



MARINA COAST WATER DISTRICT

11 RESERVATION ROAD, MARINA, CA 93933-2099

Home Page: www.mcwd.org

TEL: (831) 384-6131 FAX: (831) 883-5995

DIRECTORS

THOMAS P. MOORE
President

JAN SHRINER
Vice President

HOWARD GUSTAFSON
WILLIAM Y. LEE
PETER LE

Agenda

Regular Board Meeting, Board of Directors Marina Coast Water District

211 Hillcrest Avenue, Marina, California

Monday, October 21, 2013, **6:00 p.m.** PST

(Please note the earlier start time)

This meeting has been noticed according to the Brown Act rules. The Board of Directors meet regularly on the first and third Monday of each month. The meetings normally begin at 6:45 p.m. and are held at the City of Marina Council Chambers at 211 Hillcrest Avenue, Marina, California.

Mission: *Providing high quality water, wastewater and recycled water services to the District's expanding communities through management, conservation and development of future resources at reasonable costs.*

Vision: *The Marina Coast Water District will be the leading public supplier of integrated water and wastewater services in the Monterey Bay Region.*

1. Call to Order

2. Roll Call

3. 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 No. H038550

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, October 17, 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 November 4, 2013.

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)

6:30 p.m. Reconvene Open Session (Please note the earlier start time)

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 September 2013

B. Approve the Correction to the Approved Regular Board Meeting Minutes of July 15, 2013

C. Approve the Revised Draft Minutes of the Adjourned Regular Board Meeting of August 26, 2013

D. Approve the Revised Draft Minutes of the Regular Board Meeting of September 16, 2013

7:00 PM

ALL PROTESTS TO THE PROPOSED ORD WATER AND WASTEWATER RATES MUST BE SUBMITTED TO THE BOARD SECRETARY BY NOT LATER THAN 7:00 PM AT THIS MEETING. ANY PROTESTS SUBMITTED AFTER THAT TIME SHALL BE REJECTED AS LATE AND SHALL NOT BE CONSIDERED

9. Public Hearing

- A. Receive Public Comment on Proposed Increases in District Rates, Fees, and Charges for the Ord Community Service Area
- B. General Manager's Verbal Report on the Result of Proposition 218 Protests to the Proposed Increases in District Rates, Fees, and Charges for the Ord Community Service Area

10. Action Item *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. Approval by the Board of Directors of the Proposition 218 Protest Count and Determination by the Board of Directors Whether a Valid Majority Protest Occurred

Action: The Board of Directors will consider approving the Proposition 218 protest count and determine whether a valid majority protest occurred.

11. Public Hearing

- A. Receive Public Comment on Changes to the Capacity Charges for the Central Marina and Ord Community Service Areas

12. 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. 2013-59 to Approve an Agreement with AMCAL Monterey Bay, LLC for Construction and Transfer of Water, Sewer and Recycled Water Infrastructure at The Promontory, a CSUMB Housing Project

Action: The Board of Directors will consider approving an Agreement with AMCAL Monterey Bay, LLC for Construction and Transfer of Water, Sewer and Recycled Water Infrastructure at The Promontory, a CSUMB Housing Project.

- B. Consider Adoption of Resolution No. 2013-57 to Amend Section 16 of the Board Procedures Manual

Action: The Board of Directors will discuss and consider amending Section 16 of the Board Procedures Manual.

C. Discuss and Consider Procedure in Disciplinary Action for Appeals of Personnel Disciplinary Actions

Action: The Board of Directors will discuss and consider the procedure for appeals of personnel disciplinary actions under the Memorandums of Understanding between the District and the MCWD Employee Association and the District and Teamsters Local 890.

D. Provide Direction on Whether to Authorize the Board President to Attend the Monterey County Water Resources Agency Board Meeting as a Representative of the Marina Coast Water District

Action: The Board of Directors will consider whether to direct the Board President to attend the Monterey County Water Resources Agency Board meeting as a representative of the Marina Coast Water District.

13. 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 |

14. Board Member Requests for Future Agenda Items

A. Board Member Requests

15. Director's Comments

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

*Regular Meeting: Monday, November 4, 2013, 6:45 p.m.,
Marina Council Chambers
211 Hillcrest Avenue, Marina*

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8

Meeting Date: October 21, 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 September 2013
- B) Approve the Correction to the Approved Regular Board Meeting Minutes of July 15, 2013
- C) Approve the Revised Draft Minutes of the Adjourned Regular Board Meeting of August 26, 2013
- D) Approve the Revised Draft Minutes of the Regular Board Meeting of September 16, 2013

Environmental Review Compliance: None required.

