



# Marina Coast Water District

## Marina Coast Water District

Regular Board Meeting/Groundwater Sustainability Agency Board Meeting  
April 17, 2023

### Minutes

#### 1. Call to Order:

President Shriner called the meeting to order at 6:30 p.m. on April 17, 2023 both in-person at 920 2<sup>nd</sup> Avenue, Suite A, Marina, California; and, via Zoom teleconference. President Shriner then proceeded with a land acknowledgement. “As Marina Coast Water District celebrates its 63<sup>rd</sup> year providing publicly owned water service to its customers in Marina and the Ord Community, we acknowledge that our service 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  
Brad Imamura – via Zoom

##### Board Members Absent:

None.

##### Staff Members Present:

Remleh Scherzinger, General Manager  
Roger Masuda, District Counsel  
David Hobbs, Assistant District Counsel  
Derek Cray, Operations and Maintenance Manager  
Mary Lagasca, Director of Administrative Services  
Patrick Breen, Water Resources Manager  
Garret Haertel, District Engineer  
Rose Gill, Human Resources/Risk Administrator  
Teo Espero, IT Administrator  
Paula Riso, Executive Assistant/Clerk to the Board

Agenda Item 2 (continued):

Audience Members:

Jack Gao, Shea Homes  
Andy Sterbenz, Schaaf & Wheeler  
Sarah Beesen, MCWD  
Marc Kelly  
Don Hofer, Shea Homes  
Steve Lucas, Shea Homes

3. Public Comment on Closed Session Items:

There were no comments made.

The Board entered into closed session at 6:35 p.m. to discuss the following items:

4. Closed Session:

- A. Pursuant to Government Code 54957 (a)  
Threat to Public Services or Facilities  
Consultation With District Counsel and Information Technology Administrator
  
- B. 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)

The Board ended closed session at 8:45 p.m. President Shriner reconvened the meeting to open session at 8:52 p.m.

5. Reportable Actions Taken During Closed Session:

Mr. Roger Masuda, District Counsel, stated that there was one reportable action which was to appeal Agenda Item 4-B2 on the Superior Court's order of attorney's fees, by a vote of 5-Ayes, 0-Noes, 0-Abstained.

6. Pledge of Allegiance:

Director Moore led everyone present in the pledge of allegiance.

7. Oral Communications:

There were no public comments made.

8. Consent Calendar:

Director Imamura requested to pull Items A, F, and G from the Consent Calendar. Director Morton asked for clarification on Item C – 2022 Consumer Confidence Report, and why it lists sampling for Unregulated Contaminant Monitoring as 2020. Mr. Derek Cray, Operations and Maintenance Manager, noted that the EPA requires sampling of those unregulated contaminants every 5 years so the next sampling will be in 2025.

Director Moore made a motion to approve the Consent Calendar consisting of: B) Approve the Draft Minutes of the Regular Joint Board/GSA Meeting of March 20, 2023; C) Receive the 2022 Consumer Confidence Report for the Marina Coast Water District Water System; D) Receive the 1st Quarter 2023 MCWD Water Consumption Report; and, E) Receive the 1st Quarter 2023 Sewer Flow Report. Director Morton seconded the motion. The motion was passed by the following vote:

Director Imamura	-	Yes	Vice President Cortez	-	Yes
Director Moore	-	Yes	President Shriner	-	Yes
Director Morton	-	Yes			

A. Receive and File the Check Register for the Month of March 2023:

Director Imamura asked for clarification on refund checks, particularly ones for hydrant meters. Mr. Remleh Scherzinger, General Manager, noted that refunds were for miscellaneous reasons including customer move-outs, and hydrant meter refunds were for when construction companies that put large deposits on a meter to provide construction water, returned their meters to the District.

Director Imamura made a motion to receive and file the check register for the month of March 2023. Director Moore seconded the motion. The motion was passed by the following vote:

Director Imamura	-	Yes	Vice President Cortez	-	Yes
Director Moore	-	Yes	President Shriner	-	Yes
Director Morton	-	Yes			

F. Receive a Status Report Update on Current Capital Improvement Projects:

Director Imamura questioned the availability of recycled water for irrigation in the Dunes development. Mr. Scherzinger answered that it was for large common areas and parks because residential owners are not yet permitted to receive recycled water for irrigation.

Director Imamura made a motion to receive a Status Report Update on Current Capital Improvement Projects. Director Moore seconded the motion.

