

**NORTH MARIN WATER DISTRICT  
MINUTES OF REGULAR MEETING  
OF THE BOARD OF DIRECTORS**

December 6, 2005

**CALL TO ORDER**

Vice-President Schoonover called the regular meeting of the Board of Directors of North Marin Water District to order at 7:35 p.m. at the District headquarters and the agenda was accepted as presented. Present were Directors Rick Fraites, Steve Petterle and Dennis Rodoni. Also, present were General Manager Chris DeGabriele, Secretary Renee Roberts, Auditor-Controller David L. Bentley and Chief Engineer Drew McIntyre. Director Baker was absent.

District employees Robert Clark (Facilities Maintenance Superintendent) and Doug Moore (Construction Superintendent) and David Keller from Friends of the Eel River, were in the audience.

**CLOSED SESSION**

Vice-President Schoonover immediately adjourned the Board into Closed Session in accordance with California Government Code Section 54957, Public Employee Discipline/Dismissal/Release.

**OPEN SESSION**

Upon returning to regular session at 8 p.m., Vice-President Schoonover stated that during the Closed Session the Board had discussed the issues and no reportable action had been taken.

**REORGANIZATION OF BOARD**

**1. Election of President**

On motion of Director Petterle, seconded by Director Fraites and unanimously carried by those Directors present, Director Schoonover was elected President of the Board for the ensuing year.

**2. Election of Vice President**

President Schoonover assumed the chair and opened the floor for nominations for Vice President. On motion of Director Rodoni seconded by Director Fraites and unanimously carried by those Directors present, the Board elected Director Petterle as Vice President for the ensuing year.

**3. Establishment of Meeting Times and Place**

It was moved by Director Rodoni, seconded by Director Schoonover and unanimously carried by those Directors present, that the Board set the time and place of regular meetings to be the first and third Tuesday of each month at 7:30 p.m. at the District office, and that the Board will

hold one meeting annually in West Marin with additional West Marin meetings to be scheduled on an as-needed basis.

#### 4. Establishes the Manner of Calling Special Meetings

On motion of Director Petterle, seconded by Director Fraites and unanimously carried by those Directors present, the Board approved special meetings of the Board to be held as provided in Section 54956 of the Government Code.

#### 5. Appointment of District Officers

On motion of Director Petterle, seconded by Director Rodoni and unanimously carried by those Directors present, the following District officers were appointed for the ensuing year: Chris DeGabriele, General Manager; Renee Roberts, Secretary; David L. Bentley, Auditor-Controller; and Drew McIntyre, Chief Engineer.

#### 6. Confirm Board Meeting Schedule for 2006

On motion of Director Rodoni, seconded by Director Petterle and unanimously carried by those Directors present, the Board accepted the proposed meeting dates for the 2006 calendar year with the understanding that the calendar may be adjusted as needed. Since July 4<sup>th</sup> falls on the first Tuesday of the month, the Board will decide at a later date if and when the meeting will be rescheduled.

#### 7. Committee Appointments

President Schoonover passed out a list of committees that Board members participate in on behalf of the District (North Bay Watershed Association, Public Policy Facilitating Committee and Water Advisory Committee). He stated that he would make appointments to the committees consistent with the prior year's participation. Director Rodoni requested that an alternate to the Public Policy Facilitating Committee be appointed in his stead.

### **MINUTES**

On motion of Director Petterle, seconded by Director Fraites and unanimously carried by those Directors present, the minutes from the Special Meeting of November 14, 2005 were approved as mailed.

On motion of Director Petterle, seconded by Director Fraites and unanimously carried by those Directors present, the minutes from the Regular Meeting of November 15, 2005 were approved as mailed.

### **GENERAL MANAGER'S REPORT**

The General Manager thanked the Board for reappointing the District officers.

### STRAW Project

Mr. DeGabriele stated that the STRAW (Students and Teachers Restoring a Watershed) project was held at Stafford Lake today and that three classes from Novato schools participated. He reported that 4 different species of native plants were planted on the Stafford Lake watershed and that Brad Stompe represented the District.

