



Marina Coast Water District

Regular Board Meeting/Groundwater Sustainability Agency Board Meeting
Via Zoom Teleconference
February 16, 2021

Minutes

1. Call to Order:

Vice President Moore called the meeting to order at 6:30 p.m. on February 16, 2021 via Zoom teleconference in Marina, California.

2. Roll Call:

Board Members Present:

Jan Shriner – President – arrived at 6:35 p.m.
Thomas P. Moore – Vice President
Herbert Cortez
Matt Zefferman

Board Members Absent:

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
Don Wilcox, Senior Engineer
Patrick Breen, Water Resources Manager
Rose Gill, Human Resources/Risk Administrator
Teo Espero, IT Administrator
Paula Riso, Executive Assistant/Clerk to the Board

Audience Members:

Andrew Sterbenz, Schaaf & Wheeler
Vera Nelson, EKI Environment & Water
Mike McCullough
Melanie Carrido
Paula Pelot
Dana Cleary
Greg Furey
Lisa Berkley
Angel Rivero
Liesbeth Visscher
Matt Johnson
Desire Valdez
Jasmine Ruvalcaba

Gail Morton
Tina Wang, EKI Environment & Water
Brad Imamura
Efrem Valentin
Audra Walton
Grace Silva-Santella
David Burnett
Teri Short
Greg Simmons
Gary Skrel
Christina Medina Dirksen
Troy Ishikawa
Gaely Jablonski

3. Public Comment on Closed Session Items:

There were no comments.

The Board entered into closed session at 6:33 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 6:56 p.m. President Shriner reconvened the meeting to open session at 7:00 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:

Director Cortez led everyone present in the pledge of allegiance.

7. Oral Communications:

There were no comments made.

8. Presentations:

- A. Consider Adoption of Resolution No. 2021-11 in Recognition of Joe Pineda, Operations and Maintenance Supervisor, for 15 Years of Service to the Marina Coast Water District:

Vice President Moore made a motion to adopt Resolution No. 2021-11 in recognition of Joe Pineda for 15 years of service to the Marina Coast Water District. Director Zefferman seconded the motion. Ms. Liesbeth Visscher, congratulated Mr. Pineda and thanked him for his service. The motion was passed by the following vote, with one vacant seat:

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

9. Marina Coast Water District Groundwater Sustainability Agency Matters:

A. Action Items:

1. Receive a Presentation on the Monterey Sub-basin Groundwater Sustainability Plan Draft Chapter(s) 1-5:

Mr. Patrick Breen, Water Resources Manager, introduced this item. Ms. Vera Nelson, EKI Environment and Water, gave a presentation on the Monterey Sub-basin Groundwater Sustainability Plan and Chapters 1-5. She noted that this Plan was due to be submitted by January 31, 2022. The Board asked clarifying questions.

10. Return to Marina Coast Water District Matters:

11. Consent Calendar:

Director Zefferman requested to pull Item 11-B from the Consent Calendar.

Agenda Item 11 (continued):

Vice President Moore made a motion to approve the Consent Calendar consisting of: A) Receive and File the Check Register for the Month of January 2021; C) Consider Adoption of Resolution No. 2021-12 to Approve the 2021 District Technology Plan Appendix for FY 2021-2022; and, D) Receive the District FY 2021-2022 Draft Budget Schedule and Set Date for the FY 2021-2022 Budget Workshop. Director Zefferman seconded the motion. The motion was passed by the following vote, with one vacant seat:

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

B. Consider Approving the Draft Minutes of the Regular Joint Board/GSA Meeting of January 20, 2021:

Director Zefferman noted that the Roll Call in the minutes needed to show he was absent.

