



# 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

**Tuesday**, September 3, 2013, **6:30** p.m. PST

(Please note the date change due to Holiday and earlier 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. 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.*

#### 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 Thursday, August 29, 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 September 16, 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) 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)

- B. 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**

**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 four 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 four minutes.*

A. Approve the Expenditures for the Month of July 2013

B. Approve the Draft Minutes of the Regular Board Meeting of August 19, 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 four minutes.*

A. Consider Adoption of Resolution No. 2013-55 to Amend the Policy for Recruitment and Selection of Positions Reporting Directly to the Board of Directors

*Action: The Board of Directors will consider amending the policy for Recruitment and Selection of Positions Reporting Directly to the Board of Directors.*

B. Review First Draft of Revised General Manager Position Description

*Action: The Board of Directors will review the first draft of the revised General Manager's job description and provide direction to staff.*

- C. Consider Adoption of Resolution No. 2013-43 to Approve a Quitclaim Deed of an Abandoned Potable Water Pipe and Easements to Monterey Peninsula Unified School District

*Action: The Board of Directors will consider approving a quitclaim deed of an abandoned potable water pipe and easements to MPUSD.*

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

- A. General Manager's Report

- Correspondence Received by Board or General Manager

- B. Counsel's Report

- C. Committee and Board Liaison Reports

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

**11. Board Member Requests for Future Agenda Items**

- A. Board Member Requests

**12. Director's Comments**

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

*Regular Meeting: Monday, September 16, 2013, 6:45 p.m.,  
Marina Council Chambers  
211 Hillcrest Avenue, Marina*

Marina Coast Water District  
Agenda Transmittal

Agenda Item: 8

Meeting Date: September 3, 2013

Submitted By: Brian C. Lee

Presented By: Brian C. Lee

Agenda Title: Consent Calendar

Detailed Description: Consent calendar consisting of:

- A) Approve the Expenditures for the Month of July 2013
- B) Approve the Draft Minutes of the Regular Board Meeting of August 19, 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: September 3, 2013

Submitted By: Kelly Cadiente

Presented By: Kelly Cadiente

Agenda Title: Approve the Expenditures for the Month of July 2013

Detailed Description: The Board of Directors is requested to approve the attached July 2013 check register for expenditures totaling \$1,571,896.87.

Environmental Review Compliance: None required.

Prior Committee or Board Action: On August 19, 2013 the Board voted to table this item until the next meeting.

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 2013 Summary Check Register.

Staff Recommendation: The Board of Directors approve the July 2013 expenditures totaling \$1,571,896.87.

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-B

Meeting Date: September 3, 2013

Submitted By: Brian C. Lee

Presented By: Brian C. Lee

Agenda Title: Approve the Draft Minutes of the Regular Board Meeting of August 19, 2013

Detailed Description: The Board of Directors is requested to approve the attached draft minutes of August 19, 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 August 19, 2013.

Staff Recommendation: The Board of Directors approve the draft minutes of the August 19, 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: September 3, 2013

Submitted By: Jean Premutati

Presented By: Jean Premutati

Reviewed By: Brian C. Lee

Agenda Title: Consider Adoption of Resolution No. 2013-55 to Amend the Policy for Recruitment and Selection of Positions Reporting Directly to the Board of Directors

Description: The Board is requested to approve the amended recruitment and selection of positions reporting directly to the Board of Directors policy.

At the August 19, 2013 regular meeting, the Board reviewed and discussed the current recruitment policy and directed staff to make revisions to include, at the Board's discretion, the use of an ad-hoc committee for candidate selection or an external recruitment firm. In addition, qualified internal candidates may be considered concurrently with external applicants.

Environmental Review Compliance: None required.

Prior Committee or Board Action: At the August 19, 2013 regular meeting, staff was directed to revise the policy for recruitment and selection of positions reporting directly to the Board of Directors.

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: N/A

Material Included for Information/Consideration: Resolution No. 2013-55; and, Draft policy for recruitment and selection of positions reporting directly to the Board of Directors

Staff Recommendation: The Board of Directors provide direction to staff on how to proceed.

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 \_\_\_\_\_

September 3, 2013

Resolution No. 2013-55  
Resolution of the Board of Directors  
Marina Coast Water District  
Amending the Policy for Recruitment and Selection of Positions  
Reporting Directly to the Board of Directors

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on September 3, 2013 at 211 Hillcrest Drive, Marina, California as follows:

WHEREAS, the District currently has a policy in place for the method(s) and procedure(s) of recruiting positions reporting directly to the Board of Directors. The current policy includes utilizing the services of an external recruiting firm; and,

WHEREAS, at the August 19, 2013 regular Board meeting, the Board directed staff to revise the recruitment policy to include the use of ad-hoc committees and inclusion of internal and external candidates concurrently.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby amend the policy for recruitment and selection of any position(s) that report directly to the Board of Directors.

