

**NORTH MARIN WATER DISTRICT  
MINUTES OF REGULAR MEETING  
OF THE BOARD OF DIRECTORS  
April 2, 2013**

**CALL TO ORDER**

President Fraites called the regular meeting of the Board of Directors of North Marin Water District to order at 7:30 p.m. at the District Headquarters and the agenda was accepted as presented. Present were Directors Jack Baker, Stephen Petterle, Dennis Rodoni and John Schoonover. Also present were General Manager Chris DeGabriele, Secretary Katie Young, Auditor-Controller David Bentley and Chief Engineer Drew McIntyre.

Mark Soldati from GHD, District Consultant, Laura Jones, District employees Robert Clark (Operations/Maintenance Superintendent), and Doug Moore (Construction/Maintenance Superintendent) were in the audience.

**MINUTES**

On motion of Director Schoonover, seconded by Director Rodoni and unanimously carried the Board approved the minutes from the previous meeting as presented.

**GENERAL MANAGER'S REPORT**

**Potter Valley Project Tour**

Mr. DeGabriele advised the Board that they, along with staff have been invited to attend the Potter Valley Project Tour on Wednesday, April 17<sup>th</sup>. He noted that the invitation came from the Mendocino County Farm Bureau and will be an all day tour.

**SCWA Strategic Plan Workshop**

Mr. DeGabriele informed the Board that he attended the Sonoma County Water Agency's Strategic Plan Workshop today, along with Director Rodoni. He stated the workshop included a review of the water supply strategies action plan update.

**OPEN TIME**

President Fraites asked if anyone in the audience wished to bring up an item not on the agenda and there was no response.

**STAFF/DIRECTORS REPORTS**

President Fraites asked if staff or Directors wished to bring up an item not on the agenda and the following items were discussed:

Doug Moore advised the Board that the construction crew will be starting a project next week on Sunset Parkway to replace a 12-inch cast iron water main and that he will provide the Board with a presentation when the work has been completed.

Robert Clark informed the Board that the District has started using recycled water this season. He noted that Las Gallinas Valley Sanitation District has started their plant and Novato Sanitary District is working out some water quality issues. Mr. Clark informed the Board that the Deer Island Plant is on, which feeds water to the StoneTree Golf Course.

Director Rodoni asked when the District will fill the reservoir at Hamilton. Mr. Clark stated that the reservoir is automatically filled from Las Gallinas.

Director Petterle informed the Board that he would like to give an update on use of the iPad for the digitized agenda packets at the next Board meeting.

### **CONSENT CALENDAR**

On motion of Director Baker seconded by Director Petterle and unanimously carried, the following items were approved on the Consent Calendar:

#### **SAN MARIN HIGH SCHOOL WATER AGREEMENT 13-3**

The San Marin High School Cafeteria 6-Inch Fire Service Project proposes to construct a new fire sprinkled cafeteria building at the school site at 15 San Marin Drive. New water facilities required include approximately 610 feet of new 12" PVC, 20 feet of new 12" welded steel pipe, one 6-inch fire service assembly and one commercial hydrant near the new fire service.

The Board approved Resolution No. 13 – 3 entitled, "Water Service Facilities Construction Agreement with Novato Unified School District," authorizing the Water Service Agreement entitled, "High Pressure Water Service Facilities Construction Agreement for San Marin High School Cafeteria 6-Inch Fire Service."

#### **NOVATO HIGH SCHOOL WATER AGREEMENT 13-4**

The Novato High School Cafeteria 6-Inch Fire Service Project proposes to construct a new fire sprinkled cafeteria building at the school site at 625 Arthur Street. New water facilities required include approximately 190 feet of new 12" PVC, 80 feet of 8" PVC, 20 feet of new 12" welded steel pipe, one 6-inch fire service assembly and one commercial hydrant near the new fire service.

The Board approved Resolution No. 13 – 4 entitled, "Water Service Facilities Construction Agreement with Novato Unified School District," authorizing the Water Service Agreement entitled, "Water Service Facilities Construction Agreement for Novato High School Cafeteria 6-Inch Fire Service."

### **DESTRUCTION OF RECORDS 13-5**

The District's Policy for the Retention of Documents and Destruction of Specified Documents was approved by the Board in 2002 and revised in 2003. The Policy states that once a year, on or about April 21st, the documents designated as eligible will be destroyed in an appropriate manner. This year destruction of records is scheduled for April 19, 2013.

