



Marina Coast Water District

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Regular Board Meeting/Groundwater Sustainability Agency Board Meeting

November 13, 2023

Minutes

1. Call to Order:

President Shriner called the meeting to order at 6:01 p.m. on November 13, 2023 both in-person at 920 2nd Avenue, Suite A, Marina, California; and, via Zoom teleconference. President Shriner then proceeded with a land acknowledgement. “As Marina Coast Water District celebrates its 63rd 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 – arrived at 6:27 p.m.
Brad Imamura
Thomas P. Moore
Gail Morton

Board Members Absent:

None

Staff Members Present:

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

Item 2 (continued):

Audience Members:

Andy Sterbenz, Schaaf & Wheeler
Phil Clark, Seaside Resident
Tobias Osborne, MCWD
Sheri Damon, City of Seaside
Nisha Patel, City of Seaside
Marc Kelly
Martin Rauch, Rauch Communications
Warren Foster, MCWD
Sarah Beesen, MCWD
Joe Pineda, MCWD
Rene Magladeno, MCWD
Gonzalo Ortiz, MCWD

3. Presentation:

A. Adopt Resolution No. 2023-47 in Recognition of Jose Rodriguez, System Operator II, for 20 Years of Service with the Marina Coast Water District:

Mr. Derek Cray, Operations and Maintenance Manager, introduced this item and recognized Mr. Rodriguez for his 20 years of service.

Director Moore made a motion to adopt Resolution No. 2023-47 recognizing Jose Rodriguez for 20 years of service to MCWD and present him with a plaque and gift certificate. Director Morton seconded the motion. Mr. Phil Clark, Seaside resident, shared a memory of when Mr. Rodriguez attended an event for the District, showcasing the Vector Truck and how excited the children and parents were to check out the truck. He added that Mr. Rodriguez's smile was bigger than the kids' and welcoming to everyone. Ms. Sarah Beesen, MCWD, commented that Mr. Rodriguez was an asset to the District and she enjoyed working with him. Mr. Rodriguez voiced his appreciation and thanked the Board for the opportunity to work for the District. The motion was passed by the following vote:

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

President Shriner read the narration of the Resolution and presented the gift certificate to Mr. Rodriguez.

4. Public Comment on Closed Session Items:

There were no comments made.

Item 4 (continued):

The Board entered into closed session at 6:21 p.m. to discuss the following items:

5. Closed Session:

- A. Conference with Legal Counsel – Existing Litigation
(Paragraph (1) of subdivision (d) of Government Code Section 54956.9)
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)

- B. Pursuant to Government Code 54956.9(d)(2)
Conference with Legal Counsel – Threat of Potential Litigation
One Potential Case

- B. Pursuant to Government Code section 54956.9(d)(4)
Conference with Legal Counsel – Initiation of Litigation
One Potential Case
City of Camden, et al., v. E.I. DuPont de Nemours and Company, et al.,
No. 2:23-cv-03230-RMG

Vice President Cortez arrived at 6:27 p.m. The Board ended closed session at 7:45 p.m. President Shriner reconvened the meeting to open session at 7:51 p.m.

6. Reportable Actions Taken During Closed Session:

Mr. David Hobbs, Assistant District Counsel, stated that there were no reportable actions taken during closed session.

7. Pledge of Allegiance:

Director Imamura led everyone present in the pledge of allegiance.

8. Oral Communications:

There were no public comments.

9. Consent Calendar:

Director Imamura requested to pull item 9-B from the Consent Calendar.

Item 9 (continued):

Director Morton made a motion to approve the Consent Calendar consisting of: A) Receive and File the Check Register for the Month of October 2023; C) Approve the Draft Minutes of the Special Joint Board/GSA Meeting of October 31, 2023; and, D) Receive the 3rd Quarter Investment Report for Calendar Year 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			

B. Approve the Draft Minutes of the Regular Joint Board/GSA Meeting of October 16, 2023:

Director Imamura stated that he pulled this item because he was absent from the meeting and wanted to abstain from the vote.

Director Moore made a motion to approve the draft minutes of the Regular Joint Board/GSA Meeting of October 16, 2023. Director Morton seconded the motion. The motion was passed by the following vote:

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

10. Action Items:

A. Receive a Presentation on the District's Cost Center Separation and the Proposition 218 Process:

Mr. Hobbs introduced this item giving a brief history of the District and overview of the Prop. 218 process. He explained that the Water/Wastewater Facilities Agreement with FORA required that the District keep separate funds for the Ord service area. Mr. Hobbs reviewed the key differences between the Marina and the Ord water systems and how the Ord water system is three times that of Marina and how the Ord system was not constructed or maintained to standard compliance as the Marina system is. He stated that there may come a day when the expenses may be combined, but that is not until it is justified by objective administrative, engineering, financial or legal considerations. Mr. Hobbs reviewed the rules and noted that in the end, Prop. 218 allows one vote per parcel, and it would require a majority to stop the proposed rate increase. Discussion followed.

Ms. Shari Damon, City of Seaside, thanked staff for the presentation and asked for clarification on the miles of infrastructure that serves the Federal Enclave area and how many votes they are allowed for the Prop. 218 process. She also asked for a copy of the PowerPoint presentation. Mr. Scherzinger stated that he did not have readily available information regarding how many miles of infrastructure serves the Federal Enclave area. Mr. Hobbs answered that there was one vote per parcel, but he was not aware of how many parcels are in the Federal Enclave area. Ms. Riso stated she would send the presentation to Ms. Damon first thing in the morning.

11. Informational Items:

A. General Manager's Report:

Mr. Scherzinger stated he had nothing to report.

B. Committee and Board Liaison Reports:

1. Budget and Engineering Committee:

Director Morton gave a brief update.

2. Executive Committee:

Vice President Cortez gave a brief update.

3. Community Outreach Committee:

Director Imamura gave a brief update.

4. M1W Board Member Liaison:

Director Moore gave a brief update.

12. Board Member Requests for Future Agenda Items:

There were no requests for items.

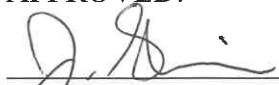
13. Director's Comments:

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

14. Adjournment:

The meeting was adjourned at 9:46 p.m.

APPROVED:



Jan Shriner, President

ATTEST:



Paula Riso, Deputy Secretary