### West Marin Water Rights

Mr. DeGabriele reported that he and Mike McMaster, Operations Superintendent, traveled to Sacramento to meet with staff from the State Water Resources Control Board, Department of Fish and Game and a representative from Trout Unlimited regarding West Marin Water Rights. He stated that Fish and Game continues to insist that the instantaneous flow rate for diversion from Lagunitas Creek be limited at 0.67 cfs and that the District cannot agree with that. He said that the State Board understands the District's position. He stated that the State Board believes determination of a by-pass flow will resolve the situation and that the State Board will provide a proposal and give the District an opportunity to review it. He said that there will be another meeting in a couple of months and that he will keep the Board apprised.

### National Park Service

Mr. DeGabriele reported that he met with the National Park Service to apprise them of the status of West Marin Water Rights and provided them with a copy of the District's proposed settlement agreement with the Department of Fish and Game and asked for their assistance if negotiations with Fish and Game cannot be concluded.

### Holiday Luncheon

He invited the Board to the Holiday Luncheon to be held on December 15, 2005 and stated that this would be a good opportunity for the Board to meet the District's many new employees.

### Baker's Dozen/H2O Meeting

Mr. DeGabriele apprised the Board that he will be attending the Baker's Dozen/H2O meeting on December 21 convened by Gary Giacomini and requested by Randy Poole, and he requested that Directors Baker and Rodoni also attend.

### **OPEN TIME**

#### Apartment Rental

Mr. Bentley advised the Board that the apartment above the Construction Office has been rented to a construction staff member and that the apartment received new paint and carpeting improvements.

## Sustainable Novato

Director Fraites stated that he had requested Robert Clark to forward his energy report to Ed Mainland of Sustainable Novato demonstrating that the District's operations are energy efficient. He thanked Mr. Clark for doing so.

## Oath of Office

District Secretary Renee Roberts reported that the Oath of Office was administered to Director Fraites and Director Schoonover before the meeting and that the oaths will be filed with the Marin County Clerk.

## **CONSENT CALENDAR**

On motion of Director Petterle, seconded by Director Fraites and unanimously carried by those Directors present, the Consent Calendar was approved.

### Water Agreement - Wilson Avenue Extension – Wellman (APN 146-350-15, -16, -17)

This project develops an existing undeveloped 2.3-acre parcel with one single family home and will provide water service to one new residence. New required Zone 3 water facilities include 360 feet of 8-inch PVC main, 10 feet of 6-inch steel lateral, 10 feet of 1-inch copper, 1 residential fire hydrant, and one 1-inch meter.

The Board authorized Resolution No. 05-44 entitled, "Authorization of Execution of Water Service Facilities Construction Agreement with Steve Wellman."

### Amendment No. 2 to Water Service Agreement -Meadow Park - Phase 1

The proposed amendment to the original agreement approved by the Board on April 2, 2002, addresses the increase in meter size for the day care facility from 1-inch to 1 1/2-inch, the reduction in the number of 1-inch irrigation meters (from 2 to 1), and the reduction in the number of fire service bypass meters from 4 to 3.

The Board authorized Resolution No. 05-45 entitled, "Authorization of Execution of Amendment No. 2 to High Pressure Water Service Facilities Construction Agreement with Novato Community Partners, LLC."

### Amendment to Water Service Agreement - Pt. Reyes Affordable Housing Project

The proposed amendment to the original agreement approved by the Board on May 4, 2004 addresses the addition of one 1-inch meter that was installed to serve Building 13 (a two-unit town home) in lieu of connection of the 1 1/2-inch master meter serving Buildings 11 and 12 and there will be no change in expected water demand.

The Board authorized Resolution No. 05-46 entitled, "Authorization of Execution of Amendment No. 1 to Water Service Facilities Construction Agreement with Point Reyes Affordable Homes, Inc."

