



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

WILLIAM Y. LEE
Vice President

HOWARD GUSTAFSON
JAN SHRINER
PETER LE

Agenda

Regular Board Meeting, Board of Directors Marina Coast Water District

211 Hillcrest Avenue, Marina, California
Monday, August 4, 2014, 6:00 p.m. PST

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 6:00 p.m. and are held at the City of Marina Council Chambers at 211 Hillcrest Avenue, Marina, California.

Our Mission: *We provide our customers with high quality water, wastewater collection and conservation services at a reasonable cost, through planning, management and the development of water resources in an environmentally sensitive manner.*

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)

1) Ag Land Trust v. Marina Coast Water District, Monterey County Superior Court Case No. M105019; Sixth Appellate District Court of Appeals Case Nos. H038550 and H039559

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 & A.13-05-017 Settlement Agreement

This agenda is subject to revision and may be amended prior to the scheduled meeting. A final agenda will be posted at City of Marina Council Chambers (211 Hillcrest Avenue, Marina) and the District office (11 Reservation Road, Marina) no less than 72 hours prior to the meeting. A complete Board packet containing all enclosures and staff materials will be available for public review on Thursday, July 17, 2014. Copies will also be available at the Board meeting. Information about items on this agenda or persons requesting disability related modifications and/or accommodations should contact the Board Clerk 48 hours prior to the meeting at: 831-883-5910.

3) California-American Water Company vs Marina Coast Water District; Monterey County Water Resources Agency; and Does 1 through 10, San Francisco Superior Court Case No. CGC-13-528312 (Complaint for Declaratory Relief)

- B. Pursuant to Government Code 54956.9
Conference with Legal Counsel – Anticipated Litigation
Significant Exposure to Litigation Pursuant to Subdivision (b) of 54956.9
Two Potential Cases
- C. Pursuant to Government Code 54957
Public Employee Performance Evaluation
Title: General Manager
- D. Pursuant to Government Code 54957
Public Employee Appointment
Title: General Manager
- E. Pursuant to Government Code 54956.8
Conference with Real Property Negotiator
Property: Recycled Water Pipeline, Recycled Water
Negotiating parties: Tom Moore and Peter Le
Under Negotiation: Price and Terms
- F. Pursuant to Government Code 54956.8
Conference with Real Property Negotiator
Property: Armstrong Ranch
Negotiating parties: Tom Moore and Peter Le
Under Negotiation: Price and Terms
- G. Pursuant to Government Code 54956.8
Conference with Real Property Negotiator
Property: Sewer Infrastructure
Negotiating parties: Tom Moore and Peter Le
Under Negotiation: 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 Draft Minutes of the Regular Board Meeting of July 21, 2014

B. Approve the Draft Minutes of the Special Board Meeting of July 23, 2014

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. 2014-31 to Approve a Memorandum of Understanding between Marina Coast Water District and the Monterey Peninsula Unified School District Regarding the In-School Water Conservation Education Program

Action: The Board of Directors will consider approving a Memorandum of Understanding between Marina Coast Water District and the Monterey Peninsula Unified School District regarding the In-School Water Conservation Education Program.

B. Review the Proposed Revisions to the Board Procedures Manual and Provide Direction to Staff

Action: The Board of Directors will consider reviewing proposed revisions to the Board Procedures Manual and providing direction to staff.

C. Discussion and Possible Action Regarding Providing Direction to Staff on the Mitigated Negative Declaration for the Proposed California American Water Company Slant Wells and the District's Potential Use of the CEMEX Property

Action: The Board of Directors will consider providing direction to staff regarding a comment letter on the Mitigated Negative Declaration for the proposed California American Water Company slant wells; and, the District's potential use of the CEMEX property.

D. Discussion and Possible Action Regarding Providing Direction to Legal Counsel to Review the Wheeling Agreement with California American Water Company

Action: The Board of Directors will consider directing Legal Counsel to review the Wheeling Agreement with California American Water Company.

E. Receive a Verbal Update on the General Manager Recruitment Process and Provide Guidance

Action: The Board of Directors will receive an update on the General Manager recruitment process and provide guidance.

F. Discussion and Possible Action Regarding Providing Direction to Staff Regarding Assembly Bill 1728 and Senate Bill 104

Action: The Board of Directors will consider providing direction regarding Assembly Bills 1728 and 104.

