



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

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, May 6, 2013, **6:00 p.m.** PST

(Please Note the Earlier Start Time)

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. Action Item

A. Consider Appointment of a Labor Negotiator

Action: The Board of Directors will consider appointing a labor negotiator for negotiations with the General Manager.

4. Public Comment on Closed Session Items *Anyone wishing to address the Board on matters appearing on Closed Session may do so at this time. Please limit your comment to four minutes. The public may comment on any other items listed on the agenda at the time they are considered by the Board.*

5. Closed Session

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, May 1, 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 May 20, 2013.

- A. Pursuant to Government Code Section 54957.6
Conference with Labor Negotiator (Name(s) of designated representative(s) attending the closed session to be announced at an open session held prior to the closed session.)
Unrepresented Employee: General Manager
- B. Pursuant to Government Code Section 54957
Conference with Legal Counsel
Public Employee Performance Evaluation
Title: General Manager
- C. Pursuant to Government Code 54956.9
Conference with Legal Counsel – Existing Litigation
(Subdivision (a) of Section 54956.9)
- 1) Ag Land Trust v. Marina Coast Water District, Monterey County Superior Court Case No. M105019; Sixth Appellate District Court of Appeals Case No. H038550
 - 2) In the Matter of the Application of California-American Water Company (U210W) for Approval of the Monterey Peninsula Water Supply Project and Authorization to Recover All Present and Future Costs in Rates, California Public Utilities Commission No. A.12-04-019
 - 3) 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)
 - 4) 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
- D. 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
- E. 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
- F. Pursuant to Government Code 54956.8
Conference with Real Property Negotiator (General Manager, District Counsel)
Property: Water Rights
Negotiating Parties: Clark Colony Water Company and MCWD
Under Negotiations: Price and Terms

7:00 p.m. Reconvene Open Session

6. 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.*

7. Pledge of Allegiance

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

9. Presentation

- A. Consider Adoption of Resolution No. 2013-31 in Recognition and Appreciation of Ms. Jean Premutati, Management Services Administrator, for 5 Years of Service to Marina Coast Water District

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

- A. Approve the Draft MCWD 2012 Consumer Confidence Report for the Marina Coast Water District Water System
- B. Approve the Draft Minutes of the Special Board Workshop of April 13, 2013
- C. Approve the Draft Minutes of the Regular Board Meeting of April 15, 2013

11. Staff Report

- A. Receive a Report Regarding the Update To the Infrastructure Agreement Template
- B. Receive Update on the Marina and Ord Community Budgets

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

- A. General Manager's Report
 - Correspondence Received by Board or General Manager
 - 1. Public Records Act Request – Michael Stamp April 22, 2013
- 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 | |

14. Board Member Requests for Future Agenda Items

A. Board Member Requests

15. Director's Comments

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

Regular Meeting:

*Monday, May 20, 2013, 6:45 p.m.,
211 Hillcrest Avenue, Marina*

Marina Coast Water District
Agenda Transmittal

Agenda Item: 9-A

Meeting Date: May 6, 2013

Submitted By: Jim Heitzman

Presented By: Jim Heitzman

Agenda Title: Consider Adoption of Resolution No. 2013-31 in Recognition of Jean Premutati, Management Services Administrator and Awarding A Plaque and Gift Certificate for Five Years of Service to the Marina Coast Water District

Detailed Description: The Board of Directors is requested to consider recognizing Jean Premutati for 5 years of service to the Marina Coast Water District and presenting her with a plaque and gift certificate.

Ms. Premutati joined the District April 21, 2008 as the Management Services Administrator. Over the past 5 years, Jean has overseen the remodel of the Beach Office Customer Service department, written the current employee handbook and ensures policies are updated routinely. She planned the District's 50th anniversary party held September 30, 2010 at the Beach Office parking lot which was well attended by local residents and elected officials.

In 2010/2011, several managers retired from the District which created opportunities to restructure staffing levels and streamline processes. Jean helped to facilitate these changes and implemented a reorganization of the Accounting, Engineering, Laboratory and Operations and Maintenance departments.

Additionally, Jean has worked with CSUMB to establish an Intern partnership. Students in the Environmental Science and Policy program have filled internships in the Operations and Maintenance, Engineering, Conservation and the Accounting departments. Many have gone on to accept positions working in public agencies.

