



# 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*

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 18, 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, August 14, 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 54956.9  
Conference with Legal Counsel – Anticipated Litigation  
Initiation of Litigation Pursuant to Subdivision (c) of 54956.9  
Two Potential Cases
- 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. Presentation

- A. Consider Adoption of Resolution No. 2014-32 in Recognition of Kurt Gonzalez, Utility Laborer, for 5 Years of Service to the Marina Coast Water District

**9. 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. Receive and File the Check Register for the Month of July 2014
- B. Approve the Revised Draft Minutes of the Regular Board Meeting of July 21, 2014
- C. Approve the Draft Minutes of the Regular Board Meeting of August 4, 2014
- D. Approve the Draft Minutes of the Special Board Meeting of August 8, 2014

**10. 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. Discuss the Private Fire Service Fees

*Action: Several members of the public requested that the Board of Directors discuss the private fire service fees that were implemented as part of the Proposition 218 process and budget adoption.*

- B. Discussion and Possible Action Regarding Providing Direction to Staff on the Initial Study/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 discuss, and consider directing staff to submit the proposed comment letter to the City of Marina.*

- C. Consider Appointments of Public Members to the Water Conservation Commission

*Action: The Board will consider appointing two public members to the Water Conservation Commission for two-year terms.*

- D. Consider Adoption of Resolution No. 2014-33 to Approve a CSUMB-MCWD Agreement for Placement of Students

*Action: The Board of Directors will consider approving an agreement between CSUMB and MCWD for placement of students.*

- E. Consider Adoption of Resolution No. 2014-34 to Declare Water Conservation Stage 3 as Required by the State Water Resources Control Board's Emergency Mandatory Water Conservation Regulations

*Action: The Board of Directors will consider declaring Water Conservation Stage 3 as required by the State Water Resources Control Board's Emergency Mandatory Water Conservation Regulations.*

- F. Consider Requesting Director Le to Research Possible Funding Sources for Asbestos Removal on the District Owned Property in the Ord Community

*Action: The Board of Directors will consider requesting Director Le to research possible funding sources for asbestos removal on the District owned property in the Ord Community.*

**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

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 |

**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: Tuesday, September 2, 2014, 6:00 p.m.,  
Marina Council Chambers  
211 Hillcrest Avenue, Marina*

Marina Coast Water District  
Agenda Transmittal

Agenda Item: 8-A

Meeting Date: August 18, 2014

Submitted By: James Derbin

Presented By: Brian C. Lee

Agenda Title: Consider Adoption of Resolution No. 2014-32 in Recognition of Kurt Gonzales, Utility Laborer, for 5 Years of Service to Marina Coast Water District

Detailed Description: Kurt Gonzales joined the District on August 17, 2009 as a Utility Laborer. This temporary contract position was newly created in June 2009 to replace the existing District contracted janitorial service. Following the hiring of Kurt Gonzales, and the successful completion of a three month trial period, this position was approved for reclassification into a full-time benefitted position in October 2009.

From the first day with the District, Kurt has done an outstanding job of caring for the Ord and Beach office facilities. Kurt has applied his 20 years of commercial roofing experience and customer service skills with positive results. His continued efforts and solid work ethic are acknowledged by his fellow staff at the District. The District offices have never looked better since Kurt's arrival.

Kurt is a self-motivated employee that comes to work every day with a positive, productive and helpful approach. Kurt communicates and works well with staff and supervisors. It is not uncommon for Kurt to notice items that need attention and take care of the issue immediately with little or no direction, or suggest solutions to his supervisors. Kurt is always willing to help staff in any way he can and welcomes new tasks with enthusiasm.

It is with great pleasure that the District recognizes Kurt Gonzales's five years of service to the Marina Coast Water District. We collectively thank him for his years of outstanding service, and wish him well in his continued service to this District.

Board Goals/Objectives: *2014 Strategic Plan Mission Statement – To 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.*

Prior Committee or Board Action: None.