Director Zefferman made a motion to approve the draft minutes of the Regular Joint Board/GSA Meeting of January 20, 2021 with the above-mentioned correction. 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	-	Abstained	President Shriner	-	Yes

12. Action Items:

A. Consider Appointment of an Applicant to Fill the Existing Vacant Seat on the Board of Directors until December 2, 2022:

Mr. Cray introduced this item and explained the guidelines for the interviews. He noted that each candidate will be provided an equal amount of time from the Board in order for the Board to conduct the interviews. Mr. Cray reviewed the step-by-step process for conducting the interviews and filling the vacancy: 1) With alphabetical order of the last names, each candidate will be allowed to make a 5-minute presentation about their qualifications to serve as a Director. The order will be: Brad Imamura, Gail Morton, then Efrem Valentin; 2) After each candidate's initial presentation, the Board members will ask two rounds of questions, rotating after all four Directors have asked their first question to the candidate. The series of order for the Directors to ask questions will be: Director Cortez, Director Zefferman, Vice President Moore, President Shriner; 3) Each candidate will have up to 4 minutes to answer each question. Each Director is not required to ask the same question of each candidate; 4) After the questioning portion of the interviews has concluded for all candidates, the Board will allow public comments on the matter. Each public member wishing to comment shall have up to 4-minutes maximum; 5) The Board will then discuss the matter, 6) The President will seek a motion and a second to appoint one of the candidates as the new Director and a roll call vote will either confirm the new director's appointment, or a failed vote will require another motion, seeking another candidate; and 7) Upon confirmation, the Oath of Office will be given by the Board President.

Agenda Item 12-A (continued):

Mr. Brad Imamura introduced himself and commented that he applied for this position in hopes that it would be a fair and open process, with no pre-judgements or pre-biased opinions. He shared that he worked for many years at a large water district, Santa Clara Valley Water District, and as a Marina Coast Water District customer, was interested in wanting to participate and be a part of representative government. Mr. Imamura stated that with the two big development projects underway, he wanted to apply to the District Board to contribute his knowledge and experience and to continue to promote water conservation and advocate for safe, clean and sustainable water for all Marina Coast Water District customers. He noted that his goal was to continue the protection and safe access to the groundwater and to continue all the good services the District is presently serving on the Board. Mr. Imamura added that the primary purpose of the Board is to serve its customers and he considered it a privilege to serve on the Board. He concluded by reminding everyone that during the recent election, he received over 3,000 votes from customers of the District.

Ms. Gail Morton introduced herself and commented that she is an attorney with a private practice in the City of Monterey. She stated that she is pursuing the Board seat because of the necessity for good leadership and advocacy to protect the affordable, sustainable water supply, which was also a critical focus while she served on the Marina City Council for the last eight years. Ms. Morton added that during that time, she was one of the two Council members that served on the Joint City District Committee along with two of the District's Board members through which she developed a close working relationship with the District. She said that the Council fought to protect the water and their actions were closely related to the District's actions to do that. Ms. Morton said she has demonstrated the ability to look at strategies, both for administrative proceedings and judicial proceedings, that moved the City's position forward which is cooperation with the District's added protection of water. She stated she was very much instrumental in the development of public relations that were put out by the City for the protection of the water and the City's environmentally sensitive coast, as well as the establishment of the City as its own Groundwater Sustainability Agency for that portion of the basin within their jurisdiction and not encompassed in the District's GSA. Ms. Morton said she has met with legislative and administrative representatives for the last eight years as an advocate for the City and for MCWD's common interest in the protection of water. She commented that she had the pleasure of working with at least three of the current Board members at the Fort Ord Reuse Authority (FORA) Board from January 2013 through 2020. Ms. Morton stated she served on the FORA Finance Community, the Post Reassessment Committee, and the Transition Task Force, where she worked with 'then' President Moore, advocating to ensure the contract provisions that were put into place with regards to water and the continuation of allocation of water going forward in the future, were preserved and protected while making sure FORA sunset. She said she has had extensive experience with the protection of water, water rights, water allocations, and review of the budgets. Ms. Morton commented that she understands the distinction between Central Marina and the former Fort Ord area; what the water limitations are with the assignment of 6,600 acre feet; and, FORA's allocations among the different jurisdictions that the District serves on the former Fort Ord. She stated that as a Councilmember, she is familiar with the Brown Act, CEQA, prevailing wage, and many of the various contracts that are on the FORA site. Ms. Morton commented that looking at the closed session items on the agenda, many of them are cross-over items that also involved the City of Marina and she has a deep working knowledge of them.