PASSED AND AMENDED on September 3, 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 C. 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. 2013-55 amended September 3, 2013.

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Brian C. Lee, Deputy Secretary

Marina Coast Water District  
Agenda Transmittal

Agenda Item: 9-B

Meeting Date: September 3, 2013

Submitted By: Jean Premutati

Presented By: Jean Premutati

Reviewed By: Brian C. Lee

Agenda Title: Review First Draft of Revised General Manager Position Description

Detailed Description: The Board of Directors is requested to review the first draft of the revised General Manager position description.

At the August 19, 2013 regular meeting, the Board directed staff to provide a revised job description for the General Manager position. The current job description for the GM classification is dated 1997. Many of the direct report positions have changed and the revised description is now properly formatted as that of other District job descriptions.

Environmental Review Compliance: None required.

Prior Committee or Board Action: At the August 19, 2013 regular meeting, staff was directed to provide the Board with a first draft.

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: N/A

Material Included for Information/Consideration: Draft General Manager job description.

Staff Recommendation: The Board of Directors provide direction to staff on how to proceed.

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 \_\_\_\_\_

Marina Coast Water District  
Agenda Transmittal

Agenda Item: 9-C

Meeting Date: September 3, 2013

Submitted By: Peter Spiro

Presented By: Brian C. Lee

Reviewed By: Brian C. Lee

Agenda Title: Consider Adoption of Resolution No. 2013-43 to Approve a Quitclaim Deed of an Abandoned Potable Water Pipe and Easements to Monterey Peninsula Unified School District

Detailed Description: The Board of Directors is requested to approve a Quitclaim Deed for an abandoned potable water pipe and easements to Monterey Peninsula Unified School District.

The District received the existing potable water system infrastructure at Monterey Peninsula Unified School District' campus (located east of Patton Parkway, north of Rendova Road) from FORA through a no-cost economic development conveyance process. As a part of this conveyance, the District received both the physical pipes and a 15-foot easement (7.5 feet on either side of the pipe, from center of pipe) over that system. The District added a meter just outside of MPUSD campus. Typically, the District's responsibility ends at the meter location per the standard regulations.

The school district recently installed new potable water lines. The abandoned existing pipelines and the accompanied easements are no longer needed as the replacement of the entire system at the School District campus is completed. Staff has reviewed the existing facilities and determined they are not necessary for the current district's needs. Staff recommends that the District relieve itself of responsibility for the abandoned infrastructure.

District staff requests the Board approve the quitclaim deed for the pipe and the associated easement as described in the attached survey.

Environmental Review Compliance: None required.

Prior Committee or Board Action: Resolution No. 2000-45, Board Approved Water/Wastewater Facilities Agreement Between MCWD and FORA; Resolution No. 2001-52, Board Approved Assignments of Easements on the Former Fort Ord and Ord Military Community, County of Monterey; Resolution No. 2013-42, Board Approved Infrastructure Transfer Agreement with Monterey Peninsula Unified School District.

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     \_\_\_X\_\_\_No

Funding Source/Recap: None

Material Included for Information/Consideration: Resolution No. 2013-43; and Quitclaim deed/Survey.

Staff Recommendation: The Board of Directors is requested to adopt Resolution No. 2013-43, to approve a quitclaim deed of an abandoned potable water pipe and easements to Monterey Peninsula Unified School District.

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

September 3, 2013

Resolution No. 2013 - 43  
Resolution of the Board of Directors  
Marina Coast Water District

Approving a Quitclaim Deed of an abandoned water distribution system to MPUSD

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on September 3, 2013 at 211 Hillcrest Avenue, Marina, California as follows:

WHEREAS, the District has received from the United States of America via FORA, through a no-cost economic development conveyance process, the potable water infrastructure serving Monterey Peninsula Unified School District’s campus located East of Patton Parkway, North of Rendova Road, a part of the Former Fort Ord; and,

WHEREAS, the water distribution system at said location was replaced through an upgrade project in order to provide an adequate fire flow and allow for the future expansion of MPUSD campus; and,

WHEREAS, MPUSD is in process of dedicating all the proper easements and rights needed to operate and maintain the public portion of the newly installed system; and,

WHEREAS, upon completion of said upgrade project, the District no longer has use for or need of the portions of the older distribution system as described in the attached survey.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby authorize the General Manager or the Deputy General Manager/District Engineer to take all actions and execute all documents as may be necessary or appropriate to quitclaim said facilities to MPUSD.

PASSED AND ADOPTED on September 3, 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 C. 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. 2013-43 adopted September 3, 2013.

\_\_\_\_\_  
Brian C. Lee, Deputy Secretary