



MARINA COAST WATER DISTRICT

11 RESERVATION ROAD, MARINA, CA 93933-2099

Home Page: www.mcwd.org

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DIRECTORS
WILLIAM Y. LEE
President

DAN BURNS
Vice President

HOWARD GUSTAFSON
KENNETH K. NISHI
JAN SHRINER

Agenda

Regular Board Meeting, Board of Directors Marina Coast Water District

11 Reservation Road, Marina, California

Tuesday, July 12, 2011, 5:45 p.m. PST

This meeting has been noticed according to the Brown Act rules. The Board of Directors meets regularly on the second Tuesday of each month. The meetings normally begin at 6:45 p.m. at the District offices at 11 Reservation Road, 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. Closed Session

- A. Pursuant to Government Code Section 54956.95
Liability Claims
Claimant: Ausonio Incorporated
Agency Claimed Against: Marina Coast Water District

- B. Pursuant to Government Code 54956.9
Conference with Legal Counsel – Existing Litigation
(Subdivision (a) of Section 54956.9)
Ag Land Trust v. Marina Coast Water District and Does 1-100, Monterey County
Superior Court Case No. M105019 (First Amended Petition for Writ of Mandate
and Complaint for Declaratory Relief)

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, July 7, 2011 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 August 9, 2011.

- C. Pursuant to Government Code Section 54957
Public Employee Performance Evaluation
Title: District Counsel
- D. Pursuant to Government Code Section 54957
Public Employee Performance Evaluation
Title: General Manager
- E. Pursuant to Government Code Section 54957.6
Conference with Labor Negotiator
Agency Designated Representatives: William Lee and Dan Burns
Unrepresented Employee: General Manager
- F. Pursuant to Government Code Section 54956.9
Conference with Legal Counsel – Anticipated Litigation
Significant Exposure to Litigation Pursuant to Subdivision (b)
One Case

A letter dated June 21, 2011, from the Monterey County Board of Supervisors transmitted a “Summary of Preliminary Findings Regarding Director Stephen Collins’ Business Relationship With RMC Water and Environment and Marina Coast Water District.” The Summary, prepared by Remcho, Johansen & Purcell, LLP, states that certain conduct raises questions about the validity of contracts to which Marina Coast Water District is a party. Based on the statements in the Remcho Summary, and based on reports in the Monterey Herald this morning, a point has been reached where, in the opinion of the MCWD Board based on the advice of its legal counsel, there is a significant exposure to litigation against MCWD.

- G. Pursuant to Government Code Section 54959.9
Conference with Legal Counsel – Anticipated Litigation
Potential Initiation of Litigation (c)
One Case

7:00 p.m. Reconvene Open Session

4. 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.*

5. Pledge of Allegiance

6. 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 three minutes. The public may comment on any other items listed on the agenda at the time they are considered by the Board.*

7. Presentation

- A. Consider Adoption of Resolution No. 2011-49 in Recognition of Community Member, Mr. Steven Reeves, for his Dedicated Service to the Marina Coast Water District as a Member on the Water Conservation Commission

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 three minutes.*

- A. Adopt Resolution No. 2011-50 to Approve the District Records Retention Policy and Retention Schedules
- B. Adopt Resolution No. 2011-51 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 with a Not-to-Exceed Amount of \$18,500
- C. Approve the Expenditures for the Month of June 2011
- D. Approve the Draft Minutes of the Special Board Meeting of May 24, 2011
- E. Approve the Draft Minutes of the Special Board Meeting of June 9, 2011
- F. Approve the Draft Minutes of the Special Joint Board Meeting of June 10, 2011
- G. Approve the Draft Minutes of the Regular Board Meeting of June 14, 2011
- H. Approve the Draft Minutes of the Special Board Meeting of June 16, 2011
- I. Approve the Draft Minutes of the Special Board Meeting of July 1, 2011

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 three minutes.*

- A. Consider Receiving the Conceptual Financial Plan from Financial Consultant Piper Jaffray

Action: The Board of Directors will consider receiving the Conceptual Financial Plan from financial consultant Piper Jaffray.

- B. Consider Adoption of Resolution No. 2011-52 to Approve the Reorganization of the Finance Department and the Related Classifications and Job Descriptions

Action: The Board of Directors will consider approving the reorganization of the Finance Department and the related classifications and job descriptions.

- C. Consider Adoption of Resolution No. 2011-53 to Approve the Selection of a Law Firm to Provide Legal Services and Represent the District in Personnel and Employment Law Matters

Action: The Board of Directors will consider approve the selection of a Law Firm to provide legal services and represent the District in Personnel and Employment Law matters.

- D. Consider Adoption of Resolution No. 2011-54 to Approve the Design and Construction of the Proposed Watkins Gate Well

Action: The Board of Directors will consider approving the Preliminary Technical Design and Construction of the Proposed Watkins Gate Well.

- E. Consider Adoption of Resolution No. 2011-55 to Review a Request by the General Manager under Government Code Sections 995-996.6 and 825-825.6 and Authorize the District to Engage Legal Counsel for the General Manager

Action: The Board of Directors will consider adopting Resolution No. 2011-55 to review a request by the General Manager under Government Code Sections 995-996.6 and 825-825.6 and authorize the District to engage legal counsel for the General Manager.

- F. Consider Providing Direction to the Board President on Nomination to the California Special Districts Association Region 3C Seat

Action: The Board of Directors will consider providing direction to the Board President on nomination to the California Special Districts Association Region 3C seat.

- G. Consider Revising the Director Appointment to the Budget and Personnel Committee

Action: The Board President will make a recommendation to revise the appointment to the Budget and Personnel Committee.

10. Staff Report

- A. Annexation of the Ord Community into the Marina Coast Water District

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 three minutes.*

- A. General Manager's Report

- B. District Engineer's Report

- C. Counsel's Report

D. Committee and Board Liaison Reports

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| 1. Water Conservation Commission | 7. JPIA Liaison |
| 2. Joint City-District Committee | 8. CalDesal |
| 3. MRWPCA Board Member | 9. Executive Committee |
| 4. LAFCO Liaison | 10. Community Outreach |
| 5. FORA | 11. Regional Desalination Reports |
| 6. Special Districts Association Liaison | |

E. Director's Comments

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

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| <i>Regular Meeting:</i> | <i>Tuesday, August 9, 2011, 6:45 p.m., 11 Reservation Road, Marina</i> |
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