



# MARINA COAST WATER DISTRICT

11 RESERVATION ROAD, MARINA, CA 93933-2099

Home Page: [www.mcwd.org](http://www.mcwd.org)

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## DIRECTORS

THOMAS P. MOORE  
*President*

JAN SHRINER  
*Vice President*

HERBERT CORTEZ  
PETER LE  
MATT ZEPPERMAN

## Agenda

**Special Board Meeting, Board of Directors  
Marina Coast Water District**

**and**

**Special Board Meeting, Board of Directors  
Marina Coast Water District Groundwater Sustainability Agency**

Wednesday, November 4, 2020, 6:30 p.m. PST

**Due to Governor Newsom's Executive Order N-29-20 and recommendations on protocols to contain the spread of COVID-19, staff and Board members will be attending the November 4, 2020 meeting remotely from various locations and the meeting will be held via Zoom conference. There will be NO physical location of the meeting. The public is strongly encouraged to use the Zoom app for best reception.**

**There may be limited opportunity to provide verbal comments during the meeting. Persons who are participating via telephone will need to press \*9 to be acknowledged for comments. Members of the public participating by Zoom will be placed on mute during the proceedings and will be acknowledged only when public comment is allowed, after requesting and receiving recognition from the Board President. Public comment can also be submitted in writing to Paula Riso at [priso@mcwd.org](mailto:priso@mcwd.org) by 9:00 am on Wednesday, November 4, 2020; such comments will be distributed to the MCWD Board before the meeting.**

This meeting may be accessed remotely using the following Zoom link:

<https://us02web.zoom.us/j/85157456929?pwd=OEI1TVd3dFplUVk5K0FJc1NYWUlxUT09>

Password: 829635

To participate via phone, please call: 1-669-900-9128; Meeting ID: 851 5745 6929 Password: 829635

***Our Mission: We provide our customers with high quality water, wastewater collection and conservation services at a reasonable cost, through planning, management and the development of water resources in an environmentally sensitive manner.***

- 1. Call to Order**
- 2. Roll Call**
- 3. Pledge of Allegiance**

This agenda is subject to revision and may be amended prior to the scheduled meeting. Pursuant to Government Code section 54954.2(a)(1), the agenda for each meeting of the Board shall be posted at the District offices at 11 Reservation Road and 2840 4<sup>th</sup> Avenue, Marina. The agenda shall also be posted at the following locations but those locations are not official agenda posting locations for purposes of section 54954.2(a)(1): City of Marina Council Chambers. A complete Board packet containing all enclosures and staff materials will be available for public review on the District website, Tuesday, November 3, 2020. Information about items on this agenda or persons requesting disability related modifications and/or accommodations should contact the Board Clerk 48 hours prior to the meeting at: 831-883-5910.

**4. Public Comment on Closed Session Items** *Anyone wishing to address the Board on matters appearing on Closed Session may do so at this time. Please limit your comment to four minutes. The public may comment on any other items listed on the agenda at the time they are considered by the Board.*

**5. Closed Session**

A. Pursuant to Government Code 54956.9

Conference with Legal Counsel – Existing Litigation

- 1) Bay View Community DE, LLC; Bryan Taylor; Greg Carter; and Brooke Bilyeu vs Marina Coast Water District; Board of Directors of Marina Coast Water District; County of Monterey and Does 1-25, inclusive, Monterey County Superior Court Case No. 18CV000765 (Petition for Writ of Mandate or Administrative Mandate, and Complaint for Declaratory and Injunctive Relief and Breach of Contract)
- 2) Marina Coast Water District, and Does 1-100 v, County of Monterey, Monterey County Board of Supervisors, and Does 101-110 (California-American Water Company, Real Party in Interest), Monterey County Superior Court Case No. 19CV003305 (Petition for Writ of Mandate and Complaint for Injunctive Relief)
- 3) Appeal No. A-3-MRA-19-0034 by California-American Water Company to the California Coastal Commission over Denial by the City of Marina for a Coastal Development Permit for Construction of Slant Intake Wells for the Monterey Peninsula Water Supply Project
- 4) City of Marina vs. RMC Lonestar [CEMEX], California-America Water Company, Marina Coast WD, et al Defendants, Monterey County Superior Court Case No. 20CV001387 (Complaint for Breach of Contract, Declaratory Relief under the Agency Act, and Tortious Interference with Existing Contract)
- 5) Marina Coast Water District vs California-American Water Company, Monterey County Water Resources Agency; and, California-American Water Company, Monterey County Water Resources Agency vs Marina Coast Water District, San Francisco Superior Court Case Nos. CGC-15-547125, CGC-15-546632 (Complaint for Damages, Breach of Warranties, etc.)