**LEGAL SERVICES FEES INCREASE (BOLD, POLISNER, MADDOW, NELSON, JUDSON)**

The Board approved the new fee schedule for Bold, Polisner, Maddow, Judson & Nelson for services rendered commencing July 1, 2006.

**ADMINISTRATIVE ASSISTANT SPOT ADJUSTMENT**

The Board authorized an increase of 6% to the Administrative Assistant's annual salary effective December 1, 2005 resulting in salary equal to the Engineering Secretary.

**DISBURSEMENTS**

The Board authorized payroll and accounts payable vouchers totaling \$651,348.66 and estimated overheaded payroll for December of \$263,000.

**ACTION CALENDAR**

**AGREEMENT RENEWAL – VILLAGE MARIN MASTER ASSOCIATION**

Mr. Bentley presented the proposed renewal agreement with Village Marin Master Association for the continued use of the Pacheco Tank as a tennis facility and including parking. He stated that in negotiations with the association, he proposed using the CPI index to determine the annual rent increase; however, Village Marin had already prepared their budget and assumed the rent would not change. He stated that as a compromise, the 2006 annual fee will remain unchanged, but that beginning in 2007, the fee will be \$1,700 and will increase annually in \$50 increments until 2015 at which time the fee will be \$2,100. He also stated that the property insurance limit protecting the District was increased from \$120,000 to \$150,000.

On motion by Director Fraites, seconded by Director Petterle and unanimously passed by those Directors present, the Board approved the Renewal Agreement with Village Marin Master Association.

**LONG RANGE PLANNING WORKSHOP**

Mr. Bentley stated that the Long Range Planning Workshop with consultant Robert Rauch will be held on either January 23 or January 30, 2006 at the Novato Fire Protection District Heritage Room. The Board decided that January 30, 2006 was the preferred date.

**APPROVE: STAFFORD TREATMENT PLANT REHABILITATION CONSTRUCTION CONTRACT - FRONTIER CONTRACTING, INC. - CHANGE ORDER NO. 32 (SECURITY ENHANCEMENT)**

Mr. McIntyre stated that the purpose of this change order for Frontier Contracting, Inc. is to add to their contract \$45,800 for security enhancement measures. He stated that it will be more

economical for the work to be performed now as FCI is currently performing work similar to the security measures. He stated that the additional work will be to install underground conduit, additional fencing and several light poles.

On motion of Director Petterle and seconded by Director Fraites and unanimously approved by those Directors present, the Board authorized the General Manager to execute Change Order 32 to Frontier Contracting, Inc. in the amount of \$45,800.

### **DEPARTMENT HEAD RESIDENCY REQUIREMENT**

Mr. DeGabriele reminded the Board that when the District reorganized in 1998, the Board recommended that Department Heads reside within the District service territory. He stated that although no policy was adopted by the Board, the District, since that time, has included this requirement in its solicitation for Department Heads. He stated that prior to 1995, there was no residency requirement except for the General Manager who was to reside within 5 miles of the District service territory. He also stated that the Government Code prohibits a residency requirement within a district's territorial boundary, but that case law included in the Government Code states that a local agency can set a residency requirement within a reasonable distance from the place of employment. He provided a map illustrating the location of the residences of Robert Clark (who resides in Fairfax), and Doug Moore (who resides in Petaluma) in relation to the District territorial boundaries; and requested that the Board authorize the revision of the residency requirement for Department Heads to any area within 10 miles of the District's territorial boundaries.

Director Rodoni stated that he felt strongly about the residency requirement, that the positions were advertised with that requirement included and that he disagreed with making policy to suit individuals. He stated that he would prefer that there be a policy whereby the General Manager could make exceptions to the policy.

Mr. DeGabriele stated that this issue was discussed in position interviews and that one employee has children in school to consider and that the high cost of housing, even with the District's housing assistance policy, does not facilitate a move to Marin County.

Director Petterle stated that he was not concerned with requiring residency and that he would want some assurance that the crew would be able to respond in an emergency more so than a department head. He also stated that the residency requirement might exclude qualified candidates from applying for open positions.