The Board approved Resolution 13 – 5 entitled, "North Marin Water District to Approve Destruction of Certain Records," authorizing destruction of certain documents identified for the Board on or about April 21, 2013 in the manner consistent with the District Policy.

### **CONSOLIDATION OF DISTRICT ELECTION AND FILING INFORMATION 13-6**

The Board approved Resolution 13 - 6 entitled, "Resolution of the Governing Body of the North Marin Water District Proposing an Election be held in Marin County and Requesting the Board of Supervisors to Consolidate with any other Election Conducted on November 5, 2013 and Requesting Election Services by the Registrar of Voters." The resolution also contains language stating that the District is requesting that Marin County hold the election for the few Sonoma County voters eligible to vote for the District's Board. Directors Fraites and Schoonover's terms will end in 2013.

### **REVISED DISTRICT POLICIES NUMBER 2, 3 & 6**

The Board was given District policies number 2, 3 & 6 to review and revise at the prior Board meeting on March 19, 2013.

The Board adopted the following revised District policies, Policy Number 2 – Bill Adjustment Policy, Policy Number 3 – Bill Adjustment Re Natural Disasters, and Policy Number 6 – Late Charge and Shut Off Policy.

### **ACTION CALENDAR**

#### **EMPLOYER ASSISTED HOUSING PROGRAM – BOARD POLICY #42**

David Bentley reminded the Board that over 20 years ago the Board desired to get employees to reside in the District's service territory. He noted at that time that only 16% of District Employee's lived in the service territory. Mr. Bentley stated that currently the District has 49% of employees living within the service territory and there are eight outstanding loans issued pursuant to the policy totaling \$1.44 million. Mr. Bentley stated that there is only \$58K remaining in the program and that staff recommends suspending the Board policy pending changes in conditions to warrant reinstatement.

Director Baker mentioned recent news articles regarding other public agency housing programs and asked that staff take a look at the policy and to determine if the policy needs revision. Director Baker requested that staff make adjustments to the policy and not necessarily suspend the program but revise it.

Director Rodoni agreed with Director Baker and stated that suspending the program for now is fine but he would like the District to consider revisions now so that the policy is in place when the Board decides to reinstate the program.

Director Petterle stated that he would like the District to put the program on hold for now and in the next three to six months review the policy and see what can be done to make it better. He opined that the program is a great thing for employees and that the District would like to encourage more staff to live in Novato.

Director Schoonover stated that he would like suspend the program now but also keep it for the future to encourage more people to move to Novato.

President Fraites stated that he agreed with the other Directors and stated that before the program started the District had 16% of its employees in the District service territory and now it has 49%. He opined that the District needs to keep the program going but to look at it and make it better.

Mr. DeGabriele reminded the Board that the housing program has taken several iterations to become successful and the District can compare with other programs both in the county and outside of the county to consider revisions.

On motion of Director Petterle, seconded by Director Rodoni and unanimously carried the Board approved the staff recommendation and suspended Board Policy Number 42, the Employer Assisted Housing Program, pending a change in conditions warranting its reinstatement and requested that over the next three to six months staff identify any proposed changes to the policy that should come forward for further consideration.

#### **COMPENSATION FOR MEADOW PARK HOA DAMAGED LANDSCAPE/IRRIGATION**

Mr. DeGabriele reminded the Board of the last update they received regarding the Meadow Park Homeowner's Association damaged landscape and irrigation resulting from the Recycled Water South Phase 1b Construction. The Meadow Park Homeowners Association formed a landscape Ad Hoc committee to address these issues with the District. Mr. DeGabriele has met with the Ad Hoc committee and identified \$8,510 in bill adjustments, plus \$5,740 in landscape repairs, \$3,990 for irrigation system checks and another \$7,000 for further landscape repairs, irrigation system repairs and goodwill gesture. Mr. DeGabriele stated that costs expended to date total

\$18,240 and he is requesting the Board authorize \$7,180 to close out the issues with the Meadow Park Homeowners Association. He noted that the payment will require Meadow Park Homeowners to sign a property damage claim form releasing the District from all future claims.