B. Pursuant to Government Code 54956.9(d)(4)

Conference with Legal Counsel – Anticipated Litigation

Initiation of Litigation – One Potential Case

C. Pursuant to Government Code 54957

Public Employee Employment

Title: General Manager

**6. Reportable Actions Taken During Closed Session** *The Board will announce any reportable action taken during closed session and the vote or abstention on that action of every director present, and may take additional action in open session as appropriate. Any closed session items not completed may be continued to after the end of all open session items.*

**7. Action Item** *The Board will review and discuss agenda items and take action or direct staff to return to the Board for action at a following meeting. The public may address the Board on these Items as each item is reviewed by the Board. Please limit your comment to four minutes.*

A. Consider Adoption of Resolution No. 2020-62 to Direct Staff to Distribute Request for Proposals to Hire an Executive Recruiter for Recruitment of a Full-Time General Manager

**8. Director's Comments** *Director reports on meetings with other agencies, organizations and individuals on behalf of the District and on official District matters.*

**9. Adjournment** *Set or Announce Next Meeting(s), date(s), time(s), and location(s):*

*Regular Meeting: Monday, November 16, 2020, 6:30 p.m.,  
Marina Council Chambers, 211 Hillcrest Avenue, Marina*

Marina Coast Water District  
Agenda Transmittal

Agenda Item: 7-A

Meeting Date: November 04, 2020

Prepared By: Rose Gill

Approved By: Keith Van Der Maaten

Agenda Title: Consider Adoption of Resolution No. 2020-62 to Direct Staff to Distribute Request for Proposals to Hire an Executive Recruiter for Recruitment of a Full-Time General Manager

Staff Recommendation: The Board of Directors consider approving the draft RFP and adopting Resolution No 2020-62.

Background: *Strategic Plan, Strategic Element 5.0 – Our objective is to recruit and maintain a highly qualified, diverse and inspired workforce that delivers the essential services of our mission statement to the public while providing outstanding customer service.*

Discussion/Analysis: On October 27, 2020, the General Manager turned in his resignation and therefore the District must begin the process of hiring for a new General Manager.

According to District Policy, upon receipt by the Board of Directors of notice of a potential vacancy to any positions reporting directly to the Board, the Board of Directors will determine the best method for recruitment of the vacancy. The current Board policy promotes the utilization of external recruiting firms and/or Board appointed ad-hoc committees. The policy outlines a procedure intended to allow for the Board to determine on a case-by-case basis the extent, if any, an external firm will assist in the recruitment and selection of candidates, and the extent the Board itself will perform work related to the same. In short, the Board has the following decisions to make regarding recruitment as described in the policy:

- 1) To move forward as an internal recruitment only, an external recruitment only, or a combination of both internal and external; or,
- 2) If moving forward on an external recruitment or combination of internal/external, which of the following processes to follow:
  - a. Use of an external recruiting firm only; or,
  - b. Use of a combination of both an external recruiting firm and an Ad-Hoc Committee; or,
  - c. Use of an Ad-Hoc Committee only

**Internal Recruitment Only**

In the event an internal candidate has been identified by the Board, the Human Resources Manager will post a notice on District bulletin boards announcing the upcoming vacancy pursuant to Section 4.0 of the Employee Handbook. The Board, at its discretion, may elect to appoint an ad-hoc committee. If an ad-hoc committee is appointed, the Human Resources Manager will work with the committee to facilitate the recruitment process. The Human Resources Manager will present all qualified proposals to the Board, or to the Ad-Hoc Committee who will make a recommendation to the Board. In the event an internal candidate is selected, the Board of Directors will negotiate and finalize a contract.

