

**MEMORANDUM OF UNDERSTANDING
FOR RETAINING TREATED WASTEWATER RIGHTS
FOR USE BY SCSD AND ITS MEMBER CITIES**

This Memorandum of Understanding is entered into as of _____ among the Seaside County Sanitation District (SCSD), Cities of Del Rey Oaks and Seaside (collectively "Cities"), and the Marina Coast Water District (MCWD), collectively "Parties" and individually "Party," with reference to the following facts:

RECITALS

A. MCWD provides sewer collection services and water services to its Central Marina service area and its Ord Community service area.

B. SCSD is a dependent special district with the cities of Seaside, Sand City, and Del Rey Oaks as member agencies. SCSD provides wastewater collection services to the cities with the sewer flows pumped to Monterey One Water (M1W) for treatment.

C. MCWD owns wastewater treatment capacity rights for treatment of MCWD wastewater flows to M1W's Regional Wastewater Treatment Plant. Additionally, under the 1996 Annexation Agreement between MCWD and M1W (formally the MRWPCA), MCWD has the right to obtain from M1W, treated wastewater from the regional treatment plant for reuse by MCWD in quantities equal to the volume of MCWD wastewater treated by M1W, and such additional quantities as from time to time are not committed to any other users for beneficial use.

D. SCSD owns wastewater treatment capacity rights for treatment of SCSD wastewater flows to M1W's Regional Wastewater Treatment Plant. SCSD's rights only cover wastewater flows from the existing SCSD service area. SCSD's rights are separate and apart from MCWD's Ord Community wastewater treatment capacity rights with M1W.

E. MCWD and SCSD have discussed the potential for SCSD and its member cities to retain treated wastewater rights and this Memorandum of Understanding would be beneficial in moving those efforts forward.

F. The Parties recognize that MCWD and SCSD have separately considered annexing overlapping portions of the former Fort Ord and this memorandum of understanding would resolve that issue.

G. The Parties agree that it is in the best interests of each Party to enter into this Memorandum of Understanding.

NOW, THEREFORE, the Parties agree as follows:

- 1.0 PURPOSE: The purpose of this Memorandum of Understanding is to agree to work towards an agreement to set forth the terms and conditions for Cities to retain treated wastewater rights for use by SCSD and its member Cities, which are in addition to the current rights from the MCWD Ord Community Service Area, and to resolve any potential overlapping annexation issues.
- 2.0 RECLAIMED WATER RIGHTS: The Parties agree to proactively work together to obtain the necessary approvals and agreements so that Parties are able to secure on terms agreeable to the Parties the right to treated wastewater for use by SCSD and its member Cities, which are in addition to the current recognized rights from the MCWD Ord Community Service Area.
- 3.0 RESOLUTION OF LAFCO ISSUES. The SCSD agrees that it will not object to or oppose MCWD annexing any lands within MCWD's Ord Community service area into MCWD's jurisdictional boundaries for water, reclaimed water, and wastewater collection purposes.
- 4.0 NOTICES. All notices or other writings in this MOU provided to be given or made or sent, or which may be given or made or sent, by one Party hereto to another, shall be deemed to have been fully given or made or sent when made in writing and deposited in the United States mail, registered, certified or first class, postage prepaid, and addressed as follows:

To SCSD:

District Manager
Seaside County Sanitation District
440 Harcourt Avenue
Seaside, CA 93955

To MCWD:

General Manager
Marina Coast Water District
11 Reservation Road
Marina, CA 93933

To City of Seaside:

City Manager
City of Seaside
440 Harcourt Avenue
Seaside, CA 93955

To City of Del Rey Oaks:

City Manager

City of Del Rey Oaks
650 Canyon Del Rey Blvd
Del Rey Oaks, CA 93940

WHEREFORE, the Parties have caused this MOU to be executed by persons authorized to execute the agreement on behalf of the Parties;

SCSD:

MCWD:

<Insert Name>, Chair

<Insert Name>, President

<Insert Name>, Secretary

<Insert Name>, Secretary

Date:

Date:

City of Seaside:

City of Del Rey Oaks:

<Insert Name>, City Manager

<Insert Name>, City Manager

<Insert Name>, City Clerk

<Insert Name>, Secretary

Date:

Date:

APPROVED AS TO FORM:

Dated: _____, 2018

By _____
<insert name>.
Legal Counsel for MCWD

Dated: _____, 2018

By _____
Jess Avila
For Monterey County Counsel
Legal Counsel for SCSD

Dated: _____, 2018

By _____
<insert name>.
Legal Counsel for City of Seaside

Dated: _____, 2018

By _____
<insert name>.
Legal Counsel for City of Del Rey Oaks