Financial Impact:  Yes  No

Funding Source Recap: Expenditures for plaque and gift certificate is allocated across four operating cost centers.

Material Included for Information/Consideration: Resolution No. 2014-32.

Staff Recommendation: The Board of Directors consider adoption of Resolution No. 2014-32 in recognition of Kurt Gonzales, Utility Laborer, and awarding a plaque and gift certificate for 5 years of service to the Marina Coast Water District.

Action Requested:  X  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:

August 18, 2014

Resolution No. 2014-32  
Resolution of the Board of Directors  
Marina Coast Water District  
In Recognition of Mr. Kurt Gonzales for 5 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 August 18, 2014 at 211 Hillcrest Avenue, Marina, California as follows:

WHEREAS, Kurt Gonzales joined the District on August 17, 2009 as a temporary Utility Laborer; and,

WHEREAS, Kurt immediately applied his 20 years of commercial roofing experience and customer service skills to his work at the District; and,

WHEREAS, following completion of a successful three month trial period, Kurt was granted the opportunity to gain full-time benefited employment with the District on October 21, 2009; and,

WHEREAS, for the last five years, Kurt has done an outstanding job of caring for the Ord and Beach office facilities; and,

WHEREAS, Kurt is a dedicated and loyal employee who is well-respected and admired by his fellow employees and District customers.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby express its gratitude and recognize Kurt Gonzales for five years of outstanding and dedicated service to the District with a plaque and gift certificate, and wish him many more years with this District.

PASSED AND ADOPTED on August 18, 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 \_\_\_\_\_

\_\_\_\_\_  
William Y. Lee, Vice President

ATTEST:

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Brian C. Lee, 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. 2014-32 adopted August 18, 2014.

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Brian C. Lee, Secretary



Marina Coast Water District  
Agenda Transmittal

Agenda Item: 9

Meeting Date: August 18, 2014

Submitted By: Brian C. Lee

Presented By: Brian C. Lee

Agenda Title: Consent Calendar

Detailed Description: Consent calendar consisting of:

- A) Receive and File the Check Register for the Month of July 2014
- B) Approve the Revised Draft Minutes of the Regular Board Meeting of July 21, 2014
- C) Approve the Draft Minutes of the Regular Board Meeting of August 4, 2014
- D) Approve the Draft Minutes of the Special Board Meeting of August 8, 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.)

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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: August 18, 2014

Submitted By: Kelly Cadiente

Presented By: Kelly Cadiente

Agenda Title: Receive and File the Check Register for the Month of July 2014

Detailed Description: The Board of Directors is requested to receive and file the attached July 2014 check register for expenditures totaling \$850,207.95.

Environmental Review Compliance: None required.

Prior Committee or Board Action: None.

Board Goals/Objectives: *2014 Strategic Plan, Objective No. 3 – Our objective is to manage public funds to assure financial stability, prudent rate management and demonstrate responsible stewardship. Our fiscal strategy is to forecast, control and optimize income and expenditures in an open and transparent manner. We will efficiently use our financial resources to assure availability to fund current and future demands.*

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 2014 Summary Check Register.

Staff Recommendation: The Board of Directors receive and file the July 2014 expenditures totaling \$850,207.95.

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: 9-B

Meeting Date: August 18, 2014

Submitted By: Brian C. Lee

Presented By: Brian C. Lee

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

Detailed Description: The Board of Directors is requested to approve the revised 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   \_\_\_XNo

Funding Source/Recap: None.

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

Staff Recommendation: The Board of Directors approve the revised draft minutes of the July 21, 2014 regular Board meeting.

Action Required:     \_\_\_Resolution   \_\_\_XMotion   \_\_\_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-C

Meeting Date: August 18, 2014

Submitted By: Brian C. Lee

Presented By: Brian C. Lee

Agenda Title: Approve the Draft Minutes of the Regular Board Meeting of August 4, 2014

Detailed Description: The Board of Directors is requested to approve the draft minutes of August 4, 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 August 4, 2014.

