



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
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, August 9, 2011, 6:45 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 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)

B. Pursuant to Government Code Section 54957

Public Employee Performance Evaluation
Title: General Manager

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, August 4, 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 September 13, 2011.

- D. 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.

- E. 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 Public 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. 2011-57 to Authorize the General Manager and/or the Deputy General Manager/District Engineer to Sign an Amendment to Extend the License Agreement with the Regents of the University of California for the Well No. 32 Replacement/Well No. 34 Installation Project

- B. Approve the Expenditures for the Month of July 2011
- C. Approve the Draft Minutes of the Special Joint Board Meeting of July 8, 2011
- D. Approve the Draft Minutes of the Regular Board Meeting of July 12, 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. Reconsider 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 adopted Resolution No. 2011-55 on July 12, 2011. At the meeting succeeding that on which a final vote on any question has been taken, said vote may be reconsidered on the motion of a member of the Board who voted on the prevailing side.

- B. Consider Adoption of Resolution No. 2011-58 to Approve Revisions to the Finance Department Reorganization, Job Description and Salary Schedules

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

- C. Consider Adoption of Resolution No. 2011-59 to Approve Submittal of the Clean Water State Revolving Fund Financial Assistance Application to the State Water Resources Control Board and Designate the General Manager as the Authorized District Representative

Action: The Board of Directors will consider approving submittal of the Clean Water State Revolving Fund Financial Assistance Application to the State Water Resources Control Board and designate the General Manager as the Authorized District Representative.

- D. Consider Adoption of Resolution No. 2011-60 to Authorize the General Manager and/or Deputy General Manager/District Engineer to Execute a Consultant Services Agreement with Evans Group International, LLC for Services Related to the Regional Desalination Project

Action: The Board of Directors will consider approving a Consultant Services Agreement with Evans Group International, LLC for services related to the Regional Desalination Project.

- E. Consider Adoption of Resolution No. 2011-61 to Approve a Request for Proposals to Provide Legal Review of Documents Related to the District's Water and Wastewater Operations

Action: The Board of Directors will consider approving a Request for Proposals to provide legal review of documents related to the District's water and wastewater operations.

- F. Consider Adoption of Resolution No. 2011-62 to Authorize the General Manager and/or Deputy General Manager/District Engineer to Enter into a Professional Services Agreement with Davies Public Affairs for Public Outreach Services

Action: The Board of Directors will consider approving a Professional Services Agreement with Davies Public Affairs for Public Outreach Services.

- G. Consider Adoption of Resolution No. 2011-63 to Amend the Professional Services Agreement for General Engineering Services with Schaaf & Wheeler Consulting Civil Engineers for the Well No. 34 Installation

Action: The Board of Directors will consider approving an amendment to the Professional Services Agreement for General Engineering Services with Schaaf & Wheeler Consulting Civil Engineers for the Well No. 34 Installation.

- H. Consider Revising the Director Appointment to the Joint City District Committee and the Liaison to the Monterey Regional Water Pollution Control Agency

Action: The Board President will make a recommendation to revise the appointment to the Joint City District Committee and the liaison to the Monterey Regional Water Pollution Control Agency.

10. Staff Report

- A. Receive 2nd Quarter 2011 Ord Community Water Consumption and Sewer Flow Report

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

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

E. Director's Comments

12. Correspondence

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

*Regular Meeting: Tuesday, September 13, 2011, 6:45 p.m.,
11 Reservation Road, Marina*