Agenda Item 12-A (continued):

Ms. Morton said that in working with so many of the Board members, she hopes they see her ability as being insightful, an informed leader with strong ethics, and an understanding of the fiduciary responsibilities that are necessary for public office. She added that there is a responsibility to those customers that the District serves now, in 2021, and to make sure there is water for those customers and development and what we need in 2050 and beyond. Ms. Morton concluded that she is hopeful the Board would give her consideration as a choice to serve on this Board.

Mr. Efreem Valentin introduced himself stating that he is a resident of East Garrison, which was newly annexed into the District. He and his wife have lived in the Fort Ord area for twenty years and have a three-year-old daughter. Mr. Valentin said they are a young family and the District's water is important to him and his family because it is a vital element of the Community's health, environment, and economic sustainability. He said it is important to protect the groundwater supply from saltwater intrusion. Mr. Valentin said he would like to serve on the Board to help ensure the District continues to thrive and is a source of safe, reliable and affordable water. He stated his experience gained from serving on the Marina Coast Water District Conservation Commission and the East Garrison Advisory Committee has prepared him to be a positive contributor to the District. Mr. Valentin concluded that he welcomes the Boards questions from the Q&A session and thanked everyone for their time and consideration.

The Board members took turns asking the candidates a series of questions.

Ms. Riso noted that there were three emails of support received by the District earlier that afternoon. Ms. Dana Cleary, Ms. July Hoffman, and Ms. Grace Silva-Santella all voiced their support of Ms. Morton for the vacant seat on the Board.

Ms. Teri Short commented that she is with the East Garrison Advisory Committee and asked how the East Garrison and Ord Community areas can receive important information about the District. She noted that she would be happy to work together to make sure there is transparency and information shared between the District and the East Garrison and Ord Communities. Ms. Short then voiced her support for Mr. Valentin for the vacant seat on the Board.

Ms. Audra Walton voiced her support of Mr. Valentin for the vacant seat on the Board.

Ms. Liesbeth Visscher voiced her support of a representative from the East Garrison or Ord Community for the vacant seat on the Board.

Mr. Greg Simmons voiced his support of Ms. Morton for the vacant seat on the Board.

Councilmember David Burnett voiced his support of Ms. Morton for the vacant seat on the Board.

Mr. Angel Rivero voiced his support of Mr. Valentin for the vacant seat on the Board.

Councilmember Lisa Berkley voiced her support of Ms. Morton for the vacant seat on the Board.

Agenda Item 12-A (continued):

Mr. Greg Furey voiced his support of Ms. Morton for the vacant seat on the Board.

Ms. Christina Medina-Dirksen thanked Mr. Imamura and Mr. Valentin for stepping up for the Ord and East Garrison Communities and encouraged their participation in other opportunities that may be available to them as well.

President Shriner thanked everyone for their participation and voiced her pleasure with the increased number of votes received during the last election now that the District annexed the Ord Community. She added that the District was looking into more outreach with the Ord Community land use jurisdictions in the near future.

Vice President Moore thanked Ms. Short for her comment and stated that someone would reach out to her. He also noted that in the last election, there were two seats up for election from voters that included the entire annexed area, and in the next election, the remaining three seats will be up for election from voters included in the entire annexed area. Vice President Moore commented that since he was reelected in 2020 by the voters, which included the annexed Ord Community, he is now beholden to all constituents and will do so to the best of his ability.

Director Zefferman commented that the Outreach Committee has been discussing outreach to the Ord Community and asked Ms. Short to contact him at directorzefferman@mcwd.org. Ms. Short said she would be happy to contact him in the near future.

Director Zefferman thanked everyone for participating in this process and suggested that anyone who may not be selected for this seat be encouraged to run for election in 2022. He commented that when he first decided to run for the Board, he talked to many people in the community including City Council members and Ms. Morton, who was on City Council at the time, was very knowledgeable and helped him understand a lot of the issues in the community. He then voiced his support for Ms. Morton noting that with her experience, she could hit the ground running.

Noting that it was nearing 10:00 p.m., President Shriner asked if there was a motion to continue the meeting past 10:00 p.m.

