



MARINA COAST WATER DISTRICT

11 RESERVATION ROAD, MARINA, CA 93933-2099

Home Page: www.mcwd.org

TEL: (831) 384-6131 FAX: (831) 883-5995

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
Friday, February 24, 2012, 9:00 a.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. Pledge of Allegiance

4. 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.*

5. Action Items

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 Revisiting the Director Appointment for Representative to the Monterey Regional Water Pollution Control Agency Board

Action: The Board of Directors is requested to consider revisiting the Director appointment for the liaison representative to the Monterey Regional Water Pollution Control Agency Board.

- C. 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.

- D. Consider Adoption of Resolution No. 2012-10 to Approve a Cross-Connection Control Specialist Designation

Action: The Board of Directors is requested to consider approval of a Cross Connection Control Specialist designation.

- E. Consider Adoption of Resolution No. 2012-11 to Approve a Policy for Recruitment and Selection of Any Position(s) That Report Directly to the Board of Directors

Action: The Board of Directors will consider approving a policy for recruitment of any position(s) that would report directly to the Board of Directors.

- F. Consider Adoption of Resolution No-2012-12 to Approve the Job Description and Hire of an "At-Will" In-House Counsel

Action: The Board of Directors will consider approving the job description and hiring an "at-will" in-house legal counsel.

- G. Consider Adoption of Resolution No. 2012-13 to Distribute a Request for Proposals for District Legal Services

Action: The Board of Directors will review the Request for Proposals and consider adopting Resolution No. 2012-13 to distribute the Request for Proposals for District legal services.

- H. Consider Adoption of Resolution No. 2012-14 to Approve a Change in Vendors for the Life Insurance and Accidental Death and Dismemberment Insurance Benefits for District Employees

Action: Due to an increase in premiums, the Board of Directors will consider approving a change in vendors for the Life Insurance and Accidental Death and Dismemberment Insurance benefits for District employees.

6. Directors Comments

7. 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*

Marina Coast Water District
Agenda Transmittal

Agenda Item: 5-A

Meeting Date: February 24, 2012

Submitted By: Dan Burns

Presented By: Dan Burns

Agenda Title: Consider Options for Possible Brown Act Violation

Detailed Description: The Board of Directors is requested to discuss and consider if the Brown Act was violated on January 16, 2012.

On January 16, 2012, the Monterey County Weekly website reported the following statement:

“Marina Coast board member Jan Shriner says she was told during a special closed session this morning that a press release was forthcoming, but was instructed not to give details to the press.”

Government Code Section 54963, the last section of the Brown Act provides as follows:

(a) A person may not disclose confidential information that has been acquired by being present in a closed session authorized by Section 54956.7, 54956.8, 54956.86, 54956.87, 54956.9, 54957, 54957.6, 54957.8, or 54957.10 to a person not entitled to receive it, unless the legislative body authorizes disclosure of that confidential information.

(b) For purposes of this section, "confidential information" means a communication made in a closed session that is specifically related to the basis for the legislative body of a local agency to meet lawfully in closed session under this chapter.

(c) Violation of this section may be addressed by the use of such remedies as are currently available by law, including, but not limited to:

(1) Injunctive relief to prevent the disclosure of confidential information prohibited by this section.

(2) Disciplinary action against an employee who has willfully disclosed confidential information in violation of this section.

(3) Referral of a member of a legislative body who has willfully disclosed confidential information in violation of this section to the grandjury.

The Board Procedures Manual Sections 14 and 43 provide the following:

14. Code of Ethics.

...

Q. Directors shall protect confidential information of the District, its officers and employees from unauthorized disclosure and dissemination.

43. Director's Violation of Policies.

If a Director breaches any of the policies contained in Sections 5, 8, 13, 14, 15, 16, 17, 33, 39, and 41 the Board may, in addition to any other consequences provided by law, publicly censure the offending Director and may as part of the censure take any or all of the following other actions, to be effective for a time determined by the Board:

a) remove the offending Director from committees and representative positions to which the Director has been appointed or designated by the Board,

b) prevent the offending Director from placing items on the agenda without the specific, advance authorization of the Board.

