



MARINA COAST WATER DISTRICT

11 RESERVATION ROAD, MARINA, CA 93933-2099

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DIRECTORS
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President

DAN BURNS
Vice President

HOWARD GUSTAFSON
KENNETH K. NISHI
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Agenda

Regular Board Meeting, Board of Directors Marina Coast Water District

11 Reservation Road, Marina, California
Tuesday, November 8, 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 54956.95

Liability Claims

Claimant: Ausonio Incorporated

Agency Claimed Against: Marina Coast Water District

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, November 3, 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 December 13, 2011.

- C. 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.

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

- E. Pursuant to Government Code Section 54957
Public Employee Performance Evaluation
Title: District Counsel

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. 2011-79 in Recognition of Rene Magdaleno, System Operator I, for 5 Years of Service to the Marina Coast Water District

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. Consider Re-Appointment of Dan Amadeo as Public Member to the Water Conservation Commission

- B. Adopt Resolution No. 2011-80 to Approve and Authorize Acceptance and Consent for Recordation Grant of Waterline Easements for the Watkins Gate Well and Pipeline Project from the County of Monterey
- C. Receive the Quarterly Financial Statements for April 1, 2011 to June 30, 2011
- D. Approve the Expenditures for the Month of October 2011
- E. Approve the Draft Minutes of the Special Board Meeting of September 30, 2011
- F. Approve the Draft Minutes of the Regular Board Meeting of October 11, 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 Adoption of Resolution No. 2011-81 to Approve the 2011/2012 District Investment Policy

Action: The Board of Directors will consider approving the 2011/2012 District Investment Policy. This policy is scheduled to be reviewed and approved on an annual basis.

- B. Consider Adoption of Resolution No. 2011-82 to Approve an Amendment to the Professional Services Agreement with The Paul Davis Partnership for the Imjin Office Park Building C, Suite B

Action: The Board of Directors will consider approving an amendment to the Professional Services Agreement with The Paul Davis Partnership for the Imjin Office Park Building C, Suite B.

- C. Consider Directing Staff to Draft a Request for Proposals for District Legal Services

Action: The Board of Directors will consider providing staff direction to draft a Request for Proposals for District legal services.

- D. Consider Providing Direction to Staff on Proposed District Reorganization and Job Classifications

Action: The Board of Directors will consider providing direction to staff regarding reorganization of the District departments and employee positions.

- E. Consider Adoption of Resolution No. 2011-83 to Amend the Board Procedures Manual

Action: The Board of Directors will consider amending the Board Procedures Manual by adding a new section to address any violations of the policy.

- F. Consider Appointing Alternate Members to the Budget and Personnel and Executive Committees

Action: The Board of Directors will consider appointing alternate members to the Budget and Personnel and Executive Committees to cover instances when a primary member is unavailable to attend meetings.

10. Staff Report

- A. Receive a Verbal Update on the Formation of the Operations and Maintenance Committee for the Regional Desalination Project
- B. Receive an Update on the Monthly Water Meter Charge for Upsized Meters Due to Fire Protection Sprinkler Systems
- C. Receive 3rd Quarter 2011 Ord Community Quarterly 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. Budget & Personnel Committee
 - 4. Executive Committee
 - 5. Community Outreach
 - 6. MRWPCA Board Member
 - 7. FORA
 - 8. LAFCO Liaison
 - 9. JPIA Liaison
 - 10. Special Districts Association Liaison
 - 11. CalDesal
 - 12. Regional Desalination Reports

12. Director's Comments

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

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