



# MARINA COAST WATER DISTRICT

11 RESERVATION ROAD, MARINA, CA 93933-2099

Home Page: [www.mcwd.org](http://www.mcwd.org)

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## DIRECTORS

THOMAS P. MOORE  
*President*

JAN SHRINER  
*Vice President*

HOWARD GUSTAFSON  
WILLIAM Y. LEE  
PETER LE

## Agenda

### Regular Board Meeting, Board of Directors Marina Coast Water District

**211 Hillcrest Avenue**, Marina, California

Monday, March 18, 2013, **6:00 p.m. PST**

**(Please Note the New Location and Earlier Start Time)**

After the Board's Regular Agenda, continued Closed Session Items will be held at the District Board Room, 11 Reservation Road, Marina, California, and the Board meeting will be adjourned at that location

*This meeting has been noticed according to the Brown Act rules. The Board of Directors meet regularly on the first and third Monday of each month. The meetings normally begin at 6:45 p.m. and are held at the City of Marina Council Chambers at 211 Hillcrest Avenue, 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. Public Comment on Closed Session Items** *Anyone wishing to address the Board on matters appearing on Closed Session may do so at this time. Please limit your comment to three minutes. The public may comment on any other items listed on the agenda at the time they are considered by the Board.*

#### 4. Closed Session

- A. Pursuant to Government Code 54956.9  
Conference with Legal Counsel – Existing Litigation  
(Subdivision (a) of Section 54956.9)

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 Wednesday, March 13, 2013 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 April 1, 2013.

1) Ag Land Trust v. Marina Coast Water District, Monterey County Superior Court Case No. M105019; Sixth Appellate District Court of Appeals Case No. H038550

2) California-American Water Company vs Marina Coast Water District; Monterey County Water Resources Agency; and Does 1 through 10, Monterey County Superior Court Case No. M120053 (Complaint for Declaratory Relief)

3) State Water Resources Control Board's Proposed Revocation of Monterey County Water Resources Agency Water Right Permit 11043 authorizing the diversion of up to 168,538 acre-feet per year from the Salinas River

- B. Pursuant to Government Code Section 54956.9 (c)  
Conference with Legal Counsel – Anticipated Litigation  
Potential Initiation of Litigation  
One Case – MCWD Claims against Monterey County and MCWRA
  
- C. Pursuant to Government Code Section 54956.9(b)(1) and 54956.9(b)(3)(C)  
Conference with Legal Counsel – Anticipated Litigation  
Potential Litigation  
Two Cases
  - 1) Claims of MCWRA and Monterey County against MCWD
  - 2) Claims of California–American Water Company against MCWD
  
- D. Pursuant to Government Code Section 54957  
Conference with Legal Counsel  
Public Employee Performance Evaluation  
Title: General Manager

Continuance of Closed Session Items will be held under Agenda Item 14

**5. 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.*

**6. Pledge of Allegiance**

**7. Oral Communications** *Anyone wishing to address the Board on matters not appearing on the Agenda may do so at this time. Please limit your comment to three minutes. The public may comment on any other items listed on the agenda at the time they are considered by the Board.*

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

A. Adopt Resolution No. 2013-21 in Recognition of World Water Day 2013

- B. Receive the Quarterly Financial Statements for July 1, 2012 to September 30, 2012
- C. Receive the Quarterly Financial Statements for October 1, 2012 to December 31, 2012
- D. Approve the Expenditures for the Month of February 2013
- E. Approve the Draft Minutes of the Regular Board Meeting of February 12, 2013
- F. Approve the Draft Minutes of the Special Board Workshop of February 23, 2013
- G. Approve the Draft Minutes of the Regular Board Meeting of February 26, 2013

**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. Consider Motion for Reconsideration of the Adoption of Resolution No. 2013-18 (Approving a Variance Request Regarding Metering for The Promontory Development Project) and to Reconsider Adoption if the Motion Passes

*Action: The Board of Directors will consider whether to make a motion to reconsider the adoption of Resolution No. 2013-18 regarding a variance request for metering for The Promontory Development Project, and to reconsider adoption if the motion passes.*

- B. Consider Adoption of Resolution No. 2013-22 to Approve the District Fraud Policy

*Action: The Board of Directors will consider approving the District Fraud Policy.*

- C. Consider Adoption of Resolution No. 2013-23 to Authorize the Acting General Manager to Execute a Long Term Lease with the General Services Administration for District Owned Property at 940 Second Ave, Marina CA for the Bureau of Land Management Regional Offices

*Action: The Board of Directors will consider authorizing the Acting General Manager to Execute a Long Term Lease with the General Services Administration for District Owned Property at 940 Second Ave, Marina CA for the Bureau of Land Management Regional Offices.*

- D. Consider Adoption of Resolution No. 2013-24 to Address the Suspended Professional Services Agreement with HDR Constructors, Inc.

*Action: The Board of Directors will consider whether to reinstate the Professional Services Agreement with HDR Constructors, Inc.*

- E. Consider Adoption of Resolution No. 2013-25 to Amend the Board Procedures Manual, Section 23, Order of Business

*Action: The Board of Directors will consider amending Section 23 of the Board Procedures Manual.*

## **10. Staff Report**

- A. Municipal Services Review – Sphere of Influence – Annexation Discussion

**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. Counsel’s Report

- C. Committee and Board Liaison Reports

- |                                  |   |
|----------------------------------|---|
| 1. Water Conservation Commission | 7. FORA                                   |
| 2. Joint City-District Committee | 8. WWOC Report                            |
| 3. Executive Committee           | 9. JPIA Liaison                           |
| 4. Community Outreach            | 10. Special Districts Association Liaison |
| 5. MRWPCA Board Member           | 11. CalDesal                              |
| 6. LAFCO Liaison                 |   |

## **12. Board Member Requests for Future Agenda Items**

- A. Board Member Requests
- B. Notice Date for Strategic Planning Workshop – April 13, 2013

