



# 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

DAN BURNS  
President

HOWARD GUSTAFSON  
Vice President

KENNETH K. NISHI  
JAN SHRINER  
WILLIAM Y. LEE

## REVISED

### Agenda

#### Regular Board Meeting, Board of Directors Marina Coast Water District

11 Reservation Road, Marina, California  
Tuesday, February 14, 2012, 6:30 p.m. PST  
(Please note the earlier start time)

*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)

1) 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)

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, February 9, 2012 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 March 13, 2012.

## REVISED

2) In the Matter of the Application of California-American Water Company (U 210 W) for a Certificate of Public Convenience and Necessity to Construct and Operate its Coastal Water Project to Resolve the Long-Term Water Supply Deficit in its Monterey District and to Recover All Present and Future Costs in Connection Therewith in Rates, California Public Utilities Commission No. A.04-09-019

- C. Pursuant to Government Code Section 54956.9  
Conference with Legal Counsel – Anticipated Litigation  
Significant Exposure to Litigation Pursuant to Subdivision (b)  
One Case
- D. 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. 2012-04 in Recognition of Martin Rosales, Systems Operator II, for 10 Years of Service to the Marina Coast Water District

*Action: The Board will consider adopting Resolution No. 2012-04 recognizing Martin Rosales, Systems Operator II, and awarding a plaque and gift certificate for 10 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. Adopt Resolution No. 2012-05 to Amend the Professional Services Agreement with Harris & Associates for Inspection Services for the Watkins Gate Well & Pipeline Project

## REVISED

- B. Adopt Resolution No. 2012-06 to Direct Staff to Distribute Request for Proposals for a District Compensation Survey
- C. Approve the Expenditures for the Month of January 2012
- D. Approve the Draft Minutes of the Regular Board Meeting of January 10, 2012
- E. Approve the Draft Minutes of the Special Board Meeting of January 16, 2012

**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 Options for Possible Brown Act Violation

*Action: The Board of Directors will discuss a possible Brown Act violation and consider a course of action.*

- B. Consider Appointment to the Water Conservation Commission

*Action: Currently, the Water Conservation Commission has two vacant public member positions. Mr. Carroll Meuse has submitted an application to the Water Conservation Commission. The Commission has forwarded the application to the Board of Directors for consideration.*

- C. Consider Modifications to the Water Conservation Commission Procedures

*Action: The Water Conservation Commission has modified its procedures and is presenting them to the Board of Directors for consideration.*

- D. Consider Adoption of Resolution No. 2012-07 to Approve the District Reorganization Plan

*Action: The Board of Directors is requested to consider approval of a proposed organization structure revision, associated job descriptions, and classification modifications.*

- E. 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

*Action: The Board of Directors will consider the option of hiring an in-house legal counsel or send Request for Proposals for external legal counsel.*

## REVISED

- F. Consider Adoption of Resolution No. 2012-09 to Provide Staff the Authorization to Distribute a Request for Proposals, When Needed, to Hire an Executive Recruiter for Recruitment of a General Manager and/or Contract In-House Counsel

*Action: The Board of Directors will consider providing staff the authorization to distribute a Request for Proposals to hire an executive recruiter, when needed, for recruitment of a General Manager and an in-house counsel, if the in-house counsel option is approved.*

### 10. Staff Report

- A. Receive a Report on Backwater Protection Policy and Sewer Back-Up
- B. Receive 4<sup>th</sup> 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. Counsel's Report
- C. Committee and Board Liaison Reports
- |                                  |   |
|----------------------------------|---|
| 1. Water Conservation Commission | 7. FORA                                   |
| 2. Joint City-District Committee | 8. LAFCO Liaison                          |
| 3. Budget & Personnel Committee  | 9. JPIA Liaison                           |
| 4. Executive Committee           | 10. Special Districts Association Liaison |
| 5. Community Outreach            | 11. CalDesal                              |
| 6. MRWPCA Board Member           | 12. Regional Desalination Reports         |

### 12. Director's Comments

### 13. Correspondence

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

*Regular Meeting: Tuesday, March 13, 2012, 6:45 p.m.,  
11 Reservation Road, Marina*