Environmental Review Compliance: None required.

Prior Committee or Board Action: The Executive Committee discussed this item on January 27, 2012. On February 14, 2012, the three Board members that were present discussed this item and no action was taken.

Board Goals/Objectives: *Strategic Plan, Mission Statement – 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: _____Yes ___X___No

Funding Source/Recap: None.

Material Included for Information/Consideration: Article from the Monterey County Weekly that was published on their website January 16, 2012.

Possible Action: If the Board finds that a violation of Government Code section 54963 or Board Policy section 14 has occurred, the Board may take the actions specified in Government Code Section 54963(c) and Board Policy section 43.

Recommendation: No staff recommendation. This is a Board requested item.

Action Required: _____Resolution ___X___Motion _____Review

Board Action

_____Resolution No_____ Motion By_____ Seconded By_____

Ayes_____ Abstained_____

Noes_____ Absent_____

Reagendized_____ Date_____ No Action Taken_____

Marina Coast Water District
Agenda Transmittal

Agenda Item: 5-B

Meeting Date: February 24, 2012

Submitted By: Jim Heitzman

Presented By: Jim Heitzman

Agenda Title: Consider Revisiting the Director Appointment for Representative to the Monterey Regional Water Pollution Control Agency Board

Detailed Description: The Board of Directors is asked to revisit the Director appointment for representative to the Monterey Regional Water Pollution Control Agency (MRWPCA) Board of Directors. On January 16, 2012 President Burns appointed himself as the primary representative and Director Shriner as the alternate to the MRWPCA Board of Directors.

President Burns is recommending the following appointment to the MRWPCA Board of Directors:

Director Nishi – primary

President Burns – alternate

Environmental Review Compliance: None required.

Prior Committee or Board Action: At the January 10, 2012 Board meeting the Board approved appointments for all committees and outside agency representation with the exception of the MRWPCA Board of Directors. On January 16, 2012 President Burns appointed himself as the primary representative and Director Shriner as the alternate to the MRWPCA Board of Directors.

Board Goals/Objectives: *Strategic Plan, Mission Statement - 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: _____Yes ___X___No

Funding Source/Recap: N/A

Material Included for Information/Consideration: None.

Staff Recommendation: The Board of Directors consider revisiting the Director appointment for representative to the Monterey Regional Water Pollution Control Agency.

Action Required: _____Resolution ___X___Motion _____Review

Board Action

____ Resolution No ____ Motion By _____ Seconded By _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Reagendized _____ Date _____ No Action Taken _____

Marina Coast Water District
Agenda Transmittal

Agenda Item: 5-C

Meeting Date: February 24, 2012

Submitted By: Carl Niizawa
Reviewed By: Jim Heitzman

Presented By: Carl Niizawa

Agenda Title: Consider Adoption of Resolution No. 2012-07 to Approve the District Reorganization Plan

Detailed Description: In November, the Board approved staff move forward with a draft plan for District reorganization. The proposed reorganization would include the restructure of various departments, revised job descriptions and classifications, and a new organization chart. In December and January, the Budget and Personnel (B&P) Committee reviewed drafts of the plan recommended it be brought to the Board for approval.

Background: Over the course of the past year, retirements and other resignations has provided an opportunity for re-evaluation of processes, job assignments and staffing to determine if, rather than simply fill the vacant approved positions, the District would benefit from reorganization. A reorganization plan evolved to increase the District's efficiency and effectiveness. Implementation of the proposed reorganization plan will provide a net cost savings of over \$200,000 in staff costs, while increasing the organizational effectiveness.

Improvement of Organizational Efficiency

The recent retirements of two department managers, the Water Quality Manager and the Conservation Coordinator, and the departure of the Operations and Maintenance (O&M) Superintendent, has created vacancies that have not been officially filled. Review of their responsibilities and duties was completed, and a temporary reallocation of responsibilities of the vacant positions was implemented.