Staff Recommendation: The Board of Directors approve the draft minutes of the August 4, 2014 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-D

Meeting Date: August 18, 2014

Submitted By: Brian C. Lee

Presented By: Brian C. Lee

Agenda Title: Approve the Draft Minutes of the Special Board Meeting of August 8, 2014

Detailed Description: The Board of Directors is requested to approve the draft minutes of August 8, 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 August 8, 2014.

Staff Recommendation: The Board of Directors approve the draft minutes of the August 8, 2014 special 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: 10-A

Meeting Date: August 18, 2014

Submitted By: Brian C. Lee

Presented By: Brian C. Lee

Agenda Title: Discuss the Private Fire Service Fees

Detailed Description: On July 21, 2014, several members of the public spoke during Oral Communications regarding their recent bills which included charges for their private fire service lines. The recently adopted fees and budget included increased charges in private fire service fees and took effect July 1, 2014. These fees were included as part of the District's rate study and noticed through the Proposition 218 process.

Several commercial businesses from Paul Davis Drive approached the District regarding these fees and asked to be added to an agenda so the Board can discuss their concerns. Below are their questions and responses provided by staff.

Q1 – “meter”, when there is no meter?

The District used the term 'meter' to describe a fire connection lateral to the water system. The rate study discussion on fire services provides a more accurate description that the fee is related to the size of the lateral providing fire service.

Q2 - Lack of notice – when & how the notice was delivered?

Notice was mailed by the District's billing vendor, DataProse, via US mail on Friday, March 28, 2014. It was sent to the parcel owner at both the mailing address and the situs address of the parcel listed on the Assessor's parcel listing obtained by the District from the County. Staff confirmed that all 11 customers on Paul Davis Drive were noticed.

Q3 - How & why was the price/value determined?

The fees are designed to reflect operation of the water system that is specifically available for fire protection, and are based on capacity related costs that are incurred based on the excess capacity that must be designed into the system in order to provide fire service. The 2% that is allocated to Fire protection is a combination of debt service (essentially capital cost to provide excess demands / fire flow) as well as a small portion of administration cost to provide the service.

As there were no immediate records available for Fire Protection (as is typically the case per Carollo Engineering) – assumptions were made that 4% of the budget line items applicable to Fire Protection would be allocated to Fire. The remaining 96% of the cost would be borne by the typical water users. As not all budget line-items are applicable to Fire Protection, 4% of Administrative Costs and 4% of Debt Service were used and therefore its total proportional cost is calculated to ~2%.

The charge is based on the diameter of the line that connects the fire protection system to the District's water system.

Q4 - Were comparables done with other water systems? Which ones (if any) & why they were selected?

Comparables were not performed with other water systems. Rather, the 2% was benchmarked against the ratio of Fire Protection meter equivalents (Capacity) over the cost to provide both Capacity and Peak demands. Industry Standard varies between 5-10% (of total cost), so conservative assumptions were used by the District. In addition, the methodology and ratios follow the AWWA M1 manual for Fire Protection Services.

As stated in the response to Q3, the charge is based on the diameter of the line that connects their fire protection system to the District's water system. Ratios differ between agencies based on customer characteristics (number of customers, size of connections, etc.)

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: None.

Staff Recommendation: None.

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: 10-B

Meeting Date: August 18, 2014

Submitted By: Brian C. Lee

Presented By: Brian C. Lee

Agenda Title: Discussion and Possible Action Regarding Providing Direction to Staff on the Initial Study/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. Proposed additional comments to be provided at the meeting on August 18, 2014.

Staff Recommendation: This is a Board requested item.

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: 10-C

Meeting Date: August 18, 2014

Submitted By: Brian True

Presented By: Brian C. Lee

Agenda Title: Consider Appointments of Public Members to the Water Conservation Commission

Detailed Description: The Water Conservation Commission (WCC) is authorized seven positions. Five of the seven positions are filled by members of the public and two are filled by an MCWD Board member and a member of the City of Marina City Council (one position each). Each year, new commissioners are appointed by the Board to fill public member positions – two positions in even-numbered-years and three positions in odd-numbered-years; thus, each of the public positions are appointed for a term of two years with some positions available for appointment each year. Attached is a Table providing specifics regarding the current WCC commissioner terms.

