

Marina Coast Water District
Agenda Transmittal

Agenda Item: 10-E

Meeting Date: May 10, 2011

Submitted By: Gary Rogers

Presented By: Gary Rogers

Reviewed By: Carl Niizawa

Agenda Title: Consider Adoption of Resolution No. 2011-34 to Authorize the General Manager and/or the Deputy General Manager/District Engineer to Sign a License and Indemnity Agreement with the Union Community Partners-East Garrison, LLC (UCP/Grantor) for Temporary Access to the Watkins Gate Well and Pipeline Project Site

Detailed Description: The Board of Directors is requested to authorize the General Manager and/or the Deputy General Manager/District Engineer to sign a License and Indemnity Agreement (LIA) in order to gain temporary access to the proposed Watkins Gate Well and Pipeline Site (Grantor's property) for initial testing, surveying and evaluation purposes (Work). This Work includes drilling a test hole/monitoring well, topographic survey, exploratory geotechnical investigation and general access for MCWD and its consultants as stated in the LIA.

The LIA is with the UCP-East Garrison, LLC, because UCP owns the land that the MCWD proposes the install a municipal well and associated pipeline. Key items required by UCP are: (1) MCWD provide the types of insurance coverage as expressed in the LIA and that UCP be properly named as an additional insured in the policy for the Work; and, (2) UCP receives the appropriate indemnifications and is held harmless as it relates to the Work performed by the MCWD or its authorized agents, employees, contractors and subcontractors.

Environmental Review Compliance: None required

Prior Committee or Board Action: In Resolution No. 2011-22, the Board Authorized a Professional Services Agreement with Luhdorff & Scalmanini Consulting Engineers for the Eastern Distribution System Watkins Gate Well Installation for a Not-To-Exceed Amount of \$151,685; In Resolution No. 2011-29, the Board Approved a Professional Services Agreement with Schaaf & Wheeler Consulting Civil Engineers for Engineering Services Related to the Eastern Distribution Project Watkins Gate Well & Pipeline Installation for a Not-to-Exceed Amount of \$54,680.

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: Funding for District staff to process this LIA is from the Ord Community Water cost center. Additionally, the District will continue requesting reimbursement from the State of California State Water Resources Control Board Proposition 50 funds.

Material Included for Information/Consideration: Resolution No. 2011-34; and the LIA with UCP-East Garrison, LLC for Temporary Access to the Watkins Gate Well and Pipeline Project Site.

Staff Recommendation: The Board of Directors consider adopting Resolution No. 2011-34 Authorizing the General Manager and/or the Deputy General Manager/District Engineer to Sign a License and Indemnity Agreement with UCP-East Garrison, LLC for Temporary Access to the Watkins Gate Well and Pipeline Project Site.

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

May 10, 2011

Resolution No. 2011 - 34
Resolution of the Board of Directors
Marina Coast Water District

Authorizing the General Manager and/or the Deputy General Manager/District Engineer
to Sign a License and Indemnity Agreement with the UCP-East Garrison, LLC
for Temporary Access to the Watkins Gate Well and Pipeline Project Site

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on May 10, 2011, at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, the 1993 Agreement with Monterey County Water Resources Agency Zones 2 and 2A allows for a combined annual withdrawal in the Ord Community of up to 6,600 acre feet per year of groundwater about equal to the historic demand from Army uses at Fort Ord; and,

WHEREAS, the Salinas Valley Integrated Water Management Plan was approved on March 20, 2007 to receive Proposition 50 funds from the State Water Resources Control Board and is expected to reimburse a portion of the District costs for replacement wells from the pressure zone; and,

WHEREAS, in Resolution No. 2010-56 the Board adopted the Central Marina/Ord Budget for FY 2010-2011 which includes funding for the Watkins Gate Well; and,

WHEREAS, in Resolution No. 2011-22, the Board Authorized a Professional Services Agreement with Luhdorff & Scalmanini Consulting Engineers for the Eastern Distribution System Watkins Gate Well Installation for a Not-To-Exceed Amount of \$151,685;

WHEREAS, in Resolution No. 2011-29, the Board Approved a Professional Services Agreement with Schaaf & Wheeler Consulting Civil Engineers for Engineering Services Related to the Eastern Distribution Project Watkins Gate Well & Pipeline Installation for a Not-to-Exceed Amount of \$54,680;

WHEREAS, the Work expressed in the License and Indemnity Agreement is necessary for the furtherance of the Watkins Gate and Pipeline Project.

NOW, THEREFORE, BE IT RESOLVED THAT, based upon the foregoing, the Board of Directors of the Marina Coast Water District does hereby authorize the General Manager and/or Deputy General Manager/District Engineer to sign a License and Indemnity Agreement UCP-East Garrison, LLC for Temporary Access to the Watkins Gate Well and Pipeline Project Site.

PASSED AND ADOPTED on May 10, 2011, 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 _____

William Y. Lee, 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. 2011-34, adopted May 10, 2011.

Jim Heitzman, Secretary