with the consultant on the retention policy in 2009 and it was now complete and ready for adoption. Director Shriner suggested tabling the item for the time being.

Agenda Item 8-A (continued):

Director Gustafson made a motion to adopt Resolution No. 2011-50 approving the District Records Retention Policy and Retention Schedules. Director Nishi commented that recently the Palm Avenue connection fees were under discussion and requested that water and sewer connection fees, since the formation of the District, be included in the retention schedule. Director Gustafson amended his motion to include water and sewer connection fees in the retention schedule. Vice President Burns seconded the motion.

Ms. Kuei Villa, Marina resident, commented that with today's technology, documents should be scanned and not destroyed. Director Nishi commented that pertinent documents will be scanned and retained.

Ms. Paula Pelot, Preston/Abrams Tenants Association, commented that it was an extensive schedule and suggested adding an appendix of the reference codes as a separate table.

The motion was passed.

Director Gustafson	-	Yes	Vice President Burns	-	Yes
Director Shriner	-	No	President Lee	-	Yes
Director Nishi	-	Yes			

E. Approve the Draft Minutes of the Special Board Meeting of June 9, 2011:

Director Shriner noted the number of pages for the minutes and asked if transcription was normally done. She inquired how much time it took staff to prepare and how it served the ratepayers. Director Shriner asked if it would have been more cost effective if the meeting was televised. Mr. Jim Heitzman, General Manager, answered that the minutes were prepared in the normal course of duty. Director Nishi said that it was one way of making the meeting transparent. President Lee added that staff would answer Director Shriner's questions at the next meeting. Director Shriner stated that she sent the questions to staff two days ago and asked if that was not enough time to prepare an answer. Mr. Heitzman commented that the email was directed to the District Counsel. Director Shriner answered that President Lee and Mr. Heitzman were copied. Mr. Heitzman stated that he doesn't respond to emails that he is copied on. He said that the person it was addressed to normally responds.

Director Shriner asked to table this item until staff could prepare answers to her questions.

Director Nishi made a motion to approve the draft minutes of the special Board meeting of June 9, 2011.

Ms. Pelot commented that some of the minutes are quite detailed and stated that minutes should show the action taken and should not go into the minutia.

Agenda Item 8-E (continued):

Director Gustafson seconded the motion. The motion was passed.

Director Gustafson	-	Yes	Vice President Burns	-	Yes
Director Shriner	-	No	President Lee	-	Yes
Director Nishi	-	Yes			

G. Approve the Draft Minutes of the Regular Board Meeting of June 14, 2011:

President Lee commented that there was a typo on page 120, "Debin" should be "Derbin".

I. Approve the Draft Minutes of the Special Board meeting of July 1, 2011:

President Lee commented that page 142 has the word "outweighs" is repeated.

Vice President Burns made a motion to approve the draft minutes of June 14, 2011 and the draft minutes of July 1, 2011 with the corrections. Director Gustafson seconded the motion. The motion was passed.

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

Ms. Carmelita Garcia, Mayor of Pacific Grove, asked if public could pull an item from the Consent Calendar. President Lee asked which item she wanted pulled. Mayor Garcia asked to pull item 8-C. President Lee commented that it was already approved.

Director Nishi made a motion to reconsider item 8-C. President Lee seconded the motion. The motion was passed.

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

C. Approve the Expenditures for the Month of June 2011:

Mayor Garcia inquired on check numbers 52145 and 52177 and asked what time frame each check covered and why it took so long to pay the invoice for check 52177.

Mr. Lowrey commented that after reading the Board Procedures Manual, an item cannot be reconsidered at the same meeting it was approved. He said that it could be reconsidered at the succeeding meeting following the vote.

Agenda Item 8-C (continued):

Mr. Lowrey added that the Board of Directors could vote to suspend the rules for this item.

President Lee made a motion to suspend the rules for this item. Director Shriner seconded the motion.

Ms. Villa commented that discussion and openness is restricted with all the rules. She asked what happens if the rules are not followed. President Lee commented that as President he needs to follow the rules and he did not notice the public wanting to comment on an earlier item.

The motion to suspend the rules for this item was passed.

Director Gustafson	-	No	Vice President Burns	-	No
Director Shriner	-	Yes	President Lee	-	Yes
Director Nishi	-	Yes			

Vice President Burns commented that he voted no because he believed staff should look up the answers and provide them at a later time.

Ms. Cadiente commented that check number 52145 dated May 16, 2011 covered January through March 2001, and check number 52177 was for April 2011 and while there was a typo in the invoice date, the rest of the invoice was correct so it was paid. She stated that the District doesn't change invoices they receive.

Vice President Burns made a motion to approve the expenditures for the month of June 2011. President Lee seconded the motion. The motion was passed.

Director Gustafson	-	Yes	Vice President Burns	-	No
Director Shriner	-	Yes	President Lee	-	Yes
Director Nishi	-	Yes			

9. Action Items:

A. Consider Receiving the Conceptual Financial Plan from Financial Consultant Piper Jaffray:

Mr. Heitzman introduced this item. Ms. Cadiente stated that the Board is asked to receive and accept the Conceptual Financial Plan noting that it is still in the conceptual form.

Director Shriner commented that Piper Jaffray stated that the District needs to clean up the litigation in order to get the best possibility for financing. She asked what the District was doing in working toward clearing the litigation.

Agenda Item 9-A (continued):

Mr. Heitzman commented that ongoing litigation can be problematic for bonding and the District is working through the process.

Director Shriner asked several clarifying questions on the Financing Rating & Credit Enhancement portion of the Conceptual Plan.

Director Gustafson made a motion to receive the Conceptual Financial Plan. Vice President Burns seconded the motion. The motion was passed.

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

B. Consider Adoption of Resolution No. 2011-52 to Approve the Reorganization of the Finance Department and the Related Classifications and Job Descriptions:

Ms. Cadiente introduced this item.

Director Shriner voiced her appreciation of the restructure and staff's hard work.

Ms. Pelot commented that a fiscal impact was not specified and suggested that the Accountant I/II report to the Director of Finance.

Mr. Moore commented that the accounting technician should not report to two bosses.

Director Shriner asked if staff would answer the questions from the public regarding financial impact and hierarchy. Ms. Cadiente commented that the District is proposing to leave the Director of Finance position vacant. She added that by leaving the position vacant, there are no anticipated financial impacts or hierarchy issues.

Director Gustafson made a motion to adopt Resolution No. 2011-52 to approve the reorganization of the Finance Department and the related classifications and job descriptions. Vice President Burns seconded the motion. The motion was passed.

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

C. Consider Adoption of Resolution No. 2011-53 to Approve the Selection of a Law Firm to Provide Legal Services and Represent the District in Personnel and Employment Law Matters:

Ms. Jean Premutati, Management Services Administrator, introduced this item stating that staff had no recommendation and the decision is entirely up to the Board.

Vice President Burns made a motion to select Hoge, Fenton, Jones and Appel to provide legal services and represent the District in personnel and employment law matters. Director Nishi seconded the motion.

Director Shriner commented that Hoge, Fenton, Jones and Appel are not local and there may be travel expenses, so she suggested looking at a local firm. Ms. Premutati stated that Hoge, Fenton, Jones and Appel discount their travel fees. Director Shriner asked what criteria the Board is considering when selecting Hoge, Fenton, Jones and Appel. Director Gustafson commented that he is looking for someone outside the local bar association. Director Nishi commented that he also was looking for someone outside the local bar association. He added that he didn't want the cheapest or most local attorney representation, he wanted the best representation. Director Nishi stated that he was pleased with the work Hoge, Fenton, Jones and Appel recently completed for the District. Vice President Burns agreed with Director Nishi.

Mr. Lowrey commented that the Board is looking at special counsel and they are not anticipated to attend every meeting of the Board and modern technology will allow the work to be done without excessive travel.

Ms. Villa asked how much money was being allotted for special counsel and how was the bidding process done. Mr. Heitzman answered that special counsel would be time and materials and there is no cost until they are used. Mr. Lowrey commented that there is no bidding process for service providers. He said a Request for Proposals was sent out and service providers submitted their information.

Ms. Pelot commented that it would be helpful to have the information included with the packet for a comparison factor.

Mr. Ed Mitchell, Prunedale resident, stated that he supports the comments made and that the staff report is unclear. He recommended establishing criteria in advance when sending Request for Proposals, Request for Qualifications, or Request for Information.

Director Shriner commented that the Board received the information in an envelope marked confidential and was not sure if the details could be discussed or not.

Agenda Item 9-A (continued):

Mr. Lowrey answered that proposals were received from service providers and prior to the Board's decision, it would be inappropriate for the service providers to see what the others are proposing. He added that now that the Board is discussing the item, the proposals are no longer confidential and are public records available for the public to review.

Vice President Burns commented that the Request for Proposal was included in a previous Board packet and was very detailed on what the District was looking for. Mr. Heitzman added that the packets are available on the website.

The motion was passed.

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

D. Consider Adoption of Resolution No. 2011-54 to Approve the Design and Construction of the Proposed Watkins Gate Well:

Mr. Gary Rogers, Associate Engineer, introduced this item.

Vice President Burns asked if the Board should be approving any projects on the Ord Community until the rates are approved with the Fort Ord Reuse Authority. Mr. Rogers noted that the project was being funded through the Prop. 50 grant. Mr. Carl Niizawa, Deputy General Manager/District Engineer, commented that delay of this project could jeopardize the grant funding. Mr. Heitzman answered that it was a capital project and was not affected by the rate increase.

Director Gustafson made a motion to adopt Resolution No. 2011-54 to approve the design and construction of the proposed Watkins Gate Well. Director Shriner seconded the motion. The motion was passed.

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

Mr. Heitzman recused himself from the room at 8:28 p.m.

- E. Consider Adoption of Resolution No. 2011-55 to Review a Request by the General Manager under Government Code Sections 995-996.6 and 825-825.6 and Authorize the District to Engage Legal Counsel for the General Manager:

Mr. Lowrey handed out copies of an engagement letter with Steven Churchwell with DLA Piper, LLC.

