



# Marina Coast Water District

Regular Board Meeting/Groundwater Sustainability Agency Board Meeting  
Via Zoom Teleconference  
January 20, 2021

## Minutes

### 1. Call to Order:

President Shriner called the meeting to order at 6:35 p.m. on January 20, 2021 via Zoom teleconference in Marina, California, with a land acknowledgement. "As Marina Coast Water District celebrates its 60<sup>th</sup> 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/Costanoan-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/Costanoan 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  
Thomas P. Moore – Vice President  
Herbert Cortez

#### Board Members Absent:

Matt Zefferman  
One vacant seat

#### Staff Members Present:

Derek Cray, Interim General Manager/Operations and Maintenance Manager  
Roger Masuda, District Counsel  
Kelly Cadiente, Director of Administrative Services  
Michael Wegley, District Engineer  
Don Wilcox, Senior Engineer  
Patrick Breen, Water Resources Manager  
Rose Gill, Human Resources/Risk Administrator  
Andrew Racz, Associate Engineer  
Teo Espero, IT Administrator  
Paula Riso, Executive Assistant/Clerk to the Board

#### Audience Members:

Andrew Sterbenz, Schaaf & Wheeler  
Erin Harwayne, Denise Duffy & Associates  
Joe Pineda, MCWD

Stephenie Verduzco, MCWD  
Mike McCullough  
Melanie Carrido

3. Public Comment on Closed Session Items:

There were no comments.

The Board entered into closed session at 6:39 p.m. to discuss the following items:

4. 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 Property 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, et al., Defendants, Marina Coast WD, et al., Real Parties in Interest, 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.)
- 6) California-American Water Company v. All Persons Interested..., Complaint for Reverse Validation, Monterey County Superior Court Case No. 20CV002436, and Marina Coast Water District's consideration of joining that case

The Board ended closed session at 7:03 p.m. President Shriner reconvened the meeting to open session at 7:04 p.m.

5. Reportable Actions Taken During Closed Session:

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

6. Pledge of Allegiance:

Mr. Derek Cray, Interim General Manager/Operations and Maintenance Manager led everyone present in the pledge of allegiance.

7. Oral Communications:

There were no comments made.

8. Presentations:

- A. Consider Adoption of Resolution No. 2021-02 in Recognition of Stephenie Verduzco, Administrative Assistant, for 15 Years of Service to the Marina Coast Water District:

Vice President Moore made a motion to adopt Resolution No. 2021-02 in recognition of Stephenie Verduzco for 15 years of service to the Marina Coast Water District. President Shriner seconded the motion. The motion was passed by the following vote, with one vacant seat:

Director Cortez	-	Yes	Vice President Moore	-	Yes
Director Zefferman	-	Absent	President Shriner	-	Yes

President Shriner read the narration.

- B. Consider Adoption of Resolution No. 2021-03 in Recognition of Tuan Nguyen, Systems Operator II, for 15 Years of Service to the Marina Coast Water District:

Director Cortez made a motion to adopt Resolution No. 2021-03 in recognition of Tuan Nguyen for 15 years of service to the Marina Coast Water District. Vice President Moore seconded the motion. The motion was passed by the following vote, with one vacant seat:

Director Zefferman	-	Absent	Vice President Moore	-	Yes
Director Cortez	-	Yes	President Shriner	-	Yes

President Shriner read the narration.

9. Public Hearing:

President Shriner opened the Public Hearing at 7:14 p.m.

A. Public Hearing on the Draft Initial Study/Mitigated Negative Declaration for the A1/A2 Reservoirs & B/C Booster Pump Station Project:

Mr. Michael Wegley, District Engineer, introduced this item noting the District would receive comments until February 4, 2021.

There were no comments from the public.

President Shriner closed the Public Hearing at 7:17 p.m.

10. Consent Calendar:

Vice President Moore made a motion to approve the Consent Calendar consisting of: A) Receive and File the Check Register for the Month of December 2020; B) Receive the Quarterly Financial Statements for July 1, 2020 to September 30, 2020; C) Consider Approving the Draft Minutes of the Regular Joint Board/GSA Meeting of December 14, 2020; D) Consider Approving the Draft Minutes of the Special Board Meeting of January 5, 2021; E) Consider Adoption of Resolution No. 2021-04 to Authorize the General Manager or his Designee to Execute a Memorandum of Understanding between Monterey One Water and Marina Coast Water District for Conducting a Public Education Program for the Southern Monterey Bay Dischargers Group; and, F) Consider Adoption of Resolution No. 2021-05 to Appoint the Interim General Manager as a Deputy Secretary. Director Cortez seconded the motion. The motion was passed by the following vote, with one vacant seat:

Director Cortez	-	Yes	Vice President Moore	-	Yes
Director Zefferman	-	Absent	President Shriner	-	Yes

11. Action Items:

A. Receive the Final 2020 Year in Review Report:

Mr. Cray introduced this item.

Vice President Moore made a motion to receive the Final 2020 Year in Review Report. Director Cortez seconded the motion. The motion was passed by the following vote, with one vacant seat:

Director Zefferman	-	Absent	Vice President Moore	-	Yes
Director Cortez	-	Yes	President Shriner	-	Yes

B. Consider Adoption of Resolution No. 2021-06 to Amend the On-Call Engineering Services Agreement with Schaaf & Wheeler for the A1/A2 Reservoirs and B/C Booster Pump Station Design Services:

Mr. Wegley introduced this item. Vice President Moore asked clarifying questions.

