



**NOTICE OF ADJOURNMENT AND  
CONTINUATION OF MEETING  
NORTH MARIN WATER DISTRICT  
BOARD OF DIRECTORS**

of Tuesday, January 31, 2017, 7:00  
p.m.

Adjourned and Continued to  
Wednesday, February 8, 2017 – 7:00  
p.m.

at the following location:  
District Headquarters  
999 Rush Creek Place  
Novato, California

Information about and copies of supporting materials on agenda items are available for public review at 999 Rush Creek Place, Novato, at the Reception Desk, or by calling the District Secretary at (415) 897-4133. A fee may be charged for copies. District facilities and meetings comply with the Americans with Disabilities Act. If special accommodations are needed, please contact the District Secretary as soon as possible, but at least two days prior to the meeting.

**The following items from the January 31, 2017 Agenda are continued to February 8, 2017 at 7:00 p.m.:**

Est. Time	Item	Subject
7:00 p.m.	1.	<b>CALL TO ORDER and ACCEPT AGENDA</b>
	2.	<b>OPEN TIME: (Please observe a three-minute time limit)</b>  This section of the agenda is provided so that the public may express comments on any issues not listed on the agenda that are of interest to the public and within the jurisdiction of the North Marin Water District. When comments are made about matters not on the agenda, Board members can ask questions for clarification, respond to statements or questions from members of the public, refer a matter to staff, or direct staff to place a matter of business on a future agenda. The public may also express comments on agenda items at the time of Board consideration.
	3.	<b>FILLING BOARD VACANCY (CANDIDATE INTERVIEWS AND APPOINTMENT)</b>
	4.	<b>SWEARING-IN OF APPOINTED BOARD MEMBER</b>
	5.	<b>MISCELLANEOUS</b>  <u>News Articles:</u> North Marin grills West Marin's sole candidate for seat
10:00 p.m.	6.	<b>ADJOURNMENT</b>

All times are approximate and for reference only.

The Board of Directors may consider an item at a different time than set forth herein.

1

2

3

## MEMORANDUM

To: Board of Directors

February 3, 2017

From: Chris DeGabriele, General Manager 

Subject: Filling Board Vacancy  
t:\bod\elections\board vacancy 2016\bod memo re special meeting 0217.doc

**RECOMMENDED ACTION:** Board Interview the Candidates and Make Appointment

**FINANCIAL IMPACT:** None at this time

The Board held initial interviews for the six candidates who submitted Letters of Interest on Tuesday, January 31, 2017. The Board did not make a decision at that time and voted to continue the meeting to Wednesday, February 8, 2017 at 7:00 p.m., requesting three candidates return.

Options for the Board are:

1. Make an appointment from the three candidates requested to attend tonight's meeting either by:
  - a. Interviewing the candidates again and using a process similar to that used on January 31 to make an appointment.
  - b. Drawing straws or flipping a coin among the candidates to determine appointment.
2. Call for an election. I have discussed the option of calling an election to fill the vacancy with District Legal Counsel and the County of Marin Department of Elections. Pursuant to Government Code section 1780, the Board may call an election in lieu of making an appointment within 60 days of the effective date of vacancy (February 18<sup>th</sup>). The election must be held on the next established election date that is 130 or more days after the date the Board calls the election, November 7, 2017 in this instance.
3. Do nothing, after which the Marin County Board of Supervisors will be charged with making an appointment or calling for election within 30 days from February 18<sup>th</sup>.

Staff recommends the Board reach a compromise pursuant to Option 1.a.

It is suggested the candidates again be given two minutes to make an opening statement following up on their interviews from January 31. The order for each candidate to make their opening statement will be drawn from a hat. The District Secretary will keep track of time and notify the Board and the applicant when two minutes are expended in the opening statement. All three candidates will then be questioned by the Board in series to elect any contrast in their response or opinions.