It is with great pleasure that the District recognizes Jean Premutati for five years of service to the District.

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 No

Funding Source/Recap: Hospitality and Awards account numbers.

Material Included for Information/Consideration: Resolution No. 2013-31.

May 6, 2013

Resolution No. 2013 - 31
Resolution of the Board of Directors
Marina Coast Water District
Recognizing Ms. Jean Premutati, Management Services Administrator,
for Five Years of Service to the Marina Coast Water District

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on May 6, 2013 at 211 Hillcrest Avenue, Marina, California as follows:

WHEREAS, Jean Premutati joined the District April 21, 2008 as the Management Services Administrator; and,

WHEREAS, during the past 5 years, Jean has overseen the remodel of the Beach Office Customer Service department, making it a more welcome working environment and allowing customers to be able to see staff; and,

WHEREAS, Jean has written the current employee handbook and ensures the District is in compliance by making routine updates and changes due to State and Federal laws; and,

WHEREAS, Jean helped facilitate a reorganization throughout the District which created career opportunities for staff, established a cross-training program and supported promotions for several employee; and,

WHEREAS, Jean works with CSUMB to maintain a Student Intern program filling internships in various departments of the District. Many have gone on to work in public agencies and helping to preserve the environment.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby recognize Ms. Jean Premutati, Management Services Administrator for five years of service to the Marina Coast Water District and presents her with a plaque and gift certificate.

PASSED AND ADOPTED on May 6, 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:

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. 2013-31 adopted May 6, 2013.

Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 10

Meeting Date: May 6, 2013

Submitted By: Jim Heitzman

Presented By: Jim Heitzman

Agenda Title: Consent Calendar

Detailed Description: Consent calendar consisting of:

- A) Approve the Draft MCWD 2012 Consumer Confidence Report for the Marina Coast Water District Water System
- B) Approve the Draft Minutes of the Special Board Meeting of April 13, 2013
- C) Approve the Draft Minutes of the Regular Board Meeting of April 15, 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.)

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: 10-A

Meeting Date: May 6, 2013

Submitted By: Thomas Barkhurst

Presented By: James Derbin

Agenda Title: Approve the Draft MCWD 2012 Consumer Confidence Report for the Marina Coast Water District Water System

Detailed Description: The Federal Safe Drinking Water Act requires water utilities to provide accurate and timely information to consumers about the quality of their drinking water. The US Environmental Protection Agency and the California Department of Public Health (CDPH) adopted regulations known as a Consumer Confidence Report (CCR), to be distributed to water utility customers by July 1st every year. Since 1989, the District has provided CCR's (formerly called annual water quality report) to District customers.

The 2012 CCR summarizes the results of measured contaminants in the District supply wells and distribution system analyzed in calendar year 2012, or for some constituents, the most recent sampling year. The District's water system did not have any violation in 2012 and is in compliance with State and Federal drinking water regulations.

New for the 2012 CCR are the following:

- Gross Alpha and Uranium presence in the Primary Drink Water Standards of the Groundwater Supply Wells Water Quality Table and the addition of two new source wells (34 and Watkins Gate) in the Water Supply and Treatment section.

A list of contaminants tested for but not detected will be posted in the District's website at www.mcwd.org/2012ccr-ND.html

The 2012 CCR was presented to the District's Water Conservation Commission (WCC) on April 4th. The WCC recommended forwarding the 2012 CCR for Board approval.

The 2012 CCR will be mailed together with each customer's water bill starting mid- to late- May 2013. A separate mailing will be conducted for residents in the Ord military housing. Copies will be distributed to Alliance Residential, businesses, apartment managers, and school administrators for further distribution to customers who do not receive a water bill directly from the District. Staff will coordinate with the US Army-BRAC and CSUMB's News and Public Information Officer to establish the website links for access by the military and university communities. The CCR will be available at the District's website at www.mcwd.org

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.*

Prior Committee or Board Action: On April 15th the Board reviewed the CCR, asked for some revisions and that it be brought back in May for consideration.

Financial Impact: Yes No

Funding Source Recap: Printing Expense - Laboratory Budget (\$5,000), Marina Water Fund (\$1,850 – 37%) and Ord Water Fund (\$3,150 – 63%).

Material Included for Information/Consideration: Draft 2012 Consumer Confidence Report.

Staff Recommendation: The Board of Directors approve the DRAFT MCWD 2012 Consumer Confidence Report for the Marina Coast Water District Water System.

