



MARINA COAST WATER DISTRICT

11 RESERVATION ROAD, MARINA, CA 93933-2099

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DIRECTORS

DAN BURNS
President

HOWARD GUSTAFSON
Vice President

KENNETH K. NISHI
JAN SHRINER
WILLIAM Y. LEE

Agenda

Special Board Meeting, Board of Directors Marina Coast Water District

11 Reservation Road, Marina, California

Wednesday, July 25, 2012, 5:30 p.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. Closed Session

- A. Pursuant to Government Code Section 54956.9 (c)
Conference with Legal Counsel – Anticipated Litigation
Potential Initiation of Litigation
One Case – MCWD Claims against Monterey County and MCWRA
- B. Pursuant to Government Code Section 54956.9(b)(1),(3)(C)
Confer with Legal Counsel – Anticipated Litigation
Potential Litigation
One Case – Claims of MCWRA and Monterey County against MCWD
- C. Pursuant to Government Code 54956.9
Conference with Legal Counsel – Pending Litigation
(Subdivision (a) of Section 54956.9)

In the Matter of the Application of California-American Water Company (U210W) for Approval of the Monterey Peninsula Water Supply Project and Authorization to Recover All Present and Future Costs in Rates, California Public Utilities Commission No. A.12-04-019

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. Action Item

- A. Consider Authorizing the General Manager to Review and Report on Engagement of Special Litigation Counsel

Action: The Board of Directors will consider authorizing the General Manager to review and report on the qualifications and availability of attorneys for engagement by MCWD as special litigation counsel to advise and represent MCWD in connection with the claims by and against MCWD involving Monterey County, MCWRA and related matters.

8. Directors Comments

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

*Regular Meeting: Tuesday, August 14, 2012, 6:45 p.m.,
11 Reservation Road, Marina*

Marina Coast Water District
Agenda Transmittal

Agenda Item: 7-A

Meeting Date: July 25, 2012

Submitted By: Jim Heitzman

Presented By: Jim Heitzman

Agenda Title: Consider Authorizing the General Manager to Review and Report on Engagement of Special Litigation Counsel

Detailed Description: The Board of Directors will consider authorizing the General Manager to review and report on engagement of special litigation counsel.

With the recent claims involving the Monterey County and Monterey County Water Resources Agency (MCWRA) by and against the Marina Coast Water District, it has been deemed prudent to hire special litigation counsel to represent the District in connection with those claims and related matters.

Under direction of the Board of Directors, the General Manager will seek qualified attorneys to represent the District regarding the recent claims by and against Monterey County and MCWRA. Once the General Manager has determined and is ready to recommend the qualified attorneys' qualifications and availability, he will return to the Board with his recommendation, for approval to hire special litigation counsel.

Environmental Review Compliance: None required.

Prior Committee or Board Action: None.

Financial Impact: _____Yes X No

Funding Resource/Recap: N/A.

Material Included for Information/Consideration: None.

Staff Recommendation: The Board of Directors consider authorizing the General Manager to review and report on engagement of special litigation counsel.

Action Required: _____Resolution X Motion _____Review

Board Action

_____Resolution No._____ Motion By_____ Seconded By_____

Ayes_____ Abstained_____

Noes_____ Absent_____

Reagendized_____ Date_____ No Action Taken_____