Upon completion of all interviews, the Directors will individually indicate their ranked choices on a written ballot (Attachment 1) ranking 1 through 3, respectively, after which points will be totaled for each candidate. The General Manager will tally the scoring and read it aloud. Should individual

vote information be desired by the Board, candidates or public it will be disclosed. The process can be repeated until one candidate's score prompts a Board member to make a motion for appointment. Appointment of a new Board member requires an affirmative vote by three directors. Once appointed, the District Secretary will swear in the new member. (Attachment 2)

The candidate letters of interest have previously been provided to the Board. Should you need replacements for Tuesday night, please let me know.

Should the Board chose to call an election in lieu of appointment, a draft resolution proposing consolidation of said election with other Marin County elections is included as Attachment 3.

RECOMMENDATION

Board interview the candidates and make appointment.

# BOARD APPOINTMENT BALLOT

February 8, 2017

Candidate Ranking 1 through 3

	Round 1	Round 2
Gary Butler		
Michael Joly		
Rhonda Kutter		

Ranking Legend:

First Choice = 3  
Second Choice = 2  
Third Choice = 1

t:\bodelections\board vacancy 2016\bod ballot.doc

CERTIFICATE OF APPOINTMENT AND OATH OF OFFICE

State of California  
County of Marin

I, Katie Young, Secretary of North Marin Water District, Novato, California, do hereby certify that at a special meeting of the Board of Directors of North Marin Water District held on February 8, 2017, \_\_\_\_\_ was appointed by the Board of Directors to the office of Director, North Marin Water District.

In witness whereof, I have hereunto affixed my hand and seal this 8<sup>th</sup> day of February, 2017

---

Katie Young, District Secretary  
North Marin Water District

State of California  
County of Marin

I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

---

Subscribed and sworn to before me, this 8<sup>th</sup> day of February 2017

---

Katie Young, District Secretary  
North Marin Water District



**RESOLUTION NO. 17-XX**

**RESOLUTION OF THE GOVERNING BODY OF THE  
NORTH MARIN WATER DISTRICT**

PROPOSING AN ELECTION BE HELD IN MARIN COUNTY;  
REQUESTING THE BOARD OF SUPERVISORS TO CONSOLIDATE WITH ANY  
OTHER ELECTION CONDUCTED ON SAID DATE, AND REQUESTING  
ELECTION SERVICES BY THE REGISTRAR OF VOTERS

**WHEREAS**, there currently exists a vacancy on the North Marin Water District (District) Board of Directors (Board); and

**WHEREAS**, the District Board calls an election to fill the vacancy; and

**WHEREAS**, the next established election date that is more than 130 days after the date the District Board calls the election is November 7, 2017; and

**WHEREAS**, it is the determination of said governing body (District Board) that a Consolidated District and School Election to be held on the 7<sup>th</sup> day of November, 2017, at which election the issue to be presented to the voters shall be:

To elect members to the Board  
Number of Regular Term Positions (4 year) 2  
Number of Short Term Positions (2 year) 1

**BE IT FURTHER RESOLVED** that the Board of Supervisors of the County of Marin is hereby requested to:

- 1) Consolidate said election with any other applicable election conducted on the same day;
- 2) Authorize and direct the Registrar of Voters at District expense, to provide all necessary election services and to canvass the results of said election.
- 3) Requests that Marin County hold the election on behalf of any Sonoma County voters eligible to vote for the District's Board.

PASSED AND ADOPTED this eighth day of February 2017 by the following vote, to wit:

AYES:  
NOES:  
ABSENT:

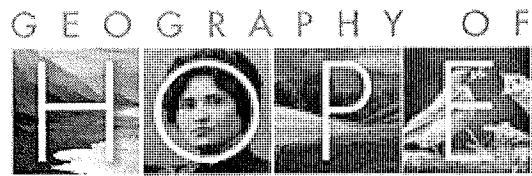
---

PRESIDENT BOARD OF DIRECTORS

ATTEST: \_\_\_\_\_  
Secretary

**4**

**5**



**ANCESTORS & THE LAND**  
 OUR PAST, PRESENT & FUTURE  
 MARCH 17-19, 2017 • POINT REYES STATION

# POINT REYES LIGHT

North Marin grills West Marin's sole candidate for seat



David Briggs

**WATER BOARD:** Four directors quizzed, and in some cases grilled, Rhonda Kutter, West Marin's only candidate for the open seat on North Marin's board, on Tuesday.