**External Recruitment (or Combination of Internal/External):**

In the event there are no identified internal candidates, or the Board elects to consider both internal and external applicants concurrently, the recruitment will proceed as follows:

Use of an External Recruitment Firm only

If the Board elects to employ an external recruiting firm, the Human Resources Manager will develop a scope of work approved by the Board, and distribute Request For Proposals (RFP's) to external recruiting firms or individuals to provide executive recruitment services for the District. Based on the position and qualifications necessary to perform the essential functions of the job, the firm will work with the Board or appointed Committee to determine if any assessment tools or exams may be utilized to evaluate the applicants' education, prior experience and training. The selected firm will adhere to the Scope of Work outlined in the RFP and work directly with the Board of Directors or appointed committee in all areas of the recruitment process to include, if necessary, the preliminary evaluation of all application, telephone interviews and/or panel interviews. Once a final candidate has been identified by the Board, the recruiting firm can assist the Board's appointed Labor Negotiator in salary and benefits negotiations. After an offer has been accepted, background and reference checks will be conducted and the Human Resources Manager will schedule a pre-employment physical and drug testing. As a courtesy, the Human Resources Manager will inform an applicant before the District checks applicant-provided references

Use of an External Recruitment Firm and Ad Hoc Committee

The Board, at its discretion, may elect to appoint an ad-hoc committee. If an ad-hoc committee is appointed, the Human Resources Manager will work with the committee to facilitate the recruitment process between the external recruiting firm and the Ad-Hoc Committee. The Human Resources Manager an dexternal recruiting firm will present all qualified proposals to the Ad-Hoc Committee who will make a recommendation to the Board.

Use of an Ad-Hoc Committee only (do not use an External Recruitment Firm)

If the Board elects NOT to employ an external recruiting firm and instead elects to appoint an ad-hoc committee, the Committee will direct the Human Resources Manager to post and advertise the position. The ad-hoc committee will decide whether or not to provide supplemental questions to the Human Resources Manager to include in the application process. The Human Resources Manager will receive all applications and forward them to the Committee members with written evaluation criteria to assess the applicants. A list of qualified applicants will be established for telephone and/or pre-screen interviews. The Committee, at its option, may elect to conduct more than one round of interviews and determine if any assessment tools or exams may be utilized to evaluate the applicants' education, prior experience and training. Once a final list of three to five (3-5) candidates has been determined, the Committee may recommend additional interviews with the entire Board.

When a final candidate has been identified by the Board, a preliminary offer may be made that will be contingent upon successfully passing a drug test, pre-employment physical, background checks and demonstration of ability to work in the United States. As a courtesy, the Human Resources Manager will inform an applicant before the District checks applicant-provided references.

Environmental Review Compliance: None required.

Financial Impact:       X   Yes            No     Funding Source/Recap: All four cost centers.

Material Included for Information/Consideration:     Resolution No. 2020-62; and, Draft Request for Proposal.



November 4, 2020

Resolution No. 2020-62  
Resolution of the Board of Directors  
Marina Coast Water District  
Directing Staff to Distribute a Request for Proposals to Hire an Executive Recruiter for  
Recruitment of a Full-Time General Manager

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a special meeting duly called and held on November 4, 2020, via a video conference pursuant to Governor Newsom’s Executive Order N-29-20, as follows:

WHEREAS, on October 27, 2020, the General Manager turned in his resignation. Attached is a Request for Proposal so the Board can elect to hire an Executive Recruiting firm to conduct a recruitment and placement for a Full-Time General Manager; and,

WHEREAS, staff has drafted a Request for Proposal (RFP) to hire a firm on a retainer basis that specializes in executive level job searches for public sector. Executive recruiters have access to networks and resources nation-wide including potential hires not actively seeking to change employers; and,

WHEREAS, the recruiting firm will oversee this recruitment and provide the Board with as much direct involvement as requested; and,

WHEREAS, staff will submit all proposals to the Board of Directors or appointed Ad Hoc Committee for review.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby approve a Request for Proposal to hire an Executive Recruiter for recruitment of a Full-Time General Manager.

