

Marina Coast Water District
Agenda Transmittal

Agenda Item: 9-C

Meeting Date: July 12, 2011

Submitted By: Jean Premutati
Reviewed By: Carl Niizawa

Presented By: Jean Premutati

Agenda Title: Consider Adoption of Resolution 2011-53 to Select a Law Firm to Provide Legal Services and Represent the District in Personnel and Employment Law Matters

Detailed Description: At a regular meeting on April 12, 2011, the Board approved the issuance of a Request for Proposals (RFP) to provide legal assistance on personnel and employment matters on behalf of the District. In areas where a conflict may occur or the extent of work is outside the scope of present counsel, the District would like to consider other firms who specialize in the areas of labor law, wage and hour law, collective bargaining, and employment contracts.

As an example, these legal services would include providing legal opinion, assistance and representation regarding necessary personnel, human resources, and employment issues, as well as, collective bargaining assistance, disciplinary/grievance advice, internal investigations, Department of Fair Employment and Housing (DFEH)/Equal Employment Opportunity Commission (EEOC) complaints, and, as required, attendance at Board meetings, with advance notice.

Staff emailed the RFP to the Monterey County Bar Association and received a total of seven (7) proposals. The Board has received copies of each proposal and was requested by President Lee to review for comments and discussion at the July 12, 2011 meeting. In addition, each Board member was reminded the information they received is confidential and was not to be discussed with anyone.

Staff requests the Board make a selection from the list of firms. Once a selection has been made, the Management Services Administrator will notify the selected firm and upon obtaining a mutually signed contract, will be prepared to provide services to the District when necessary.

Environmental Review Compliance: None.

Prior Committee or Board Action: On April 12, 2011, the Board approved an RFP to solicit proposals for legal services and represent the District in personnel and employment law matters.

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: Expenditures are allocated across the five cost centers; 01-Marina Water, 02-Marina Sewer, 03-Fort Ord Water, 04-Fort Ord Sewer, 05-Recycled Water

Material Included for Information/Consideration: Resolution No. 2011-53.

Staff Recommendation: The Board of Directors make a selection from the submitted proposals and adopt Resolution No. 2011-53 to Select a Law Firm to Provide Legal Services and Represent the District in Personnel and Employment Law Matters.

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

July 12, 2011

Resolution No. 2011-53
Resolution of the Board of Directors
Marina Coast Water District
Selection of a Law Firm to Provide Legal Services
and Represent the District in Personnel and Employment Law Matters

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

WHEREAS, at a regular meeting on April 12, 2011, the Board approved the issuance of a Request for Proposals (RFP) to provide legal assistance on personnel and employment matters on behalf of the District; and,

WHEREAS, in areas where a conflict may occur or the extent of work is outside the scope of present counsel, the District would like to consider other firms who specialize in the areas of labor law, wage and hour law, collective bargaining, and employment contracts; and,

WHEREAS, these legal services would include providing legal opinion, assistance and representation regarding necessary personnel, human resources, and employment issues, as well as, collective bargaining assistance, disciplinary/grievance advice, internal investigations, Department of Fair Employment and Housing (DFEH)/Equal Employment Opportunity Commission (EEOC) complaints, and, as required, attendance at Board meetings, with advance notice; and,

WHEREAS, staff received a total of seven (7) proposals and President Lee has requested each Board member review them for comments and discussion at the July 12, 2011 meeting. In addition, each Board member was reminded the information they received is confidential and was not to be discussed with anyone; and,

WHEREAS, staff requests the Board make a selection from the list of firms. Once a selection has been made, the Management Services Administrator will notify the selected firm and obtain a mutually signed contract; and,

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby select _____ to provide legal services and representation to the District in personnel and employment law matters.

PASSED AND ADOPTED on July 12, 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. 2011-53 adopted July 12, 2011.

Jim Heitzman, Secretary