Prior Committee or Board Action: See individual transmittals.

Board Goals/Objectives: *Mission Statement - Providing high quality water, wastewater and recycled water services to the District's expanding communities through management, conservation and development of future resources at reasonable costs.*

Financial Impact: See individual transmittals.

Funding Source/Recap: See individual transmittals.

Material Included for Information/Consideration: See individual transmittals.

Staff Recommendation: The Board of Directors approve the Consent Calendar as presented.

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

Board Action

_____ Resolution No _____ Motion By _____ Seconded By _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Reagendized _____ Date _____ No Action Taken _____

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8-A

Meeting Date: October 21, 2013

Submitted By: Kelly Cadiente

Presented By: Kelly Cadiente

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

Detailed Description: The Board of Directors is requested to approve the attached September 2013 check register for expenditures totaling \$786,755.75.

Environmental Review Compliance: None required.

Prior Committee or Board Action: None.

Board Goals/Objectives: *Strategic Plan, Goal No. 4 – To manage the District’s finances in the most effective and fiscally responsible manner.*

Financial Impact: ___Yes ___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: September 2013 Summary Check Register.

Staff Recommendation: The Board of Directors approve the September 2013 expenditures totaling \$786,755.75.

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-B

Meeting Date: October 21, 2013

Submitted By: Brian C. Lee

Presented By: Brian C. Lee

Agenda Title: Approve the Correction to the Approved Regular Board Meeting Minutes of July 15, 2013

Detailed Description: The Board of Directors is requested to approve the correction to the attached approved minutes of July 15, 2013.

Environmental Review Compliance: None required.

Prior Committee or Board Action: On October 7, 2013, the Board requested to revisit and correct the approved minutes of July 15, 3013.

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: Corrected minutes of July 15, 2013.

Staff Recommendation: The Board of Directors approve the corrected approved minutes of the July 15, 2013 regular Board meeting.

Action Required: _____Resolution ___X___Motion _____Review

Board Action

_____Resolution No_____ Motion By_____ Seconded By_____

Ayes_____ Abstained_____

Noes_____ Absent_____

Reagendized_____ Date_____ No Action Taken_____

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8-C

Meeting Date: October 21, 2013

Submitted By: Brian C. Lee

Presented By: Brian C. Lee

Agenda Title: Approve the Revised Draft Minutes of the Adjourned Regular Board Meeting of August 26, 2013

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

Environmental Review Compliance: None required.

Prior Committee or Board Action: On October 7, 2013, the Board requested to table this item for further review.

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: Revised draft minutes of August 26, 2013.

Staff Recommendation: The Board of Directors approve the revised draft minutes of the August 26, 2013 adjourned 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-D

Meeting Date: October 21, 2013

Submitted By: Brian C. Lee

Presented By: Brian C. Lee

Agenda Title: Approve the Revised Draft Minutes of the Regular Board Meeting of September 16, 2013

Detailed Description: The Board of Directors is requested to approve the revised attached draft minutes of September 16, 2013.

Environmental Review Compliance: None required.

Prior Committee or Board Action: On October 7, 2013 the Board requested to take this item for further review.

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: Revised draft minutes of September 16, 2013.

Staff Recommendation: The Board of Directors approve the revised draft minutes of the September 16, 2013 regular Board meeting.

Action Required: ___Resolution ___X___Motion ___Review

Board Action

___Resolution No___ Motion By___ Seconded By___

Ayes___ Abstained___

Noes___ Absent___

Reagendized___ Date___ No Action Taken___

Marina Coast Water District
Agenda Transmittal

Agenda Item: 8-E

Meeting Date: October 21, 2013

Submitted By: Brian C. Lee

Presented By: Brian C. Lee

Agenda Title: Approve the Draft Minutes of the Regular Board Meeting of October 7, 2013

Detailed Description: The Board of Directors is requested to approve the attached draft minutes of October 7, 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 October 7, 2013.

Staff Recommendation: The Board of Directors approve the draft minutes of the October 7, 2013 regular Board meeting.