PASSED AND ADOPTED on November 4, 2020, 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 \_\_\_\_\_

\_\_\_\_\_  
Thomas P. Moore, President

ATTEST:

\_\_\_\_\_  
Keith Van Der Maaten, 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. 2020-62 adopted November 4, 2020.

\_\_\_\_\_  
Keith Van Der Maaten, Secretary



# Request for Proposal

***The Marina Coast Water District is seeking a professional search firm to conduct an executive recruitment and placement for the position of General Manager***



Proposals must be received by:

**5:00pm  
November 13, 2020**

Proposals should be sent electronically to:

Rose Gill at  
[rgill@mcwd.org](mailto:rgill@mcwd.org)

Proposals sent by mail should be directed to:

Marina Coast Water District  
11 Reservation Road  
Marina, CA 93933  
ATTN: Rose Gill

## **Introduction**

Marina Coast Water District (District) is requesting proposals to provide professional assistance with an executive search for a General Manager. Currently, the District has a General Manager who is leaving on December 18, 2020.

The District is a California special district formed in 1960 under the County Water District Act for the purpose of installing and operating a water supply, water distribution system and wastewater collection system for the City of Marina. The District serves approximately 30,000 residents through 8,000 connections in its Marina and Fort Ord (Ord Community) service areas.

The District has an authorized staff of 42 full-time employees in the following classifications: union represented hourly employees; represented hourly employees; temporary or contract hourly employees; and exempt represented and non-represented employees.

The District is governed by a five member independently elected Board of Directors serving staggered four-year terms elected at-large from within the District's Marina service area. The Board of Directors appoints the General Manager who is responsible for the administration of the District. The General Manager organizes and directs the District's activities in accordance with the Board's policies.

The Board meets in regular session on the third Monday of each month. Regular meetings are held at 7:00pm in the City of Marina's Council Chambers, 211 Hillcrest Avenue, Marina, California. Board meetings are televised locally and are open to the public.

The District leads the area in its groundwater sustainability efforts, conservation efforts, and in collaborating with various agencies and organizations to development water supplies that are beneficial to the entire region. The District is actively developing new, sustainable, water supplies for its current and future customers including the construction of the Regional Urban Water Augmentation Project (RUWAP), which will introduce recycled water to augment groundwater water supplies, and in evaluating and developing an Indirect Potable Reuse Project.

The District recently completed an update to its Water, Recycled Water, and Wastewater Master Plans to align construction projects with development plans from both the local land use jurisdictions and the development community.

### **I. Scope of Services**

The District is seeking proposals from qualified firms with comprehensive experience in executive recruiting especially in the public sector. The selected firm will be the primary contact with the District Board providing guidance and advice through the recruitment and selection process. Requested services include:

- Meet with the District Board to obtain information regarding the expectations, challenges, and responsibilities of the General Manager position.
- Develop a position profile from existing job description that addressed the duties, responsibilities, operational issues, education and leadership qualities appropriate for the position.
- Conduct a total compensation study relevant to the local area.
- Develop a recruitment brochure and conduct related recruiting activities such as targets mailings, advertising, networking, and direct inquiries.
- Review applications and resumes of each applicant; determine those meeting the minimum qualifications and follow up with interviews to clarify each applicant's experience.
- Assist the Board in screening the initial pool of applicants by preparing a written summary of those candidates with the most promising qualifications. Narrow this pool to a list of final candidates through discussion with the Board.
- Thorough screening of final candidates through face to face interviews is required. Screening is to include background and criminal checks, references, and media checks as allowable by law to ensure the finalists have backgrounds of the highest integrity.
- With Board input and final approval, design and finalize the interview process and interview questions. Schedule the interviews.
- Debrief with the Board following interviews and identify additional candidates if necessary.
- Notify applicants who are not selected.
- Assist the Board with compensation negotiations.