The implementation of the reallocation of duties has verified how a reorganization for increased organizational efficiency of these departments can occur. It has been verified that with distribution of the roles and responsibilities of the departed Water Quality and Conservation Coordinator and redefining roles and responsibilities of Water Quality Chemist, the Water Conservation Specialist, the Assistant O&M Superintendent, and the O&M Superintendent; that a reorganization plan would be achievable. Furthermore, by combining the Laboratory, Water Conservation, and Operation and Maintenance Departments into one department, supervisory needs will be reduced and the reorganization will increase efficiencies with the net reduction of three positions – the Water Quality Manager, the Conservation Coordinator, and one System Operator III from the staff.

Review of each affected department details how this can be accomplished.

Laboratory Department

Following the leave of the Water Quality Manager in January 2011, a review of the District's laboratory function and activities was conducted. The Water Quality Manager and the Water Quality Chemist had overlapping duties and the Chemist was cross-trained to fully maintain the

lab in the absence of, and eventual retirement of, the Water Quality Manager. The Chemist, who has been with the District in this role since 1999, was willing to assume the higher level duties and responsibilities of the Water Quality Manager. These duties include maintaining the lab accreditation, regulatory compliance, and overall responsibility for sampling, data reporting and analysis. Assistance is also provided by college interns from CSUMB for the routine lab work done by the Chemist.

Overlapping capabilities had previously insured that there was full-time coverage for the two person department. Now, outsourcing the lab services would be done during the absence of the Water Quality Chemist.

For the reorganization, it is proposed to upgrade the current position of Water Quality Chemist to that of the Laboratory Supervisor to include the additional responsibilities assumed with the retirement of the Water Quality Manager. Supplemental work will continue to be supplied by using interns.

Laboratory services are an essential part of insuring the water provided by the District meets regulatory standards. Moving the lab under the umbrella of the O&M Department is a natural fit, as water sampling and associated lab testing is a requirement of a water supply operation and any abnormal lab result requires immediate operational action. The new Laboratory Supervisor will also benefit from additional help in the maintenance department, such as the purchase of laboratory supplies. Overall regulatory compliance reporting responsibility would be shifted from the Water Quality Manager to the O&M Superintendent

Water Conservation Department

The retirement of the Conservation Coordinator prompted a review of the duties of this position. It has been seen that the District's current conservation efforts can be effectively met without the Conservation Coordinator position.

The duties of the Conservation Coordinator included staff support of the Water Conservation Committee, oversight of water conservation public outreach and education efforts, coordination of the District newsletters, oversight of the District's water conservation efforts and reporting, emergency response coordination and building security, water conservation rebates, and supervision of the Water Conservation Specialist. As with the Laboratory, the Water Conservation Specialist was knowledgeable about the duties of the Conservation Coordinator and was able to assume most of the oversight of the District's conservation efforts outside of the Water Conservation Committee and rebates. The Water Conservation Committee duties were given to the Capital Projects Manager. Paperwork related to District's conservation rebate was given to the Engineering Administrative Assistant.

Duties of the Conservation Coordinator, which extended beyond water conservation, were distributed to other District staff. The emergency response coordination and building security responsibilities were conveyed to the O&M Department. As with the Laboratory, integration of the conservation efforts under the Operation and Maintenance umbrella will provide close supervision of and support for the efforts of the Water Conservation Specialist. The O&M Superintendent will have overall responsibility for the regulatory requirements of the District's conservation efforts and the Water Conservation Specialist will become a direct report.

Operations & Maintenance Department

The proposed plan for reorganization of the O&M Department was developed with recent personnel changes in the department. In 2010, the O&M Superintendent resigned and the Assistant O&M Superintendent was assigned as the acting Superintendent, while a System Operator III was temporarily moved into the Assistant Superintendent position in the same manner. Following this, it was found that there was not an operational need to fill the newly vacant System Operator III position. The optimum structure for operations, and recommended in the proposed reorganizational plan, is for all eleven Operators, two Meter Readers, and the Utility Laborer to directly report to the acting Assistant O&M Superintendent; who would be continuously engaged with staff in the field on their activities. As such, the “Assistant O&M Superintendent” would be better described as the “O&M Supervisor” given the number of direct reports.

