

**PROFESSIONAL SERVICES AGREEMENT**  
**FOR**  
**ANNEXATION OF THE ORD COMMUNITY INTO**  
**THE MARINA COAST WATER DISTRICT**  
**BETWEEN**  
**MARINA COAST WATER DISTRICT**  
**AND**  
**DENISE DUFFY AND ASSOCIATES**

**CHANGE ORDER NO. 1**

The Agreement for Professional Services to the Marina Coast Water District (DISTRICT) and Denis Duffy & Associates (CONSULTANT), related to planning and environmental review services regarding the District's Annexation of the Ord Community dated May 15, 2017 (AGREEMENT) is hereby amended in accord with contract item 13 that stipulates:

13. *This Agreement supersedes and integrates all prior writings and understandings between the parties concerned, is binding on the parties and their successors, and may be amended only by written agreement signed by the Marina Coast Water District and the Consultant.*

The Scope of Work is modified as follows:

CONSULTANT shall provide Professional Services to the District related to planning and environmental review services regarding the District's Annexation of the Ord Community as delineated and specified in the base contract.

The attached Cost Estimate, serving as Exhibit A, which is made part of this Change Order No. 1, shows the cost to complete additional responses and meetings for the Initial Study/Negative Declaration and for preparation of the LAFCO application for Annexation of Portion of the Ord Community Project.

Compensation to the CONSULTANT for work performed is modified as follows:

Based on additional work needed for the preparation of the Administrative Draft and Screen-Check Draft Initial Study/Negative Declaration (IS/ND), including extensive comments received on the Public Review Draft IS/ND requiring responses and additional hearing and meeting attendance, additional budget is requested to cover work that was not included in the original scope and budget. Additionally, the completion and processing of the Monterey County Local Agency Formation Commission (LAFCO) was not funded in the current contract. See attached for an itemized scope of work for Change Order No. 1. The new Not-to-Exceed value of the contract shall be \$56,799.00.

All other elements and items within the AGREEMENT remain the same.

DISTRICT and CONSULTANT have caused this Agreement to be amended by representatives duly authorized to act, all as of the effective date of February 20, 2018

Prepared by: Michael Wegley Date: 2/7/18  
Michael Wegley  
District Engineer

**CONSULTANT:**  
Denise Duffy & Associates

**DISTRICT:**  
Marina Coast Water District

By Denise Duffy  
Denise Duffy  
Project Manager

By \_\_\_\_\_  
Keith Van Der Maaten  
General Manager

Date 2/9/18

Date \_\_\_\_\_

## **EXHIBIT A**

Itemized Scope of Work  
Cost Estimate; Cost-to-Complete  
LAFCO application work and Add-On Tasks



**Change Order No. 1**  
**Marina Coast Water District Initial Study/Negative Declaration for the**  
**Ord Community Sphere of Influence Amendment and Annexation Project**  
**Amendment to Existing Agreement**

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**To:** Mike Wegley, District Engineer  
**Date:** January 25, 2018  
**Client:** Marina Coast Water District (MCWD)  
**From:** Denise Duffy, Denise Duffy & Associates (DD&A)  
**Ref:** 2013-13  
**Subject:** Amendment for Services for the Ord Community Sphere of Influence  
Amendment and Annexation Project

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**Purpose:** This letter requests and, if acceptable, authorizes DD&A, Inc. to perform the work described below for the budget allocated. This additional scope of work and budget is an amendment to the original agreement, as of the date shown below. If the additional work specified is deemed acceptable, please sign below and return to DD&A.

**Discussion:** Based on additional work needed for the preparation of the Administrative Draft and Screen-Check Draft Initial Study/Negative Declaration (IS/ND), including extensive comments received on the Public Review Draft IS/ND requiring responses and additional hearing and meeting attendance, additional budget is requested to cover work that was not included in our original scope and budget. Additionally, the completion and processing of the Monterey County Local Agency Formation Commission (LAFCO) was not funded in the current contract. Please see attached for an itemized scope of work for the LAFCO application work and add-on tasks.