10. Staff Report

A. Receive 1st and 2nd Quarter 2014 Ord Community Water Consumption and Sewer Flow Reports

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 four minutes.*

A. General Manager's Report

1. Correspondence Received by Board or General Manager

a. July 11, 2014 Letter from the Office of Historic Preservation

B. Counsel's Report

C. Committee and Board Liaison Reports

1. Water Conservation Commission

2. Joint City-District Committee

3. Executive Committee

4. Community Outreach

5. MRWPCA Board Member Liaison

6. LAFCO Liaison

7. FORA

8. WWOC Report

9. JPIA Liaison

10. Special Districts Association

12. Board Member Requests for Future Agenda Items

13. Director's Comments

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

Regular Meeting:

Monday, August 18, 2014, 6:00 p.m.,

Marina Council Chambers

211 Hillcrest Avenue, Marina

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8

Meeting Date: August 4, 2014

Submitted By: Brian C. Lee

Presented By: Brian C. Lee

Agenda Title: Consent Calendar

Detailed Description: Consent calendar consisting of:

- A) Approve the Draft Minutes of the Regular Board Meeting of July 21, 2014
- B) Approve the Draft Minutes of the Special Board Meeting of July 23, 2014

Environmental Review Compliance: None required.

Prior Committee or Board Action: See individual transmittals.

Board Goals/Objectives: *2014 Strategic Plan, Mission Statement – We Provide high quality water, wastewater collection and conservation services at a reasonable cost, through planning, management and the development of water resources in an environmentally sensitive manner.*

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: 8-A

Meeting Date: August 4, 2014

Submitted By: Brian C. Lee

Presented By: Brian C. Lee

Agenda Title: Approve the Draft Minutes of the Regular Board Meeting of July 21, 2014

Detailed Description: The Board of Directors is requested to approve the draft minutes of July 21, 2014.

Environmental Review Compliance: None required.

Prior Committee or Board Action: None.

Board Goals/Objectives: *2014 Strategic Plan, Mission Statement – We Provide high quality water, wastewater collection and conservation services at a reasonable cost, through planning, management and the development of water resources in an environmentally sensitive manner.*

Financial Impact: _____Yes ___X___No

Funding Source/Recap: None.

Material Included for Information/Consideration: Draft minutes of July 21, 2014.

Staff Recommendation: The Board of Directors approve the draft minutes of the July 21, 2014 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
Agenda Transmittal

Agenda Item: 8-B

Meeting Date: August 4, 2014

Submitted By: Brian C. Lee

Presented By: Brian C. Lee

Agenda Title: Approve the Draft Minutes of the Special Board Meeting of July 23, 2014

Detailed Description: The Board of Directors is requested to approve the draft minutes of July 23, 2014.

Environmental Review Compliance: None required.

Prior Committee or Board Action: None.

Board Goals/Objectives: *2014 Strategic Plan, Mission Statement – We Provide high quality water, wastewater collection and conservation services at a reasonable cost, through planning, management and the development of water resources in an environmentally sensitive manner.*

Financial Impact: _____Yes ___X___No

Funding Source/Recap: None.

Material Included for Information/Consideration: Draft minutes of July 23, 2014.

Staff Recommendation: The Board of Directors approve the draft minutes of the July 23, 2014 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: 9-A

Meeting Date: August 4, 2014

Submitted By: James Derbin

Presented By: Brian C. Lee

Reviewed By: Brian C. Lee

Agenda Title: Adopt Resolution No. 2014-31 to Approve a Memorandum of Understanding between Marina Coast Water District and the Monterey Peninsula Unified School District Regarding the In-School Water Conservation Education Program

Detailed Description: The Board of Directors shall consider adopting Resolution No. 2014-31 approving a Memorandum of Understanding (MOU) between the Marina Coast Water District (MCWD) and the Monterey Peninsula Unified School District (MPUSD) regarding the In-School Water Conservation Education Program.

The MPUSD and MCWD have worked together for more than twelve years to bring water conservation education to students in the district's service area. This agreement continues this long-standing relationship between the two partners and provides the means to integrate water conservation instruction into the curriculum at five elementary schools for the 2014-2015 School Year. The primary goal of this program is to educate the local children about earth science, the properties of water, and the importance of practicing water conservation every day.

Teacher survey results, and positive feedback from school administrators, students, and their families, indicate that unique and effective professional classroom instruction is provided through this education program (see attached). The MCWD conservation education program is valued by MPUSD school faculty and staff, and the local community it serves. Results of a 2008 study of the program's effectiveness were very positive (see attached). The 2008 study clearly indicated student knowledge and comprehension of water conservation and science increased following classroom instruction.

MCWD will reimburse MPUSD for the classroom instruction at a rate of \$30.08 per hour plus statutory benefits, not to exceed \$25,800. An accredited, experienced, MPUSD Science Teacher will conduct approximately 160 classroom presentations, providing targeted instruction to over 1200 students, and 60 teachers three times each school year. The water conservation instruction provided is designed to meet the state academic curriculum standards and it is age appropriate for the children taught in grades kindergarten through third grade.

Environmental Review Compliance: None required.

Prior Committee or Board Action: The MCWD Water Conservation Commission has recommended approval of this MOU.