The remaining Operator III would remain a field lead for more complex operations/maintenance involving more than one Operator.

Given the central role of the O&M Supervisor, it was found that the best role for the O&M Superintendent would be engaged in managing the department, providing direction to the O&M Supervisor for implementation, communication/correspondence with outside parties, regulatory compliance and reporting, and becoming involved in department problems/issues. The proposed structure for the reorganization would also have the O&M Superintendent supervising the Laboratory Supervisor, the Water Conservation Specialist and administering the Cross Connection Control Program.

Improvement of Organizational Effectiveness

Another goal for the proposed reorganization is that of increased effectiveness. The proposed reorganization has changes to the organizational structure and job descriptions to more effectively meet the goals and objectives of the District.

Operations & Maintenance

Increasing technological and regulatory requirements escalate the need to have staff trained and certified to successfully implement, efficiently control, and compliantly operate modern utility systems. It is important to have a designated staff member(s) completely understand how these systems work. For example, the District System Operators need to have a Treatment Certification to work with the District chlorination systems. Furthermore, it is seen that the Operators would be more effective (and efficient) if cross-trained in both collections and distribution. This would allow all Operators to be eligible for call-outs or emergencies.

To best insure that the District’s O&M personnel are suitably trained and flexible in their assignments, it is proposed in the reorganization plan that the required certifications for System Operators be changed from just a Distribution Certification, but to also include Collections Certification, and Treatment Certification at their respective Operator levels.

Engineering

As a water/wastewater agency, the District is very unique – the majority of its service area is a prime redevelopment zone –one of the few open coastal development areas in California. For the next 30 years, it is anticipated District staff will be involved in the planning, permitting, reporting, design and design review, construction management and inspection of Ord development and District infrastructure. Given the regulatory and political nature of the area,

these tasks are labor intensive. As such, a greater than normal complement of staff associated with this type of project work is needed at the District.

In the Engineering department, the hiring of temporary, contract employees has filled the additional needs for project work. In August 2009, the Board approved the hire of an Assistant Engineer who was expected to perform more entry-level type duties and free up the professional engineers to conduct the more difficult and complex duties of the Department. In August 2010, a temporary Capital Project Manager was hired to oversee the construction of the Imjin Office Park building and is now overseeing the construction of the Eastern Distribution System.

With the size of the District's capital improvement budget, and the requirements for the District's review and involvement in Ord development, it is seen that there will be continued need for staff to work on these projects. In the development of the Ord community and water/wastewater infrastructure, institutional and historical knowledge is critical; permanent employees, not seasonal consultants or contractors would be most effective in providing effective outcomes.

In review of the Engineering organizational structure, it was pointed out by the B&P Committee in December, that instead of having both a Project Manager and a Capital Project Manager, that one of the positions should be a supervising engineer. This would allow the Deputy General Manager/District Engineer to work on more global District-related issues and less direct engineering supervisory duties. Creation of a supervisory engineering position is a subject of further study.

In every organization it is incumbent upon staff to continually review all factors that have a direct impact on operations and staffing. In preparing the draft reorganization plan, staff looked to ensure an efficient and effective workforce.

Environmental Review Compliance: None required.

Prior Committee or Board Action: On February 14, 2012 the Board discussed this item.

Board Goals/Objectives: *Strategic Plan, Goal No. 2 – To meet 100% of current and future customers' needs and make timely improvements and increase infrastructure and level of services and human resources to meet needs of expanding service areas in an environmentally sensitive way.*

Financial Impact: X Yes No

Funding Source/Recap:

Material Included for Information/Consideration: Resolution No. 2012-07; Proposed reorganization position/compensation changes; Current Org Chart; Proposed Org Chart; and, Proposed Job Descriptions

Staff Recommendation: Board of Directors is to consider adoption of Resolution No. 2012-07 to approve the proposed Reorganization Plan and authorizes the General Manager and/or Deputy General Manager/District Engineer to take all other actions to facilitate the Resolution.