Action Required: ___ Resolution ___ **X** Motion ___ Review

Board Action

___ Resolution No ___ Motion By _____ Seconded By _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Reagendized _____ Date _____ No Action Taken _____

Marina Coast Water District
Agenda Transmittal

Agenda Item: 10-A

Meeting Date: October 21, 2013

Submitted By: Brian C. Lee

Presented By: Brian C. Lee

Agenda Title: Approval by the Board of Directors of the Proposition 218 Protest Count and Determination by the Board of Directors Whether a Valid Majority Protest Occured

Detailed Description: The Board of Directors is requested to approve the Proposition 218 protest count and determine whether a valid majority protest occurred.

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: None.

Staff Recommendation: The Board of Directors approve the Proposition 218 Protest count and determination by the Board of Directors whether a valid majority protest occurred.

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: 12-A

Meeting Date: October 21, 2013

Submitted By: Peter Spiro

Presented By: Brian C. Lee

Reviewed By: Brian C. Lee

Agenda Title: Consider Adoption of Resolution No. 2013-59 to Approve an Agreement with AMCAL Monterey Bay, LLC for Construction and Transfer of Water, Sewer and Recycled Water Infrastructure at The Promontory, a CSUMB Housing Project

Detailed Description: The Board of Directors is requested to approve a Construction and Transfer of Water, Sewer and Recycled Water Infrastructure Agreement (hereafter referred to as the Infrastructure Agreement) between MCWD and AMCAL Monterey Bay, LLC for the Promontory.

The Promontory is a student housing development of (3) four-story, purpose-built U-Shaped buildings that would house 174 one-, two-, three-, and four-bedroom dormitory units, of a total of 579 beds. Each building is surrounding a central courtyard and one of the buildings contains a leasing office, a community center with associated amenities. The project will also include outdoor activity venues such as a spa, barbeque areas, a basketball court, outdoor seating areas with fire pits, etc. Operation of the student dormitory would be managed by the California State University, Monterey Bay Residential Life department for use by enrolled students.

The Project is located within the former Fort Ord Army Base. The site was granted to the City of Marina by Fort Ord Reuse Authority for redevelopment purposes. AMCAL has been working closely with appropriate land use jurisdictions to plan this development. AMCAL has also reached an Affiliation Agreement with CSUMB to market and manage the property as well as an agreement to connect to the University's hot water and electrical infrastructure. The anticipated date of opening is around August 2015 for the 2015-16 school year. The project's anticipated water demand is estimated at 33.3 ac-ft, of which approximately 3.8 ac-ft will be used for landscape irrigation. The Project has received the necessary allocations from the City of Marina.

The infrastructure that will be dedicated to the District includes approximately 1,700 L.F. of potable water mains and appurtenances, 3,500 L.F. of sanitary sewer gravity and forcemain lines. The District will also receive a complete Sanitary Sewer Lift Station, including an ingress-egress easement for access and maintenance purposes

The enclosed draft Infrastructure Agreement is based on MCWD Board of Directors approved template dated June 17, 2013 with minor clarifications requested by the applicant and reviewed by the District Engineer.

Environmental Review Compliance: On May 21, 2013, Marina City Council adopted a Mitigated Negative Declaration of the Environmental Impact Report for this project.

Prior Committee or Board Action: On February 26, 2013, The Board of Directors adopted Resolution No. 2013-18 approving a variance request that waived the individual units metering requirement for this project.

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 No

Funding Source/Recap: An increase in Operation and Maintenance expenditures, an increase in monthly revenues and a \$1.32 million addition to MCWD assets.

Material Included for Information/Consideration: Resolution No. 2013-59; and, Infrastructure Agreement with Exhibits.

Staff Recommendation: The Board of Directors is requested to adopt Resolution No. 2013-59.

Action Required: 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 _____

October 21, 2013

Resolution No. 2013-59
Resolution of the Board of Directors
Marina Coast Water District

Approving a Construction and Transfer of
Water, Sewer and Recycled Water Infrastructure Agreement between
the Marina Coast Water District and AMCAL Monterey Bay, LLC
for the Construction and Transfer of Water, Sewer and Recycled Water Improvements at The
Promontory, a CSUMB housing project in Marina, CA

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a meeting duly called and held on October 21, 2013 at 211 Hillcrest Avenue, Marina, California as follows:

WHEREAS, the District and AMCAL Monterey Bay, LLC are coordinating the design and the construction of the Promontory Project, located generally east of 6th Avenue, South of 8th and Imjin Road; and,