Mr. Mitchell asked if the information should have been available 72 hours prior to the meeting when the notice was given. Mr. Lowrey answered that appropriate notice was made 72 hours prior to meeting and the engagement letter was not available at the time. He added that the information was being given to the Board at the same time as it is being made available to the public. Mr. Lowrey opined that it was adequate.

Mr. Lowrey commented that this item is on the agenda per his request. He stated that the Government Code provides that if a public official or employee requires representation, under certain circumstances, the government agency may provide defense and indemnity. Mr. Lowrey said that the District Board released a report on July 1st that stated that there was no evidence that any person at Marina Coast Water District had been involved in any conduct that would be actionable. He stated that the General Manager had made a request in accordance with Government Code provisions 825-825.6 and 995-996.6. Mr. Lowrey added that the Board is required to respond to that request within a reasonable time.

Mr. Lowrey stated that in the transmittal he recommended that the Board respond to the General Manager's request by approving the engagement of designated counsel. He said that designated counsel may be engaged if there is no conflict between the interests of the employee and if approved by the Board. Mr. Lowrey said there are three different kinds of potential matters that are involved, 1) civil matters, 2) administrative matters, and 3) criminal matters. He said that the General Manager requested that the Board provide representation in connection with all three matters since no one knows what will happen. Mr. Lowrey said that the contract is structured so that if the Board approves it, they are engaging counsel to represent the General Manager in connection with the investigations. He added that if anything changes, and a lawsuit is filed, it would be brought back to the Board for further approval since this engagement is limited to investigations as noted in the first paragraph of the Engagement Letter. Mr. Lowrey commented that Mr. Churchwell is highly recommended and has discounted his normal rate to \$495 and his associate's rate to \$300.

Mr. Lowrey stated that his purpose in recommending this engagement is to allow the Board and District to get ahead of the curve in this issue. He added that if, as a result of possible inaccurate statements, as demonstrated by the Markman report, a lawsuit is filed or an investigation proceeds farther than it should, the District could have costs far in excess of those that they might have with someone who is experienced and expert in this field and can resolve and answer issues at the outset.

Agenda Item 9-E (continued):

Mr Lowrey apologized for not getting the information out sooner, but had just received it earlier that afternoon. He did ask that the Resolution be amended to have item 2 under the “NOW, THEREFORE, BE IT RESOLVED, as follows:” include a sentence authorizing the Board President to sign the contract with DLA Piper.

Ms. Villa asked if a decision had to be made this evening and asked if it could wait until everyone had a chance to look at it closer. She also voiced her concern over the arbitration clause.

Mr. Moore commented that he would support engaging counsel for investigations of civil and administrative matters and not criminal. He said that a public entity is not required to provide defense for criminal actions and proceedings but must do so if the defense would be in the best interest of the public entity. Mr. Moore voiced his concerns over the fact that the counsel would cover the General Manager in an individual capacity as well as that of his General Manger position.

Mr. Mitchell urged the Board not to approve the Resolution engaging counsel. He instead urged the Board to place the General Manager on administrative leave until they receive the final report from their investigator, the County’s independent investigator, and the District Attorney and FPPC. Mr. Mitchell voiced his concerns over certain findings in the Markman Report and urged the Board to not take action on this item.

Ms. Pelot voiced her concerns over the proposed action suggesting that it could be considered a gift of public funds. She added that to indemnify the General Manager doesn’t leave the Board the option of termination as per his contract.

Mr. Lowrey commented that eventually there could be a criminal investigation, although not for the General Manager. He opined that it is in the best interest of the District to have the General Manager represented by the correct counsel in connection with those investigations, which is what he said the Resolution is limited to. Mr. Lowrey stated that there is no information, and no evidence has been presented to indicate that the General Manager would have a criminal complaint lodged against him. Mr. Lowrey stated that the arbitration clause is extremely common and is a standard provision in attorney engagement agreements. He added that the Resolution is drafted so that the representation would not continue if he were to advise, and the Board was to find, there is a conflict. Mr. Lowrey opined that all activities of the General Manager in connection with this matter, as described in both the Markman and Remcho reports, were taken in the course and scope of his duties, in good faith, and in the best interest of the District. Mr. Lowrey recommended that the Board support their employee, as they are required to do, for civil matters and are authorized to do for other matters, by providing a defense and representation in this matter.

Agenda Item 9-E (continued):

Mr. Lowrey stated that the Resolution does not provide for indemnification, but for defense and defense representation during the investigation. He reiterated that there is only the investigation at this point as no lawsuit has been filed or complaint made against the General Manager. Mr. Lowrey stated that this was not a gift of public funds because it was being done in accordance with the Government Code. He added that the findings need to be made that it was done in the course and scope of the General Manager's duties as well as making the other findings that are in the Resolution. Mr. Lowrey stated that he is firmly committed to the opinion, and he advised and recommended, that this is an appropriate action to be taken by the Board, in the public interest, to support their employee. He added that it is important for the Board to demonstrate their support of the District employees when they act in the interests of the District and its ratepayers, and again recommended the Board adopt the Resolution and engage Mr. Churchwell of DLA Piper.

Director Shriner asked if the District's insurance would pay for the General Manager's attorney. She asked if the attorney/client privilege between Mr. Churchwell and the General Manager would be available to the Board so they could be kept abreast of the investigation. Director Shriner asked for clarification on the word "commission" in the contract.

Director Shriner noted that she hired her own attorney for an investigation, paid the fees herself, and is a volunteer Board member. She asked if there is a clause for volunteer Board members who are carrying out business of the District and if they can have their fees compensated or if it is an individual decision.

Mr. Lowrey answered Director Shriner's questions and commented that the District's insurance was contacted but they were unable to say if there would be coverage since it is still in the investigation stage and no complaint has been filed. He said that the attorney/client privilege would be between the General Manager and Mr. Churchwell. Mr. Lowrey said that "commission" means "something that is done". In regards to Director Shriner's question regarding compensation, he stated that the law has been interpreted to include Board members as officials of the District.

Director Gustafson commented that from early on, the press has not supported the District. He stated that he supports the General Manager 150% and has confidence in him and the District.

Vice President Burns asked if the District is premature in setting up a lawyer now or should they wait until there is an allegation against the General Manager. He also commented that he fully supports providing the General Manager someone to help him through this process, but he is concerned over the cost. Vice President Burns asked if there could be a cap to the amount authorized and once that amount is reached, it would come back to the Board for consideration.

Agenda Item 9-E (continued):

Mr. Lowrey commented that this was the right time to engage counsel for the General Manager as there will be ongoing investigation. He added that a cap can be set and brought back to the Board when it is reached.

Vice President Burns commented that the District Attorney said there was no investigation directed at the General Manager. Mr. Lowrey opined that the General Manager could still be involved in investigation that is mentioned in the Remcho Report even though it is not directed at him. He reiterated that the General Manager needs to have representation and that it is in the best interest of the District that he have representation in those matters.

Director Nishi made a motion to adopt Resolution No. 2011-55 to review a request by the General Manager under Government Code Sections 995-996.6 and 825-825.6 and authorize the District to engage Legal Counsel for the General Manager. Director Gustafson seconded the motion. Mr. Lowrey noted that it was with the addition that the Board President has the authorization to sign the contract with DLA Piper. Vice President Burns asked if the motion was without a cap. Director Nishi answered affirmatively. He added that the Board has an obligation as Directors towards the employees and in his opinion, it wasn't going to be of a significant cost. Director Shriner asked if there could consider amending the motion to include a cap of \$10,000 to be revisited when it reached that cap. Director Nishi said that he didn't think an employee's name should have a cap, and if this investigation starts to go south, the Board will have to revisit it at that time. Director Shriner commented that it speaks to the reasonable cost in the Mission Statement. The motion was passed.

Director Gustafson	-	Yes	Vice President Burns	-	Abstained
Director Shriner	-	Yes	President Lee	-	Yes
Director Nishi	-	Yes			

Vice President Burns commented that although he supports the General Manager fully, he could not support this request without a cap. Director Shriner said that she was voting in the affirmative so that this could be revisited at some point.

F. Consider Providing Direction to the Board President on Nomination to the California Special Districts Association Region 3C Seat:

Mr. Niizawa introduced this item.

Director Nishi made a motion to direct the Board President to nominate Kathryn Slater-Carter to the California Special Districts Association Region 3C Seat. Director Gustafson seconded the motion. The motion was passed.

Director Gustafson	-	Yes	Vice President Burns	-	Yes
Director Shriner	-	No	President Lee	-	Yes
Director Nishi	-	Yes			

G. Consider Revising the Director Appointment to the Budget and Personnel Committee:

President Lee stated that he wanted to change the appointment to the Budget and Personnel Committee. He said that he was removing Director Gustafson from the Committee and adding himself to the Committee.

Director Gustafson made a motion to revise the Director appointment to the Budget and Personnel Committee. Vice President Burns seconded the motion. The motion was passed.

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

Director Nishi asked if there needed to be an agenda item for the Board President to make changes to the Committees. Mr Lowrey answered that if they were Board appointed Committees there needed to be an agenda item, but if it was an Ad-Hoc Committee there didn't.

10. Staff Report:

A. Annexation of the Ord Community into the Marina Coast Water District:

Mr. Niizawa introduced this item and commented that Denise Duffy and Associates was doing the environmental work for the annexation. He added that District staff talked with LAFCO staff and they recommended that the District consider annexation of all the developed portions of the Ord Community and any additional areas that were planned for development with the next five to ten years. Mr. Niizawa stated that LAFCO said it would be appropriate for the District to expand its Sphere of Influence to the physical boundaries of the developable areas of the Ord Community. He commented that Denise Duffy and Associates has provided District staff an Administrative Draft/Initial Study of the annexation and review should be completed within the next month.

Ms. Pelot asked what the timeline was once the Administrative Draft/Initial Study report was completed.