Additionally, should matters outside the scope of services be necessary, the District reserves the right to negotiate new terms and conditions of an agreement.

## **II. Proposal Requirements**

The District reserves the right to award a contract pursuant to the RFP without further discussion with respondents. The proposal should provide a straightforward, concise description of your firm's capabilities to satisfy the requirements of this request. The proposal should contain the following information:

- A. Letter of Transmittal – Limit to one (1) or two (2) pages. Show the Request for Proposal subject, the name of the firm, address, telephone number, contact person, email address and the date of preparation.
- B. Qualifications – Describe the background, any public sector experience and executive search capabilities of the firm. Include samples of tools used to assess candidates and a sample recommendation report. Highlight any experience with management placements in water agencies in the last five (5) years.
- C. Scope of Services – Provide the firm's methodology and approach to the desired scope of services. Major proposed deviations from the scope of services outlined in the RFP should be clearly noted. Provide an estimated timeline assuming a start date of mid-November 2020. Note: Board meetings

are scheduled at 7:00pm on the third Monday of each month. Board meeting dates should be incorporated into the time frame as access to the Board is limited. State the firm's policy should the recruitment and/or selection prove to be unsuccessful.

- D. Consulting Staff – Name the project management who will have direct and continued responsibility for the services provided to the District. Include the project manager's resume and specify their experience relative to this recruitment. Identify other key personnel and their roles.
- E. References – Furnish a list of at least three (3) clients who can verify the firm's ability to provide the scope of services requested. Please provide the name, title, agency, address, telephone number and/or email address for each reference. References from water agencies of similar size and complexity who have recently hired a General Manager are strongly preferred.
- F. Sample Materials – Samples of recruitment brochures, invitee letters, announcements, etc. are desirable.
- G. Additional Services – The selected firm is welcome to outline additional services or alternative approaches that it feels are in the District's best interest.
- H. Cost – Provide a cost proposal for the overall recruitment and selection process including an estimated budget for advertising. The proposal should clearly state the fixed cost for the project as well as a description and estimate of any other reimbursable expenses which are not part of the fixed fee. Include a provision for re-recruitment fees should they become necessary and outline under what conditions these would be applicable.

### **III. RFP Proposal Evaluation and Review Procedure**

The District Board will review the proposals submitted and make a selection. All proposals will be evaluated uniformly for final selection, which will be based on analysis of the qualifications and proposals to include:

Experience of the Firm – depth in providing services similar to those requested and having obtained favorable outcomes.

References – evaluation of past recruitments as stated by references.

Availability – initial meetings with the Board are to begin in November 2020.

Responsiveness to the RFP – the overall quality of the proposal as well as the ability of the firm to be responsive to the key components of the process.

Cost - total estimated fee and reimbursable expenses. Cost will be a consideration but the contract will not necessarily be awarded to the firm submitting the lowest bid. The District's intent is to select a firm based on the proposal that is deemed to offer the best overall value and fit to the needs of the District.

#### **IV. Terms and Conditions**

Any consultant submitting a proposal thereby automatically agrees to each and all of the following terms and conditions, provisions, and requirements:

The District reserves the right to reject any or all proposals and to waive immaterial irregularities in any proposal.

The District reserves the right to request clarification of information submitted, and to request additional information from any firm submitting proposals.

The District will not be liable for, nor pay any cost incurred by responding firms relating to the preparation of proposals or making presentations.

No fax submittals will be accepted and late submittals will not be considered. Proposals must be received by 5:00pm on November 13, 2020.