## **13. Director’s Comments**

## **14. Adjourn to Closed Session at the District Board Room, 11 Reservation Road**

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

*Regular Meeting:* **Monday, April 1, 2013, 6:45 p.m.,  
211 Hillcrest Avenue, Marina**

Marina Coast Water District  
Agenda Transmittal

Agenda Item: 8

Meeting Date: March 18, 2013

Submitted By: Brian Lee

Presented By: Brian Lee

Agenda Title: Consent Calendar

Detailed Description: Consent calendar consisting of:

- A) Adopt Resolution No. 2013-21 in Recognition of World Water Day 2013
- B) Receive the Quarterly Financial Statements for July 1, 2012 to September 30, 2012
- C) Receive the Quarterly Financial Statements for October 1, 2012 to December 31, 2012
- D) Approve the Expenditures for the Month of February 2013
- E) Approve the Draft Minutes of the Regular Board Meeting of February 12, 2013
- F) Approve the Draft Minutes of the Special Board Workshop of February 23, 2013
- G) Approve the Draft Minutes of the Regular Board Meeting of February 26, 2013

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: See individual transmittals.

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.)

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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: March 18, 2013

Submitted By: Brian Lee

Presented By: Brian Lee

Reviewed By: Roger Masuda

Agenda Title: Adopt Resolution No. 2013-21 in Recognition of World Water Day 2013

Detailed Description: The Board of Directors is requested to consider recognizing World Water Day 2013.

Environmental Review Compliance: None required.

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

Financial Impact: \_\_\_\_\_ Yes     No

Funding Source/Recap: None.

Material Included for Information/Consideration: Resolution No. 2013-21.

Staff Recommendation: This is a Board requested item.

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

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Board Action

\_\_\_\_\_ Resolution No \_\_\_\_\_    Motion By \_\_\_\_\_    Seconded By \_\_\_\_\_

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

Noes \_\_\_\_\_    Absent \_\_\_\_\_

Reagendized \_\_\_\_\_    Date \_\_\_\_\_    No Action Taken \_\_\_\_\_

March 18, 2013

Resolution No. 2013 - 21  
Resolution of the Board of Directors  
Marina Coast Water District  
Recognizing World Water Day 2013

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on March 18, 2013 at 211 Hillcrest Avenue, Marina, California as follows:

WHEREAS, the District provides potable water to the City of Marina, the former Fort Ord Community and surrounding areas; and,

WHEREAS, the District recognizes that potable water is a scarce and valuable resource worldwide; and,

WHEREAS, in 1993 the United Nations General Assembly designated March 22 as World Water Day; and,

WHEREAS, the District wishes to express its support for advocating the sustainable management of freshwater resources worldwide.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Marina Coast Water District that Friday, March 22, 2013 shall be recognized as World Water Day by Marina Coast Water District,

AND, BE IT FURTHER RESOLVED that the Marina Coast Water District encourages all citizens in our community to pause a moment and appreciate the value of safe drinking water.

PASSED AND ADOPTED on March 18, 2013 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 \_\_\_\_\_

\_\_\_\_\_  
Thomas P. Moore, President

ATTEST:

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Brian Lee, Deputy 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. 2013-21 adopted March 18, 2013.

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Brian Lee, Deputy Secretary

Marina Coast Water District  
Agenda Transmittal

Agenda Item: 8-B

Meeting Date: March 18, 2013

Submitted By: Kelly Cadiente  
Reviewed By: Brian Lee

Presented By: Kelly Cadiente

Agenda Title: Receive the Quarterly Financial Statements for July 1, 2012 to September 30, 2012

Detailed Description: All figures reported for the quarter are based on accrual basis accounting. The District's consolidated financial statement for the quarter includes revenues of \$3.068 million and expenses of \$1.366 million, resulting in net gain from operations of \$1.702 million. The District budget projected net gain from operations of \$0.552 million for the same period. The net gain from operations was higher than the budget expectation by \$1.150 million due to the timing of actual expenses incurred.

Summary of Cost Centers:

<b>Description</b>	<b>Actual Qtr</b>	<b>Budget Qtr</b>	<b>Actual FYTD</b>	<b>Budget FYTD</b>
<b>Marina Water</b>				
Revenue	1,133,741	1,002,897	1,133,741	1,002,897
Expenses	<u>407,939</u>	<u>640,320</u>	<u>407,939</u>	<u>640,320</u>
Net Gain	725,802	362,577	725,802	362,577
<b>Marina Sewer</b>				
Revenue	201,691	203,631	201,691	203,631
Expenses	<u>121,922</u>	<u>195,780</u>	<u>121,922</u>	<u>195,780</u>
Net Gain	79,769	7,852	79,769	7,852
<b>Ord Community Water</b>				
Revenue	1,301,407	1,316,003	1,301,407	1,316,003
Expenses	<u>690,017</u>	<u>1,222,265</u>	<u>690,017</u>	<u>1,222,265</u>
Net Gain	611,390	93,738	611,390	93,738
<b>Ord Community Sewer</b>				
Revenue	431,747	435,827	431,747	435,827
Expenses	<u>146,138</u>	<u>288,418</u>	<u>146,138</u>	<u>288,418</u>
Net Gain	285,609	147,409	285,609	147,409
<b>Recycled Water Project</b>				
Revenue	-	2,000	-	2,000
Expenses	<u>-</u>	<u>61,799</u>	<u>-</u>	<u>61,799</u>
Net Gain	-	(59,799)	-	(59,799)

<b>Regional Project</b>				
Revenue	-	-	-	-
Expenses	-	-	-	-
Net Gain	-	-	-	-
<b>Consolidated Cost Centers</b>				
Revenue	<b>3,068,586</b>	<b>2,960,358</b>	<b>3,068,586</b>	<b>2,960,358</b>
Expenses	<b>1,366,016</b>	<b>2,408,581</b>	<b>1,366,016</b>	<b>2,408,581</b>
Net Gain	<b>1,702,570</b>	<b>551,777</b>	<b>1,702,570</b>	<b>551,777</b>

As of September 30, 2012, the District had \$11.521 million in liquid investments, and \$0.359 million of principal as internal loans to the Ord Community Cost Centers payable to the Marina Cost Centers. The District also had \$2.350 million of bond proceeds for construction purposes, \$3.084 million of 2006 bond proceeds and \$0.849 million of 2010 refunding bond proceeds for debt reserve purposes in the bank. The District owed \$38.035 million in debt for the 2006 revenue certificates of participation bond, \$7.045 million for the 2010 Refunding Bond, \$0.049 in FORA Promissory Note and \$2.228 million for IOP Construction Loan.

