



Marina Coast Water District

Regular Board Meeting/Groundwater Sustainability Agency Board Meeting
Via Zoom Teleconference
June 21, 2021

Minutes

1. Call to Order:

President Shriner called the meeting to order at 6:30 p.m. on June 21, 2021 via Zoom teleconference in Marina, California, noting that items 4-B and 11-D have been pulled from the agenda. She then proceeded with a land acknowledgement. "As Marina Coast Water District celebrates its 60th 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
Gail Morton
Matt Zefferman

Board Members Absent:

Herbert Cortez

Staff Members Present:

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

Audience Members:

Andrew Sterbenz, Schaaf & Wheeler
Stephenie Verduzco

Michael Wegley
Paula Pelot

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) California-American Water Company, Real Party in Interest vs Marina Coast Water District, Court of Appeal, Sixth Appellate District Case No. (to be assigned; Cal-Am filed Notice of Appeal on May 25, 2021) (Cal-Am's appeal of decision by Trial Court in MCWD's favor in MCWD's 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) California-American Water Company and Monterey County Water Resources Agency vs Marina Coast Water District, Court of Appeal, First Appellate District Case No. A160662 (Cal Am's appeal from Trial Court's granting of summary adjudication of CalAm's tort causes of action in favor of MCWD)

~~B. Pursuant to Government Code 54957~~

~~Public Employee Performance Evaluation~~

~~Title: General Manager~~

~~Pulled from the agenda~~

The Board ended closed session at 7:05 p.m. President Shriner reconvened the meeting to open session at 7:06 p.m.

5. Reportable Actions Taken During Closed Session:

Mr. Roger Masuda, District Counsel, reported that on a 3-1 vote with Director Morton, Vice President Moore, and President Shriner voting yes, and Director Zefferman abstaining, the Board authorized a cross appeal to be filed in agenda item 4-A2.

6. Pledge of Allegiance:

Vice President Moore led everyone present in the pledge of allegiance.

7. Oral Communications:

There were no comments made.

8. Presentations:

- A. Adopt Resolution No. 2021-32 Congratulating and Recognizing Michael Wegley on his Retirement as the District Engineer with 6 Years of Service to Marina Coast Water District:

Vice President Moore made a motion to adopt Resolution No. 2021-32 congratulating and recognizing Michael Wegley on his retirement as the District Engineer with 6 years of service to Marina Coast Water District. Director Morton seconded the motion. Ms. Riso, Ms. Cadiente, Mr. Wilcox, and Mr. Cray voiced their appreciation and thanks to Mr. Wegley for his hard and dedicated work to the District. The motion was passed by the following vote:

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

President Shriner read the narration. Mr. Wegley thanked everyone for their kind words and expressed his pleasure working for the District.

9. 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 May 2021; B) Approve the Draft Minutes of the Special Joint Board/GSA Meeting of May 10, 2021; C) Approve the Draft Minutes of the Regular Joint Board/GSA Meeting of May 17, 2021, D) Adopt Resolution No. 2021-33 to Authorize a Notice of Completion for the Human Machine Interface Project to be Filed and with the Monterey County Recorder; and, E) Adopt Resolution No. 2021-34 to Approve a Water, Sewer, and Recycled Water Infrastructure Agreement between the Marina Coast Water District and Shea Homes Limited Partnership for the Enclave at Cypress Grove Seaside Resort Project. Director Morton seconded the motion. The motion was passed by the following vote:

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

10. Public Hearing:

- A. Conduct a Public Hearing to Receive Public Comment on the Draft 2020 Urban Water Management Plan:

President Shriner opened the Public Hearing at 7:27 p.m.

Mr. Patrick Breen, Water Resources Manager, introduced this item. No public comments were received.

President Shriner closed the Public Hearing at 7:29 p.m.

11. Action Items:

- A. Adopt Resolution No. 2021-35 to Adopt the District’s 2020 Urban Water Management Plan:

Mr. Breen gave a brief background and recommended adding language to the resolution’s “NOW, THEREFORE, BE IT RESOLVED” as follows: *3. Authorizes and Directs the General Manager to make such revisions and edits to the 2020 Urban Water Management Plan as the General Manager determines to be in the best interest of the District.* The Board asked clarifying questions and Mr. Scherzinger suggested adding 10 acre feet to the Cemex property projections as a place holder. Mr. Scherzinger also asked the Board members to contact him regarding any typo’s in the document and he would have them corrected.

Director Morton made a motion to adopt Resolution No. 2021-35 to adopt the District’s 2020 Urban Water Management Plan with the addition to the Resolution as recommended; the addition of the 10 acre feet for Cemex; referencing the Annexation Agreement; and striking the language on page 63 as discussed. Vice President Moore seconded the motion. The motion was passed by the following vote:

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

- B. Adopt Resolution No. 2021-36 to Accept the District’s Five-Year Capital Improvement Projects Plan:

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

Vice President Moore made a motion to adopt Resolution No. 2021-36 to accept the District’s Five-Year Capital Improvement Projects Plan. Director Zefferman seconded the motion. The motion was passed by the following vote:

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

C. Adopt Resolution No. 2021-37 to Approve the Marina Coast Water District Budget for FY 2021-2022:

Ms. Kelly Cadiente, Director of Administrative Services, introduced this item and reviewed the latest changes.

