

1 **NORTH MARIN WATER DISTRICT**
2 **MINUTES OF REGULAR MEETING**
3 **OF THE BOARD OF DIRECTORS**
4 March 6, 2007

5 **CALL TO ORDER**

6 President Petterle called the regular meeting of the Board of Directors of North Marin Water
7 District to order at 7:30 p.m. at the District headquarters and the agenda was accepted as
8 presented. Present were Directors Jack Baker, Dennis Rodoni and John Schoonover. Also
9 present were General Manager Chris DeGabriele, Secretary Renee Roberts, Auditor-Controller
10 David Bentley and Chief Engineer Drew McIntyre. Director Rick Fraites was absent.

11 District employees Robert Clark (Facilities Maintenance Superintendent), Mike McMaster
12 (Operations Superintendent), Doug Moore (Construction Superintendent) and Scott and Carol
13 Smith were in the audience.

14 **MINUTES**

15 On motion of Director Baker, seconded by Director Schoonover and unanimously carried the
16 Board approved the minutes from the previous meeting as mailed.

17 **GENERAL MANAGER'S REPORT**

18 **Novato City Council**

19 The General Manager reported that he made a presentation to the Novato City Council to
20 apprise them on the District's water supply including local Stafford Lake supply, recycled water
21 project under construction to serve Stone Tree Golf Course, conservation programs, the recently
22 enacted Conservation Incentive Tier Rate and the District's challenge to receive additional Russian
23 River deliveries. He said the presentation and the bottle and bag giveaways were appreciated.

24 **City of Novato Strategic Plan Priorities**

25 Mr. DeGabriele said that today he participated in the City of Novato Strategic Plan Priorities
26 meeting which was well-attended and that he will share the consolidated report with the Board
27 when it is available.

28 **Marin Conservation League**

29 Mr. DeGabriele stated that he will attend the Marin Conservation League breakfast on
30 March 16th and that Assemblyman Jared Huffman will be the speaker.

31 **OPEN TIME**

32 President Petterle asked if anyone in the audience or staff wished to bring up an item not on
33 the agenda and the following items were discussed:

1 Scott Smith

2 Former District employee Scott Smith addressed the Board concerning his daughter,
3 Casey, who had applied for the Engineering Department's intern position. He stated that he was
4 apprised that a "management decision" was made not to hire his daughter, citing his past
5 employment with the District. Mr. Smith stated that he was advised by legal counsel that this is
6 discrimination. Mr. Smith began to question staff and President Petterle advised Mr. Smith that
7 Open Time was time for public comment only, not discussion or debate. Mr. DeGabriele stated that
8 he would respond to Mr. Smith's questions in writing.

9 Stafford Water Treatment Plant

10 Mike McMaster advised the Board that the Stafford Treatment Plant is now on a seven-day
11 schedule and is producing good water. He said that the chlorine dioxide problem is being resolved
12 and that the new SolarBees have been installed in the lake. He also apprised the Board that the
13 water quality in the lake is excellent.

14 **CONSENT CALENDAR**

15 On the motion of Director Rodoni, seconded by Director Baker and unanimously carried by
16 those Directors present, the following item was approved on the consent calendar:

17 **DISBURSEMENTS**

18 Payroll and accounts payable vouchers totaling \$612,923.35 were approved and authorized
19 for payment.

20 **ACTION CALENDAR**

21 **WIRELESS COMMUNICATION FACILITIES LICENSE POLICY LEGAL REVIEW**

22 Robert Clark presented the draft Wireless Communication Facilities License Policy and
23 explained that the District has never had a formal policy to address requests from wireless service
24 providers for use of District facilities. He said that this policy is based on how other Bay Area water
25 districts have addressed such requests and that he is asking for Board authorization to forward said
26 policy to District legal counsel for review.

27 Director Schoonover inquired if the policy addresses security and Mr. Clark replied that the
28 policy addresses access, but does not specifically address security.

29 Director Rodoni stated that the policy should require monetary security for removal of
30 equipment and clean-up of site after the vendor vacates the site. He also inquired if the policy
31 addresses the concerns of residents in the vicinity of where the antennae may be placed. He

1 stated he would like to see in the policy that customers will be notified and provided with an
2 opportunity to comment.

3 Director Baker stated that he agreed with Director Rodoni; however, he felt that the Board
4 should decide whether customers need to be notified on a case-by-case basis.

5 Director Petterle stated that in Section 2.05, the end of the first sentence should read, "...on
6 a case-by-case basis." He stated that Section 2.03 should read, "...recognizes that the general
7 public is concerned that potential for harmful electromagnetic health effects may exist in certain
8 wireless communication devices."

9 Director Rodoni stated that the District should monitor the facility once the wireless
10 equipment is installed to insure that all requirements of the policy are being met.

11 On motion of Director Baker, seconded by Director Schoonover and unanimously approved
12 by those Directors present, the Board authorized staff to send the Draft Wireless Communication
13 Facilities License Policy revised to reflect Board comments to legal counsel for review.

