

Marina Coast Water District

District Office  
11 Reservation Road  
Marina, California

Special Board Meeting  
July 25, 2012  
5:30 p.m.

Draft Minutes

1. Call to Order:

President Burns called the meeting to order at 5:30 p.m. on July 25, 2012.

2. Roll Call:

Board Members Present:

Dan Burns – President  
Howard Gustafson – Vice President  
Jan Shriner  
Kenneth K. Nishi  
Bill Lee

Board Members Absent:

None

Staff Members Present:

Jim Heitzman, General Manager  
Lloyd Lowrey, Legal Counsel  
Paula Riso, Executive Assistant/Board Clerk

Audience Members:

None.

Mr. Lloyd Lowrey, Legal Counsel, announced that the Board was going to convene into closed session for items 3A-C as set forth on the agenda pursuant to Government Code 54956.9.

The Board entered into closed session at 5:31 p.m.

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

The Board returned to open session at 6:22 p.m.

4. Possible Action on Closed Session Items:

Mr. Lowrey reported the following:

- 3-A – direction was given to the General Manager, no action was taken.
- 3-B – there was consideration of receiving certain information, there was no general discussion and no action was taken.
- 3-C – direction was given to the General Manager, no action was taken.

5. Pledge of Allegiance

President Burns led everyone present in the pledge of allegiance.

6. Oral Communications:

None.

7. Action Items:

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

Mr. Jim Heitzman, General Manager, introduced this item. Director Shriner asked how this process was different or similar from a Request for Qualifications (RFQ). Mr. Heitzman answered that Professional Services did not require a RFQ but it was up to the Board if they wanted one. Director Nishi stated that he thought the General Manager would bring possible candidates to the Board for consideration. Mr. Heitzman answered that he intended to seek out qualified individuals and bring them before the Board for consideration.

Agenda Item 7-A (continued):

Director Shriner asked if it would go before the Executive Committee. Mr. Heitzman stated that in order to move quickly, he suggested bringing it directly to the Board. President Burns agreed that it should go directly to the Board.

Vice President Gustafson made a motion to authorize the General Manager to review and report on engagement of special litigation counsel. President Burns seconded the motion. The motion was passed.

Director Lee	-	Yes	Vice President Gustafson	-	Yes
Director Shriner	-	No	President Burns	-	Yes
Director Nishi	-	Yes			

8. Director's Comments:

Director Shriner commented that she hopes they could minimize the amount the District has to spend on attorney fees.

Director Lee asked where Schaaf & Wheeler had moved their office. Director Nishi answered that they moved to Salinas.

President Burns thanked everyone for showing up on such short notice.

Director Lee commented that the District has an empty building and asked if there was anything being done about it.

9. Adjournment:

The meeting was adjourned at 6:30 p.m.

APPROVED:

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Dan Burns, President

ATTEST:

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Jim Heitzman, General Manager