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  No

Funding Source/Recap: N/A

Material Included for Information/Consideration: Quarterly Financial Statements, Investments and Debt Summary Statements.

Staff Recommendation: The Board receive the Quarterly Financial Statements for July 1, 2012 to September 30, 2012.

Action Required:  Resolution  Motion  Review

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Board Action

Resolution No  Motion By \_\_\_\_\_ Seconded By \_\_\_\_\_

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

Noes \_\_\_\_\_

Reagendized \_\_\_\_\_ Date \_\_\_\_\_ No Action Taken \_\_\_\_\_

Marina Coast Water District  
Agenda Transmittal

Agenda Item: 8-C

Meeting Date: March 18, 2013

Submitted By: Kelly Cadiente  
Reviewed By: Brian Lee

Presented By: Kelly Cadiente

Agenda Title: Receive the Quarterly Financial Statements for October 1, 2012 to December 31, 2012

Detailed Description: All figures reported for the quarter are based on accrual basis accounting. The District's consolidated financial statement for the quarter includes revenues of \$2.724 million and expenses of \$2.811 million, resulting in net loss from operations of \$0.087 million. The District budget projected net gain from operations of \$0.552 million for the same period. The net gain from operations was lower than the budget expectation by \$0.639 million due to the timing of actual expenses incurred.

Summary of Cost Centers:

<u>Description</u>	<u>Actual Qtr</u>	<u>Budget Qtr</u>	<u>Actual FYTD</u>	<u>Budget FYTD</u>
<b>Marina Water</b>				
Revenue	958,754	1,002,897	2,092,494	2,005,793
Expenses	<u>646,928</u>	<u>640,320</u>	<u>1,054,867</u>	<u>1,280,640</u>
Net Gain	311,825	362,577	1,037,627	725,153
<b>Marina Sewer</b>				
Revenue	207,163	203,631	408,854	407,263
Expenses	<u>203,603</u>	<u>195,780</u>	<u>325,525</u>	<u>391,559</u>
Net Gain	3,560	7,852	83,329	15,704
<b>Ord Community Water</b>				
Revenue	1,105,145	1,316,003	2,406,552	2,632,006
Expenses	<u>1,430,213</u>	<u>1,222,265</u>	<u>2,120,230</u>	<u>2,444,530</u>
Net Gain	(325,068)	93,738	286,322	187,476
<b>Ord Community Sewer</b>				
Revenue	447,709	435,827	879,455	871,655
Expenses	<u>407,546</u>	<u>288,418</u>	<u>553,684</u>	<u>576,837</u>
Net Gain	40,163	147,409	325,771	294,818
<b>Recycled Water Project</b>				
Revenue	5,127	2,000	5,127	4,000
Expenses	<u>123,184</u>	<u>61,799</u>	<u>123,184</u>	<u>123,598</u>
Net Gain	(118,057)	(59,799)	(118,057)	(119,598)

<b>Regional Project</b>				
Revenue	-	-	-	-
Expenses	-	-	-	-
Net Gain	-	-	-	-
<b>Consolidated Cost Centers</b>				
Revenue	<b>2,723,896</b>	<b>2,960,358</b>	<b>5,792,482</b>	<b>5,920,716</b>
Expenses	<b>2,811,474</b>	<b>2,408,581</b>	<b>4,177,491</b>	<b>4,817,163</b>
Net Gain	<b>(87,578)</b>	<b>551,777</b>	<b>1,614,992</b>	<b>1,103,553</b>

As of December 31, 2012, the District had \$11.108 million in liquid investments, and \$0.340 million of principal as internal loans to the Ord Community Cost Centers payable to the Marina Cost Centers. The District also had \$2.350 million of bond proceeds for construction purposes, \$3.084 million of 2006 bond proceeds and \$0.849 million of 2010 refunding bond proceeds for debt reserve purposes in the bank. The District owed \$38.035 million in debt for the 2006 revenue certificates of participation bond, \$7.045 million for the 2010 Refunding Bond, \$0.035 in FORA Promissory Note and \$2.228 million for IOP Construction Loan.

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  No

Funding Source/Recap: N/A

Material Included for Information/Consideration: Quarterly Financial Statements, Investments and Debt Summary Statements.

Staff Recommendation: The Board receive the Quarterly Financial Statements for October 1, 2012 to December 31, 2012.

Action Required:  Resolution  Motion  Review

Board Action

Resolution No  Motion By \_\_\_\_\_ Seconded By \_\_\_\_\_

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

Reagendized \_\_\_\_\_ Date \_\_\_\_\_ No Action Taken \_\_\_\_\_



Marina Coast Water District  
Agenda Transmittal

Agenda Item: 8-E

Meeting Date: March 18, 2013

Submitted By: Brian Lee

Presented By: Brian Lee

Agenda Title: Approve the Draft Minutes of the Regular Board Meeting of February 12, 2013

Detailed Description: The Board of Directors is requested to approve the attached draft minutes of February 12, 2013.

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 February 12, 2013.

Staff Recommendation: The Board of Directors approve the draft minutes of the February 12, 2013 regular Board meeting.