#### **V. Additional Information to be Submitted by Selected Firm**

All firms submitting a proposal will be expected to have or obtain and if selected, to submit the following additional information and qualifications as a condition of the District accepting and executing an engagement letter. The additional information and qualifications are as follows:

1. The selected firm, at its sole cost and expense, shall procure and maintain for the duration of the engagement, errors and omissions insurance in the minimum amount of \$1,000,000 for the benefit of the District and shall protect the District and its officers, officials, directors, employees, agents and volunteers from claims based on alleged errors or negligent acts or omissions which may arise from the firm's performance of the engagement, whether any such claim is made during or subsequent to the term of the engagement. The required errors and omissions policy shall be continued in full force and effect for a period of five years following the completion of the subject engagement. The selected firm shall provide to the District a certificate of insurance on a form acceptable to the District indicating the deductible or self-retention amounts of the expiration date of the policy, and shall provide renewal certificates within ten (10) days after expiration of each policy term. The insurance is to be placed with insurers licensed to do business by and in good standing with the California Department of Insurance with a current A.M. Best's rating of A:VII or better unless otherwise acceptable to the District.
2. The selected firm, at its sole cost and expense, shall procure and maintain for the duration of the engagement the following types and limits of insurance:
  - a. General liability = \$2,000,000 per occurrence
  - b. Automobile liability = \$2,000,000 per occurrence

c. Worker's Compensation = statutory limits

The general and automobile policy(ies) shall be endorsed to name the District, its directors, officers, officials, employees and volunteers as additional insureds regarding liability arising out of the performance of services rendered under the engagement letter. The firm shall provide the District with an ISO CG 2010 endorsement form or equivalent. The coverage shall contain no special limitations on the scope of protection afforded to the District, its directors, officers, official's, employees or volunteers. The firm's coverage shall be primary and shall apply separately to each insured against whom a claim is made or suit is brought, except with respect to the limits of the insurer's liability. The District's insurance, if any, shall be excess and shall not contribute with the firm's insurance. The workers' compensation policy shall be endorsed to include a waiver or subrogation against the District, its directors, officials, officers, and employees.

The insurance is to be placed with insurers licensed to do business by and in good standing with the California Department of Insurance, with a current A.M. Best's rating of A:VII or better unless otherwise acceptable to the District. Prior to commencing the services provided for herein, the firm shall provide to the District original endorsements evidencing this insurance signed by a person authorized to bind coverage on behalf of the insurer(s). The certificates and policies shall provide that thirty (30) days' written notice of any material change, reduction of coverage or cancellation of the insurance policies will be provided to the District. The requirements as to the types, limits, and the District's approval of insurance coverage to be maintained by the firm are not intended to and shall not in any manner limit or qualify the liabilities and obligations assumed by the firm under the engagement letter. In addition, in the event any change is made in the insurance carrier, policies or nature of coverage required under this Agreement, the firm shall notify the District prior to making such changes.

3. The selected firm may not award or engage any outside consultant without the District's prior notification and approval. Any approved subcontractor shall be covered by the firm's insurance in accordance with the insurance requirements described in paragraphs 1 and 2 above.
4. The proposer represents that its key personnel listed in the proposal are licensed by the State of California and that all key personnel hold licenses to practice that are in good standing and that all such licenses will be kept in good standing during the term of the engagement letter.
5. The District will appoint the selected firm subject to renewal upon review by the District of the firm's previous year's service. The District may in its sole discretion terminate an engagement at any time and for any reason upon fifteen (15) days' advance written notice to the firm. In the event of such termination, the District will compensate the firm for all work performed to the date of termination as calculated by the District based on the fees described in the

applicable engagement letter. Compensation under this provision shall not include costs related to lost profit associated with the expected completion of the work or other such payments relating to the benefit of the bargain.

6. All legal services will be performed in compliance with all applicable federal, state and local laws and regulations. The firm must possess and maintain all licenses, certificates and permits necessary to perform the legal services.

## **VI. Deadline**

The deadline for proposals is 5:00pm, November 13, 2020 and should be sent electronically to: Rose Gill, HR/Risk Administrator at [rgill@mcwd.org](mailto:rgill@mcwd.org) or by mail to:

Marina Coast Water District  
11 Reservation Road  
Marina, CA 93933  
ATTN: Rose Gill

All proposals should be signed by an authorized individual of the firm and be valid for sixty (60) days.

## **VII. Questions**

To ensure fair consideration of all firms; all communications should be directed via email to [rgill@mcwd.org](mailto:rgill@mcwd.org). Responses to questions and requests for interpretations will be issued to all prospective proposers.