14 **BUDGET AUGMENTATION FOR ADDITIONAL SERVICES FOR POINT REYES TREATMENT**
15 **PLANT FILTER INSPECTION**

16 Mike McMaster advised that past inspections of the pressure filters at Point Reyes
17 Treatment Plant were conducted by staff and he provided background information on problems with
18 filter media replacements at the Point Reyes Treatment Plant, and the improvements that were
19 made during each replacement and repair. He stated that because of the improvements, filter
20 media troubleshooting will be less obvious and will require expert inspection services.

21 On motion of Director Baker, seconded by Director Schoonover and unanimously approved
22 by those present, the Board authorized a budget augmentation to the West Marin Water Purification
23 Equipment account in the amount of \$3,000 for a complete inspection of both Point Reyes
24 Treatment Plant filters performed by ERS.

25 **APPROVE: CITY OF NOVATO CHANGE ORDER – MEASURE B PAVEMENT REHAB (GROUP**
26 **3 FOAM INJECTION)**

27 Mr. McIntyre stated that this item was discussed at the last meeting and recapped the
28 situation requiring the subject change order to Ghilotti Bros. for the City of Novato Measure B
29 Pavement Rehab project in the Vistas area of Novato. He stated that during construction, the
30 contractor damaged water service laterals which resulted in delaying the paving project. He said
31 that prior to project construction, District staff measured the depth of water mains, but did not
32 pothole the laterals because typically the laterals are at a sufficient depth below the pavement. Mr.
33 McIntyre stated that it was discovered during construction that the laterals were relatively shallow

1 and that it was not clear that the contractor would be working in the top 12” as conveyed. He said
2 that the City was very adamant that District facilities are there by encroachment and the cost should
3 be borne solely by the District. He said that after many meetings with the City, staff had negotiated
4 a recommendation to split the costs with the City.

5 On motion of Director Baker, seconded by Director Schoonover and unanimously approved
6 by those present, the Board authorized the General Manager to execute Change Order No. 10 in
7 the amount of \$12,668.50 and Change Order No. 14 in the amount of \$3,324.62 and issue a check
8 to the City of Novato for \$15,993.12.

1 **NMWD COMMENTS ON DRAFT MARIN COUNTYWIDE PLAN 2005 AND EIR**

2 Mr. DeGabriele presented a draft comment letter on the Draft Marin Countywide Plan 2005
3 and EIR. He stated that during the review of the document, staff discovered the County has
4 changed the basis for population and jobs projections from that originally proposed by the County in
5 August 2005 and developed from Association of Bay Area Governments' projections of 2003. He
6 stated that the County is now using their own internal calculations based on projected dwelling units
7 and that the District prepared its Urban Water Management Plan based on the projections of
8 August 2005. Mr. DeGabriele apprised the Board that he arranged a conference call with District
9 legal counsel Bob Maddow, SCWA legal counsel Steve Shupe, and Drew McIntyre to discuss the
10 inconsistency.

11 On motion of Director Baker, seconded by Director Schoonover and unanimously approved
12 by those Directors present, the Board authorized the General Manager to provide comments to the
13 County of Marin on the Draft Marin Countywide Plan 2005 Update.

14 **INFORMATION ITEMS**

15 **STAFFORD TREATMENT PLANT INTERRUPTED PRODUCTION COST UPDATE**

16 Mr. Bentley stated that at the request of Director Petterle, he has prepared the Stafford
17 Treatment Plant Interrupted Production Cost Update during the period of October 25 through
18 February 15. He stated that Director Rodoni pointed out that the cost of Treatment Plant staff labor
19 was not included and that it has been included in this update. He stated that these are preliminary
20 estimates ranging in cost from \$300,000 to \$600,000. Mr. Bentley advised that the variable is the
21 amount of production of the treatment plant. He stated that if the high production figure (achieved
22 at the old plant) is used, the additional purchased water cost is \$400,000; or, if the minimal
23 production at the new treatment plant is used, the additional purchased water cost is \$100,000. He
24 stated that other costs were approximately \$200,000.

25 Mr. DeGabriele reported that the treatment plant is now producing good quality water
26 although there are still some problems with the plant generator and some concern about the HVAC
27 system in the office area. He stated that staff will endeavor to determine responsibility for the
28 problems experienced noting that there are many players involved.

29 Director Rodoni suggested using an independent consultant who can objectively look at the
30 problems and determine who is responsible, thus allowing staff to focus on producing water.
31 Director Baker concurred.

32 **POLICY NO. 38 MEETING ROOM POLICY/CONDITIONS OF USE**

1 Mr. Bentley stated that Policy No. 38 Meeting Room Policy/Conditions of use remains
2 unchanged except for the addition of the District No Smoking Policy. He stated that the Flood
3 Control District is the only body that uses the meeting room on a regular basis and that this policy
4 will be brought back to the Board on the consent calendar at the next meeting for approval.