Agenda Item 8-F (continued):

The motion was passed by the following vote:

Director Imamura	-	Yes	Vice President Cortez	-	Yes
Director Moore	-	Yes	President Shriner	-	Yes
Director Morton	-	Yes			

G. Adopt Resolution No. 2023-12 to Change the Title of the Administrative Analyst Position to Operations and Maintenance Coordinator:

Director Imamura asked if the change of title would make it too specialized when it came to filling the position or using it for comparable. Mr. Scherzinger answered that the current duties of the position were more reflective of this new title and the title was more in line with other peer agencies.

Director Imamura made a motion to adopt Resolution No. 2023-12 to change the title of the Administrative Analyst position to Operations and Maintenance Coordinator. Director Morton seconded the motion. The motion was passed by the following vote:

Director Imamura	-	Yes	Vice President Cortez	-	Yes
Director Moore	-	Yes	President Shriner	-	Yes
Director Morton	-	Yes			

9. Action Items:

A. Consider Adoption of Resolution No. 2023-13 Regarding a Variance to the Application of MCWD Water Code Section 5.16.190 *Sewer System Easements* for the Dunes of Monterey Bay Phase 2 West, Marina, CA:

Mr. Garrett Haertel, District Engineer, introduced this item. The Board asked clarifying questions.

Director Moore made a motion to adopt Resolution No. 2023-13 regarding a variance to the application of MCWD Water Code Section 5.16.190 *Sewer System Easements* for the Dunes of Monterey Bay Phase 2 West, Marina, CA. Vice President Cortez seconded the motion.

Discussion continued. Director Moore suggested adding language to the easement to clear the District of any responsibility should a catastrophic event happen because the variance was granted.

Director Moore withdrew his motion.

Mr. Scherzinger requested to pull Items 9-A and 9-B from the agenda.

C. Adopt Resolution No. 2023-15 to Modify the FY 2022-2023 Budget by Transferring Funds from Capacity Fee Reserves to the Capital Improvement Program Project GW-0123 for FY 2022-2023:

Mr. Haertel introduced this item and noted a couple of typos on the Resolution. One was the formation year of the District, and the other was a duplicate “NOW, THEREFORE BE IT RESOLVED”.

Director Morton made a motion to adopt Resolution No. 2023-15 to modify the FY 2022-2023 Budget by transferring funds from Capacity Fee Reserves to the Capital Improvement Program Project GW-0123 for FY 2022-2023, as corrected. Director Moore seconded the motion. The motion was passed by the following vote:

Director Imamura	-	Yes	Vice President Cortez	-	Yes
Director Moore	-	Yes	President Shriner	-	Yes
Director Morton	-	Yes			

D. Receive the 2022 Year in Review Report:

Ms. Rose Gill, Human Resources/Risk Administrator, introduced this item and reviewed the contents with the Board.

President Shriner noted it was 10:00 p.m. and asked if there was a motion to continue the meeting.

The Board offered corrections and changes to the Year in Review report, to include adding links and graphics.

Director Morton made a motion to continue the meeting to complete Item 9-D and the General Manager’s report. Director Moore seconded the motion. The motion was passed by the following vote:

Director Imamura	-	Yes	Vice President Cortez	-	Yes
Director Moore	-	Yes	President Shriner	-	Yes
Director Morton	-	Yes			

Following more discussion, this item will return to a future meeting after staff has a chance to incorporate the suggested changes.

10. Informational Items:

A. General Manager’s Report:

Mr. Scherzinger gave the following update:

- 1) He had two meetings with the City of Monterey regarding proposed development on South Boundary Road.

Agenda Item 10-A (continued):

- 2) Met with Nancy Vogel, Deputy Director of Natural Resources, and she introduced him to Peter Fisk, the National Alliance for Water Innovation (NAWI), at Lawrence Berkley Laboratories. NAWI is in the process of giving out \$110 million in desal grants and they are looking at doing a project at Sand City's desal plant.
- 3) Staff discovered an abandoned well on Armstrong Ranch and are looking to see if there is a chance to use it for a brine project.
- 4) Continuing to meet with the City of Seaside to resolve water issues.
- 5) Working with M1W on moving the project forward now that the Pure Water Monterey Expansion has been signed.
- 6) Beginning negotiations around the outfall and connecting the District desal plant directly to it.
- 7) Received a letter from M1W to agree to the Phase 2 Pure Water Monterey Project.
- 8) Working on the budget and the CIP has been approved by the Budget and Engineering Committee to bring to the Board.

13. Adjournment:

The meeting was adjourned at 10:49 p.m.

APPROVED:



Jan Shriner, President

ATTEST:



Paula Riso, Deputy Secretary