Agenda Item 11-B (continued):

Vice President Moore made a motion to adopt Resolution No. 2021-06 to amend the On-Call Engineering Services Agreement with Schaaf & Wheeler for the A1/A2 Reservoirs and B/C Booster Pump Station Design Services. President Shriner seconded the motion. The motion was passed by the following vote, with one vacant seat:

Director Cortez	-	Yes	Vice President Moore	-	Yes
Director Zefferman	-	Absent	President Shriner	-	Yes

C. Consider Adoption of Resolution No. 2021-07 to Award a Professional Services Agreement with Psomas for Construction Management of the Ord Lift Station & Force Main Project:

Mr. Donald Wilcox, Senior Engineer, introduced this item. The Board asked clarifying questions.

Vice President Moore made a motion to adopt Resolution No. 2021-07 awarding a Professional Services Agreement with Psomas for Construction Management of the Ord Lift Station & Force Main Project. Director Cortez seconded the motion. The motion was passed by the following vote, with one vacant seat:

Director Cortez	-	Yes	Vice President Moore	-	Yes
Director Zefferman	-	Absent	President Shriner	-	Yes

D. Consider Adoption of Resolution No. 2021-08 to Accept the Infrastructure Improvements Installed Under a Water, Sewer, and Recycled Water Infrastructure Agreement between Marina Coast Water District and Marina Developers, Inc. for the Sea Haven Phase 5A Development Project:

Mr. Andrew Racz, Associate Engineer, introduced this item. Vice President Moore asked clarifying questions.

Vice President Moore made a motion to adopt Resolution No. 2021-08 accepting the Infrastructure Improvements installed under a Water, Sewer, and Recycled Water Infrastructure Agreement between Marina Coast Water District and Marina Developers, Inc. for the Sea Haven Phase 5A Development Project. President Shriner seconded the motion. The motion was passed by the following vote, with one vacant seat:

Director Zefferman	-	Absent	Vice President Moore	-	Yes
Director Cortez	-	Yes	President Shriner	-	Yes

E. Consider Adoption of Resolution No. 2021-09 to Approve FY 2020-2021 Budget Amendment No. 1:

Ms. Kelly Cadiente, Director of Administrative Services, introduced this item. Vice President Moore asked if there was an estimate of how much the District could recover from the lawsuits. Mr. Masuda stated that attorney fees should be discussed in closed session.

Agenda Item 11-E (continued):

Director Cortez made a motion to adopt Resolution No. 2021-09 to approve FY 2020-2021 Budget Amendment No. 1. Vice President Moore seconded the motion. The motion was passed by the following vote, with one vacant seat:

Director Cortez	-	Yes	Vice President Moore	-	Yes
Director Zefferman	-	Absent	President Shriner	-	Yes

F. Consider Adoption of Resolution No. 2021-10 to Approve the Revised Board Procedures Manual:

Mr. Cray introduced this item.

Vice President Moore made a motion to adopt Resolution No. 2021-10 to approve the revised Board Procedures Manual. Director Cortez seconded the motion. The motion was passed by the following vote, with one vacant seat:

Director Cortez	-	Yes	Vice President Moore	-	Yes
Director Zefferman	-	Absent	President Shriner	-	Yes

12. Staff Reports:

A. Receive an Update on the Fiscal Impacts to the District due to Covid-19:

Ms. Cadiente gave a brief update.

B. Receive a Report on Current Capital Improvement Projects:

Mr. Wegley introduced this item.

C. Developer Account Update through June 30, 2020:

Mr. Wegley introduced this item. This item will be brought to a Committee for discussion.

D. Receive the 4th Quarter 2020 MCWD Water Consumption Report:

Ms. Cadiente introduced this item.

E. Receive the 4th Quarter 2020 Sewer Flow Report:

Ms. Cadiente introduced this item.

- F. Receive a Report on 2020 Pure Water Monterey and MCWD Recycled Water Flows through December 31, 2020:

Mr. Cray introduced this item. Vice President Moore requested to have the font on the graph enlarged so it was easier to read.

- G. Receive a Report on 2020 Potable Water Production through December 31, 2020:

Mr. Cray introduced this item.

13. Informational Items:

- A. General Manager's Report:

Mr. Cray gave a brief update on the Covid-19 vaccine timeline for the employees.

- B. Counsel's Report:

There was no report.

- C. Committee and Board Liaison Reports:

- 1. Water Conservation Commission:

No meeting was held.

- 2. Joint City District Committee:

Vice President Moore stated that the next meeting was scheduled for February 24th.

- 3. Executive Committee:

Vice President Moore stated that they met on January 12th and the next meeting is scheduled for February 9th.

- 4. Community Outreach Committee:

Director Cortez gave a brief update.

- 5. Budget and Personnel Committee:

President Shriner noted that they were looking for training requests for Directors for 2021. Director Cortez noted he wanted to discuss the Board stipend.

6. M1W Board Member:

Vice President Moore stated they met on January 25th and gave a brief update.

7. LAFCO Liaison:

Director Cortez stated they were scheduled to meet on January 25th.

8. JPIA Liaison:

No report was given.

9. Special Districts Association Liaison:

Vice President Moore gave a brief update and noted that Mary Ann Leffel was selected as the President for 2021.

10. MCWD/SVBGSA Steering Committee:

Mr. Cray stated there was no meeting.

14. Board member Requests for Future Agenda Items:

President Shriner noted that the Board members can email in their requests.

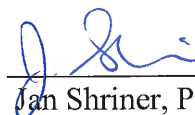
15. Director's Comments:

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

16. Adjournment:

The meeting was adjourned at 8:48 p.m.

APPROVED:



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Jan Shriner, President

ATTEST:



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Paula Riso, Deputy Secretary