By Samantha Kimmey  
 02/02/2017

How important is it for the North Marin Water District to have a West Marin resident on its board?

That was a key question at a Tuesday night board meeting where a roster of six candidates hoping to finish Dennis Rodoni's term was whittled down to two. But not before a tense exchange involving one board member who was adamant that a new director be familiar with Novato. The water district serves over 20,000 Novato homes, compared to about 760 in West Marin.

The appointment follows the departure of Mr. Rodoni, the only director from West Marin, to take the District Four county supervisor seat.

On Tuesday, the four remaining board members interviewed five candidates from Novato—Donald Brand, Gary Butler, Jim Grossi, Michael Joly and Richard Paulson—and one, Rhonda Kutter, from Point Reyes Station. Though they reached a top-two list—Ms. Kutter and Mr. Joly—the stalemate led directors to schedule another meeting to interview the top three, including Mr. Butler.

If the board does not appoint someone by Feb. 18, the county Board of Supervisors will make the decision. That appointee will serve until at least November, when a board race is scheduled.

Gary Butler works in insurance and risk management and previously served on Novato's planning commission and sanitary district. He said he volunteers widely, including with the Boy Scouts, the Ignacio Rotary Club and more.

He suggested that the board could undertake more robust strategic planning, such as by tinkering with the plan every year as opposed every couple of years.

Michael Joly is an avid gardener who worked as an underwriter of technology stocks before retiring.

Though he said he is a relatively private person and has not immersed himself in the political process, he has come to almost every board meeting for the past 15 months. (He noted that the district is "eight days older than I am," both having originated in 1948.) He said he would "love to help interface" with other agencies and said the district served "an excellent product."

Ms. Kutter, a West Marin resident for 15 years, owns a massage therapy business and volunteers widely in town, such as with the West Marin School P.T.S.A.

She said she was encouraged to apply for the board position and was especially motivated to run after watching a recent presentation at a water board meeting about a trip an employee took to Denmark to learn about water systems, which she called "forward thinking."

She called the district stable and well-run and said she specialized in coalition building and working with people.

Though other candidates were asked how well they knew West Marin, Ms. Kutter was drilled by one director about how well she knew Novato.

Director John Baker expressed serious reservations about her answer, in which she said she knew the town through errands and friends.

"This is where most of the action is," he said. Mr. Baker said that when Mr. Rodoni ran for office, he spent much time walking around Novato to get to know the area.

After the interviews, the directors ranked their choices. In four rounds of voting, they reached the top two, who tied.

In hopes of breaking the stalemate, the directors took turns explaining their stances. Two directors, Stephen Petterle and Rick Fraitas, said they thought both candidates had great credentials but that they supported Ms. Kutter.

"There is a freshness that's appealing as well as a...West Marin perspective, which is something we just lost," Mr. Petterle said.

Mr. Freitas echoed that sentiment, noting that Mr. Rodoni had hoped they would try to find someone from West Marin. He also said he would “like to see some gender balance,” as the board is all men.

But Mr. Baker disagreed. He said he was impressed by Ms. Kutter, and knew it was “important to Dennis...to continue representation from West Marin.” But he said, “to me [it’s] a huge thing to have someone that lives in Novato and not someone that occasionally comes in from West Marin.”

He said he believed the district looked after West Marin fairly well and it was “not critical” to have a West Marin board member, “especially when it’s less than 5 percent of the people.”

His mind, he said, could not be changed.

Mr. Joly, on the other hand, knows Novato well and had put in “a lot of effort” to come to board meetings, Mr. Baker said.

When pressed by a colleague about how to overcome the impasse, Mr. Baker said he didn’t know. “You guys came in here with a preset thing that Dennis asked you to—” he went on.

Mr. Petterle replied, “Dennis didn’t ask us to do anything. I resent that... that’s way out of line.”

“Maybe I shouldn’t have said that,” Mr. Baker answered.

*The special meeting at which the North Marin Water District board will interview the three final candidates starts at 7 p.m. on Wednesday, Feb. 8 at the district office (999 Rush Creek Place), in Novato. The public is welcome.*