



Marina Coast Water District

Marina Coast Water District

Regular Board Meeting/Groundwater Sustainability Agency Board Meeting
Hybrid Meeting
October 17, 2022

Minutes

1. Call to Order:

President Shriner called the meeting to order at 6:33 p.m. on October 17, 2022 with Board members and staff present at 920 2nd Avenue, Suite A, Marina, California; and, via Zoom teleconference for the public in Marina, California. President Shriner then proceeded with a land acknowledgement. "As Marina Coast Water District celebrates its 62nd year providing publicly owned water service to its customers in Marina and the Ord Community, we acknowledge that our service area is located on the traditional lands of the Esselen people. They are known today as the Ohlone/Constanoan-Esselen Nation. We respect their elders, past, present, and emerging, for they hold the memories, traditions, culture, and hopes of the Esselen people. We also acknowledge the government of the Ohlone/Coastanoan Esselen Nation and appreciate the spiritual role it plays today in preserving the cultural, historical and heritage beliefs of the Esselen people. We are grateful that they share their traditional lands with us."

2. Roll Call:

Board Members Present:

Jan Shriner – President
Herbert Cortez – Vice President
Thomas P. Moore
Gail Morton
Matt Zefferman

Board Members Absent:

None.

Staff Members Present:

Remleh Scherzinger, General Manager
Roger Masuda, District Counsel
Derek Cray, Operations and Maintenance Manager
Mary Lagasca, Director of Administrative Services
Patrick Breen, Water Resources Manager
Garret Haertel, District Engineer
Dominique Bertrand, Assistant Engineer
Paula Riso, Executive Assistant/Clerk to the Board

Agenda Item 2 (continued):

Audience Members:

Andy Sterbenz, Schaaf & Wheeler
Paula Pelot, Marina Resident
Phil Clark, Seaside Resident
Roland Soltesz, Marina Resident

3. Public Comment on Closed Session Item:

There were no comments made.

The Board entered into closed session at 6:38 p.m. to discuss the following items:

4. Closed Session:

- A. Pursuant to Government Code 54956.9
Conference with Legal Counsel – Existing Litigation
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

- B. Pursuant to Government Code Section 54956.9
Conference with Legal Counsel – Existing Litigation
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)

- C. Pursuant to Government Code Section 54956.9(d)(4)
Conference with Legal Counsel – Initiation of Litigation
One Potential Case

The Board ended closed session at 7:53 p.m. President Shriner reconvened the meeting to open session at 7:56 p.m.

5. Reportable Actions Taken During Closed Session:

Mr. Roger Masuda, District Counsel, stated that there were no reportable actions taken in Closed Session.

6. Pledge of Allegiance:

Director Zefferman led everyone present in the pledge of allegiance.

7. Oral Communications:

Ms. Paula Riso, Executive Assistant/Clerk to the Board, stated that comments had been received by the Board of Directors and will be included as part of the meeting's record.

8. Consent Calendar:

Mr. Remleh Scherzinger, General Manager, stated that staff was pulling item 8-D from the Consent Calendar.

Director Moore made a motion to approve the Consent Calendar consisting of: A) Receive and File the Check Register for the Month of September 2022; B) Approve the Draft Minutes of the Regular Joint Board/GSA Meeting of September 19, 2022; C) Adopt Resolution No. 2022-51 to Proclaim a Local Emergency, and Authorize Remote Teleconference Meetings of All District Legislative Bodies for the Following 30 Days; E) Receive the 3rd Quarter 2022 Sewer Flow Report; and, F) Receive a Report on Current Capital Improvement Projects. Vice President Cortez seconded the motion. The motion was passed by the following vote:

| | | | | | |
|--------------------|---|-----|-----------------------|---|-----|
| Director Moore | - | Yes | Vice President Cortez | - | Yes |
| Director Morton | - | Yes | President Shriner | - | Yes |
| Director Zefferman | - | Yes | | | |

9. Action Items:

A. Adopt Resolution No. 2022-43 to Approve and Execute a Mutual Assistance Agreement Between Marina Coast Water District and Castroville Community Services District:

Mr. Derek Cray, Operations and Maintenance Manager, introduced this item and reviewed that changes and corrections that had been made since the Board last saw the item. The Board was pleased with the agreement and Director Moore suggested looking into other agencies to see if more mutual aid agreements should be created.