February 24, 2012

Resolution No. 2012-07
Resolution of the Board of Directors
Marina Coast Water District
Approval of District Reorganization Plan

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a special meeting duly called and held on February 24, 2012 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, analysis of District staff organization has generated a Reorganization Plan which increases District staff efficiency and effectiveness; and,

WHEREAS, recent departures of staff personnel have provided an opportunity for temporary realignment of staff duties consistent with the Reorganization Plan; and,

WHEREAS, implementation of the temporary staff realignment has proven to be successful.

NOW, THEREFORE, BE IT RESOLVED, the Board of Directors of the Marina Coast Water District does hereby:

1. Authorize the proposed changes to the job descriptions, titles, and/or salary schedules per attached Job Descriptions, and Position/Compensation Changes Table for the following positions:
 - a. Water Quality Chemist to Laboratory Supervisor
 - b. Operations and Maintenance Superintendent
 - c. Assistant Operations and Maintenance Superintendent to Operations and Maintenance Supervisor
 - d. System Operator I
 - e. System Operator II
 - f. System Operator III
 - g. Associate Engineer
2. Authorize the addition of the following positions with associated job descriptions and salary schedules per attached Job Descriptions and Position/Compensation Changes Table:
 1. Contract Assistant Engineer to Assistant Engineer
 2. Temporary Capital Project Manager to Project Manager
3. Maintain the following vacant positions:
 - a. Water Quality Manager
 - b. Conservation Coordinator
4. Authorize the elimination of one of the two System Operator III approved positions.
5. Approve the revised attached District Staff Organization chart.

6. Authorize the General Manager and/or Deputy General Manager/District Engineer to take all other actions and execute all documents as may be necessary or appropriate for the District Reorganization Plan and to give effect to this resolution.

PASSED AND ADOPTED on February 24, 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. 2012-07 adopted February 24, 2012.

Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 5-D

Meeting Date: February 24, 2012

Submitted By: Carl Niizawa
Reviewed By: Jim Heitzman

Presented By: Carl Niizawa

Agenda Title: Consider Adoption of Resolution No. 2012-10 to Approve a Cross-Connection Control Specialist Designation

Detailed Description: In order to protect its public water systems from potential contamination, the District has a Cross-Connection Control and Backflow Prevention Program (Program) in accordance with the California Administrative Code, Title 17. The Program requires a trained and certified Cross-Connection Control Specialist to conduct field surveys and inspections for assessments of possible backflow hazards. The District's Program designated Cross-Connection Control Specialist has significant responsibility for knowledgeable and accurate assessment of backflow issues.

It is proposed that the District's Cross-Connection Control Specialist:

1. Be appointed by the General Manager from the System Operator II, III or O&M Supervisor classifications.
2. Duties are in addition to those of the existing Operations & Maintenance position.
3. Meet and maintain the certification requirements of the Cross-Connection Control Specialist (attached).
4. Receive 5% Cross-Connection Control Specialist premium pay in addition to all other compensation.

Environmental Review Compliance: None required.

Prior Committee or Board Action: None.

Board Goals/Objectives: *Strategic Plan, Goal No. 2 – To meet 100% of current and future customers' needs and make timely improvements and increase infrastructure and level of services and human resources to meet needs of expanding service areas in an environmentally sensitive way.*

Financial Impact: ___X___Yes _____No

Funding Source/Recap: Based on an Operator II receiving the Cross-Connection Control Specialist designation, cost, including benefits, would be approximately \$3,400 per year and would be funded by Marina Water and Ord Water cost centers.

Material Included for Information/Consideration: Resolution No. 2012-10; and, Proposed Cross-Connection Control Specialist Description.