5 **HIGH EFFICIENCY TOILET DISTRIBUTION PROGRAM**

6 Mr. DeGabriele informed the Board that on Saturday, March 10, the District will be
7 conducting its pilot toilet giveaway program. He stated that Ryan Grisso has arranged for 100 high
8 efficiency toilets be given to 54 customers who contacted the District in response to January
9 publicity. He said that participating customers will have three weeks to install the HETs, have the
10 old toilets picked up for recycling (provided by St. Martin's Hauling) and participate in a survey
11 regarding the performance of the HET and satisfaction with the distribution process. Mr.
12 DeGabriele said that if the program goes well, the District will ask for Board approval to giveaway
13 800 high efficiency toilets.

14 **UPDATE – DOWNEY WELL EXPENDITURES**

15 Mr. Bentley reported that Director Rodoni requested an update on the Downey well cost and
16 revenues received from Giacomini now that the Giacomini Ranch is being transferred to the
17 National Park Service. He stated that during the period of July 1, 1998 through January 31, 2007,
18 the District has expended \$136,964 to operate the Downey Well and revenue received from
19 Giacomini during the same period totals \$136,782, a difference of \$182.

1 **MARIN CCA LOCAL GOVERNMENT TASK FORCE MEETING – FEBRUARY 22, 2007**

2 Mr. DeGabriele reported that he attended the first of four task force meetings for the Marin
3 Community Choice Aggregation (CCA) and that the business plan will be available in late summer
4 and the implementation plan available in the fall and that CCA will ask the municipalities to decide
5 whether to opt in or out in early 2008. He stated that one of the items to look at is alternatives to
6 the CCA in order to meet the county's goal of 51% renewable energy supply for Marin and that he
7 has asked Robert Clark to suggest alternatives for investigation by the County. Mr. DeGabriele
8 noted his concern that the County does not have staff experienced with power procurement and
9 load scheduling and that participants in the CCA would have to rely totally on consultants. He also
10 advised of the concern that members would have to pay PG&E an exit charge in the millions of
11 dollars annually for PG&E to recover their fixed charges resulting from deregulation in the late
12 1990s. He further advised of a concern that if PGE doesn't provide power, they are "off the hook" in
13 meeting their obligation under state law to provide 20% renewable energy. Mr. DeGabriele said he
14 has asked Mr. Clark to develop an alternative for the County to stay with PG&E and provide a
15 financing mechanism to make up 30% of renewable energy, which is the difference between
16 PG&E's 20% and the County's goal of 50%. He also suggested that he would like to see a
17 revolving fund financing tool to pay people to install solar or wind in Marin to generate and develop
18 local renewable power and keep the money in Marin.

19 **NBWA MEETING – MARCH 2, 2007**

20 Mr. DeGabriele stated that he was unable to attend the North Bay Watershed Association
21 meeting but that Director Baker had attended. Director Baker stated that the meeting was well
22 attended and that Bruce Wolfe, Executive Officer, Regional Water Quality Control Board, spoke and
23 he was very impressed by his presentation.

24 **TAC MEETING – MARCH 5, 2007**

25 Mr. DeGabriele provided an update of the Technical Advisory Committee meeting held on
26 March 5, 2007. He said the committee is moving ahead with developing an informational brochure
27 aimed at two audiences: the general public and elected officials, and federal elected officials and
28 administrators. He said that the water agency has hired a consultant and that he and Brad
29 Sherwood of SCWA will be working together with the consultant on this project. Mr. DeGabriele
30 stated that Mike Martini provided the TAC with an overview of his trip to Washington DC soliciting
31 support for funding of SCWA initiatives. Mr. DeGabriele advised that the Biological Opinion will be
32 available in March and that it is expected to identify adverse impacts on the Russian River by
33 existing Corps of Engineers and SCWA activities. Mr. DeGabriele provided information on the Draft

1 EIR and the impact of flows in Dry Creek and possible alternatives, including a pipeline from Lake
2 Sonoma to the main stem of the Russian River and channel widening of Dry Creek.

3 **MISCELLANEOUS**

4 The Board received the following miscellaneous information: Marin County “Green Vision”
5 Workshop, Review of Scheduled Agenda Items. The Board also received the following news
6 articles: Public Notice – Risk Management Plan (2/28), 5 Western States Announce Effort to
7 Reduce Emissions (2/27), SCWA Press Release (2/27), ‘Sewer Rosa’ (2/26), Getting Nothing for
8 the Money (2/23), Howard Council 1922-2007 (2/22), Quality, Affordable H2O (2/21), Become More
9 Water Efficient (2/21), Sonoma County Business Forecast (2/19).

10 **ADJOURNMENT**

11 President Petterle adjourned the meeting at 9:03 p.m.

12 Submitted by

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Renee Roberts
District Secretary

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