Mr. George Riley, Monterey resident, commented that he was working on a campaign in the Ord Community and it was very difficult to understand why the people living in the Marina Coast Water District's area were voting for someone on the Monterey Peninsula Water Management District which doesn't have any water responsibility in the area. He urged the District to get the situation cleaned up as soon as possible.

Ms. Brenda Lewis, Monterey Peninsula Water Management District, commented that she is still fielding questions from people in the Ord Community who have questions about their water.

Agenda Item 10-A (continued):

Ms. Lewis urged the District to consider including the Ord Community so they could have representation. She asked if the Ord Community included Seaside Highlands.

Vice President Burns asked when the District is going to go to FORA with this information. Mr. Heitzman answered that staff is still in the process of working with LAFCO staff and the District will also need to meet with the different jurisdictions.

Director Shriner asked to answer the public's questions.

Mr. Heitzman answered that Seaside Highlands is in the District's service area. He also said the timeline is undetermined because the District has not yet made a formal application to LAFCO.

Director Shriner asked that contact information be given to Ms. Lewis. She also asked if the LAFCO report will have pros and cons on the annexation. Director Shriner suggested the District look into working with the City of Marina on environmental work as they are planning an annexation as well.

Mr. Heitzman commented that staff could look into it, but usually each entity has to do their own work, although they can sometimes include work from another entity. Mr. Heitzman commented that over the years the pros and cons have been provided in workshops at Board meetings.

President Lee asked if there was somewhere someone can make their complaints. Mr. Heitzman answered that they can go on the website and make their complaints to the General Manager.

Director Gustafson commented that his number was in the phone book and anyone can call him with their issues. He added that the 1961 Agreement with the City of Marina requires that the residents must vote on whether to annex.

11. Informational Items:

A. General Manager's Report:

No report.

B. District Engineer's Report:

No report.

C. Counsel's Report:

No report.

D. Committee and Board Liaison Reports:

1. Water Conservation Commission:

Vice President Burns commented that they had a recommendation for the school teacher that was approved in the consent calendar.

2. Joint City-District Committee:

President Lee commented that they haven't met yet.

3. MRWPCA Board Member:

Vice President Burns commented that the meeting was boiler-plate.

4. LAFCO Liaison:

Director Nishi commented that the meeting was boiler-plate.

5. FORA:

Director Gustafson commented that everyone was at the FORA meeting. President Lee stated that he was not.

6. Special Districts Association Liaison:

Director Gustafson commented that the meeting was scheduled for the next week.

7. JPIA Liaison:

Director Shriner commented that ACWA has a conference coming up September 23-23, 2011 in San Diego.

8. CalDesal:

Mr. Heitzman commented that CalDesal met in Sacramento with the State Water Resources Control Board to discuss brine discharges.

9. Executive Committee:

No meeting was held.

10. Community Outreach:

Director Gustafson commented that the General Manager participated in a television program where he interviewed three individuals.

11. Regional Desalination Reports:

Mr. Heitzman commented that the report was handed out before the meeting and noted that the report was on the Regional Desalination website along with conceptual drawings of what the plant might look like. He added that if anyone had questions to contact him. Mr. Heitzman noted that the Coastal Commission Application was available for public viewing.

E. Director's Comments:

Director Nishi congratulated staff for doing a professional job changing the wharf hydrants to regular hydrants and suggested putting it in the newsletter. He added that he would like to see the final costs for the change out. Director Nishi commented that it is the responsibility of the Directors to set an example and not park in the visitor or customer parking spaces.

Director Shriner thanked the members of the public and media for attending the meeting and for their attention to the water in this region as it is a very important matter. She thanked staff and said they have done a great job putting together the agenda packet and giving the Board important information to help make their decisions. Director Shriner commented that the District is becoming pivotal and of primary importance to the regional water and economic stability of the region. She commented that all the Directors should be making sure the project and water service is environmentally sound and economically feasible in every way they can and thanked everyone for their hard work.

12. Adjournment:

The meeting was adjourned at 9:28 p.m.

APPROVED:

William Y. Lee, President

ATTEST:

Jim Heitzman, General Manager

Marina Coast Water District
Agenda Transmittal

Agenda Item: 9-A

Meeting Date: August 9, 2011

Submitted By: Lloyd Lowrey

Presented By: Lloyd Lowrey

Reviewed By: Jim Heitzman

Agenda Title: Reconsider Adoption of Resolution No. 2011-55 to Review a Request by the General Manager under Government Code Sections 995-996.6 and 825-825.6 and Authorize the District to Engage Legal Counsel for the General Manager

Detailed Description: The Board is requested to reconsider the adoption of Resolution No. 2011-55 to review a request by the General Manager under Government Code Sections 995-996.6 and 825-825.6 and authorize the District to engage legal counsel for the General Manager.

On July 12, 2011, the Board of Directors approved Resolution No. 2011-55 with a vote of 4-Ayes and 1-Abstention (Burns).

As a member of the Board who voted on the prevailing side, Director Shriner asked that this item be reconsidered on August 9, 2011. Section 33 (Reconsideration) of the District's Board Procedures Manual states that "At the meeting succeeding that on which a final vote on any question has been taken, said vote may be reconsidered on the motion of a member of the Board who voted on the prevailing side. A motion to reconsider shall be in order only if that item had been timely placed on that agenda. It shall not be in order for any member to move a reconsideration at the meeting at which such final vote was taken. Said motion of reconsideration shall have precedence over every other motion."

The Board of Directors will be required to vote on whether to reconsider this item. The information below was provided at the July 12, 2011 Board meeting.

Marina Coast Water District (MCWD) has for many years supported and participated in regional efforts to augment the water supply for the region that includes the area served by MCWD. Recent efforts have focused on the Regional Desalination Project ("RDP") approved by the California Public Utilities Commission through its proceeding number A.04-09-019, in which MCWD has participated as a party. The Board approved a contract in 2007 to employ Jim Heitzman as MCWD's General Manager, and Mr. Heitzman has been continuously employed in that capacity to date, devoting considerable time at the Board's direction to MCWD's participation in regional water planning efforts, particularly the RDP. On April 5, 2010, the Board adopted Resolution No. 2010-20, approving MCWD's participation in the RDP in accordance with a Settlement Agreement and Water Purchase Agreement, subject to approval by the CPUC. After the CPUC approved the project in December 2010, the Board on February 22, 2011 approved a Project Management Agreement with RMC Water and Environment ("RMC").

On June 21, 2011, Monterey County released a document entitled "Summary of Preliminary Findings Regarding Director Stephen Collins' Business Relationship With RMC Water and Environment and Marina Coast Water District." The Summary, prepared by Remcho, Johansen

& Purcell, LLP, (the "Remcho Report"), stated that certain conduct raises questions about the validity of contracts to which Marina Coast Water District is a party and named MCWD's General Manager, Jim Heitzman, in connection with the conduct questioned. On July 1, 2011, the MCWD Board voted to release a document entitled "Preliminary Report on Conflicts of Interest in the Processing and Approval of the Regional Desalination Project Contracts and the Impact of any Conflict on the Validity of the Contracts" prepared by James L. Markman and others of the law firm of Richards, Watson & Gershon (the "Markman Report"), which found no facts to indicate that either Mr. Heitzman or any other official of MCWD violated Government Code section 1090 or any other provision of law prohibiting conflicts of interest.

On July 6, 2011, the General Manager submitted a written request to MCWD's Board of Directors, requesting defense and indemnification of any claims against him as General Manager or individually for his actions within the scope of his employment for MCWD in connection with the RDP, including the matters discussed in the Remcho Report. The request was made in accordance with Government Code Sections 995-996.6 and 825-825.6.

No legal or administrative claims, actions, or proceedings have been instituted against either MCWD or the General Manager. However, as demonstrated by the Remcho Report, there are ongoing investigations into this matter which involve requests or demands to interview or obtain information or testimony from the General Manager.

The Government Code requires a public entity, upon request of an employee or former employee to provide for the defense of a civil action unless the entity finds that the act or omission giving rise to the claim was not within the scope of employment, that the employee acted because of actual fraud, corruption, or actual malice, or that the defense would create a specific conflict of interest between the entity and the employee. A public entity is not required to, but may provide for the defense of an administrative proceeding and for criminal actions and proceedings for an act or omission in the scope of employment, upon a determination that the defense would be in the best interests of the public entity and that the employee acted in good faith, without malice and in the apparent interests of the public entity.

Environmental Review Compliance: None required.

Prior Committee or Board Action: The Board approved MCWD's participation in the RDP and Jim Heitzman's employment as MCWD's General Manager as discussed above.

Board Goals/Objectives: *Strategic Plan, 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.*

Financial Impact: X Yes No

Funding Source/Recap: Administration account.

Material Included for Information/Consideration: Resolution No. 2011-55; and, Copy of Request dated July 6, 2011, from the General Manager.

