



# 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**  
WILLIAM Y. LEE  
*President*

DAN BURNS  
*Vice President*

HOWARD GUSTAFSON  
KENNETH K. NISHI  
JAN SHRINER

## **Agenda Special Board Meeting Board of Directors Marina Coast Water District**

Marina Library  
190 Seaside Circle, Marina, California  
Friday, July 29, 2011, 9:00 a.m.

*This meeting has been noticed according to the Brown Act rules.*

**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 Participation**

*Members of the public may address the Board concerning Board procedures, authorities, responsibilities and dynamics before the workshop begins.*

#### **4. Workshop**

##### **A. Board Workshop:**

*The Board of Directors will discuss Board procedures, authorities, responsibilities and dynamics and how those relate to Strategic Planning. The Board of Directors may begin holding discussion on Strategic Planning.*

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. Copies will also be available at the Board meeting. 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.

## 5. Possible Action Item

- A. Consider Adoption of Resolution No. 2011-56 to Amend the Board Procedures Manual

*Action: Board action may be taken to amend the Board Procedures Manual.*

## 6. Closed Session

- A. 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 news media, 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.

## 7. 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.*

- A. Consider Limited Waiver of Attorney Client Privilege for Investigations

## 8. Directors Comments

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

*Regular Meeting:                      Tuesday, August 9, 2011, 6:45 p.m.,  
11 Reservation Road, Marina*

Marina Coast Water District  
Agenda Transmittal

Agenda Item: 5-A

Meeting Date: July 29, 2011

Submitted By: Paula Riso  
Reviewed By: Jim Heitzman

Presented By: Paula Riso

Agenda Title: Consider Adoption of Resolution No. 2011-56 to Amend the Board Procedures Manual

Detailed Description: The Board of Directors may consider amending the Board Procedures Manual (BPM).

The BPM is in need of revision from time-to-time due to outdated information and policies. The last revision of the BPM was March 10, 2009.

On June 9, 2011, the Board held a Strategic Planning Workshop and discussed procedures, authorities, responsibilities and dynamics. The Board also discussed reviewing sections of the BPM at the next Strategic Planning Workshop.

Upon further discussion and review, the Board may consider amending the BPM.

Prior Committee or Board Action: On June 9, 2011, the Board held a Strategic Planning Workshop.

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. 2011-56.

Staff Recommendation: None.

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 \_\_\_\_\_

July 29, 2011

Resolution No. 2011-56  
Resolution of the Board of Directors  
Marina Coast Water District  
Amend the Board Procedures Manual

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a special meeting duly called and held on July 29, 2011 at 190 Seaside Circle, Marina, California as follows:

WHEREAS, the Board Procedures Manual (BPM) was adopted on April 24, 2002; and,

WHEREAS, the BPM was last revised on March 10, 2009;

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

WHEREAS, the Board has reviewed and suggested revisions to the BPM to bring it current with information and policies.

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 on July 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. 2011-56 adopted July 29, 2011.

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Jim Heitzman, Secretary