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

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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-F

Meeting Date: March 18, 2013

Submitted By: Brian Lee

Presented By: Brian Lee

Agenda Title: Approve the Draft Minutes of the Special Board Workshop of February 23, 2013

Detailed Description: The Board of Directors is requested to approve the attached draft minutes of February 23, 2013.

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 February 23, 2013.

Staff Recommendation: The Board of Directors approve the draft minutes of the February 23, 2013 special Board workshop.

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

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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-G

Meeting Date: March 18, 2013

Submitted By: Brian Lee

Presented By: Brian Lee

Agenda Title: Approve the Draft Minutes of the Regular Board Meeting of February 26, 2013

Detailed Description: The Board of Directors is requested to approve the attached draft minutes of February 26, 2013.

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 February 26, 2013.

Staff Recommendation: The Board of Directors approve the draft minutes of the February 26, 2013 regular Board meeting.

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

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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: 9-A

Meeting Date: February 26, 2013

Submitted By: Brian True

Presented By: Brian True

Reviewed By: Brian Lee

Agenda Title: Consider Adoption of Resolution No. 2013-18 to Approve a Variance Request Regarding Metering for The Promontory Development Project

Detailed Description: The Board of Directors is requested to consider and specify the disposition of a Variance Request submitted by AMCAL (developer, Applicant) for their development project called The Promontory. AMCAL is a for-profit developer working with CSUMB in a public-private partnership capacity. Their project is located approximately along the southern edge of the 8<sup>th</sup> Street Cut-Off between Imjin Road and 5<sup>th</sup> Avenue. The Promontory project proposes three multi-story structures to serve as student housing dormitories consisting of approximately 175-units containing roughly 590-beds.

The Applicant is requesting a variance to MCWD Water Code section 3.36.030. *W. Metering. 2. New Construction. a.* that states “Newly constructed multi-family dwelling units, including condominiums, and detached dwelling units will be metered individually ....” The Applicant’s specific request is that a variance be granted that allows the project to provide potable water through a single service connection for each building rather than individually metering the approximately 175 proposed dwelling units. The Applicant’s complete Variance Request Form is attached.

The arguments made by the Applicant to allow the Variance may be described as:

1. The housing project appears to be inextricably linked to the CSUMB campus as a dormitory land-use. The project is not only adjacent to CSUMB campus property, the current zoning (based on City of Marina findings) is “public facility - dormitory.” In addition, the development of the parcel will include a perpetual deed restriction imposed by the Fort Ord Reuse Authority (FORA) that prohibits the facility from ever being used for anything other than dormitory housing. Finally, the project proposes a central hot-water system design that uses and extends the existing CSUMB “Central Plant” infrastructure that is located near-by and that provides heating for the entire campus. The Central Plant will provide the heating ability, for both water and the space, for the entire project premises.
2. By allowing the proposed effective and efficient method of water heating to occur, the project will be able to readily comply with the Water Code section for hot water recirculation within each proposed structure. Water Code section 3.36.030. *S. New Construction. 1. c.* specifically states that “In all new construction..... A hot water recirculation system or point-of-use hot water heater shall supply water to hot water fixtures further than ten linear feet of pipe away from the hot water heater.”
3. As a condition for granting the variance, the Applicant will implement monitoring practices that promote and enforce water conservation.

4. The Promontory project is consistent with the Fort Ord Base Resue Plan and has the unanimous support of the City of Marina's Council.

The Board of Directors may approve variances from the requirements of the MCWD Water Code only if the Board makes three affirmative findings as follows:

1. The strict application of the code would result in unfair or unequal treatment, undue hardship, or an emergency condition exists which requires that the variance be granted; and,
2. Granting the variance will not cause a significant adverse affect on the water supply or on service to other persons served by the District; and
3. The variance is in the best interests of the District.

Based upon the information provided, staff recommends approving the variance request. The Applicant is proposing to sub-meter the water use such that the conservation intent of the requirement may be met. Staff also cannot perceive any feasible future events that would yield a different land-use such that the dormitory structures could be modified or converted into a multi-family use; therefore, a set of potential future customers needing individual service from MCWD is an unlikely outcome. A significant fact that supports this conclusion is that the dormitory buildings literally will be connected to the CSUMB heating infrastructure thus making it very unlikely that a future private entity would be allowed to convert the facility to some other use. Finally, while not specifically addressed as a topic within the MCWD "Green Policy," granting this variance and allowing the central heating of this dormitory facility from a close and existing energy efficient source certainly is within the spirit of that Policy. Staff also recommends including the conditions enumerated above within the Resolution granting the variance and that those conditions be implemented through the project review and installation processes conducted between MCWD and AMCAL. If the Board agrees with the staff recommendations, the three affirmative findings in the Resolution may be made as follows:

- Finding 1 may be made because the strict application of the MCWD Water Code in this case creates an undue hardship on future (and current) CSUMB students (the Applicant's customers) who would face higher-than-needed rental rates and utility bills due to the failure to take advantage of CSUMB's central heating system.
- Finding 2 may be made because granting the variance will not cause a significant adverse affect on the water supply or on service to other persons served by the District since project will be consistent with the FORA Base Reuse Plan and CSUMB's Master Plan, will be within the City of Marina's water allocation from FORA, and no additional water service or use beyond that planned by the community is proposed.
- Finding 3 may be made because the variance is in the best interest of the District since it is appropriate that CSUMB student housing be located contiguous to the campus and conditions will be placed on the project based on this Variance Request that allow the project to meet all intended purposes of the MCWD Water Code.

If the MCWD Board disagrees with the staff recommendation, no further action is needed beyond making a motion to deny the Variance Request and then passing the motion with a majority vote of the Board; a Resolution for denying the Variance Request is not required.

Environmental Review Compliance: None required for this action.