**Terms:** All other terms and conditions of the original agreement shall remain unchanged.

Submitted by:

\_\_\_\_\_  
DD&A Project Manager

\_\_\_\_\_  
Date

Accepted by:

\_\_\_\_\_  
MCWD

\_\_\_\_\_  
Date



**Marina Coast Water District  
Annexation of Portion of the Ord Community  
Add-On Request and LAFCO Application**

Denise Duffy & Associates (DD&A) is currently under contract with the Marina Coast Water District (MCWD) to prepare an Initial Study/Negative Declaration in support of the Ord Community Sphere of Influence Amendment and Annexation Project. The following provides a scope of work for completion of the environmental review process and the tasks necessary for processing the Monterey County Local Agency Formation Commission (LAFCO) service area annexation and sphere amendment application.

**PHASE I –ADD-ON UNDER EXISTING TASKS**

Additional work on the IS/ND was required for the Administrative Draft and Screen-Check Draft IS/ND tasks, including preparation of two (2) additional Screen-Check Drafts, additional hearing and meeting attendance, and additional mapping and editing efforts not included in our original scope to complete the Public Draft IS/ND to address LAFCO and other agency concerns. Additionally, extensive comments received on the Draft IS/ND will require greater effort for responses than anticipated as well as additional time for preparation of the Final IS/ND and attendance at additional board meeting(s) as well as in-person and over-the-phone conferences with MCWD, Counsel for MCWD, LAFCO and Seaside County Sanitation District (SCSD).

The Public Draft IS/MND was circulated for a 30-day public review period, in which five (5) comment letters were received, all but one with substantial comments. This response effort is much larger than that which was originally budgeted for and therefore an add-on is being requested.

**PHASE II –LAFCO APPLICATION**

Phase II includes preparation of the applications for LAFCO service area Annexation and Sphere of Influence Amendment. Budget for completion of the LAFCO application and processing was not included in DD&A's original scope of work and budget, although the tasks required for this Phase were included in the narrative. The following updates these tasks.

**Task II.1: LAFCO Application Initiation and Internal Review Processes/Initial Meeting(s)**

DD&A will report to MCWD staff and project engineer regarding the recommended components and processing for the LAFCO application. The scope of work assumes attendance by DD&A at two (2) additional staff meetings to present the results and



recommendations of the application requirement, coordinate assignments and to strategize completion of Phase II of this work plan. Two (2) meetings with other agencies such as LAFCO are also included in this task.

### **Task II.2: Project Management/Meetings with MCWD**

The nature of the analyses, high level of agency review, potential challenges and unforeseen issues require considerable coordination and liaison effort. DD&A will provide project management services that include client and agency communication, scheduling, contract management, and administration. This task also includes efforts to assist the project engineer in management of the project.

### **Task II.3: Draft LAFCO Application Package**

LAFCO has a specific set of requirements and protocol for annexation requests for service boundary adjustments. DD&A proposes to prepare application forms and planning documentation, including preparation of GIS based mapping and coordination of engineering mapping requirements, and to assist in the processing of this request through LAFCO.

DD&A will provide drafts of the required application forms and materials. This task assumes that all engineering materials such as survey maps, and engineering information specific to the boundary annexation and Sphere of Influence amendment areas as required by the application process, will be provided by MCWD for incorporation into the application as needed. The following required items will be provided or compiled by DD&A unless otherwise noted herein:

- MCWD Board of Directors Resolution of Application to LAFCO and CEQA findings, (Resolution, Findings, and Notices for Board approval of filing of LAFCO application).
- Application Form including a description of the proposal and supporting statements detailing the proposal's conformance to state law and LAFCO's locally adopted policies and procedures.
- Responses to Sphere of Influence Policies and Criteria Form and Attachment which provides a description of the proposal and supporting statements detailing the proposal's conformance to state law and LAFCO's locally adopted policies and procedures for Sphere of Influence amendments.