Director Fraites stated that he, too, was not concerned about the residency requirement except in the case of an emergency.

Director Schoonover stated that he would prefer the General Manager have the authority to make exceptions to policy.

Mr. DeGabriele stated that if there were a 10-mile territorial boundary requirement, it would be easier to advertise; however, the District would not achieve its goal of having department heads live in the community.

Director Rodoni stated that the District has gone well beyond any other public agency in offering housing assistance and that the District should keep its requirement for Department Heads to live within the District, but give the General Manager the authority to make exceptions.

On motion by Director Fraites and seconded by Director Petterle the Board authorized the General Manager to revise the residency requirement for Department Heads to any area within ten miles of the District's territorial boundaries by the following vote:

Ayes:	Directors Fraites, Petterle, Schoonover
Noes:	Director Rodoni
Abstain:	None
Absent:	Director Baker

**INFORMATION ITEMS**

**PALMER DRIVE WATER TANK PROJECT – PROJECT UPDATE**

Mr. McIntyre provided the Board with an update on the Palmer Drive Water Tank Project, stating that he, District Engineer David Jackson and Mark Soldati of Winzler & Kelly attended the Belle Terre Homeowners Association meeting wherein they provided general information, alternative tank locations and answered questions. He stated that the majority of attendees were in favor of Alternative 2 that takes advantage of the existing trees to partially screen the tank from view and requires a lot line adjustment. He stated that at the HOA's December 13 Board meeting, District staff will request that the HOA Board officially support Alternative 2 and the required lot line adjustment. He said that he would continue to apprise the Board.

**FY06/07 PERS EMPLOYER RATE**

Mr. Bentley apprised the Board that CalPERS notified the District that the employer contribution rate for FY 06/07 will increase 0.945% and that the total contribution the District will pay next fiscal year, including the 8% employer-paid employee contribution, will be \$767,000 or 21.986% of payroll.

### **NBWA MEETING DECEMBER 2, 2005**

Mr. DeGabriele stated that he was unable to attend the December 2 North Bay Watershed Association meeting and that the Board has been provided with the agenda and minutes of the previous meeting.

Director Fraites stated that he attended the meeting and reported that there was an interesting presentation by Ron Blatman, executive producer of a 4-part series entitled, "Saving the Bay" that will be aired on public television some time in the future.

### **WAC MEETING DECEMBER 5, 2005**

Mr. DeGabriele provided a report of the December 5 Water Advisory Committee meeting, noting that Jake MacKenzie of Rohnert Park proposed an amendment to the draft Restructured Agreement dealing with the Potter Valley Project, specifically Section 2.4. He stated that Mr. MacKenzie's effort to broker an agreement has been coordinated with the Sonoma County Water Agency and that Mr. MacKenzie is anxious to implement the new governance structure for the WAC. Mr. DeGabriele stated that the WAC requested that contractors review this language and language proposed by David Keller, Friends of the Eel River, with the District's Board of Directors and that an item be placed on the agenda to reconsider the Restructured Agreement. He stated that the WAC has requested that contractors report back at the February 6 meeting.

David Keller, Executive Director of Friends of the Eel River, addressed the Board with his concerns and presented a letter and proposed language.

Mr. DeGabriele continued his report to the Board by advising that the WAC accepted the L/R/T2 budget for FY2006/07 and that there was a discussion on the Temporary Operating Procedure for South Petaluma Aqueduct.

### **MISCELLANEOUS**

The Board received the following miscellaneous information: Corda Bill Adjustment, Chinook Salmon in the Russian River, Review of Scheduled Agenda Items, Automatic Payment Service/Email Bill Update, Memo - Board Secretary Training

The Board also received the following news articles: RP Says Residents Cut Water Use 21%, Startup Gets Watering Down to a Science, Sacramento River Salmon Population Booming, Gordon Miller Obituary, Before and After.

### **ADJOURNMENT**

President Schoonover adjourned the meeting at 9:00 p.m.

Submitted by

Renee Roberts  
District Secretary