Staff Recommendation: The Board of Directors is requested to consider adoption of Resolution No. 2012-10 for approval of the Cross-Connection Control Specialist designation and authorize the General Manager and/or Deputy General Manager/District Engineer to take all other actions to facilitate the Resolution.

Action Required: ___X___ Resolution _____Motion _____Review
(Roll call vote is required.)

Board Action

_____Resolution No _____ Motion By _____ Seconded By _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Reagendized _____ Date _____ No Action Taken _____

February 24, 2012

Resolution No. 2012-10
Resolution of the Board of Directors
Marina Coast Water District
Approval of Cross-Connection Control Specialist Designation

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a special meeting duly called and held on February 24, 2012 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, the Directors recognize the need to protect our public water systems from potential contamination; and,

WHEREAS, the District has a Cross-Connection Control Specialist and Backflow Prevention Program (Program) in accordance with the California Administrative Code, Title 17 which requires a trained and certified Cross Connection Control Specialist to conduct field surveys and inspections for assessments of possible backflow hazards; and,

WHEREAS, the Cross-Connection Control Specialist duties can most efficiently be performed by existing operations staff.

NOW, THEREFORE, BE IT RESOLVED, the Board of Directors of the Marina Coast Water District does hereby:

1. Approve the Cross-Connection Control Specialist description and additional pay; and,
2. Authorize the General Manager to designate an Operations and Maintenance staff member as the Cross-Connection Control Specialist and for the General Manager and/or Deputy General Manager/District Engineer to take all other actions and execute all documents as may be necessary to give effect to this resolution.

PASSED AND ADOPTED on February 24, 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. 2012-10 adopted February 24, 2012.

Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 5-E

Meeting Date: February 24, 2012

Submitted By: Jean Premutati
Reviewed By: Jim Heitzman

Presented By: Jim Heitzman

Agenda Title: Consider Adoption of Resolution No. 2012-11 to Approve a Policy for Recruitment and Selection of Any Position(s) That Report Directly to the Board of Directors

Detailed Description: At the January 27, 2012 Budget and Personnel (B&P) Committee meeting, and the February 14, 2012 regular Board meeting, the General Manager discussed methods the Board may want to consider for the recruitment and selection of any positions that report directly to the Board of Directors. The District does not currently have a policy in place for the method(s) and procedure(s) of recruiting positions at this level, and therefore, staff is proposing a draft policy for Board approval.

The policy addresses the recommended processes and methods for recruiting positions of this nature. The policy recommends utilizing the services of an external recruiting firm who has the knowledge, experience, and resources to oversee these processes and provide the Board with as much direct involvement as is requested. These firms can be hired on a retainer or contingency basis. In addition, using an external recruiter will ensure that independent evaluation of all candidates occurs and alleviates any obligation on internal staff to participate in the selection of these positions by future direct reports. The Management Services Administrator would be the liaison between the Board and the outside firm.

Environmental Review Compliance: None required.

Prior Committee or Board Action: On January 27th and February 14th, the General Manager discussed methods the Board may want to consider for the recruitment and selection of positions that report directly to the Board of Directors.

Board Goals/Objectives: *Strategic Plan, Mission Statement – 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: ___Yes ___X___No

Funding Source/Recap: None.

Material Included for Information/Consideration: Resolution No. 2012-11; and, Draft policy for recruitment and selection of any position that reports directly to the Board of Directors

Staff Recommendation: The Board of Directors approve the attached policy for recruitment and selection of any position that reports directly to the Board of Directors.

February 24, 2012

Resolution No. 2012-11
Resolution of the Board of Directors
Marina Coast Water District
Approving a Policy for Recruitment and Selection of Any Position(s)
That Report Directly to the Board of Directors

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a special meeting duly called and held on February 24, 2012 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, at January 27, 2012 Budget and Personnel (B&P) Committee meeting, and the February 14, 2012 regular Board meeting, the General Manager discussed methods the Board may want to consider for the recruitment and selection of any positions that report directly to the Board of Directors; and,

WHEREAS, the District does not currently have a policy in place for the method(s) and procedure(s) of recruiting positions at this level and staff has drafted a policy that addresses these matters; and,

WHEREAS, the policy includes utilizing the services of an external recruiting firm who has the knowledge, experience and resources to oversee these processes and provide the Board with as much direct involvement as is requested. External recruiting firms can ensure an independent evaluation and review of all applicants occurs and alleviates any obligation on internal staff to participate in the selection of these positions by future direct reports.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby approve the policy for recruitment and selection of any position(s) that report directly to the Board of Directors.