July 12, 2011

Resolution No. 2011-55
Resolution of the Board of Directors
Marina Coast Water District
Approving Engagement of Legal Counsel Steve Churchwell, DLA Piper LLP
for the General Manager

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on July 12, 2011, at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, the District employed Jim Heitzman in 2007 to serve as the District’s General Manager and Mr. Heitzman has been so employed continuously since then; and,

WHEREAS, the District has for many years supported and participated in regional efforts to augment the water supply for the region that includes the area served by MCWD, recent efforts having focused on the Regional Desalination Project (“RDP”) approved by the California Public Utilities Commission through its proceeding number A.04-09-019, in which MCWD has participated as a party; and,

WHEREAS, on April 5, 2010, the Directors adopted Resolution No. 2010-20, approving MCWD’s participation in the RDP in accordance with a Settlement Agreement and Water Purchase Agreement, subject to approval by the CPUC; and,

WHEREAS, after the CPUC approved the RDP in December 2010, the Directors on February 22, 2011 approved a Project Management Agreement with RMC Water and Environment (“RMC”); and,

WHEREAS, public statements have raised questions about the propriety of certain conduct in connection with the approval of agreements for the RDP by the Monterey County Board of Supervisors, which statements have mentioned the General Manager’s name in connection with the questioned conduct; and,

WHEREAS, such public statements have mentioned ongoing investigations by the Monterey County District Attorney and the State Fair Political Practices Commission; and,

WHEREAS, such statements have included statements made in a document prepared by Remcho, Johansen & Purcell, LLP, entitled “Summary of Preliminary Findings Regarding Director Stephen Collins’ Business Relationship With RMC Water and Environment and Marina Coast Water District” (the “Remcho Report”), released by Monterey County on June 21, 2011; and,

WHEREAS, the District, on July 1, 2011, received and the Directors reviewed a document entitled “Preliminary Report on Conflicts of Interest in the Processing and Approval of the Regional Desalination Project Contracts and the Impact of any Conflict on the Validity of the Contracts” prepared by James L. Markman and others of the law firm of Richards, Watson &

Gershon (the “Markman Report”), which found no facts to indicate that either Mr. Heitzman or any other official of Marina Coast violated Government Code section 1090 or any other provision of law prohibiting conflicts of interest; and,

WHEREAS, the General Manager, on July 5, 2011, submitted a written request to the Directors, requesting defense and indemnification of any claims against him as General Manager or individually for his actions within the scope of his employment for MCWD in connection with the RDP, including the matters discussed in the Remcho Report. The request was made in accordance with Government Code Sections 995-996.6 and 825-825.6; and,

WHEREAS, District Counsel advises that the Government Code requires a public entity, upon request of an employee or former employee to provide for the defense of a civil action unless the entity finds that the act or omission giving rise to the claim was not within the scope of employment, that the employee acted because of actual fraud, corruption, or actual malice, or that the defense would create a specific conflict of interest between the entity and the employee; and,

WHEREAS, District Counsel further advises that a public entity is not required to, but may provide for the defense of an administrative proceeding and for criminal actions and proceedings for an act or omission in the scope of employment, upon a determination that the defense would be in the best interests of the public entity and that the employee acted in good faith, without malice and in the apparent interests of the public entity; and,

WHEREAS, although no legal or administrative or proceedings have been instituted, public statements have referenced an ongoing investigation, which could include interviewing the General Manager or requesting or demanding information or testimony from him; and,

WHEREAS, based on the information known or available, the Directors find there is no evidence that the General Manager acted outside the scope of his employment and the authority and direction given to him by the Directors in supporting and advocating for the RDP and MCWD’s participation in the RDP and in working with legal counsel and other consultants to advise and assist the District in connection with the RDP and MCWD’s participation in the RDP; and,

WHEREAS, based on the information known or available, the Directors find there is no evidence that the General Manager did not act in good faith, without malice, upon advice of legal counsel for the District, and in the apparent interests of the District and persons served by the District; and,

WHEREAS, there is no evidence that providing for legal representation would create a specific conflict of interest between the District and the General Manager; and,

WHEREAS, the Board finds that it is in the best interests of the District and the persons served by the District to approve and authorize and provide for the legal representation of the General Manager in connection with investigations by the Monterey County District Attorney or the State Fair Political Practices Commission concerning the Regional Desalination Project, the matters discussed in the Remcho Report and any related matters; in accordance with Government Code Sections 995-996.6 and 825-825.6.

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. The District shall provide for legal representation of Jim Heitzman through MCWD's designated legal counsel, Steve Churchwell, DLA Piper LLP., 400 Capitol Mall, Suite 2400, Sacramento, CA 95814, in connection with any requests or demands for information or testimony as part of any investigations by the Monterey County District Attorney or the State Fair Political Practices Commission relating to Mr. Heitzman in his official or individual capacity or both, on account of any act or omission occurring within the scope of Mr. Heitzman's employment as an employee of Marina Coast Water District in connection with the Regional Desalination Project described in MCWD Board Resolution No. 2010-20 and with matters discussed in the Remcho Report; and,

2. The District will pay the reasonable cost of Mr. Heitzman's counsel approved by the Directors to advise, represent and defend Mr. Heitzman, for so long as District Counsel advises and the directors find that there is no specific conflict of interest between the District and Mr. Heitzman. The Board President is authorized to sign the contract with Steve Churchwell, DLA Piper LLP.

PASSED AND ADOPTED on July 12, 2011, by the Board of Directors of the Marina Coast Water District by the following roll call vote:

Ayes: Directors Gustafson, Nishi, Shriner, Lee
Noes: Directors None
Absent: Directors None
Abstained: Directors Burns

William Y. Lee, 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. 2011-55 adopted July 12, 2011.

Jim Heitzman, Secretary

To: Board of Directors, Marina Coast Water District

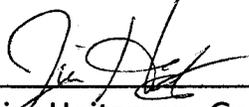
I request that you provide for my defense through MCWD's designated legal counsel, to the fullest extent required and permitted by Government Code Sections 995 through 996.6, inclusive, of any civil action or proceeding, any administrative proceeding and any criminal action or proceeding brought against me in my official or individual capacity or both, on account of any act or omission occurring within the scope of my employment as an employee of Marina Coast Water District in connection with the Regional Desalination Project described in MCWD Board Resolution No. 2010-20 and with matters discussed in a document released by the County of Monterey on June 21, 2011, entitled "Summary of Preliminary Findings Regarding Director Stephen Collins' Business Relationship With RMC Water and Environment and Marina Coast Water District." The Summary, prepared by Remcho, Johansen & Purcell, LLP, (the "Remcho Report"), states that certain conduct raises questions about the validity of contracts to which Marina Coast Water District is a party and names me in connection with the conduct questioned. I further request that you defend and indemnify me against any claim or action against me in connection with the above matters, to the fullest extent required and permitted by Government Code Sections 825 through 825.6, inclusive.

All of my actions in connection with the Regional Desalination Project have occurred within the scope of my employment as an employee of Marina Coast Water District as authorized and directed by the Board of Directors of MCWD. All of my actions have been undertaken and conducted in good faith in the furtherance of the apparent and best interests of MCWD and the constituents of MCWD. The "Preliminary Report on Conflicts of Interest in the Processing and Approval of the Regional Desalination Project Contracts and the Impact of any Conflict on the Validity of the Contracts" prepared by James L. Markman and others of the law firm of Richards, Watson & Gershon and released by MCWD on July 1, 2011 the ("Markman Report"), found no facts to indicate that either I or any other official of Marina Coast violated Government Code section 1090 or any other provision of law prohibiting conflicts of interest. You have previously received copies of the Remcho Report and the Preliminary Report.

Thank you for your prompt attention to this request.

Dated: July 6, 2011

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jim Heitzman", written over a horizontal line.

Jim Heitzman, General Manager
Marina Coast Water District

Marina Coast Water District
Agenda Transmittal

Agenda Item: 9-B

Meeting Date: August 9, 2011

Submitted By: Jean Premutati
Reviewed By: Carl Niizawa

Presented By: Kelly Cadiente

Agenda Title: Consider Adoption of Resolution No. 2011-58 to Approve Revisions to the Finance Department Reorganization, Job Description and Salary Schedules

Detailed Description: The Board of Directors is requested to consider approval of revisions to the Finance Department reorganization, job description and salary schedules. At the July 12, 2011, regular Board meeting, approval was given to reorganize the Finance Department.

Upon further review, staff anticipates a need for an additional position to serve as back up to the Director of Administrative Services (DAS) by providing supervisory and complex financial analysis within the department in the absence of the DAS. Rather than create a new classification, staff recommends including these additional responsibilities in the recently approved Accountant classification and revising the position to an Accountant I/II/III. A revised job description and organizational chart are submitted to identify the change in classification.

Also, in the original reorganization the entry-level Accounting Technician was thought to have been linked to the Customer Service classification which was incorrect. A revised Teamsters Unit salary schedule is included to reflect the correction.

Environmental Review Compliance: None.

Prior Committee or Board Action: Board approved Resolution No. 2011-52 approving the reorganization of the finance department and related classifications and job descriptions.

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 X No

At this time there is no anticipated fiscal impact. Future promotions with the new salary schedules may have an impact on compensation.

Material Included for Information/Consideration: Resolution No. 2011-58; Current and Proposed Organizational Charts, MCWDEA and revised Teamsters Unit Salary Schedules; Revised job description for Accountant I/II/III.

Staff Recommendation: The Board of Directors approve Resolution No. 2011-58 to approve revisions to the Finance Department reorganization, job description, and salary schedules.

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 _____

August 9, 2011

Resolution No. 2011-58
Resolution of the Board of Directors
Marina Coast Water District
Approve Revisions to the Finance Department Reorganization,
Job Description and Salary Schedules

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on August 9, 2011 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, at the July 12, 2011 Regular Board Meeting, approval was given to reorganize the Finance Department; and,

WHEREAS, upon further review staff anticipates an additional need to serve as back up to the Director of Administrative Services (DAS) by providing supervisory and complex financial analysis within the department in the absence of the DAS. Rather than create a new classification, staff recommends including these additional responsibilities in the recently approved Accountant classification and revising the position to an Accountant I/II/III; and,

WHEREAS, in the original reorganization the entry-level Accounting Technician was thought to have been linked to the Customer Service classification which was incorrect. A revised Teamsters Unit salary schedule is included to reflect this.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby approve adoption of Resolution No. 2011-xx to revise the reorganization, job description and salary schedules and authorize the General Manager to take all actions necessary to execute this resolution.

PASSED AND ADOPTED on August 9, 2011, 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 _____

William Y. Lee, 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. 2011-58 adopted August 9, 2011.

Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 9-C

Meeting Date: August 9, 2011

Submitted By: Kelly Cadiente

Presented By: Jim Heitzman

Reviewed By: Carl Niizawa

Agenda Title: Consider Adoption of Resolution No. 2011-59 to Approve Submittal of the Clean Water State Revolving Fund Financial Assistance Application to the State Water Resources Control Board and Designate the General Manager as the Authorized District Representative

Detailed Description: The District is pursuing financing/funding from the Clean Water State Revolving Fund (CWSRF), administered by the State Water Resources Control Board (SWRCB) for the Regional Desalination Project (RDP). RMC Water and Environment will prepare Financial Assistance Applications with assistance from District staff for the RDP by project component.