Board Goals/Objectives: *2014 Strategic Plan, Mission Statement – We Provide high quality water, wastewater collection and conservation services at a reasonable cost, through planning, management and the development of water resources in an environmentally sensitive manner.*

Financial Impact: X Yes No

Funding Source/Recap: This item is funded through the FY 2014/2015 Conservation Budget of the Central Marina and Ord Community cost centers.

Material Included for Information/Consideration: Resolution No. 2014-31, Draft MOU between MCWD and Monterey Peninsula Unified School District, Wonders of Water School Program Summary for 2013-2014; 2013-2014 Teacher Comments; and, MCWD School Program Survey – Instruction/Evaluation Form and Results 2008.

Staff Recommendation: The Board of Directors consider the adoption of Resolution No. 2014-31 approving an MOU between the Marina Coast Water District and the Monterey Peninsula Unified School District.

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

Board Action

 Resolution No Motion By Seconded By

Ayes Abstained

Noes Absent

Reagendized Date No Action Taken

August 4, 2014

Resolution No. 2014 - 31
Resolution of the Board of Directors
Marina Coast Water District
Approving a Memorandum of Understanding
between Marina Coast Water District and the Monterey Peninsula Unified School District
Regarding In-School Water Conservation Education Program With Wage and Benefit
Reimbursements

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“MCWD”), at a regular meeting duly called and held on August 4, 2014, at 211 Hillcrest Avenue, Marina, California as follows:

WHEREAS, MCWD has developed a Memorandum of Understanding (MOU) with the Monterey Peninsula Unified School District regarding the In-School Water Conservation Education Program that will facilitate the teaching of water conservation education; and,

WHEREAS, documentation has been provided to the Board supporting continuation of the program; and,

WHEREAS, the MOU is an agreement to formalize planning and execution of the In-School Water Conservation Education Program; and,

WHEREAS, water conservation is within the District’s Mission and the funding for this MOU is included in the District’s budget for FY 2014/2015 under Conservation Education with a not to exceed amount of \$25,800.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby approve the proposed Memorandum of Understanding regarding the In-School Water Conservation Education Program.

BE IT FURTHER RESOLVED, that the Board of Directors does hereby authorize the General Manager or the Deputy General Manager/District Engineer to sign the MOU.

PASSED AND ADOPTED on August 4, 2014 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. 2014-31 adopted August 4, 2014.

Brian C. Lee, Deputy Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 9-B

Meeting Date: August 4, 2014

Submitted By: Brian C. Lee

Presented By: Brian C. Lee

Agenda Title: Review the Proposed Revisions to the Board Procedures Manual and Provide Direction to Staff

Detailed Description: The Board of Directors is requested to review the suggested revisions and provide direction to staff.

Environmental Review Compliance: None required.

Prior Committee or Board Action: None.

Board Goals/Objectives: *2014 Strategic Plan, Mission Statement – We Provide high quality water, wastewater collection and conservation services at a reasonable cost, through planning, management and the development of water resources in an environmentally sensitive manner.*

Financial Impact: _____Yes X No

Funding Source/Recap: None.

Material Included for Information/Consideration: Redlined version of the Board Procedures Manual.

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

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: 9-C

Meeting Date: August 4, 2014

Submitted By: Brian C. Lee

Presented By: Brian C. Lee

Agenda Title: Discussion and Possible Action Regarding Providing Direction to Staff on the Mitigated Negative Declaration for the Proposed California American Water Company Slant Wells and the District's Potential Use of the CEMEX Property

Detailed Description: Staff has included this item on the agenda as requested.

The City of Marina has prepared a Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the project titled, "California American Water Slant Test Well Project". The City of Marina's Planning Commission voted to deny certification of the IS/MND on July 10, 2014.

Cal Am has appealed the Planning Commission's decision. The City Counsel is scheduled to review the IS/MND on August 26, 2014.

District staff submitted the attached comment letter to the City's environmental consultants on June 17, 2014. The City's prepared response is also attached for Board review.

Environmental Review Compliance: None required.

Prior Committee or Board Action: None.

Board Goals/Objectives: *2014 Strategic Plan, Mission Statement – We Provide high quality water, wastewater collection and conservation services at a reasonable cost, through planning, management and the development of water resources in an environmentally sensitive manner.*

Financial Impact: _____Yes X No

Funding Source/Recap: None.

Material Included for Information/Consideration: MCWD letter to City of Marina dated June 17, 2014; and, City of Marina's response to MCWD letter.

Staff Recommendation: This is a Board requested item.

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: 9-D

Meeting Date: August 4, 2014

Submitted By: Brian C. Lee

Presented By: Brian C. Lee

Agenda Title: Discussion and Possible Action Regarding Providing Direction to Legal Counsel
to Review the Wheeling Agreement with California American Water Company

Detailed Description: Staff has included this item on the agenda as requested.

Environmental Review Compliance: None required.

Prior Committee or Board Action: None.