PASSED AND ADOPTED on February 24, 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. 2012-11 adopted February 24, 2012.

Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 5-F

Meeting Date: February 24, 2012

Submitted By: Jean Premutati

Presented By: Jim Heitzman

Reviewed By: Jim Heitzman

Agenda Title: Consider Adoption of Resolution No-2012-12 to Approve the Job Description and Hire of an "At-Will" In-House Counsel

Detailed Description: The Budget and Personnel Committee (B&P), on January 27, 2012, discussed consideration of hiring an In-House Counsel position rather than pursue the services of another outside firm to provide District legal counsel.

With regards to the legal issues that may stem from current projects and the ongoing need for legal services, using In-House counsel can provide the District substantial cost savings and enhanced control of work flow. Specific areas where the District could benefit from in house counsel include having legal staff onsite to review and draft documents and contracts, attend meetings, provide legal advice and counsel as needed to the Board of Directors, General Manager and management staff at a set known cost.

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 In-House Counsel as needed.

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.

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: The Board discussed this item on February 14, 2012.

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:

Material Included for Information/Consideration: Resolution No. 2012-12; and, In-House Counsel Job Description.

Staff Recommendation: The Board of Directors consider adoption of Resolution No. 2012-xx to approve the Job Description and hire of In-House Counsel.

Action Required: Resolution Motion Review
(Roll call vote is required.)

Board Action

Resolution No Motion By _____ Seconded By _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Reagendized _____ Date _____ No Action Taken _____

February 24, 2012

Resolution No. 2012-12
Resolution of the Board of Directors
Marina Coast Water District
Approving the Job Description
and
Hire of In-House Counsel

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a special meeting duly called and held on February 24, 2012 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, at the January 27, 2012 Budget and Personnel (B&P) Committee meeting hiring an In-House Counsel position was considered as an alternative to an external firm to provide District legal counsel; and,

WHEREAS, with regards to the legal issues that may stem from the current projects and the ongoing need for legal services, in house counsel can provide substantial cost savings and control of work flow; and,

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 In-House Counsel as needed; and,

WHEREAS, 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 hire of a contract In-House Counsel.

PASSED AND ADOPTED on February 24, 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. 2012-12 adopted February 24, 2012.

Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 5-G

Meeting Date: February 24, 2012

Submitted By: Jean Premutati

Presented By: Carl Niizawa

Reviewed By: Carl Niizawa

Agenda Title: Consider Adoption of Resolution No. 2012-13 to Distribute a Request for Proposals for District Legal Services

Detailed Description: At its January 10, 2012 Board meeting, the Board directed staff to draft a RFP for District legal services. The draft RFP is attached for Board review and approval.

Environmental Review Compliance: None required.

Prior Committee or Board Action: The Board directed staff to draft a RFP at the January 10, 2012 Regular Board meeting.

Board Goals/Objectives: *Mission Statement – 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: ___ Yes __X__ No

Funding Source/Recap: None.

Material Included for Information/Consideration: Draft Request for Proposals for District legal services.

Staff Recommendation: The Board requested this item to be placed on the agenda.

Action Required: __X__ Resolution _____ Motion _____ Review
(Roll call vote is required.)