Vice President Moore made a motion to continue past 10:00 p.m. until the Action Items were completed. Director Cortez seconded the motion. The motion was passed by the following vote, with one vacant seat:

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

Director Cortez recognized Mr. Imamura for the votes he received in the last election and that showed people recognized his background and expertise was an asset. He also thanked Mr. Valentin for his services in the Water Conservation Commission and the East Garrison Advisory Committee noting they were great attributes that would help him grow the future. Director Cortez then voiced his support for Ms. Morton whose knowledge and abilities could help the District today and in the future.

Agenda Item 12-A (continued):

Vice President Moore commented that Directors Zefferman and Cortez have said most of what he wanted to say. He thanked Mr. Valentin and Mr. Imamura for coming forward. Vice President Moore stated that he is pleased to see the Board has diversity, whether it is gender diversity or ethnic diversity, and he was pleased with the set of candidates the District did get as any of the candidates would offer more diversity. He voiced his support of Ms. Morton as she is best prepared to immediately serve as an effective Board member.

President Shriner commented that the three candidates were all worthy of consideration and they represented themselves quite well and she appreciated the public support of the candidates. She said that while she understands the need of the community, she felt Ms. Morton was an ally when she was part of the City. President Shriner thanked everyone for their participation.

Vice President Moore made a motion to appoint Gail Morton to the vacant seat on the Board. Director Cortez seconded the motion. The motion was passed by the following vote, with one vacant seat:

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

Mr. Imamura commented that he appreciated the opportunity to present and answer questions before the board and encouraged others to run in the next election. He then spoke as a resident and not a candidate, stating that he was disappointed the community recycles the same people, and that there needs to be diversity on the Board. Mr. Imamura added that after receiving over 3,000 votes in the last election, it was wrong of the Board to not listen to those voices. Mr. Imamura thanked Mr. Valentin for running and hoped that later they can get some true diversity on the Board.

Mr. Valentin thanked the Board for the time and consideration for the vacant position and he looked forward to having some representation from the Ord Community in the near future.

Ms. Walton thanked everyone that applied for this position and congratulated Ms. Morton. She added that if Mr. Valentin would run for election in 2022, she would knock on every door to help get him elected.

Vice President Moore commented that representation for the Ord Community exists now with the election of himself and Director Cortez in the last election, because they were elected collectively by the voters of East Garrison, the Dunes, Seaside, CSUMB and Central Marina.

President Shriner voiced her pleasure as the first female President of the Board in the District's 60-year existence to swear in the third female to ever serve on the Board. President Shriner then gave the Oath of Office to Ms. Gail Morton.

- B. Consider Adoption of Resolution No. 2021-13 to Award a Construction Contract to Monterey Peninsula Engineering for the Ord Lift Station & Force Main Project – CIP #OS-0147:

Mr. Cray notified the Board of a catastrophic failure at the Ord Lift Station force main earlier in the day and due to the frequent issues with the lift station and force main, this project was very important.

Mr. Don Wilcox, Senior Engineer, introduced this item.

Vice President Moore made a motion to adopt Resolution No. 2021-13 to award a Construction Contract to Monterey Peninsula Engineering for the Ord Lift Station & Force Main Project – CIP #OS-0147. Director Morton seconded the motion. The motion was passed by the following vote:

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

- C. Consider Adoption of Resolution No. 2021-14 to Amend the On-Call Engineering Services Agreement with Schaaf & Wheeler for the Ord Lift Station & Force Main Project – Engineering & Environmental Services During Construction:

Mr. Wilcox introduced this item. The Board asked clarifying questions.

Vice President Moore made a motion to adopt Resolution No. 2021-14 to amend the On-Call Engineering Services Agreement with Schaaf & Wheeler for the Ord Lift Station & Force Main Project – Engineering & Environmental Services During Construction. Director Zefferman seconded the motion. The motion was passed by the following vote:


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

President Shriner asked to bring the Staff Report and Informational Items back to the next Board meeting/workshop on March 1st.

16. Adjournment:

The meeting was adjourned at 10:26 p.m.

APPROVED:



Jan Shriner, President

ATTEST:



Paula Riso, Deputy Secretary