Director Zefferman made a motion to adopt Resolution No. 2022-43 to approve and execute a Mutual Assistance Agreement between Marina Coast Water District and Castroville Community Services District. Director Moore seconded the motion. The motion was passed by the following vote:

| | | | | | |
|--------------------|---|-----|-----------------------|---|-----|
| Director Moore | - | Yes | Vice President Cortez | - | Yes |
| Director Morton | - | Yes | President Shriner | - | Yes |
| Director Zefferman | - | Yes | | | |

B. Adopt Resolution No. 2022-53 to Amend the CIP to Include the Castroville Intertie Project:

Ms. Dominique Bertrand, Assistant Engineer, introduced this item and gave a brief presentation on the benefits of the Castroville Intertie Project. The Board asked clarifying questions.

Agenda Item 9-B (continued):

Director Moore made a motion to adopt Resolution No. 2022-53 to amend the CIP to include the Castroville Intertie Project. Vice President Cortez seconded the motion. The motion was passed by the following vote:

| | | | | | |
|--------------------|---|-----|-----------------------|---|-----|
| Director Moore | - | Yes | Vice President Cortez | - | Yes |
| Director Morton | - | Yes | President Shriner | - | Yes |
| Director Zefferman | - | Yes | | | |

C. Receive an Update on the AB 2449 Teleconference Meeting Brown Act Requirement:

Mr. Masuda introduced this item and shared a spreadsheet showing the changes proposed by AB 2449 and the difference from the traditional Brown Act requirement and AB 361. He stated that Governor Newsome is repealing his state of emergency effective February 28, 2023 so AB 361 will no longer be in effect as of that date. Mr. Masuda said that leaves the option of either AB 2449 that will be in effect January 1, 2023 until January 1, 2024, or return to the traditional Brown Act requirements. The Board requested to bring this item back in December so they can vote on which direction they would like to move forward with.

Director Morton made a motion to receive the report. Director Moore seconded the motion. The motion was passed by the following vote:

| | | | | | |
|--------------------|---|-----------|-----------------------|---|-----|
| Director Moore | - | Yes | Vice President Cortez | - | Yes |
| Director Morton | - | Yes | President Shriner | - | Yes |
| Director Zefferman | - | Abstained | | | |

10. Informational Items:

A. General Manager's Report:

Mr. Scherzinger gave the following updates:

- 1) Start-up and testing is going on this week at the golf course and the Regional Board will be on-site for the testing.
- 2) The cash audit is complete following the retirement of Ms. Cadiente.
- 3) Staff has trued up the reserves balance which is \$19M.
- 4) Two new generator sets were installed at San Pablo and Wittenmeyer pump stations.
- 5) Donna Meyers has announced her resignation from the SVBGSA.
- 6) In regards to the public correspondence received, the Rate Study had been provided to Mr. Le regarding his questions about recycled water rates.

B. Committee and Board Liaison Reports:

1. Budget and Personnel Committee:

Director Morton and President Shriner gave a brief update.

2. Executive Committee:

This meeting was canceled.

3. Community Outreach Committee:

Director Zefferman gave a brief update.

4. Joint City District Committee:

Director Morton gave a brief update.

5. M1W Board Member Liaison:

Director Moore gave a brief update and noted the next meeting is October 28th.

11. Board Member Requests for Future Agenda Items:

President Shriner suggested maybe discussing the order of the agenda items. If the Board has any other requests they can be emailed to staff.

12. Director's Comments:

Director Moore, Director Morton, Director Zefferman, Vice President Cortez, and President Shriner made comments.

13. Adjournment:

The meeting was adjourned at 9:00 p.m.

APPROVED:



Jan Shriner, President

ATTEST:



Paula Riso, Deputy Secretary