

Marina Coast Water District
Agenda Transmittal

Agenda Item: 9-E

Meeting Date: February 14, 2012

Submitted By: Jean Premutati

Presented By: Jim Heitzman

Reviewed By: Jim Heitzman

Agenda Title: Consider Adoption of Resolution No-2012-08 to Approve the Job Description and Hire of a Contract, In-House Counsel or Distribute Request for Proposals for External District Legal Counsel

Detailed Description: At the January 10, 2012 meeting, the Board directed staff to develop a Request for Proposals (RFP) for external District legal counsel. Attached is a draft RFP for Board review. Subsequently on January 27, 2012, the Budget and Personnel (B&P) Committee discussed consideration of hiring a contract In-House Counsel rather than seeking an external firm to provide District legal counsel. The Board is therefore presented with this option.

With regards to the legal issues that may stem from current projects and the ongoing need for legal services, using outside counsel can cost hundreds of thousands of dollars in just a few months. In-house counsel would enable the District to control costs over the same period of time and beyond.

Specific areas where the District could benefit from in-house counsel include having legal staff onsite to review and draft documents, attend meetings, provide legal advice and counsel as needed to the Board of Directors, General Manager and management staff at a set known cost instead of being charged on a quarter-hourly basis. In-house counsel would also coordinate any work from specialized outside counsel to minimize use and cost to the District. In addition, as with an external firm, the Board can elect to continue or terminate the contract counsel as needed.

If the Board chooses the option to hire In-house Counsel, staff recommends that the position be an exempt, at-will position with a District-paid benefit package at a salary of \$126,868-\$161,919, depending upon qualifications.

In-House Counsel will work under the direction of the General Manager and Board of Directors.

Environmental Review Compliance: None required.

Prior Committee or Board Action: None.

Board Goals/Objectives: *Strategic Plan 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.*

Financial Impact: X Yes No

Funding Source/Recap: All six cost centers.

February 14, 2012

Resolution No. 2012-08
Resolution of the Board of Directors
Marina Coast Water District
Approving the Job Description
and
Hire of a Contract In-House Counsel

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on February 14, 2012 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, the Board directed staff to develop a Request for Proposals (RFP) for external District legal counsel; and

WHEREAS, the Budget and Personnel (B&P) Committee agenda included an discussed consideration of hiring of a contract In-House Counsel rather than seeking an external firm to provide District legal counsel. The Board is therefore presented with this option; and,

WHEREAS, with regards to the legal issues that may stem from the current projects and the ongoing need for legal services, outside counsel can easily run into the hundreds of thousands of dollars in just a few months while in-house counsel would enable us to control costs over the same period of time and beyond.

WHEREAS, specific areas where the District could benefit from in-house counsel include having legal staff onsite to review and draft documents, attend meetings, provide legal advice and counsel as needed to the Board of Directors, General Manager and management staff at a set known cost instead of being charged on a quarterly-hour basis. In-House Counsel would also coordinate any work from specialized outside counsel to minimize use and cost to the District. In addition, as with an external firm, the Board can elect to continue or terminate the contract counsel as needed.

WHEREAS, if the Board chooses the option to hire In-House Counsel, staff recommends filling this exempt, at-will position with a District-paid benefit package at a salary of \$126,868-\$161,919, depending upon qualifications.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby approve the job description and temporary hire of a contract In-House Counsel.

PASSED AND ADOPTED on February 14, 2012, 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 _____

Dan Burns, 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. 2012-08 adopted February 14, 2012.

Jim Heitzman, Secretary