Attached are two applications (one incumbent and one new) for filling the two available commissioner positions. The Board, at its discretion, may appoint both, one, or none of the applicants to the WCC.

The WCC met on August 7, 2014 and reviewed the applications in order to provide the MCWD Board with their recommendation for appointments. Rather than recommending the appointments of the two only applicants for the two out-going commissioner positions, their recommendation to the Board is to extend the timeline for making the appointments until at least the Board's mid-October meeting; extend the terms of the current commissioners who otherwise would have their terms expire (specifically, extend the WCC terms of Mr. Dan Amadeo and Mr. Carroll Meuse until the Board appoints commissioners); and, to add to the recent Board-approved opinion/editorial article the announcement seeking applications for service on the WCC.

Environmental Review Compliance: None required.

Prior Committee or Board Action: The WCC recommended at their August 7, 2014 meeting that the MCWD Board extend the timeline for making WCC appointments until at least the Board's mid-October meeting; extend the terms of the current Commissioners Amadeo and Meuse until the Board appoints commissioners; and to add to the recent Board-approved opinion/editorial article the announcement seeking applications for service on the WCC.

Board Goals/Objectives: 2014 Five-year Strategic Plan, Strategic Goal 1.7 – Review and update our water conservation program.

Financial Impact:  Yes  No

Funding Source/Recap: N/A

Material Included for Information/Consideration: Applications for appointment to the WCC from Mr. Carroll Meuse and Mr. Charlie M. Eskridge II; and, WCC Appointment Table.

Staff Recommendation: The Board of Directors consider passing a motion accepting the WCC recommendation to extend the timeline for making WCC appointments until at least the Board's mid-October meeting; extend the terms of the current Commissioners Amadeo and Meuse until the Board appoints Commissioners; and to add to the recent Board-approved opinion/editorial article the announcement seeking applications for service on the WCC.

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: 10-D

Meeting Date: August 18, 2014

Submitted By: Jean Premutati

Presented By: Brian C. Lee

Agenda Title: Consider Adoption of Resolution No. 2014-33 to Approve a CSUMB-MCWD Agreement for Placement of Students

Detailed Description: The Water Conservation Commission (WCC) passed a motion on December 5, 2013 to recommend the MCWD Board pursue the possibility of entering into a relationship with CSUMB with the intent of developing water conservation-related outreach activities through the Service Learning Institute. The WCC's intent is to leverage Commissioner willingness in conjunction with volunteer CSUMB student labor to provide outreach opportunities and activities with water conservation as the theme.

At the May 5, 2014 regular meeting, staff made a presentation to the Board recommending no further action as the Agreement was too onerous. District resources to implement the Agreement are lacking, particularly in the realm of staff resources, and the Agreement is not a "no-cost" proposition. At that meeting, the Board requested staff to review the Agreement between CSUMB and MCWD for the placement of students and negotiate possible changes with CSUMB. The District's HR attorney, Counsel DeBacker, has been working with the University to adjust the Agreement and better address issues directly important to the District. Staff has received the final draft, but CSUMB Business Support Services has not given their final approval.

The District has had a long-term, successful, paid Internship program where students from CSUMB Environmental Science and Policy have filled needs in our Engineering, Laboratory, and Conservation departments. There are currently three Interns working for the District.

Staff maintains its reluctance to recommend approval of this Agreement. The Agreement states that the District will provide work space and tools (computers being the main tool required) that MCWD simply does not presently have. The Agreement also stipulates that MCWD would be required to provide personnel resources for supervising, training and administering the participants. The District does not have available staff to address these needs. In order to do this program justice, where both the District and the student benefit, staff would prefer to be able to devote the time, effort, and resources to doing it well.