Prior Committee or Board Action: None; however, typically, this Variance Request is similar to two previous Variance Requests from the recent past. In the interest of transparency and for the ability to obtain a historical perspective, the results of the previous Variance Requests are noted here. On June 12, 2012 the Board considered a Variance Request from the “new construction” University Village Apartments development project requesting relief from this very same metering requirement. District staff recommended against granting the variance, the Board agreed with the staff recommendation, and the variance was denied. Similarly, on July 9, 2012, the Board considered a Variance Request from the developer of a “conversion” project at 420 Reservation Road requesting relief from this same “one unit – one meter” requirement. Here too, staff recommended against granting the variance, the Board agreed with the staff recommendation, and the variance was denied. The reason that staff is able to recommend this Variance Request, as opposed to the two previous Requests, is in the differences in nature between the three projects. University Villages, while a low-income housing project today, could be quite easily converted to market-rate condominiums or apartments at some moment in the future (albeit in the somewhat distant future) such that a set of customers could come into being that might require individual services from MCWD. This is not the case in this Promontory project situation. Similarly, the project at 420 Reservation Road did not consider the potential for future customers needing individual service in their application. There are additional rationales provided in the Agenda Transmittals associated with both of the past denials. In summary though, the projects are different and those differences have yielded the current recommendation.

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

The District will probably receive slightly more in revenue if this variance is granted because more of the water used by the residents will be charged to the meter-owner at the highest-cost tier within the water-consumption variable rate structure. Balancing, somewhat, that cost for consumption at the higher variable rate is the fact that three (3) six-inch meters (the probable size of the meters if the variance is granted) is approximately \$400 per month less in the fixed-cost portion of the water bill as compared to the fixed-cost for the 175 smaller diameter meters.

Funding Source/Recap: Not applicable.

Material Included for Information/Consideration: Resolution No. 2013-18; Applicant’s Variance Request Form and the General Manager’s required administrative response letter.

Staff Recommendation: The Board of Directors grant the Variance Request by adopting Resolution No. 2013-18.

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

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Board Action

\_\_\_\_ Resolution No \_\_\_\_ Motion By \_\_\_\_\_ Seconded By \_\_\_\_\_

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

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

Reagendized \_\_\_\_\_ Date \_\_\_\_\_ No Action Taken \_\_\_\_\_

February 26, 2013

Resolution No. 2013 - 18  
Resolution of the Board of Directors  
Marina Coast Water District  
Approving a Variance Request Regarding  
Metering for The Promontory Development Project

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on February 26, 2013 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, AMCAL is proposing to construct The Promontory dormitory student housing project adjacent to the CSUMB campus; and,

WHEREAS, The Promontory project is located approximately along the southern edge of the 8<sup>th</sup> Street Cut-Off between Imjin Road and 5<sup>th</sup> Avenue and proposes three multi-story structures to serve as student housing dormitories consisting of approximately 175-units; and,

WHEREAS, AMCAL is requesting a variance to MCWD Water Code section 3.36.030. *W. Metering. 2. New Construction. a.* that states “Newly constructed multi-family dwelling units, including condominiums, and detached dwelling units will be metered individually ....”; and,

WHEREAS, AMCAL’s specific request is that a variance be granted allowing the project to provide potable water through a single service connection for each structure rather than individually metering the approximately 175 proposed dwelling units; and,

WHEREAS, AMCAL is proposing to use existing CSUMB heating infrastructure to heat both the water and the space within the structures; and,

WHEREAS, District staff recommends that the following conditions be required for the project in order to grant a variance:

- A hot water recirculation system shall be installed within each proposed structure that complies with Water Code section 3.36.030. *S. New Construction. 1. c.* that states “In all new construction..... A hot water recirculation system or point-of-use hot water heater shall supply water to hot water fixtures further than ten linear feet of pipe away from the hot water heater”; and,
- Monitoring practices shall be implemented that promote and enforce water conservation; and,

WHEREAS, District staff’s recommendation is that the Variance Request be granted by the MCWD Board of Directors subject to the above conditions.

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

A. The strict application of the code in this case creates an undue hardship on future (and current) CSUMB students (AMCAL’s customers) who would face higher-than-needed

rental rates and utility bills due to the failure to take advantage of CSUMB's central heating system.; and

B. Granting the variance will not cause a significant adverse effect on the water supply or on service to other persons served by the District because this project will be consistent with the FORA Base Reuse Plan and CSUMB's Master Plan, will be within the City of Marina's water allocation from FORA, and no additional water service or use beyond that planned by the community is proposed; and,

C. The variance is in the best interests of the District because it is appropriate that CSUMB student housing be located contiguous to the campus and conditions will be placed on the project based on this Variance Request that allow the project to meet all intended purposes of the MCWD Water Code.

BE IT FURTHER RESOLVED that the Board of Directors grant a variance to AMCAL from the requirements of the MCWD Water Code section 3.36.030. *W. Metering. 2. New Construction. a.* subject to the following required conditions:

- A hot water recirculation system shall be installed within each proposed structure that complies with Water Code section 3.36.030. *S. New Construction. 1. c.*; and,
- Cold and hot water supplies shall be sub-metered for each unit. If requested the the District, the property owner shall furnish sub-meter usage information to the District; and,
- Monitoring practices shall be implemented that promote and enforce water conservation; and

BE IT FURTHER RESOLVED that the General Manager and/or the Deputy General Manager / District Engineer shall take all actions and execute all documents as may be necessary or appropriate to give effect to this resolution.

PASSED AND ADOPTED on February 26, 2013 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 \_\_\_\_\_

\_\_\_\_\_  
Thomas P. Moore, President

ATTEST:

\_\_\_\_\_  
Brian Lee, Deputy 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. 2013-18 adopted February 26, 2013.

\_\_\_\_\_  
Brian Lee, Deputy Secretary

Marina Coast Water District  
Agenda Transmittal

Agenda Item: 9-B

Meeting Date: March 18, 2013

Prepared By: Jean Premutati

Presented By: Jean Premutati

Reviewed By: Brian Lee

Agenda Title: Consider Adoption of Resolution No. 2013-22 to Approve the District Fraud Policy

Detailed Description: Staff is requesting the Board consider adoption of Resolution No. 2013-22 to approve the Draft District Fraud Policy (Policy). During the District's audit of the FY 2010/2011 financial statements, the auditors recommended that the District adopt a fraud policy. The District currently addresses fraudulent behavior or actions in the District's Employee Handbook section 19.2 and in various other policies of the District. The auditors recommended that the District also adopt a separate policy specifically addressing fraud.