Board Action

_____ Resolution No _____ Motion By _____ Seconded By _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Reagendized _____ Date _____ No Action Taken _____

February 24, 2012

Resolution No. 2012-13
Resolution of the Board of Directors
Marina Coast Water District
Distributing a Request for Proposals for District Legal Services

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a special meeting duly called and held on February 24, 2012 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, the Board first discussed this item at the June 14, 2011 Regular meeting and again at its October 11, 2011 meeting; and,

WHEREAS, with only four Board members present on October 11, 2011, there was a 2/2 split vote on taking action on directing staff to issue a RFP; and,

WHEREAS, this item was pulled from the agenda at the December Board meeting and placed on the January 10, 2012 agenda; and,

WHEREAS, at the January 10, 2012 Board meeting the item was approved and staff was directed to draft a Request for Proposals (RFP) for District legal services; and,

WHEREAS, attached is the draft RFP for Board review and approval.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby adopt Resolution No. 2012-13 to distribute a RFP for District legal services and authorize the General Manager to execute all necessary documents that will take effect to this resolution.

PASSED AND ADOPTED on February 24, 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. 2012-13 adopted February 24, 2012.

Jim Heitzman, Secretary

Marina Coast Water District
Agenda Transmittal

Agenda Item: 5-H

Meeting Date: February 24, 2012

Submitted By: Jean Premutati

Presented By: Jean Premutati

Reviewed By: Jim Heitzman

Agenda Title: Consider Adoption of Resolution No. 2012-14 to Approve a Change in Vendors for the Life and Accidental Death and Dismemberment Insurance Benefits for District Employees

Description: The Board is requested to consider approving a change in vendors from SunLife of Canada to Lincoln Financial for the life and accidental death and dismemberment (AD&D) insurance benefits for District employees.

The District received the 2012-2013 premium renewals for the life and AD&D plans from SunLife which included a 13% increase. This is the first time in four years the District received a rate increase for these plans.

Upon receipt of out-to-bid results from the insurance broker, the District was approved for the same plan coverage at the same dollar limits with Lincoln Financial and a 37% reduction in premiums. Changing to Lincoln Financial will result in an annual savings of \$5,350.

Staff recommends moving the life and AD&D coverage to Lincoln Financial with an effective date of March 1, 2012.

Environmental Review Compliance: None required.

Prior Committee or Board Action: On June 22, 2010, the Board adopted Resolution No. 2008-36 approving a change in vendors from MetLife to SunLife for the life and AD&D benefits for District employees.

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: Yes No

Funding Source/Recap: Changing carriers will result in an annual savings of \$5,350 which would be spread across the four costs centers: Marina Water, Marina Sewer, Ord Water and Ord Sewer.

Material Included for Information/Consideration: Resolution No. 2012-14; Out-to-Bid results with Lincoln Financial quote.

Staff Recommendation: The Board of Directors consider adoption of Resolution No. 2012-14 to approve a change in vendors for the life and accidental death and dismemberment insurance benefits for District employees.

Action Required: Resolution Motion Review
(Roll call vote is required.)

Board Action

_____ Resolution No _____ Motion By _____ Seconded By _____

Ayes _____ Abstained _____

Noes _____ Absent _____

Reagendized _____ Date _____ No Action Taken _____

February 24, 2012

Resolution No. 2012-14
Resolution of the Board of Directors
Marina Coast Water District
Approving a Change in Vendors for the Life and
Accidental Death and Dismemberment Insurance Benefits for District Employees

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a special meeting duly called and held on February 24, 2012 at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, the current life and accidental death and dismemberment (AD&D) carrier is SunLife of Canada and a renewal on March 1, 2012 will result in a 13% rate increase; and,

WHEREAS, Lincoln Financial has approved coverage for District employees and submitted a quote for a 37% reduction below that of SunLife with no loss of coverage and a two-year rate guarantee; and,

WHEREAS, staff recommends changing vendors from Sunlife to Lincoln Financial with an effective date of March 1, 2012.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby adopt Resolution No. 2012-xx to approve a change in vendors for the life and AD&D benefit plan and authorize the General Manager to execute all necessary documents that will take effect to this resolution.

PASSED AND ADOPTED on February 24, 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. 2012-14 adopted February 24, 2012.

Jim Heitzman, Secretary