With the CWSRF application, the SWRCB requires the District to designate a representative and have that representative certify that the District has and will comply with all applicable state and federal statutory and regulatory requirements related to any financing or financing assistance received from the SWRCB.

Resolution No. 2011-59 is to approve submittal of the application and designate the General Manager of the District, as the authorized representative.

Environmental Review Compliance: None.

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 X No

Funding Source/Recap:

Material Included for Information/Consideration: Resolution No. 2011-59.

Staff Recommendation: The Board of Directors adopt Resolution No. 2011-59 to approve submittal of the CWSRF financial assistance application to the SWRCB and designate the District General Manager as the authorized representative.

August 9, 2011

Resolution No. 2011 - 59
Resolution of the Board of Directors
Marina Coast Water District
Approve the Submittal of the Clean Water State Revolving Fund Application
to the State Water Resources Control Board
and Designate the General Manager as the Authorized Representative

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on August 9, 2011 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, the Marina Coast Water District is pursuing financing from the State Water Resources Control Board Clean Water State Revolving Fund for the Regional Desalination Project; and,

WHEREAS, the State Water Resources Control Board requires an agency’s governing body to formally authorize a representative to sign and file on its behalf the Clean Water State Revolving Fund application.

NOW, THEREFORE, BE IT RESOLVED, that the General Manager is hereby authorized and directed to sign and file, for and on behalf of the District, a Financial Assistance Application for financing agreement from the State Water Resources Control Board for the planning, design, and construction of the Desalination Plant, Pipelines and Storage Project included in the Regional Desalination Project; and,

BE IT FURTHER RESOLVED, that the District hereby agrees and further does authorize the aforementioned representative or his/her designee to certify that the District has and will comply with all applicable state and federal statutory and regulatory requirements related to any financing or financing assistance received from the State Water Resources Control Board; and,

BE IT FURTHER RESOLVED, that the General Manager or his/her designee of the District is hereby authorized to negotiate and execute a financing assistance agreement from the State Water Resources Control Board and any amendments or change orders thereto and certify financing agreement disbursements on behalf of the District.

PASSED AND ADOPTED on August 9, 2011, 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 _____

William Y. Lee, 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. 2011-59 adopted August 9, 2011.

Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 9-D

Meeting Date: August 9, 2011

Submitted By: Kelly Cadiente
Reviewed By: Carl Niizawa

Presented By: Kelly Cadiente

Agenda Title: Consider Adoption of Resolution No. 2011-60 to Authorize the General Manager and/or Deputy General Manager/District Engineer to Execute a Consultant Services Agreement with Evans Group International, LLC for Services Related to the Regional Desalination Project

Detailed Description: Staff is requesting the Board consider adoption of Resolution No. 2011-60 to authorize the General Manager and/or the Deputy General Manger/District Engineer to execute a consultant services agreement with the Evans Group International, LLC (Evans Group) for services related to the Regional Desalination Project (RDP).

The Evans Group provided consulting services to the District regarding the California Public Utilities Commission (CPUC) review of the RDP as a sub consultant to the District's counsel, Noland, Hamerly, Etienne, & Hoss. Since the CPUC process and appeals are completed, it would be beneficial for the RDP and the District for The Evans Group to continue to provide consulting services directly to the District.

The scope of consulting services includes:

- Environmental impact assessment and permitting consulting
- Financial planning advice and consulting
- Engineering and construction advice and consulting
- Project budgeting and scheduling advice and consulting
- Operational budgeting and scheduling advice and consulting
- Interagency advice, coordination, and consulting
- Other tasks as assigned

Payment for services rendered shall be at a rate of \$300 per hour for services performed by the Evans Group. In addition, Evans Group shall be reimbursed at actual costs for all reasonable expenses incurred on behalf of MCWD under this Agreement in the performance of the services. Services shall commence on the date the Board approves Resolution No. 2011-60 and will continue for an open-ended period from that date unless terminated earlier by either the Evans Group or the District.

Environmental Review Compliance: None.

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: Funded through the Line of Credit with California American Water.

Material Included for Information/Consideration: Resolution No. 2011-60.

Staff Recommendation: The Board of Directors consider adopting Resolution No. 2011-60 to authorize the General Manger and/or Deputy General Manger/District Engineer to execute a consultant services agreement with Evans Group International, LLC for services related to the RDP.

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

Resolution No _____	Motion By _____	Board Action	Seconded By _____
Ayes _____		Abstained _____	
Noes _____		Absent _____	
Reagendized _____	Date _____	No Action Taken _____	

August 9, 2011

Resolution No. 2011 - 60
Resolution of the Board of Directors
Marina Coast Water District

Authorizing the General Manger and/or Deputy General Manager to Execute a Consultant Services Agreement with Evans Group International, LLC for Services Related to the Regional Desalination Project

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on August 9, 2011, at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, staff is requesting the Board consider approve consultant services agreement with Evans Group International, LLC for services related to the Regional Desalination Project (RDP); and,

WHEREAS, Evans Group provided consulting services to the District regarding the California Public Utilities Commission (CPUC) review of the RDP as a sub-consultant to the District’s counsel, Noland, Hamerly, Etienne, & Hoss; and,

WHEREAS, since the CPUC process and appeals are completed, it would be beneficial for the RDP and the District for The Evans Group to continue to provide consulting services directly to the District.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby adopt Resolution No. 2011-60, authorizing the General Manager and/or Deputy General Manager/District Engineer to take all necessary action to execute a consultant services agreement with Evans Group International, LLC for consultant services related to the RDP.

PASSED AND ADOPTED on August 9, 2011, 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 _____

William Y. Lee, 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. 2011-60 adopted August 9, 2011.

Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 9-E

Meeting Date: August 9, 2011

Submitted By: Kelly Cadiente
Reviewed By: Jim Heitzman

Presented By: Jim Heitzman

Agenda Title: Consider Adoption of Resolution No. 2011-61 to Approve a Request for Proposals to Provide Legal Review of Documents Related to the District's Water and Wastewater Operations

Detailed Description: Staff is requesting the Board consider adoption of Resolution No. 2011-61 to approve a Request for Proposals (RFP's) to provide professional legal review of documents related to the District's water and wastewater operations. It is essential for both Board and staff members to be well versed and knowledgeable in the multiple agreements and contracts that span the District's over fifty-year history.

With recent changes in the Board and staff, a need has been identified to create a summary of all key documents in chronological order that includes established provisions and legal requirements. This will serve as an orientation and reference tool and offset any shortfall of institutional knowledge.

The scope of services in the RFP will include:

- Review District agreements and documents
- Provide a synopsis of the documents reviewed
- Compiling a summarized chronological history of District agreements and contracts

Environmental Review Compliance: None.

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: X Yes No

Funding Source/Recap: Funded through FY 2011/2012 Operating Budget of the Central Marina and Ord Community cost centers – Consulting Services line item.

Material Included for Information/Consideration: Resolution No. 2011-61.

Staff Recommendation: The Board of Directors adopt Resolution No. 2011-61 to approve a request for proposals (RFP's) to provide legal review of documents related to the District's water and wastewater operations.

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

Resolution No _____ Motion By _____ Board Action Seconded By _____
Ayes _____ Abstained _____
Noes _____ Absent _____
Reagendized _____ Date _____ No Action Taken _____

August 9, 2011

Resolution No. 2011 - 61
Resolution of the Board of Directors
Marina Coast Water District
Approving a Request for Proposals to Provide Legal Review of Documents
Related to the District's Water and Wastewater Operations

RESOLVED by the Board of Directors ("Directors") of the Marina Coast Water District ("District"), at a regular meeting duly called and held on August 9, 2011 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, staff is requesting the Board to consider approving a request for proposals for legal review of documents related to the District's water and wastewater operations; and,

WHEREAS, due to the importance for the District's Board members and staff to be knowledgeable of the multiple agreements and contracts of the District, staff has identified a need for a history of the District's contacts and agreements; and,

WHEREAS, the document review services referenced in the request for proposals includes compiling a history of the District's contracts and agreements.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby adopt Resolution No. 2011-61, approving a request for proposals for legal review of documents related to the District's water and wastewater operations.

PASSED AND ADOPTED on August 9, 2011, 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 _____

William Y. Lee, 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. 2011-61 adopted August 9, 2011.

Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 9-F

Meeting Date: August 9, 2011

Submitted By: Patrick Breen

Presented By: Carl Niizawa

Reviewed By: Carl Niizawa

Agenda Title: Consider Adoption of Resolution No. 2011-62 to Authorize the General Manager and/or Deputy General Manager/District Engineer to Enter into a Professional Services Agreement with Davies Public Affairs for Public Outreach Services

Detailed Description: The Board of Directors is requested to authorize the General Manager and/or Deputy General Manager/District Engineer to enter into a Professional Services Agreement with Davies Public Affairs to provide professional services related to Public Outreach.

Based on the quantity of District activities in recent months, it has become apparent that the District is in need of support services related to public outreach to facilitate public communications. To address this need, in July staff recommended that a Request for Proposal process be initiated for procurement of a consultant for public outreach and communication services.

At the July 1, 2011 special Board meeting, the Directors passed Resolution No. 2011-48 that authorized the General Manager and/or Deputy General Manager/District Engineer to issue a Request for Proposal (RFP) for Professional Services related to Public Outreach Activities.

On July 7, 2011, District staff issued a RFP for Public Outreach Services. The RFP was advertised on the District website and electronic mailers. Four firms, Davies Public Affairs, Lynn Banks Marketing Consulting, Circlepoint, and Tramutola, responded to the RFP. Staff conducted interviews with the four respondents on July 29, 2011 and August 1, 2011.

Staff considered the relevant experience, past performance, situational awareness, approach, and availability of each firm. Based on staff review of the proposals received, qualifications, interviews, and approaches detailed, Davies Public Affairs is recommended as the firm that represents the best Public Outreach service provider for the District based on the criteria considered.