Director Petterle asked if the Homeowner's Association was notified. Mr. DeGabriele responded that they were notified.

On motion of Director Schoonover, seconded by Director Petterle and unanimously carried, the Board authorized payments to date of \$18,240 and an additional check of \$7,180 as compensation for the Meadow Park Homeowners Association Landscape and Irrigation System repairs resulting from the Recycled Water Expansion Project Phase 1b.

**COMMENTS ON COUNTY OF MARIN PARKS AND OPEN SPACE NON-CONFORMING USE POLICY**

Director Petterle recused himself from this Board item.

Mr. DeGabriele stated that at the Marin County Parks and Open Space meeting held on March 21<sup>st</sup>, the commission recommended that the Marin County Board of Supervisors adopt a Non-Conforming Use Policy. Mr. DeGabriele reviewed the policy and drafted a comment letter to the Marin County Parks and Open Space suggesting they broaden the policy to enable easements, fee title and revocable permission through license, lease or permit for non-conforming uses. Mr. DeGabriele stated that he has spoke with Marin County Parks and Open Space staff who suggest he revise the District comment letter to be more specific to water and wastewater agencies easements. He noted that he has revised the letter and provided a copy with highlighted revisions to the Board. Mr. DeGabriele requested that the Board authorize the District to send the comment letter.

Director Rodoni questioned whether the policy has any impacts to the watershed or areas that open spaces uses that is on District's land. He asked if this was a policy revision or a new policy. Mr. DeGabriele stated that it is a new policy that Marin County Parks and Open Space is recommending their Board to adopt. Director Rodoni asked if it is more prohibitive than what they currently have. Mr. DeGabriele responded yes.

On motion of Director Rodoni, seconded by Director Schoonover and carried by the following vote, the Board authorized the General Manager to send the comment letter to Marin County Parks and Open Space:

AYES: Directors Baker, Fraithe, Rodoni, Schoonover

NOES: None

ABSTAIN: Director Petterle

ABSENT: None

**INFORMATION ITEMS**

**2012 NOVATO WATER SYSTEM MASTER PLAN – ADMINISTRATIVE DRAFT**

Mr. McIntyre stated that he distributed the Administrative Draft 2012 Novato Water System Master Plan Update to the Board and that he, Robert Clark and Mark Soldati from GHD would be presenting a general overview. He stated that the development of the plan was a collaborative effort with himself, Laura Jones (District consultant), Mark Soldati, Robert Clark, Pablo Ramudo, Brad Stompe, Doug Moore, David Bentley and Chris DeGabriele.

Mr. McIntyre noted that the purpose of the study was to update the Capital Improvement Plan (CIP) that identifies the improvement projects and required funding through the FY 2035 planning period.

Mr. Soldati summarized the scope of the project and said this plan is only for the Novato Water System and includes updates of city development forecasts, updating pressure zone, water quality goals, pipeline renewal replacements and development of a 5-year CIP and is coordinated with the District budget process. Mr. Soldati stated that the updated hydraulic evaluation and model provides fireflow analyses which reflects input from the Novato Fire Protection District.

Robert Clark gave an overview of the asset management section of the Master Plan. He stated that over the next five years the District's goal is to create an asset management plan that is outside of the master plan itself and create a database with evaluation matrixes to help understand what the expected life of the District's assets are going to be. Mr. Clark informed the Board that with the help of David Bentley, they put together the District's asset value history, by taking the initial cost of the assets and applying inflation, there are currently approximately \$230M worth of assets.

Mr. McIntyre requested the Board review the Master Plan Update and provide any comments they may have at the next Board meeting. He noted that the Master Plan will be brought back for acceptance by the Board at the May 7th meeting.

Mr. McIntyre acknowledged Laura Jones and Mark Soldati for their time and effort on the Master Plan along with all other staff members involved.

Director Rodoni asked when the District finds a deficit like at Half Moon Tank, does the District also look to possibly connect with other tanks in the vicinity. Mr. McIntyre replied that the District does look at the other tanks.

Director Baker asked if the Buck tank and Nunes tank were interconnected. Mr. McIntyre stated that a pump station lifts water from Nunes tank to Buck tank in a cascading approach.

Director Fraites asked if staff works with the fire district to determine the fireflow necessary in the areas served. Mr. McIntyre responded that the District has communication with the fire marshals and that fire flows have been updated pursuant to current codes in effect.