Board Goals/Objectives: *2014 Strategic Plan, Mission Statement – We Provide high quality water, wastewater collection and conservation services at a reasonable cost, through planning, management and the development of water resources in an environmentally sensitive manner.*

Financial Impact: _____Yes X No

Funding Source/Recap: None.

Material Included for Information/Consideration: MCWD/CalAm Wheeling Agreement.

Staff Recommendation: This is a Board requested item.

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: 9-E

Meeting Date: August 4, 2014

Submitted By: Brian C. Lee

Presented By: Thomas Moore

Agenda Title: Receive a Verbal Update on the General Manager Recruitment Process and
Provide Guidance

Detailed Description: The Board is requested to receive a verbal update from President Moore
and provide guidance.

Environmental Review Compliance: None required.

Prior Committee or Board Action: President Moore gave a verbal update at the July 7, and July
21, 2014 Board meetings. The Board held a special meeting on July 23, 2014.

Board Goals/Objectives: *2014 Strategic Plan, Mission Statement – We Provide high quality
water, wastewater collection and conservation services at a reasonable cost, through planning,
management and the development of water resources in an environmentally sensitive manner.*

Financial Impact: ___Yes ___X___No

Funding Source/Recap: None

Materials Included for Information/Consideration: None.

Staff Recommendation: Provide Board guidance.

Action Required: ___Resolution ___Motion ___Review

Board Action

___Resolution No___ Motion By___ Seconded By___

Ayes___ Abstained___

Noes___ Absent___

Reagendized___ Date___ No Action Taken___

Marina Coast Water District
Agenda Transmittal

Agenda Item: 9-F

Meeting Date: August 4, 2014

Submitted By: Brian C. Lee

Presented By: Brian C. Lee

Agenda Title: Discussion and Possible Action Regarding Providing Direction to Staff Regarding
Assembly Bill 1728 and Senate Bill 104

Detailed Description: Staff has included this item on the agenda as requested.

Environmental Review Compliance: None required.

Prior Committee or Board Action: None.

Board Goals/Objectives: *2014 Strategic Plan, Mission Statement – We Provide high quality water, wastewater collection and conservation services at a reasonable cost, through planning, management and the development of water resources in an environmentally sensitive manner.*

Financial Impact: _____Yes ___X___No

Funding Source/Recap: None.

Material Included for Information/Consideration: Assembly Bill 1728; and, Senate Bill 104.

Staff Recommendation: This is a Board requested item.

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: 10-A

Meeting Date: August 4, 2014

Prepared By: Kelly Cadiente, and Paul Lord
Reviewed By: Brian C. Lee

Presented By: Kelly Cadiente

Subject: 1st and 2nd Quarter 2014 Ord Community Water Consumption and Sewer Flow Reports

Summary: The Board of Directors is requested to receive the 1st and 2nd Quarter 2014 Ord Community Water Consumption and Sewer Flow Reports. Quarterly water consumption reports have been submitted to the Board since 2006. The quarterly consumption reports contain the Ord Community water consumption data organized by land-use jurisdiction.

This staff report also includes tracking information on Ord Community sewer flows and available sewer capacity. Ord Community sanitary sewer flow for the 1st quarter of 2014 was 80.307-million-gallons which yield an average daily sewer flow of 0.892-million-gallons-per-day (MGD). 2nd quarter flow was 75.06-million-gallons which yield an average daily sewer flow of 0.825 MGD. The Ord Community's sanitary sewer flow to the Monterey Regional Water Pollution Control Agency (MRWPCA) interceptor system is measured by a District flume structure located adjacent to the retired Main Garrison wastewater treatment plant.

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

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

- The number of customers in each category is defined as the number of active accounts within that land use jurisdiction.
- "Army Facilities & Businesses - Ord" captures all uses not listed in the other Army categories.
- Unmetered water use under "Army Facilities & Business – Ord" is based on 764 flat rate accounts.

1st Quarter 2014

- The rainfall total for the 1st quarter of 2014 (Jan., Feb., Mar.) was 5.84 inches. This amount of rainfall is much lower than the historical quarterly average rainfall of 9.49 inches. Precipitation for the past nine months of the Rain Year is 7.47 inches. Normal rainfall for this period is 14.39 inches.
- The measured reference evapotranspiration rate for this period was 6.86 inches, slightly higher than the historical quarterly average of 6.11 inches.

2nd Quarter 2014

- The rainfall total for the 2nd quarter of 2014 (Apr., May, Jun.) was 1.08 inches. This amount of rainfall is 0.58 inches lower than the historical quarterly average. Precipitation for the past Rain Year is 8.55 inches. Normal rainfall for the Rain Year is 16.29 inches.
- The measured reference evapotranspiration rate for this quarterly period was 12.99 inches, lower than the historical quarterly average of 13.63 inches.