The services would be provided on an as needed basis billed pursuant to the attached fee schedule and will not exceed \$100,000 without further Board approval.

Environmental Review Compliance: Not required.

Prior Committee or Board Action: On July 1, 2011 the Board of Directors adopted Resolution No. 2011-48.

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: These services will be funded from District reserves.

Material Included for Information/Consideration: Resolution No. 2011-62.

Staff Recommendation: The Board of Directors consider adoption of Resolution No. 2011-62 that authorizes the General Manager and/or Deputy General Manager/District Engineer to enter into a Professional Services Agreement with Davies Public Affairs for Public Outreach services.

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_____

August 9, 2011

Resolution No. 2011-62
Resolution of the Board of Directors
Marina Coast Water District

Authorizing the General Manager and/or Deputy General Manager/District Engineer to Enter Into a Professional Services Agreement with Davies Public Affairs for Public Outreach Services

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on August 9, 2011 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, the District is in need of services related to public outreach activities to facilitate public communications; and,

WHEREAS, at the July 1, 2011 special Board meeting, the Directors passed Resolution No. 2011-48 to authorize the General Manager and/or Deputy General Manager/District Engineer to issue a Request for Proposal for Professional Services related to Public Outreach Activities; and,

WHEREAS, District staff reviewed proposals, qualifications, conducted interviews, and based upon the information and approaches detailed, found Davies Public Affairs be the recommended respondent to assist the District with public outreach services; and,

WHEREAS, Davies Public Affairs is an experienced public outreach firm and can provide the level of expertise, guidance and assistance required to meet the District’s public outreach needs.

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

- 1) Authorize the General Manager and/or Deputy General Manager/District Engineer to enter into a Professional Services Agreement with Davies Public Affairs for Public Outreach Services.
- 2) To take all actions and execute all documents as may be necessary or appropriate to give effect to this resolution, for a total dollar amount not-to-exceed \$100,000.

PASSED AND ADOPTED on August 9, 2011 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 _____

William Y. Lee, 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. 2010-62 adopted August 9, 2011.

Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 9-G

Meeting Date: August 9, 2011

Submitted By: Gary Rogers
Reviewed By: Carl Niizawa

Presented By: Gary Rogers

Agenda Title: Consider Adoption of Resolution No. 2011-63 to Amend the Professional Services Agreement for General Engineering Services with Schaaf & Wheeler Consulting Civil Engineers for the Well No. 34 Installation

Detailed Description: The Board of Directors is requested to authorize amending the Professional Services Agreement for General Engineering Services with Schaaf & Wheeler Consulting Civil Engineers (Resolution No. 2007-04) to: (1) finalize the design of the Well No. 34 Site Improvements; (2) provide bid-phase support; and, (3) provide construction-phase support. The encumbered value of this Amendment shall have a not-to-exceed amount of \$90,314.

The finalized design includes: additional on-site structures, enhanced electrical/controls design, a Process & Instrumentation Diagram and the addition of a radio repeater station. Bid-phase support includes: answering bidder questions, meeting attendance and preparation of bidding document addenda. Construction-phase support includes: Request-for-Information (RFI) responses, material submittal review, site visits/meetings and preparation of record drawings.

Schaaf & Wheeler has been previously providing support for the Well No. 34 design/bidding documents (i.e., project phases 1 & 2) and, consequently, has established the work base and knowledge to complete this project in an effective, timely manner. The timely completion of the Well No. 34 project is necessary in order for the District to receive Proposition 50 Funding.

Environmental Review Compliance: An Initial Study/Negative Declaration for the Well No. 32 Replacement/Eastern Distribution Project and Mitigation Monitoring and Reporting Program was completed and adopted via Board Resolution No. 2009-11, on February 10, 2009.

Prior Committee or Board Action: Resolution No. 2007-04, the Board approved a Professional Services Agreement with Schaaf & Wheeler Consulting Engineers for General Engineering Services; Resolution No. 2009-11, the Board adopted the Initial Study/Mitigated Negative Declaration for the Well No. 32 Replacement/Eastern Distribution System Project and approved the Mitigated Monitoring and Reporting Program; Resolution 2011-12, the Board approved Amendment No. 22 to the Schaaf & Wheeler Professional Services Agreement for General Engineering Services for As-needed General Planning, Design and Hydraulic Model Maintenance Tasks (this amendment included the work for the previous Well No. 34 design efforts).

Board Goals/Objectives: – *Objectives 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: Funding for this project is from the approved FY 2010/2011 Budget as CIP OW-0170 under the Ord Community Water Cost Center and is a line item in the FY 2011/2012 Budget. Additionally, the District will continue requesting reimbursements from the State of California Water Resources Control Board for Proposition 50 Funding.

The original General Services Contract (2007-04) was executed in February 2007 and, since this time, there have been multiple amendments. To date, there have been twenty-four executed amendments that have accrued a total contract value of \$2,193,012. The addition of this amendment will bring the total contract value to \$2,283,326. District staff has deemed this to be the last amendment to the original contract. A new General Services contact will be negotiated with Schaaf & Wheeler and will be brought to the Board for separate action.

Material Included for Information/Consideration: Resolution No. 2011-63.

Staff Recommendation: The Board of Directors consider adoption of Resolution No. 2011-63 to amend the Professional Services Agreement for General Engineering Services with Schaaf & Wheeler Consulting Civil Engineers for the Well No. 34 Installation for an Amendment Value Not-to-Exceed \$90,314.

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_____

August 9, 2011

Resolution No. 2011 - 63
Resolution of the Board of Directors
Marina Coast Water District
Amending the Professional Services Agreement for General Engineering Services with
Schaaf & Wheeler Consulting Civil Engineers for the Well No. 34 Installation

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on August 9, 2011 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, Schaaf & Wheeler has been previously providing support for the Well No. 34 design/bidding documents and, consequently, has established the work base and knowledge to complete this project in an effective, timely manner; and,

WHEREAS, the timely completion of the Well No. 34 project is necessary in order for the District to receive Proposition 50 Funding; and,

WHEREAS, the Board approved a Professional Service Agreement with Schaaf & Wheeler Consulting Engineers for General Engineering Services, Resolution No. 2007-04; and,

WHEREAS, the Board Adopted the Initial Study/Mitigated Negative Declaration for the Well No. 32 Replacement/Eastern Distribution System Project and Approved the Mitigated Monitoring and Reporting Program, Resolution No. 2009-11; and,

WHEREAS, the Board Approved Amendment No. 22 to the Schaaf & Wheeler Professional Services Agreement for General Engineering Services for As-needed General Planning, Design (which included the previous Well No. 34 design efforts) and Hydraulic Model Maintenance Tasks, Resolution 2011-12; and,

WHEREAS, to date, the original contract (2007-04) has been previously amended to a total value of \$2,193,012. The addition of this Amendment will bring the total contract value to \$2,283,326; and,

WHEREAS, authorization of this amendment is necessary to complete the work for replacement of Well No. 32 with the proposed Well No. 34.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby approve the Adoption of Resolution No. 2011-63 to Amend the Professional Services Agreement for General Engineering Services with Schaaf & Wheeler Consulting Civil Engineers for the Well No. 34 Installation for an Amendment Value Not-to-Exceed \$90,314.

PASSED AND ADOPTED on August 9, 2011 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 _____

William Y. Lee, 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. 2011-63 Adopted August 9, 2011.

Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 9-H

Meeting Date: August 9, 2011

Submitted By: Jim Heitzman

Presented By: Jim Heitzman

Reviewed By: Carl Niizawa

Agenda Title: Consider Revising the Director Appointment to the Joint City District Committee and the Liaison to the Monterey Regional Water Pollution Control Agency

Detailed Description: The Board of Directors is requested to reconsider the Director appointments to the Joint City District Committee and the liaison to the Monterey Regional Water Pollution Control Agency (MRWPCA).

On January 11, 2011, President Lee appointed Vice President Burns and himself to the Joint City District Committee and Vice President Burns as the liaison to the MRWPCA with himself as the alternate.

President Lee would like to appoint Director Gustafson to replace Vice President Burns on the Joint City District Committee, and Director Nishi to replace Vice President Burns as the liaison to the MRWPCA.

Environmental Review Compliance: None required.

Prior Committee or Board Action: On January 11, 2011, the Board of Directors approved the Committee appointments for 2011.

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: None.

Staff Recommendation: This is a Board requested item.

Action Required: Resolution Motion Review

Board Action

____ Resolution No ____ Motion By _____ Seconded By _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Reagendized _____ Date _____ No Action Taken _____

Marina Coast Water District
Staff Report

Agenda Item: 10-A

Meeting Date: August 9, 2011

Prepared By: Brian True, Paul Lord

Presented By: Brian True

Reviewed By: Carl Niizawa

Subject: 2nd Quarter 2011 Ord Community Water Consumption and Sewer Flow Report

Summary: The Board of Directors is requested to receive the 2nd Quarter 2011 Ord Community Water Consumption and Sewer Flow Report. Quarterly water consumption reports have been submitted to the Board since 2006. The quarterly consumption report contains the Ord Community water consumption data organized by land-use jurisdiction.

Below are informational annotations for the data included in the report:

- The rainfall for the 2nd quarter of 2011 (April, May, June) was 1.68-inches, just above the historical quarterly average of 1.66-inches. The evapotranspiration rate for this period was 14.01 inches, or 2.8% higher than the historical quarterly average of 13.63 inches.
- The number of customers in each category is defined as the number of active accounts within that land use jurisdiction.
- “Army Facilities & Businesses - Ord” captures all uses not listed in the other Army categories.

This staff report also includes tracking information on Ord Community sewer flows and available sewer capacity. Ord Community sanitary sewer flow for the 2nd Quarter of 2011 was 81.81 million gallons which yields an average daily sewer flow of 0.899-million-gallons-per-day (MGD). The Ord Community’s sanitary sewer flow to the Monterey Regional Water Pollution Control Agency (MRWPCA) interceptor system is measured by a District flume structure located adjacent to the retired Main Garrison wastewater treatment plant.