The policy was presented to the Budget and Personnel Committee at the October 26, 2012 meeting for review and discussion. The Committee requested verification that the Policy was consistent with the Board Procedures Manual and recommended that it go before the Board for approval. At the November 13, 2012 Board meeting there were concerns raised regarding investigative responsibilities, due process and privacy issues.

Staff has researched and revised the policy to include those items addressed and included a more detailed investigative process.

Environmental Review Compliance: None.

Prior Committee or Board Action: October 26, 2012 Budget & Personnel Committee reviewed the Draft District Fraud Policy for recommendation for Board approval at the November 13, 2012 Board meeting. The Board reviewed the Draft Fraud Policy at the November 13, 2012 Board meeting and asked for further revisions.

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: N/A

Material Included for Information/Consideration: Resolution No. 2013-22; and, Draft District Fraud Policy

Staff Recommendation: The Board of Directors adopt Resolution No. 2013-22 to approve District Fraud Policy.

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

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

March 18, 2013

Resolution No. 2013-22  
Resolution of the Board of Directors  
Marina Coast Water District  
Approving the District Fraud Policy

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on March 18, 2013 at 211 Hillcrest Avenue, Marina, California as follows:

WHEREAS, during the District’s audit of the FY 2010/2011 financial statements, the auditors recommended that the District adopt a fraud policy; and,

WHEREAS, the District is committed to the proper use of public funds, safeguarding of public assets entrusted to it, and conducting its business by adhering to the highest ethical standards and complying with all applicable laws and regulations; and,

WHEREAS, the District has developed a policy that sets specific guidelines regarding fraud prevention and actions to follow for the investigation of suspected fraud and other similar irregularities; and,

WHEREAS, the Budget and Personnel Committee reviewed the draft policy and recommended it be forwarded to the full Board at the October 26, 2012 meeting. After review and discussion by the Board at the November 13, 2012 meeting, it was decided that staff should revise the policy to include the investigative process, privacy issues and due process; and,

WHEREAS, staff has revised and updated the policy and is submitting a second draft for approval.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby approve the District Fraud Policy.

PASSED AND ADOPTED on March 18, 2013, 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 \_\_\_\_\_

\_\_\_\_\_  
Thomas P. Moore, President

ATTEST:

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Brian Lee, Deputy 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. 2013-22 adopted March 18, 2013

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Brian Lee, Deputy Secretary

Marina Coast Water District  
Agenda Transmittal

Agenda Item: 9-C

Meeting Date: March 18, 2013

Submitted By: Patrick Breen

Presented By: Brian Lee

Reviewed By: Brian Lee

Agenda Title: Consider Adoption of Resolution No. 2013-23 to Authorize the Acting General Manager to Execute a Long Term Lease with the General Services Administration for District Owned Property at 940 Second Ave, Marina CA for the Bureau of Land Management Regional Offices

Detailed Description: The Board of Directors is requested to consider authorizing the General Manager to execute a lease with the General Services Administration (US Federal Government) for a (to be built) District building at 940 Second Avenue in Marina within the Imjin Office Park.

The Imjin Office Park project is located at the northeast corner of Imjin Parkway and 2<sup>nd</sup> Avenue in Marina, CA. The project consists of four office buildings, a conference building, parking space and landscaping. The Project originally consisted of four partners (FORA, AMBAG, the Carpenters Union and the Central Coast Builder's Exchange).

In 2009, MCWD purchased the FORA lot and constructed Building C (the current FORA Office) under a lease-back agreement. Also in 2009 the District purchased the AMBAG owned lot. The District is currently proposing to the General Services Administration to construct Building "E" for the Bureau of Land Management under a similar lease-back arrangement.

The Bureau of Land Management (BLM) is seeking property within the City of Marina to house its regional office. Since the BLM is a Federal entity, the General Services Administration (GSA) is administering the procurement of the new space. Staff responded to the GSA's Request for Lease Proposal and submitted the District's parcel and proposed building at a lease rate that recoups all of the District's costs to acquire the property and construct the building within the proposed 20 year term of the lease (20 Year Lease, 15 Firm).

Based on the cost of the District's other building within the Imjin Office Park (currently occupied by FORA), Staff estimates the cost of constructing the proposed building at \$3.2 million (excluding the property acquisition costs of \$404,000 which have already been expended). The District will need to finance or fund the estimated \$3.2 million in construction cost in order to provide a building to house the BLM.

Environmental Review Compliance: The FORA Board approved a Mitigated Negative Declaration under CEQA for the Imjin Office Park project on November 18, 2005.

Prior Board Actions: On November 13, 2012, the Board authorized the General Manager to take any and all actions necessary to provide a conditional commitment to the General Services Administration to construct an Imjin Office Park Building to house the Bureau of Land Management Regional office.



March 18, 2013

Resolution No. 2013 - 23  
Resolution of the Board of Directors  
Marina Coast Water District

Authorizing the Acting General Manager to Execute a Long Term Lease with the General Services Administration for District Owned Property at 940 Second Ave, Marina CA for the Bureau of Land Management Regional Offices

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on March 18, 2013 at 211 Hillcrest Avenue, Marina, California as follows:

WHEREAS, the District owns a building lot within the Imjin Office Park; and,

WHEREAS, the Bureau of Land Management (BLM) through the General Services Administration (GSA) is seeking to house their Regional Offices within the City of Marina; and,

WHEREAS, District staff has submitted the Imjin Office Park building lot and proposed building to GSA for consideration; and,

WHEREAS, staff has found the lease terms to be beneficial to the District and will result in an long term revenue source from District owned property at 940 Second Ave, Marina; and,

WHEREAS, the GSA procurement process requires any Offeror to execute a lease document in order to be awarded the lease.