- Plan for Providing Services: DD&A will coordinate with MCWD for components that are needed including the information on financial capacity and engineering information on water and wastewater capacity and systems.
- Map and Legal Description would be provided by the MCWD and their engineers/consultants.
- Property Tax Transfer Agreement: DD&A will coordinate with Nick Chiulos, Assistant County Administrative Officer to initiate this process. This scope assumes that the County will complete this process with the Board of Supervisors.
- LAFCO Processing and Filing Fees: DD&A will work with LAFCO to determine fees required. MCWD would be responsible for providing the fees.

#### **Task II.4: Final LAFCO Application Package and Processing**

After MCWD and LAFCO review and comment, DD&A will prepare and submit the final document. Two (2) hardcopies of the final application package will be provided to LAFCO per their requirements. One (1) hardcopy binder will be provided to the MCWD. All other materials will be provided electronically.

DD&A will also be responsible for the processing of the project application materials through LAFCO. DD&A will meet with LAFCO staff regarding the application processing materials upon submittal and work to ensure a complete application package. The processing assumes work required for coordination of the property tax transfer and completion of all application materials. Once accepted as complete, LAFCO will set a public hearing for the request.

#### **Task II.5: Meeting/Hearing Attendance**

DD&A will prepare a draft presentation package for the LAFCO Board meeting. This scope assumes attendance at two (2) LAFCO Board meeting/public hearing for the proposed Project. DD&A would also be available to attend the following additional meetings to focus on the environmental documentation and related issues:

- LAFCO/ City of Seaside meetings,
- MCWD staff meeting on application contents,
- Discuss comments on Administrative Draft Applications and other matters,
- One (1) MCWD Board Meeting for Status Report on the Application.



**DD&A, Inc. Cost Estimate - Change Order 1  
for MARINA COAST WATER DISTRICT  
Annexation of Portion of the Ord Community Project**

		Original Cost Per Task	Change Order 1 January 2018
<i>PHASE I ADDITIONAL WORK FOR IS/ND ADD ON</i>			
I.1	Project Initiation/Kick-Off Meeting	\$ 798	\$ -
I.2	Research and Review Updated Documentation	\$ 1,177	\$ -
I.3	Revise Annexation Boundaries/Revise Draft Project Description	\$ 1,097	\$ -
I.4	Confirm LAFCO and CEQA Review Processes/MCWD Board Meeting(s)	\$ 1,202	\$ -
I.5	Prepare Revised Administrative Draft IS/MND	\$ 9,499	\$ -
I.6	Prepare Screen-Check Draft IS/MND	\$ 2,682	\$ 650
I.7	Prepare Public Review Draft IS/MND	\$ 1,427	\$ 1,200
I.8	Respond to Comments; Prepare Administrative Draft Final IS/MND <sup>(1)</sup>	\$ 5,046	\$ 5,500
I.9	Prepare Final IS/MND	\$ 1,216	\$ 3,000
I.10	Prepare Mitigation Monitoring and Reporting Program	\$ 1,013	\$ -
I.11	LAFCO and CEQA Review Processes/MCWD Board Meeting(s)	\$ 2,435	\$ 250
I.12	Project Management/Meetings with MCWD	\$ 1,964	\$ 650
	Misc Expenses - Phase 1	\$ 1,093	\$ 150
<i>PHASE 2 NEW TASK LAFCO APPLICATION AND PROCESSING</i>			
II.1	LAFCO Application Initiation and Internal Review/Initial Meeting(s)	\$ -	\$ 1,200
II.2	Project Management/Meetings with MCWD	\$ -	\$ 2,000
II.3	Draft LAFCO Application Package	\$ -	\$ 7,800
II.4	Final LAFCO Application Package and Processing	\$ -	\$ 2,500
II.5	Meeting/Hearing Attendance	\$ -	\$ 1,000
	Misc Expenses - Phase 2		\$ 250
<b>Total</b>		<b>\$ 30,649</b>	<b>\$ 26,150</b>