The District maintains sewage conveyance capacity within the Ord Community equivalent to 3.3-MGD. The 3.3-MGD is further divided into 1.1-MGD for use by the US Army and 2.2-MGD for use by others in the Ord Community.

The 3rd Quarter 2011 Ord Community Water Consumption and Sewer Flow Report will be presented to the Board in November 2011.



MARINA COAST WATER DISTRICT
 10 YEAR ANNUAL CONSUMPTION REPORT BY LAND USE JURISDICTION - DETAIL

Report Modified: 7/29/2011

LAND USE JURISDICTION	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011* as of Jun 30
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* represents year to date consumption figures which have been billed to customers

ORD COMMUNITY - ARMY

Army Facilities & Businesses - Ord

Total Consumption (af)	50.39	63.63	62.18	37.32	36.49	46.42	39.16	44.94	45.29	15.44
No. of Connections	29	29	28	28	28	29	29	29	30	31
Land Use Agency Allocation										
Water Used (%)										
MCWD WSA Estimate										
Unmetered Water Use	410	410	410	410	410	410	410	410.00	410	205

Army Construction Water - Ord

Total Consumption (af)	0.00	0.07	21.72	20.88	0.78	0.03	3.54	40.48	2.73	0.13
No. of Connections	0	1	1	4	2	1	1	3	1	1
Land Use Agency Allocation										
Water Used (%)										
MCWD WSA Estimate										
Unmetered Water Use	0	0	0	0	0	0	0	0.00	0	0

LAND USE JURISDICTION	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011* as of Jun 30
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* represents year to date consumption figures which have been billed to customers

Fitch Park Army - Ord

Total Consumption (af)	0.00	0.00	0.00	1.31	63.96	81.79	78.91	75.03	73.38	36.33
No. of Connections	0	0	0	72	211	213	213	213	213	213
Land Use Agency Allocation										
Water Used (%)										
MCWD WSA Estimate										
Unmetered Water Use	0	0	0	0	0	0	0	0.00	0	0

Hayes Park Army - Ord

Total Consumption (af)	6.20	3.03	2.26	98.03	104.95	103.17	90.42	87.52	75.30	35.59
No. of Connections	25	25	48	164	164	164	164	164	164	164
Land Use Agency Allocation										
Water Used (%)										
MCWD WSA Estimate										
Unmetered Water Use	0	0	0	0	0	0	0	0.00	0	0

Kidney - Ord

Total Consumption (af)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.50	72.92	39.79
No. of Connections	0	0	0	0	0	0	0	54	288	289
Land Use Agency Allocation										
Water Used (%)										
MCWD WSA Estimate										
Unmetered Water Use	0	0	0	0	0	0	0	0.00	0	0

LAND USE JURISDICTION	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011* as of Jun 30
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* represents year to date consumption figures which have been billed to customers

TOTALS FOR ORD COMMUNITY - ARMY										
Metered Consumption (af)	56.59	66.74	86.15	157.54	206.17	231.41	212.02	248.47	269.62	127.29
Army Retention (af)	1,577	1,577	1,577	1,577	1,577	1,577	1,577	1,577	1,577	1,577
Water Used (%)	30%	30%	31%	36%	39%	41%	39%	42%	43%	21%
Unmeterd Water Use (af)	410.00	410.00	410.00	410.00	410.00	410.00	410.00	410.00	410.00	205.00

* represents year to date consumption figures which have been billed to customers

ORD COMMUNITY - CITY OF MONTEREY

City of Monterey - Ord

Total Consumption (af)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
No. of Connections	0	0	0	0	1	0	0	0	0	0
Land Use Agency Allocation										
Water Used (%)										
MCWD WSA Estimate										
Unmetered Water Use	0	0	0	0	0	0	0	0.00	0	0

TOTALS FOR ORD COMMUNITY - CITY OF MONTEREY
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Metered Consumption (af)	0.00									
FORA Allocation (af)	65									
Water Used (%)	0%									
Unmetered Water Use (af)	0.00									

* represents year to date consumption figures which have been billed to customers

ORD COMMUNITY - COUNTY/STATE PARKS

County/State Parks - Ord

Total Consumption (af)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
No. of Connections	0	0	0	0	1	0	0	0	0	0
Land Use Agency Allocation										
Water Used (%)										
MCWD WSA Estimate										
Unmetered Water Use	0	0	0	0	0	0	0	0.00	0	0

TOTALS FOR ORD COMMUNITY - COUNTY/STATE PARKS										
Metered Consumption (af)	0.00									
FORA Allocation (af)	45									
Water Used (%)	0%									
Unmetered Water Use (af)	0.00									

LAND USE JURISDICTION	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011* as of Jun 30
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* represents year to date consumption figures which have been billed to customers

ORD COMMUNITY - CSUMB

CSUMB

Total Consumption (af)	89.07	91.23	108.13	139.72	106.07	113.27	118.71	157.88	131.29	65.61
No. of Connections	74	73	74	81	78	84	83	87	89	99
Land Use Agency Allocation										
Water Used (%)										
MCWD WSA Estimate										
Unmetered Water Use	475	475	475	475	475	475	475	350.00	0	0

CSUMB - Frederick Park

Total Consumption (af)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	16.63	96.49	49.27
No. of Connections	0	0	0	0	0	0	0	131	135	133
Land Use Agency Allocation										
Water Used (%)										
MCWD WSA Estimate										
Unmetered Water Use	0	0	0	0	0	0	0	0.00	0	0

CSUMB - Schoonover I

Total Consumption (af)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	67.25	137.35	68.85
No. of Connections	0	0	0	0	0	0	0	245	246	246
Land Use Agency Allocation										
Water Used (%)										
MCWD WSA Estimate										
Unmetered Water Use	0	0	0	0	0	0	0	0.00	0	0

LAND USE JURISDICTION	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011* as of Jun 30
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* represents year to date consumption figures which have been billed to customers

CSUMB - Schoonover II

Total Consumption (af)	22.79	20.36	18.78	18.30	15.44	15.93	23.39	28.97	33.71	15.89
No. of Connections	66	66	66	66	66	66	152	152	155	156
Land Use Agency Allocation										
Water Used (%)										
MCWD WSA Estimate										
Unmetered Water Use	0	0	0	0	0	0	0	0.00	0	0

TOTALS FOR ORD COMMUNITY - CSUMB

Metered Consumption (af)	111.85	111.59	126.91	158.01	121.51	129.20	142.10	270.73	398.85	199.62
FORA Allocation (af)	1,035	1,035	1,035	1,035	1,035	1,035	1,035	1,035	1,035	1,035
Water Used (%)	57%	57%	58%	61%	58%	58%	60%	60%	39%	19%
Unmetered Water Use (af)	475.00	475.00	475.00	475.00	475.00	475.00	475.00	350.00	0.00	0.00

* represents year to date consumption figures which have been billed to customers

ORD COMMUNITY - DEL REY OAKS

Del Rey Oaks - Ord

Total Consumption (af)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
No. of Connections	0	0	0	0	1	0	0	0	0	0
Land Use Agency Allocation										
Water Used (%)										
MCWD WSA Estimate										
Unmetered Water Use	0	0	0	0	0	0	0	0.00	0	0

TOTALS FOR ORD COMMUNITY - DEL REY OAKS										
Metered Consumption (af)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
FORA Allocation (af)	243	243	243	243	243	243	243	243	243	243
Water Used (%)	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Unmeterd Water Use (af)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

LAND USE JURISDICTION	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011* as of Jun 30
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* represents year to date consumption figures which have been billed to customers

ORD COMMUNITY - MARINA

Abrams Park - Ord

Total Consumption (af)	98.93	111.07	89.26	76.31	71.97	70.11	80.39	83.78	72.57	34.13
No. of Connections	219	226	226	226	227	229	228	228	228	228
Land Use Agency Allocation										
Water Used (%)										
MCWD WSA Estimate										
Unmetered Water Use	0	0	0	0	0	0	0	0.00	0	0

CHOMP - Ord

Total Consumption (af)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3.77
No. of Connections	0	0	0	0	0	0	0	0	0	3
Land Use Agency Allocation										
Water Used (%)										
MCWD WSA Estimate										
Unmetered Water Use	0	0	0	0	0	0	0	0.00	0	0

Cypress Knolls - Ord

Total Consumption (af)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
No. of Connections	0	0	0	0	1	0	0	0	0	0
Land Use Agency Allocation	156	156	156	156	156	156	156	156	156	156
Water Used (%)					0%					
MCWD WSA Estimate	156	156	156	156	156	156	156	156	156	156
Unmetered Water Use	0	0	0	0	0	0	0	0.00	0	0

LAND USE JURISDICTION	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011* as of Jun 30
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* represents year to date consumption figures which have been billed to customers

Marina - Ord

Total Consumption (af)	28.20	23.54	24.65	31.92	25.59	23.33	17.44	17.36	17.08	6.36
No. of Connections	35	34	35	44	44	41	38	39	38	33
Land Use Agency Allocation										
Water Used (%)										
MCWD WSA Estimate										
Unmetered Water Use	0	0	0	0	0	0	0	0.00	0	0

Marina Airport - Ord

Total Consumption (af)	13.25	7.62	6.11	5.36	4.99	5.24	5.32	7.94	9.76	3.10
No. of Connections	15	17	16	21	21	22	18	20	23	22
Land Use Agency Allocation										
Water Used (%)										
MCWD WSA Estimate										
Unmetered Water Use	0	0	0	0	0	0	0	0.00	0	0

Marina Construction Water - Ord

Total Consumption (af)	50.08	12.14	14.29	8.63	47.21	86.98	13.86	18.26	17.25	2.28
No. of Connections	5	7	10	11	12	22	16	10	16	8
Land Use Agency Allocation										
Water Used (%)										
MCWD WSA Estimate										
Unmetered Water Use	0	0	0	0	0	0	0	0.00	0	0

LAND USE JURISDICTION	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011* as of Jun 30
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* represents year to date consumption figures which have been billed to customers