#### **BOARD REVIEW OF DISTRICT POLICIES NUMBER 8, 10 & 11**

Mr. DeGabriele informed the Board that three more policies are included for review, Policy Number 8 – Payment of Facilities Benefiting Non-Contiguous Areas, Policy Number 10 – Service Connection Dispute Compromise, and Policy Number 11 – Liability Contingency Fund Application for Water Improvement Districts. He noted that staff proposed some revisions and should the Board have any further suggestions to send their comments to him. Mr. DeGabriele stated that staff would bring back the revised policies to the next meeting for adoption.

#### **COMMENTS ON COUNTY OF MARIN STREAM CONSERVATION AREA ORDINANCE**

Mr. DeGabriele informed the Board that staff reviewed the County of Marin Stream Conservation Area Ordinance and provided comments to the County of Marin. He stated that the ordinance intends to protect stream corridors and habitat by establishing 50 to 100ft setbacks from streams depending on the size of the property. The District reminded the County that public utility facilities including water and wastewater facilities are exempt from local agency building and zoning ordinances and that the District recommended that emergency repair of landslides or slope failures which may impact stream flow be exempt from the policy.

#### **WAC/TAC MEETING – APRIL 1, 2013**

Mr. DeGabriele informed the Board that the Water Advisory Committee recommended that the Sonoma County Board of Supervisors adopt the draft budget. He stated that the District's purchased water rate would increase by 0.6% next fiscal year. Mr. DeGabriele reminded the Board that he did send a letter to Sonoma County Water Agency requesting that the District send an additional \$30 per acre foot next year to pre fund future capital contributions and that the water agency is preparing a counter proposal. He noted that other water contractors are prefunding capital projects with surcharges on their aqueduct capital charges.

Mr. DeGabriele stated that the WAC received a report from Pam Jeane about water supply conditions and currently on the Russian River normal water supply conditions are in place. He stated that currently Lake Mendocino holds 64K acre feet (AF) approximately 10K AF more than in 2009. He noted that Lake Sonoma has just as much water this year as last year and that Stafford Lake is about the same.

Mr. DeGabriele stated that the Sonoma County Water Agency will likely request the State Water Resource Control Board to reduce instream flows in the Upper Russian River and preserve storage in Lake Mendocino for the fall of the year when releases are needed for the returning Chinook Salmon.

#### **NBWRA MEETING – MARCH 25, 2013**

Mr. DeGabriele informed the Board that he and Director Schoonover attend the North Bay Water Reuse Authority meeting on March 25th. He stated that Ginger Bryant updated the Board on the Federal Advocacy indicating that the parties are not only looking at Bureau of Reclamation Title 16 funding but two new sources recently introduced in Congress, the Water Infrastructure Finance Innovation Act and the Reclamation Infrastructure Finance Innovation Act.

Director Schoonover informed the Board that the District's budget for NBWRA next year was reduced.

#### **NBWA MEETING – APRIL 5, 2013**

President Fraites advised the Board that the North Bay Watershed Association would be meeting on Friday, April 5th.

#### **MISCELLANEOUS**

The Board received the following miscellaneous items: Disbursements, Direct Deposit of Disbursements, Marin Food Bank Letter and Native Plant Sale.

The Board also received the following news articles: County Oks \$50,000 bike park deal, Sonoma County says money spent on lobbying is a good investment, Valley of the Moon Press Release, and Salmon spawning on rebound in Lagunitas watershed.

#### **CLOSED SESSION**

President Fraites adjourned the Board into closed session at 9:00 p.m. in accordance with Government Code Section 54956.9; Conference with Legal Counsel - Anticipated Litigation – Significant Exposure to Litigation Pursuant to Paragraph (3) of Subdivision (d) of Government Code Section 54956.9 – One Potential Case.

#### **OPEN SESSION**

Upon returning to regular session at 9:25 p.m., President Fraites stated that during the closed sessions the Board had discussed the issue and no reportable action had been taken.

**ADJOURNMENT**

President Fraites adjourned the meeting at 9:26 p.m.

Submitted by

A handwritten signature in black ink, appearing to read "Katie Young". The signature is written in a cursive style with a large, stylized "Y".

Katie Young  
District Secretary