Vice President Moore made a motion to adopt Resolution No. 2021-37 to approve the Marina Coast Water District Budget for FY 2021-2022. Director Zefferman seconded the motion. The motion was passed by the following vote:

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

D. Adopt Resolution No. 2021-38 to Approve a Revision to the Board Procedures Manual – Section 36 – Board Member Compensation:

This item was pulled from the agenda.

E. Provide Direction Regarding Election to the Coastal Network, Seat A, of the California Special Districts Association Board:

Vice President Moore made a motion to vote for Elaine Magner, Pleasant Valley Recreation and Park District. President Shriner seconded the motion. The motion failed by the following vote:

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

12. Staff Report:

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

Ms. Cadiente introduced this item and reviewed the revenues, and delinquent accounts. Discussion followed. Director Zefferman suggested discussing the number of accounts on payment plans at the next Community Outreach Committee.

13. Informational Items:

A. General Manager's Report:

Mr. Scherzinger stated that he, Ms. Gill and Mr. Breen have been working with an environmental intern in looking at Climate Act Plans and Strategic Plans within the state to see how they work together. He also stated that Ms. Gill has applied for a Civic Spark to bring in master's degree students as a fellowship, with 50/50 funding. Mr. Scherzinger anticipates having someone onboard in September for a year at a cost of an approximately \$30,000 match.

Agenda Item 13-A (continued):

Mr. Scherzinger also made the following comments:

- the District asked Akel Engineering to update the models for the water, sewer, and recycled water master plans for the Del Rey Oaks and Seaside areas.
- the RUWAP infrastructure should be in the ground by the end of July to serve Bayonet/Black Horse Golf Course.
- that there has been clear interest in the Resort by potential buyers and requests for Will Serve Letters.
- he is anticipating a letter from the City of Marina requesting their full allocation of recycled water.
- the District has received a temporary permit for the A1/A2 from CSUMB and have issued a Notice to Proceed to Anderson Pacific.
- District staff will meet with Sunberry Growers to discuss use of District property on the Armstrong Ranch.
- the District is currently, and has remained, at a Stage 2 drought asking for a voluntary 20% reduction in water use.

B. Counsel's Report:

There was no report.

C. Committee and Board Liaison Reports:

1. Water Conservation Commission:

Mr. Breen stated no meeting was held.

2. Joint City District Committee:

Vice President Moore stated no meeting was held and the next meeting is scheduled for June 23rd.

3. Executive Committee:

Vice President Moore stated the next meeting is scheduled for July 13th. President Shriner gave a brief update.

4. Community Outreach Committee:

Director Zefferman stated they met on June 1st and gave a brief update.

5. Budget and Personnel Committee:

President Shriner gave a brief update and said the next meeting is scheduled for July 13th.

6. M1W Board Member:

Vice President gave a brief update.

7. LAFCO Liaison:

There was no report given.

8. JPIA Liaison:

Director Morton stated there was nothing to report.

9. Special Districts Association Liaison:

Vice President Moore stated the next meeting is scheduled for July 20th.

10. MCWD/SVBGSA Steering Committee:

Mr. Breen said the meeting was canceled.

14. Correspondence:

Ms. Riso stated that an email from Joe Petix, Technology Advisor, at Alvarez Technology Group, as follows:

**Public Comment for Marina Coast Water District
Regular Council Meeting
June 21, 2021**

My name is Joe Petix and I am a Technology Advisor at Alvarez Technology Group (ATG). ATG is a technology and cybersecurity firm based in Monterey County. We are currently a vendor of many special districts and cities in Monterey, Santa Cruz and San Benito counties.

My comments today are regarding the ongoing, persistent cybersecurity threat specifically targeted at local government organizations. The critical function of government and critical infrastructure is literally under attack. We are briefed regularly by the Northern California Regional Intelligence Center and there is evidence that these attacks are going to increase in pace and intensity to disrupt the core of the education system of the United States. This information is being provided by the FBI, the Cybersecurity and Infrastructure Security Agency and The White House. If you would like further information regarding these reports, please let me know.

The time to act is now.

Agenda Item 14 (continued):

There is a national set of standards for proper cybersecurity practices maintained by the National Institute for Standards and Technology called the NIST Cybersecurity Framework.

One of the core principles is that cybersecurity is now a top-down effort that requires the Board to be primarily responsible for driving cybersecurity efforts. As members of the Board, you must be actively involved in making sure that your systems are protected, as best as reasonably possible to ensure that you are able to safely deliver services to your community.

There is an Executive Order issued by The White House, which requires critical infrastructure to comply with the national cybersecurity standards. We fully expect to see a continuation and expansion of these Executive Orders.

I urge the Board to take emergency action to begin the process of securing your computer systems and network infrastructure. The published guidance is that you should be engaging with a 3rd party, certified Managed Security Services firm as soon as possible.

Please feel free to contact me at Alvarez Technology Group for further information or reach out to your provider of choice. Again, I urge you to recognize the immediate threat against your ability to safely deliver services to your constituents.

15. Board member Requests for Future Agenda Items:

President Shriner noted that the Board members can email in their requests and asked to schedule an update to the Strategic Plan. She also asked to place Cyber Security on a future agenda for discussion in closed session.

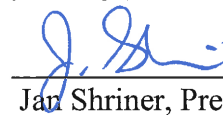
14. Director's Comments:

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

15. Adjournment:


The meeting was adjourned at 8:58 p.m.

APPROVED:



Jan Shriner, President

ATTEST:



Paula Riso, Deputy Secretary