If staff were to support this endeavor, one alternative could be to hire an additional staff person to manage this program and fulfill the needs of this Agreement as well as other outreach and communications functions that are currently being covered by staff members less suited for those tasks. Allowing staff to obtain the required labor resources would certainly yield a more affirmative recommendation for action by staff.

Staff agrees that public outreach and community awareness are critical, especially during a drought. In order to achieve the Board-directed objectives of this important element of the

MCWD mission, staff would suggest the alternative course of action to be the outsourcing of the tasks that must be undertaken to increase community awareness and knowledge of the situation the community is facing.

Board Goals/Objectives: *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.*

Financial Impact:     Yes     No

Funding Source/Recap: No current funding source is dedicated to funding this agreement. The cost center to fund this would depend on the activity of student participant.

Materials Included for Information/Consideration: Resolution No. 2014-33; and, Draft University-Agency Agreement for Placement of Students.

Staff Recommendation: Staff recommends pursuing alternate means of meeting the Board's objectives regarding public outreach and community awareness of MCWD's water conservation and drought-related needs, including - but not limited to - outsourcing tasks.

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 \_\_\_\_\_

August 18, 2014

Resolution No. 2014-33  
Resolution of the Board of Directors  
Marina Coast Water District  
Approving a CSUMB-MCWD Agreement  
for Placement of Students

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on August 18, 2014 at 211 Hillcrest Avenue, Marina, California as follows:

WHEREAS, the Water Conservation Commission passed a motion to recommend the MCWD Board pursue a relationship with CSUMB to develop water conservation-related outreach activities through the Service Learning Institute; and,

WHEREAS, the Board requested staff to review the Agreement and negotiate possible changes. The District’s Special Council DeBacker has been working to address issues directly important to the District; and,

WHEREAS, the final draft Agreement is attached as Exhibit A; and,

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby adopt Resolution No. 2014-33, to approve a CSUMB-MCWD agreement for placement of students.

PASSED AND ADOPTED on August 18, 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 \_\_\_\_\_

\_\_\_\_\_  
William Y. Lee, Vice President

ATTEST:

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Brian C. Lee, 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. 2014-33 adopted August 18, 2014.

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Brian C. Lee, Secretary

Marina Coast Water District  
Agenda Transmittal

Agenda Item: 10-E

Meeting Date: August 18, 2014

Submitted By: Brian C. Lee

Presented By: Brian C. Lee

Agenda Title: Consider Adoption of Resolution No. 2014-34 to Declare Water Conservation Stage 3 as Required by the State Water Resource Control Board's Emergency Mandatory Water Conservation Regulations

Detailed Description: The State Water Resources Control Board's (SWRCB) Emergency Mandatory Water Conservation Regulations (Emergency Regulations) went into effect on July 29, 2014. Since MCWD supplies more than 3,000 acre-feet of water annually, it is classified as an "urban water supplier" pursuant to Water Code Section 10617. The Emergency Regulations specifically require the following:

To promote water conservation, each urban water supplier shall implement all requirements and actions of the stage of its water shortage contingency plan that imposes mandatory restrictions on outdoor irrigation of ornamental landscapes or turf with potable water.

Under the District's Water Shortage Contingency Plan (District Plan), mandatory restrictions on outdoor irrigation of ornamental landscapes or turf with potable water are not required until Stage 3. Eric Oppenheimer of the SWRCB staff confirmed that the District is required by the Emergency Regulations to go to Stage 3 even though the District is not required to declare a Stage 3 under the District Plan because a severe water shortage does not actually exist within the District.

Water Code Section 10632 required the District to adopt an urban water shortage contingency plan in response to water supply shortages. The District Plan's triggering mechanisms for the various Stages relate more to (1) catastrophic interruptions of water supplies, such as malfunctions or failure of portions of the District's water system due to earthquakes, terrorist attack, or sudden contamination; or (2) increased seawater intrusion, than to State-wide droughts.