NOW, THEREFORE, BE IT RESOLVED, the Board of Directors of the Marina Coast Water District does hereby authorize the Acting General Manager to Execute a Long Term Lease with the General Services Administration (GSA) for District Owned Property at 940 Second Ave, Marina, for the Bureau of Land Management Regional Offices.

PASSED AND ADOPTED on March 18, 2013 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 \_\_\_\_\_

\_\_\_\_\_  
Thomas P. Moore, President

ATTEST:

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Brian Lee, Deputy 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. 2013-23 adopted March 18, 2013.

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Brian Lee, Deputy Secretary

Marina Coast Water District  
Agenda Transmittal

Agenda Item: 9-D

Meeting Date: March 18, 2013

Submitted By: Brian Lee

Presented By: Brian Lee

Reviewed by: Roger Masuda

Agenda Title: Consider Adoption of Resolution No. 2013-24 to Address the Suspended Professional Services Agreement with HDR Constructors, Inc.

Detailed Description: The Board of Directors is requested to discuss and give direction on the Professional Services Agreement with HDR Constructors, Inc., for Planning and Feasibility Services for the proposed RUWAP Desalination Plant, which is currently under suspension.

On September 27, 2012, the District Staff issued a Request for Qualifications for Design/Build Services for the Desalination Project portion of the Regional Urban Water Augmentation Project (RUWAP). The District received six Statements of Qualifications (SOQs) by the submission deadline of November 7, 2012. On November 20, 2012, based upon the SOQs received, the Board directed staff to enter into contract negotiations with the Marina Water Alliance team of HDR Constructors, Filanc Construction and Acconia Agua for planning and feasibility services for the proposed RUWAP Desalination Plant. On December 6, 2012, the Board approved a Professional Services Agreement for those services with HDR Constructors, Inc., which includes the initial analysis of the existing data and preparation of a conceptual project plan, financing plan, schedule and list of required technical and CEQA studies. On January 8, 2013, the Board formally suspended the agreement for 90-days while the Board considered the timing and need for this project. The Board directed that this item be brought back for consideration at the March meeting. A Board Workshop was held on February 23, 2013, to discuss water supply augmentation projects. At that meeting, the Marina Water Alliance Team gave a presentation discussing the way the feasibility study may be tailored to suit the current needs of the District.

The Board may consider the following three options:

1. Direct the General Manager to Terminate the Agreement pursuant to Article XV, Termination, of the Agreement. The Termination should be in writing and state that it is for the convenience of the District. The Consultant may invoice the District for time and expenses incurred while the Agreement was active.
2. Direct the General Manager to issue a letter lifting the formal Suspension of All Work pursuant to Article XIV, Suspension of Work, of the Agreement. The Consultant may proceed with the original scope of work. Any deadlines for deliverable items will be extended by 90-days.
3. Direct the General Manager to renegotiate the scope of work under this Agreement, and bring an Amended Scope of Work, Schedule and Fee to the Board for Approval.

Environmental Review Compliance: The proposed RUWAP Desalination Plant is a hybrid of two separate desalination projects separately considered under CEQA. One purpose of the study is to identify those portions of the previous CEQA analysis which are still valid, what new analysis is required and establish a schedule for completion of the CEQA for this project.

Prior Committee or Board Action: On October 27, 2004, the District Board of Directors certified the Environmental Impact Report for the Regional Urban Water Augmentation Project. At the Joint MCWD-FORA Board meeting on June 10, 2005, the two Boards directed staff to initiate scoping of the Hybrid Alternative of the Water Augmentation Project. On January 20, 2010, the Board approved the Outfall Agreement with the Monterey Regional Water Pollution Control Agency. On November 20, 2012, the Board directed staff to enter into contract negotiations with the Marina Water Alliance. On December 6, 2012, the Board approved Resolution No. 2012-89 to Approve a Professional Services Agreement with HDR Constructors, Inc., for a Planning and Feasibility Study for the RUWAP Desalination Plant. On January 8, 2013, the Board approved Resolution No. 2013-06, suspending the agreement for 90-days.

Staff has reviewed the situation and feels that a reassessment of the project's process and a redefinition of the District's goals and objectives need to be established prior to committing additional resources to this project. The Maria Water Alliance is a capable team and this request has no bearing on their abilities or the negotiated contract. Staff wishes to reassess the process that occurred prior to receiving proposals for this project.

Issues to be addressed include:

- Size and scope of potential desalination unit
- Timing of potential need for additional water
- Design-bid-build versus design-build process
- Potential options with surrounding agencies

This is not an exhaustive list. Staff requests a six month timeframe to develop answers to the above list. In the Fall of 2013 staff intends to return to the Board with a recommended course of action.

Board Goals/Objectives: *Strategic Plan: Goal No. 1: To manage and sustain the District's groundwater and desalinated water, recycled water and wastewater services, conservation activities, infrastructure and human resources at or above industry standards. Goal No. 2: To meet 100% of current and future customers' needs and make timely improvements and increase infrastructure and level of services and human resources to meet needs of expanding service areas in an environmentally sensitive way.*

Financial Impact:     \_\_\_X\_\_\_ Yes     \_\_\_\_\_ No

Funding Source/Recap: Funding for this work will come from the Ord Community water cost center reserves.

Material Included for Information/Consideration: Resolution No. 2013-24, and Professional Services Agreement No. 2012-89.

Staff Recommendation: Staff wishes to reevaluate District options and requests that the Board authorize the General Manger to terminate the contract. Staff has requested a breakdown of costs for services to date from the consultant. If available, said breakdown will be provided at the time of the Board Meeting.



March 18, 2013

Resolution No. 2013-24  
Resolution of the Board of Directors  
Marina Coast Water District

Addressing the Suspended Professional Services Agreement with HDR Constructors, Inc.