Marina Heights - Ord

Total Consumption (af)	0.00	0.00	0.00	0.00	6.94	85.07	47.92	8.34	8.70	4.16
No. of Connections	0	0	0	0	4	9	7	7	7	7
Land Use Agency Allocation	293	293	293	293	293	293	293	293	293	293
Water Used (%)					2%	29%	16%	3%	3%	1%
MCWD WSA Estimate	350	350	350	350	350	350	350	350	350	350
Unmetered Water Use	0	0	0	0	0	0	0	0.00	0	0

Preston Park - Ord

Total Consumption (af)	126.58	132.41	122.91	105.71	100.71	100.78	106.09	111.16	103.85	47.09
No. of Connections	392	389	388	380	379	380	379	378	378	381
Land Use Agency Allocation										
Water Used (%)										
MCWD WSA Estimate										
Unmetered Water Use	0	0	0	0	0	0	0	0.00	0	0

School - Ord

Total Consumption (af)	0.00	0.00	0.00	0.00	0.00	0.60	0.50	0.46	0.51	0.88
No. of Connections	0	0	0	0	0	2	2	2	2	3
Land Use Agency Allocation										
Water Used (%)										
MCWD WSA Estimate										
Unmetered Water Use	0	0	0	0	0	0	0	0.00	0	0

LAND USE JURISDICTION	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011* as of Jun 30
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* represents year to date consumption figures which have been billed to customers

University Villages - Ord

Total Consumption (af)	0.00	0.00	0.00	0.83	30.75	62.77	52.34	42.51	41.55	21.29
No. of Connections	0	0	0	1	3	26	14	13	13	13
Land Use Agency Allocation	593	593	593	593	593	593	593	593	593	593
Water Used (%)				0%	5%	11%	9%	7%	7%	4%
MCWD WSA Estimate	732	732	732	732	732	732	732	732	732	732
Unmetered Water Use	0	0	0	0	0	0	0	0.00	0	0

UV Specific Plan - Ord

Total Consumption (af)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
No. of Connections	0	0	0	0	1	0	0	0	0	0
Land Use Agency Allocation	124	124	124	124	124	124	124	124	124	124
Water Used (%)					0%					
MCWD WSA Estimate										
Unmetered Water Use	0	0	0	0	0	0	0	0.00	0	0

TOTALS FOR ORD COMMUNITY - MARINA

Metered Consumption (af)	317.04	286.79	257.22	228.75	288.16	434.88	323.86	289.81	271.26	123.05
FORA Allocation (af)	1,325	1,325	1,325	1,325	1,325	1,325	1,325	1,325	1,325	1,325
Water Used (%)	24%	22%	19%	17%	22%	33%	24%	22%	20%	9%
Unmetered Water Use (af)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

LAND USE JURISDICTION	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011* as of Jun 30
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* represents year to date consumption figures which have been billed to customers

ORD COMMUNITY - MONTEREY COUNTY
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County - Ord

Total Consumption (af)	6.85	5.28	4.85	4.07	2.96	5.02	7.05	2.88	10.14	1.87
No. of Connections	5	5	6	6	6	6	4	5	6	5
Land Use Agency Allocation										
Water Used (%)										
MCWD WSA Estimate										
Unmetered Water Use	0	0	0	0	0	0	0	0.00	0	0

County Construction Water - Ord

Total Consumption (af)	0.66	0.16	0.00	2.56	0.43	0.00	0.02	0.73	0.17	0.72
No. of Connections	2	1	0	2	1	0	1	1	3	2
Land Use Agency Allocation										
Water Used (%)										
MCWD WSA Estimate										
Unmetered Water Use	0	0	0	0	0	0	0	0.00	0	0

East Garrison - Ord

Total Consumption (af)	0.00	0.00	0.00	1.41	2.50	191.94	29.51	0.70	0.06	0.48
No. of Connections	0	0	0	1	3	4	5	3	1	1
Land Use Agency Allocation	470	470	470	470	470	470	470	470	470	470
Water Used (%)				0%	1%	41%	6%	0%	0%	0%
MCWD WSA Estimate	470	470	470	470	470	470	470	470	470	470
Unmetered Water Use	0	0	0	0	0	0	0	0.00	0	0

LAND USE JURISDICTION	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011* as of Jun 30
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* represents year to date consumption figures which have been billed to customers

TOTALS FOR ORD COMMUNITY - MONTEREY COUNTY										
Metered Consumption (af)	7.51	5.44	4.85	8.04	5.89	196.96	36.57	4.31	10.37	3.07
FORA Allocation (af)	710	710	710	710	710	710	710	710	710	710
Water Used (%)	1%	1%	1%	1%	1%	28%	5%	1%	1%	0%
Unmeterd Water Use (af)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

LAND USE JURISDICTION	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011* as of Jun 30
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* represents year to date consumption figures which have been billed to customers

ORD COMMUNITY - SEASIDE

Bay View Mobile Park - Ord

Total Consumption (af)	0.00	14.64	72.19	60.14	59.89	63.10	66.34	63.61	60.11	28.84
No. of Connections	0	223	223	223	223	223	223	223	223	223
Land Use Agency Allocation										
Water Used (%)										
MCWD WSA Estimate										
Unmetered Water Use	0	0	0	0	0	0	0	0.00	0	0

Seaside Golf Course - Ord

Total Consumption (af)	0.52	0.31	0.60	1.28	10.56	21.01	1.39	1.05	349.21	194.71
No. of Connections	1	1	1	6	7	6	3	2	3	3
Land Use Agency Allocation										
Water Used (%)										
MCWD WSA Estimate										
Unmetered Water Use	0	0	0	0	0	0	0	0.00	0	0

School - Ord

Total Consumption (af)	121.23	110.12	113.86	114.78	82.11	90.17	126.82	94.82	100.39	27.96
No. of Connections	7	7	7	9	12	12	13	16	17	16
Land Use Agency Allocation										
Water Used (%)										
MCWD WSA Estimate										
Unmetered Water Use	0	0	0	0	0	0	0	0.00	0	0

LAND USE JURISDICTION	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011* as of Jun 30
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* represents year to date consumption figures which have been billed to customers

Seaside - Ord

Total Consumption (af)	3.08	3.13	3.96	3.12	2.61	6.67	5.26	6.03	5.10	1.84
No. of Connections	3	3	3	4	8	7	8	9	9	7
Land Use Agency Allocation										
Water Used (%)										
MCWD WSA Estimate										
Unmetered Water Use	0	0	0	0	0	0	0	0.00	0	0

Seaside Resort - Ord

Total Consumption (af)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.07
No. of Connections	0	0	0	0	0	0	0	0	0	2
Land Use Agency Allocation										
Water Used (%)										
MCWD WSA Estimate										
Unmetered Water Use	0	0	0	0	0	0	0	0.00	0	0

Seaside Construction Water - Ord

Total Consumption (af)	4.01	36.90	21.46	1.65	10.48	7.04	19.55	26.79	52.84	0.83
No. of Connections	5	19	17	7	8	7	13	9	10	4
Land Use Agency Allocation										
Water Used (%)										
MCWD WSA Estimate										
Unmetered Water Use	0	0	0	0	0	0	0	0.00	0	0

LAND USE JURISDICTION	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011* as of Jun 30
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* represents year to date consumption figures which have been billed to customers

Seaside Highlands - Ord

Total Consumption (af)	0.00	9.68	166.50	194.54	170.89	185.72	192.72	166.66	156.69	68.84
No. of Connections	0	111	326	392	392	391	392	391	389	389
Land Use Agency Allocation	125	125	125	125	125	125	125	125	125	125
Water Used (%)		8%	133%	156%	137%	149%	154%	133%	125%	55%
MCWD WSA Estimate										
Unmetered Water Use	0	0	0	0	0	0	0	0.00	0	0

Seaside Highlands Soaper Field - Ord

Total Consumption (af)	0.00	0.00	24.26	18.35	16.77	13.42	11.67	10.82	9.14	4.14
No. of Connections	0	0	1	1	1	1	1	1	1	1
Land Use Agency Allocation										
Water Used (%)										
MCWD WSA Estimate										
Unmetered Water Use	0	0	0	0	0	0	0	0.00	0	0

Sun Bay (300 units) - Ord

Total Consumption (af)	81.53	64.77	65.40	62.74	61.60	64.09	59.81	59.83	60.25	30.38
No. of Connections	300	300	300	300	300	300	300	300	300	300
Land Use Agency Allocation										
Water Used (%)										
MCWD WSA Estimate										
Unmetered Water Use	0	0	0	0	0	0	0	0.00	0	0

LAND USE JURISDICTION	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011* as of Jun 30
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* represents year to date consumption figures which have been billed to customers

TOTALS FOR ORD COMMUNITY - SEASIDE										
Metered Consumption (af)	210.37	239.53	468.23	456.60	414.91	451.22	483.56	429.61	793.72	357.61
FORA Allocation (af)	1,012	1,012	1,012	1,012	1,012	1,012	1,012	1,012	1,012	1,012
Water Used (%)	21%	24%	46%	45%	41%	45%	48%	42%	78%	35%
Unmeterd Water Use (af)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

* represents year to date consumption figures which have been billed to customers

ORD COMMUNITY - UCMBEST

U C MBEST - Ord

Total Consumption (af)	0.40	3.03	4.15	5.28	5.36	2.49	1.53	1.61	2.43	0.28
No. of Connections	2	3	3	3	3	3	3	3	3	3
Land Use Agency Allocation										
Water Used (%)										
MCWD WSA Estimate										
Unmetered Water Use	0	0	0	0	0	0	0	0.00	0	0

TOTALS FOR ORD COMMUNITY - UCMBEST										
Metered Consumption (af)	0.40	3.03	4.15	5.28	5.36	2.49	1.53	1.61	2.43	0.28
FORA Allocation (af)	230	230	230	230	230	230	230	230	230	230
Water Used (%)	0%	1%	2%	2%	2%	1%	1%	1%	1%	0%
Unmetered Water Use (af)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00