In addition to a table of water use restrictions, Stage 3 also requires the District to prescribe an allotted quantity of water per billing cycle for each water service connection and to not issue building permits or install new meters for new accounts that had not received building permits before the "Severe Shortage" was declared. Since an actual "Severe Shortage" does not exist, District staff recommends that these two Stage 3 requirements **not** be implemented at this time but that the table of Stage 3 water use restrictions be implemented at this time.

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: Resolution No. 2014-34; SWRCB Resolution 2014-0038; Mandatory Water Conservation Regulations Fact Sheet; and, 2010 Water Shortage Contingency Plan.

Staff Recommendation: The Board of Directors consider adoption of Resolution No. 2014-34 declaring Water Conservation Stage 3 as required by the SWRCB's Emergency Regulations.

Action Required:     \_\_\_ **X** \_\_\_ 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 \_\_\_\_\_

August 18, 2014

Resolution No. 2014 - 34  
Resolution of the Board of Directors  
Marina Coast Water District  
Declaring Water Conservation Stage 3 as Required by the State Water Resource Control Board's  
Emergency Mandatory Water Conservation Regulations

RESOLVED by the Board of Directors ("Directors") of the Marina Coast Water District ("MCWD"), at a regular meeting duly called and held on August 18, 2014, at 211 Hillcrest Avenue, Marina, California as follows:

WHEREAS, the State Water Resources Control Board (SWRCB) adopted Mandatory Water Conservation Regulations (Emergency Regulations), which went into effect on July 29, 2014; and,

WHEREAS, the District supplies more than 3,000 acre-feet of water annually and, therefore, the District is classified as an "urban water supplier" pursuant to Water Code Section 10617; and,

WHEREAS, the Emergency Regulations specifically require the following:

To promote water conservation, each urban water supplier shall implement all requirements and actions of the stage of its water shortage contingency plan that imposes mandatory restrictions on outdoor irrigation of ornamental landscapes or turf with potable water.

WHEREAS, on June 14, 2011, the District adopted a Water Shortage Contingency Plan (District Plan) pursuant to Water Code Section 10632; and,

WHEREAS, under the District Plan, mandatory restrictions on outdoor irrigation of ornamental landscapes or turf with potable water are not required until Stage 3 and Stage 3 is not triggered unless the District's water supply is actually experiencing a severe water shortage; and,

WHEREAS, the District' water supply is not actually experiencing a severe water shortage; and,

WHEREAS, the Emergency Regulations require the Board of Directors to declare a Water Conservation Stage 3 even though the District is not actually experiencing a severe water shortage.

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

1. Declare a Water Conservation Stage 3 under the District Plan as mandated by the SWRCB.

2. Find that since the District's water supply is not actually experiencing a severe water shortage, the following Stage 3 requirements shall **not** be implemented at this time, but shall be subject to periodic review by the Board of Directors:

a. "Each water service connection shall receive an allotted quantity of water, typically specified in hundred cubic feet (hcf) units per billing cycle, as calculated by the Water Conservation Coordinator."

b. "No building permits will be issued or meters installed for new accounts that had not received building permits before the 'Severe Shortage' was declared."

3. The Stage 3 mandatory water use restrictions set forth in the District Plan's restrictions table for Stage 3 shall be implemented effective with the adoption of this Resolution.

PASSED AND ADOPTED on August 18, 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 \_\_\_\_\_

\_\_\_\_\_  
William Y. Lee, Vice 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. 2014-34 adopted August 18, 2014.

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

Marina Coast Water District  
Agenda Transmittal

Agenda Item: 10-F

Meeting Date: August 18, 2014

Submitted By: Brian C. Lee

Presented By: Brian C. Lee

Agenda Title: Consider Requesting Director Le to Research Possible Funding Sources for Asbestos Removal on the District Owned Property in the Ord Community

Detailed Description: On August 4, 2014, Vice President Lee suggested the Board discuss the option of asking Director Le to research possible funding sources to be used on the District owned buildings in the Ord Community up to and including asbestos removal.

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: None.

Staff Recommendation: None.

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\_\_\_