

Marina Coast Water District
Agenda Transmittal

Agenda Item: 7A

Meeting Date: March 29, 2011

Submitted By: Jean Premutati

Presented By: Jean Premutati

Reviewed By: Carl Niizawa

Agenda Title: The Board is Requested to Consider Authorizing a Retainer Agreement with Dennis Kennelly, Esq. for Consulting Services Related to the Employment Contract of the General Manager

Background: The Board is requested to consider authorizing a retainer agreement with Dennis Kennelly, Esq. for consulting services related to the employment contract of the General Manager (GM). The initial employment contract between the GM and the District was signed August 8, 2007 and became effective September 10, 2007 with an automatic renewal period of three years. An amendment to the contract was negotiated between the GM and the District and signed on November 29, 2010. The amendment also contained a three-year renewal period.

In a subsequent review of the amendment, it was determined that Sections 2.1.3 and 5.1 require further clarification and explanation in order to comply with Internal Revenue Service (IRS) and government codes.

In order to ensure IRS compliance and adherence to applicable government codes, staff is recommending an additional review of the GM's employment contract by Dennis Kennelly, Esq. Mr. Kennelly specializes in labor and employment law at the executive level and previously held the position of Labor Relations attorney for the San Francisco Chronicle and Labor Counsel for Tribune Company's West Coast operations. Mr. Kennelly has been in private practice since 1985.

Prior Committee or Board Action: Amendment to employment contract in November 2010.

Environmental Review Compliance: None.

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: Yes No

Funding Source/Recap: Administrative cost centers.

Material Included for Information/Consideration: Resolution No. 2011-20; Retainer Agreement with Dennis Kennelly, Esq.

Staff Recommendation: The Board of Directors adopt Resolution No. 2011-20 Authorizing a Retainer Agreement with Dennis Kennelly, Esq. for Consulting Services Related to the Employment Contract of the General Manager.

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 _____

Resolution No. 2011-20
Resolution of the Board of Directors
Marina Coast Water District
Authorizing a Retainer Agreement with Dennis Kennelly, Esq. for Consulting Services Related
to the Employment Contract of the General Manager.

April 12, 2011

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on April 12, 2011 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, the initial employment contract between the General Manager (GM) and the District was signed August 8, 2007 and became effective September 10, 2007 with an automatic renewal period of three years; and,

WHEREAS, an amendment to the contract was negotiated between the GM and the District and signed on November 29, 2010. The amendment also contained a three-year renewal period; and,

WHEREAS, a subsequent review of the amendment, indicates that Sections 2.1.3 and 5.1 require further clarification and explanation in order to comply with Internal Revenue Service (IRS) and government codes; and,

WHEREAS, in order to ensure IRS compliance and adherence to applicable government codes, staff recommends a supplementary review of the GM’s employment contract by Dennis Kennelly, Esq. Mr. Kennelly specializes in labor and employment law at the executive level and previously held the position of Labor Relations attorney for the San Francisco Chronicle and Labor Counsel for Tribune Company’s West Coast operations. Mr. Kennelly has been in private practice since 1985.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby adopt Resolution No. 2011-20 to authorize a retainer agreement with Dennis Kennelly, Esq. for consulting services related to the employment contract of the General Manager.

PASSED AND ADOPTED on March 29, 2011, 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, President

ATTEST:

Jim Heitzman, 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. 2011-20 adopted March 29, 2011.

Jim Heitzman, Secretary