WHEREAS, The City of Marina City Council adopted Resolution No. 2013-86 allocating 33.29 ac-ft of water to the subject development, such allocation is deemed to be sufficient; and,

WHEREAS, the Board of Director has adopted the standard Infrastructure and Transfer Agreement pursuant to Resolution No. 2013-18; and,

WHEREAS, the Developer has agreed on complying with the District adopted agreement; and,

WHEREAS, all applicable Government Codes and Regulations will be followed throughout the various stages of the project.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby authorize the Interim General Manager/District Engineer to sign the Construction and Transfer of Water, Sewer and Recycled Water Infrastructure Agreement between the Marina Coast Water District and AMCAL Monterey Bay, LLC for the Construction and Transfer of Water, Sewer and Recycled Water Infrastructure at The Promontory, a CSUMB housing project. And to take all actions and execute all documents as may be necessary or appropriate to give effect to this resolution.

PASSED AND ADOPTED October 21, 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. 2013-59 adopted October 21, 2013.

Brian C. Lee, Deputy Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 12-B

Meeting Date: October 21, 2013

Submitted By: Brian C. Lee

Presented By: Brian C. Lee

Agenda Title: Consider Adoption of Resolution No. 2013-57 to Amend Section 16 of the Board Procedures Manual

Detailed Description: The Board Procedures Manual is not clear on how direction is provided to consultants answering directly to the Board (e.g. attorneys, auditors). Section 16 is clear regarding directing employees and consultants subordinate to the General Manager.

Staff is requesting that the Board consider amending the Board Procedures Manual for clarification.

Environmental Review Compliance: None required.

Prior Committee or Board Action: The Board of Directors last amended the Board Procedures Manual in November 2012. On September 16, 2013, the Board reviewed and made suggested changes to Section 16 of the Board Procedures Manual.

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 No

Funding Source/Recap: None

Material Included for Information/Consideration: Resolution No. 2013-57; proposed revision to Section 16 of the Board Procedures Manual will be provided at the meeting.

Staff Recommendation: The Board of Directors consider amending Section 16 of the Board Procedures Manual.

Action Required: 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 _____

October 21, 2013

Resolution No. 2013-57
Resolution of the Board of Directors
Marina Coast Water District to
Amend Section 16 of the Board Procedures Manual

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on October 21, 2013 at 211 Hillcrest Avenue, Marina, California as follows:

WHEREAS, the original Board Procedures Manual (BPM) was adopted on April 24, 2002 and was last revised on November 13, 2012; and,

WHEREAS, the BPM is a resource for directors, staff and the public that defines the roles, responsibilities and procedures of the Board; and,

WHEREAS, the BPM is not clear on how direction is provided to consultants answering directly to the Board (e.g. attorneys, auditors), however, Section 16 is clear regarding directing employees and consultants subordinate to the General Manager. The suggested revisions to the BPM have been reviewed by legal counsel.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby approve the suggested revisions and updates to the Board Procedures Manual and directs staff to finalize the revisions.

PASSED AND ADOPTED October 21, 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. 2013-57 adopted October 21, 2013.

Brian C. Lee, Deputy Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 12-C

Meeting Date: October 21, 2013

Submitted By: Jeanine DeBacker
Reviewed By: Brian C. Lee

Presented By: Jeanine DeBacker

Agenda Title: Discuss and Consider Procedure for Appeals of Personnel Disciplinary Actions

Detailed Description: The Board of Directors is requested to discuss and consider the procedure for appeals of personnel disciplinary actions under the Memorandums of Understanding (MOU's) between the Marina Coast Water District Employees Association and the District and the Teamsters Local 890 and the District.

The MOU's provide two options for an appeal from which we ask the Board to choose their preference: a) the entire Board may hear an appellant's appeal; or, b) the Board may appoint a Hearing Officer to hear the appeal and provide a nonbinding, written recommendation to the Board for the final decision.

Environmental Review Compliance: None required.

Prior Committee or Board Action: None.

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

Financial Impact: Yes No

Funding Source/Recap: N/A

Material Included for Information/Consideration: Article 21 (Disciplinary Action) of the MCWD Employees Association and the Teamsters Local 890 MOU's.

Staff Recommendation: The Board is requested to provide direction to counsel on how to proceed.

Action Required: Resolution Motion Review

Board Action

Resolution No _____ Motion By _____ Seconded By _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Reagendized _____ Date _____ No Action Taken _____