Action Requested: Resolution Motion Review

Board Action

Resolution No. Motion By Seconded By

Ayes: Abstained:

Noes: Absent:

Reagendized: Date: No Action Taken:

Marina Coast Water District
Agenda Transmittal

Agenda Item: 10-B

Meeting Date: May 6, 2013

Submitted By: Jim Heitzman

Presented By: Jim Heitzman

Agenda Title: Approve the Draft Minutes of the Special Board Meeting of April 13, 2013

Detailed Description: The Board of Directors is requested to approve the attached draft minutes of April 13, 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 April 13, 2013.

Staff Recommendation: The Board of Directors approve the draft minutes of the April 13, 2013 special 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
Agenda Transmittal

Agenda Item: 10-C

Meeting Date: May 6, 2013

Submitted By: Jim Heitzman

Presented By: Jim Heitzman

Agenda Title: Approve the Draft Minutes of the Regular Board Meeting of April 15, 2013

Detailed Description: The Board of Directors is requested to approve the attached draft minutes of April 15, 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 April 15, 2013.

Staff Recommendation: The Board of Directors approve the draft minutes of the April 15, 2013 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
Staff Report

Agenda Item: 11-A

Meeting Date: May 6, 2013

Submitted By: Brian True

Presented By: Brian Lee

Reviewed By: Andy Sterbenz, Brian Lee

Subject: Receive a Report Regarding the Update To the Infrastructure Agreement Template

Summary: The Board of Directors is requested to receive this report regarding the update to the template for the “Construction and Transfer of Water, Sewer, and Recycled Water Infrastructure Agreement” (Infrastructure Agreement). This form of Agreement is used for developers or project proponents that will construct water, sewer, and recycled water infrastructure and then turn-over that infrastructure to MCWD to own, operate, and maintain. The Agreement terms and conditions describe and define the requirements for how the infrastructure will be built and how the ownership will be transferred to MCWD. Each of the Developer or Project specific Agreements are approved by the Board prior to execution and implementation.

The reason for updating the Agreement at this time is because the current Agreement template was developed many years ago and the Agreements currently obtain Board approval with many modifications. The template in use today was first implemented on December 14, 2005 (Resolution Nos. 2005-70 and 2005-71 for the Marina Heights and University Village developments). The 2005 template appears in the District’s Engineering Procedures, Guidelines and Design Requirements document. Each successive Infrastructure Agreement has been adopted on a project specific basis, and the “working copy” has been clarified and improved. Staff has updated the template to capture the productive, and commonly protective, changes made and approved by the Board in the various executed Agreements. Also, the current District Counsel recommended an update to the Agreement in order to better clarify the rights and obligations of each party in addition to providing greater protection to the District. There are several up-coming developments and projects that will require Infrastructure Agreements, so providing those projects with this revised Infrastructure Agreement template will be timely.

District Counsel and Staff have worked together to provide the Board with the attached Infrastructure Agreement template that is proposed for use moving forward. To serve as a comparison, the template from 2005 is included as well. The most significant changes are:

- The title of the Agreement was modified; the previous title was somewhat cumbersome in its use.
- A “Definitions” section was added for clarity.
- A section (1.3 in the proposed template) was added to clarify the sewer capacity element of the Infrastructure Agreement.
- The effective date of MCWD standards, design timing, and procedures was specified more clearly and in a manner more protective of MCWD. Sections 2.1.1, 2.1.2, and 2.1.3 all contain the more protective language.
- Section 6.1 (mainly regarding recycled water) was shortened and clarified.
- Sections 12, 13, 15, and 17 were updated with more current and protective legal language.

- Exhibit D was clarified and made more consistent with the body of the Agreement.

Attachments: Revised Infrastructure Agreement template; 2005 Construction and Transfer of Water, Sewer, and Recycled Water Infrastructure Agreement

Marina Coast Water District
Staff Report

Agenda Item: 11-B

Meeting Date: May 6, 2013

Submitted By: Brian Lee

Presented By: Brian Lee

Subject: Receive Update on the Marina and Ord Community Budgets

Summary: The Board of Directors is requested to receive the most current schedule for the FY 2013-2014 Marina and Ord Community Budgets.

Attachment: Current schedule for the FY 2013-2014 Marina and Ord Community Budgets