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on March 18, 2013, at 211 Hillcrest Avenue, Marina, California as follows:

WHEREAS, the District is pursuing options to develop additional water supply for the Ord Community under the Regional Urban Water Augmentation Project (RUWAP); and,

WHEREAS, the Directors authorized an agreement with HDR Constructors, Inc., on December 6, 2012, for planning and feasibility services for the RUWAP Desalination Plant; and,

WHEREAS, the Directors formally suspended the Agreement on January 8, 2013, for a period of up to 90-days; and,

WHEREAS, the Directors have discussed said contract.

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

\_\_ Option 1: Terminate the Agreement pursuant to Article XV, Termination, of the Agreement. The Termination should be in writing and state that it is for the convenience of the District. The Consultant may invoice the District for time and expenses incurred while the Agreement was active.

\_\_ Option 2: issue a letter lifting the formal Suspension of All Work pursuant to Article XIV, Suspension of Work, of the Agreement. The Consultant may proceed with the original scope of work. Any deadlines for deliverable items will be extended by 90-days.

\_\_ Option 3: renegotiate the scope of work under this Agreement, and bring an Amended Scope of Work, Schedule and Fee to the Board for Approval. Specific items to be added to or deleted from the scope are

PASSED AND ADOPTED on March 18, 2013, by the Board of Directors of the Marina Coast Water District by the following roll call vote:

Ayes: Directors \_\_\_\_\_

Noes: Directors \_\_\_\_\_

Absent: Directors \_\_\_\_\_

Abstained: Directors \_\_\_\_\_

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Thomas P. Moore, President

ATTEST:

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Brian Lee, Deputy 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. 2013-24 adopted March 18, 2013.

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Brian Lee, Deputy Secretary

Marina Coast Water District  
Agenda Transmittal

Agenda Item: 9-E

Meeting Date: March 18, 2013

Submitted By: Brian Lee

Presented By: Brian Lee

Reviewed by: Roger Masuda

Agenda Title: Consider Adoption of Resolution No. 2013-25 to Amend the Board Procedures Manual, Section 23, Order of Business

Detailed Description: The Board of Directors is requested to discuss the order of business as set forth on the agenda and amend the Board Procedures Manual to reflect the change.

Last month the Board voted to move the meeting venue to the City of Marina Council Chambers, but there is not a private meeting space for the Board to discuss closed session items. Staff has suggested moving the closed session items to the end of the meeting so the public doesn't have to wait outside the Council Chambers for open session to begin. By moving the closed session to the end of the meeting, the public can leave before the Board goes into closed session. The only caveat is that the videographer would have to return the following day to wrap up the videography of the meeting because the wrap up takes about thirty minutes after the meeting to complete which could generate extra cost. Another option for the Board is to adjourn the meeting to the 11 Reservation Road office to hold closed session. This will give the videographer time to finish his work in the media room of the Council Chambers after the meeting is adjourned.

There have also been a few other adjustments to the agenda such as receiving public comments on closed session items and Board member requests for future agenda items. These changes will also be memorialized with this amendment. The revised order of business will read:

**23. Order of Business.**

The regular order of business of the Board shall be:

Call to Order  
Roll Call  
Pledge of Allegiance  
Oral Communications  
Special Presentations  
Public Hearings  
Consent Calendar  
Action Items  
Staff Reports  
Informational Items  
Board Member Requests for Future Agenda Items  
Public Comment on Closed Session Items  
Director's Comments  
Closed Session Items  
Possible Action on Closed Session Items  
Adjournment

The regular order of business may be changed by the President subject to the Board determining otherwise.

Environmental Review Compliance: None.

Prior Committee or Board Action: On December 11, 2012, President Moore added Board Member Requests for Future Agenda Items. On February 12, 2013, President Moore added Public Comment on Closed Session Items. On February 26, 2013 the Board voted to move the Board meeting venue to the City of Marina Council Chambers.

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: None.

Material Included for Information/Consideration: Resolution No. 2013-25.

Staff Recommendation: The Board of Directors consider amending Section 23, Order of Business, in the Board Procedures Manual.

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

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Board Action

\_\_\_\_\_ Resolution No \_\_\_\_\_ Motion By \_\_\_\_\_ Seconded By \_\_\_\_\_

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

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

Reagendized \_\_\_\_\_ Date \_\_\_\_\_ No Action Taken \_\_\_\_\_

March 18, 2013

Resolution No. 2013-25  
Resolution of the Board of Directors  
Marina Coast Water District  
Amending Section 23, Order of Business, in the Board Procedures Manual

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on March 18, 2013, at 211 Hillcrest Avenue, Marina, California as follows:

WHEREAS, the Board of Directors last updated the Board Procedures Manual in November 2012; and,

WHEREAS, the Board of Directors wishes to change the order of business; and,

WHEREAS, the Board of Directors will move closed session to the end of the meeting, add “Public Comment on Closed Session Items” and “Board Member Requests for Future Agenda Items” to the order of business.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby amend Section 23, Order of Business, of the Board Procedures Manual to read:

**23. Order of Business.**

The regular order of business of the Board shall be:

Call to Order  
Roll Call  
Pledge of Allegiance  
Oral Communications  
Special Presentations  
Public Hearings  
Consent Calendar  
Action Items  
Staff Reports  
Informational Items  
Board Member Requests for Future Agenda Items  
Public Comment on Closed Session Items  
Director’s Comments  
Closed Session Items  
Possible Action on Closed Session Items  
Adjournment

The regular order of business may be changed by the President subject to the Board determining otherwise.

PASSED AND ADOPTED on March 18, 2013, 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 \_\_\_\_\_

\_\_\_\_\_  
Thomas P. Moore, President

ATTEST:

\_\_\_\_\_  
Brian Lee, Deputy 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. 2013-25 adopted March 18, 2013.

\_\_\_\_\_  
Brian Lee, Deputy Secretary