



**NORTH MARIN WATER DISTRICT**  
**AGENDA - REGULAR MEETING**  
 April 2, 2019 – 6:00 p.m.  
 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.

Est. Time	Item	Subject
6:00 p.m.	<b>CALL TO ORDER</b>	
	1.	<b>CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL- Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: (one case)</b>
	2.	<b>APPROVE MINUTES FROM REGULAR MEETING</b> , March 5, 2019
	3.	<b>APPROVE MINUTES FROM REGULAR MEETING</b> , March 19, 2019
	4.	<b>GENERAL MANAGER'S REPORT</b>
	5.	<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.
	6.	<b>STAFF/DIRECTORS REPORTS</b>
	<b>CONSENT CALENDAR</b>  The General Manager has reviewed the following items. To his knowledge, there is no opposition to the action. The items can be acted on in one consolidated motion as recommended or may be removed from the Consent Calendar and separately considered at the request of any person.	
	7.	<b>Consent - Approve:</b> Notice of Completion STP Coat Clearwells Project
	8.	<b>Consent - Approve:</b> Record Retention Program – Destruction of Records <span style="float: right;"><b>Resolution</b></span>
	<b>ACTION CALENDAR</b>	
	9.	<b>Approve:</b> Execution of Settlement Agreement between Young Family and NMWD - PRE Tank 4A Replacement
	<b>INFORMATION ITEMS</b>	
	10.	2018 Election Costs
	11.	WAC/TAC Meeting – February 4, 2019

All times are approximate and for reference only.

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

(Continued)

Est. Time	Item	Subject
	12.	2019 Flushing Program Update
	13.	Point Reyes Station Community Meeting Workshop No. 1 - March 25, 2019
	14.	<b>MISCELLANEOUS</b> Disbursements – March 21, 2019 Disbursements – March 28, 2019 Rate Increase Notice on Water Bill Notice of Proposed Water Rate Increase - Letter SB332 (Hertzberg & Wiener): Recycled Water Mandate for Ocean and Bay Dischargers - Oppose  <u>News Articles:</u> Las Gallinas plans big plant upgrade Novato elections change will spark greater opportunity CalTrout wants old Scott Dam on Eel River removed to help salmon and steelhead Water rate hike, new fee advance Fee sought to clean up tainted water Novato schools plan district elections Property owners appeal to state in water tank battle Editorial - MMWD should reconsider its fee hike plan Novato working on options for district elections Editorial - Board can take election process that works best
7:15 p.m.	15.	<b>ADJOURNMENT</b>

1

2

**DRAFT**  
**NORTH MARIN WATER DISTRICT**  
**MINUTES OF REGULAR MEETING**  
**OF THE BOARD OF DIRECTORS**  
March 5, 2019

**CALL TO ORDER**

President Baker called the regular meeting of the Board of Directors of North Marin Water District to order at 6:01 p.m. at the District Headquarters and the agenda was accepted as presented. Present were Directors Jack Baker, Rick Fraites, Michael Joly, James Grossi, and Stephen Petterle. Also present were General Manager Drew McIntyre, District Secretary Terrie Kehoe, and Auditor-Controller Julie Blue. Chief Engineer Rocky Vogler was absent.

District employees, Tony Arendell (Construction/Maintenance Superintendent), Robert Clark (Operations/Maintenance Superintendent) and Pablo Ramudo (Water Quality Supervisor), were also in attendance.

**MINUTES**

On motion of Director Petterle, seconded by Director Grossi the Board approved the minutes from the February 19th meeting as presented by the following vote:

AYES: Director Baker, Fraites, Grossi, Joly and Petterle

NOES: None

ABSTAIN: None

ABSENT: None

**GENERAL MANAGER'S REPORT**

**Board Requested Updates**

Mr. McIntyre stated that the update on the polybutylene service lateral population has been provided as requested by the Board under miscellaneous in this agenda. Mr. McIntyre also added that the cost comparison update between SCWA water and Stafford Treatment Plant water will be provided on the next agenda.

**WAC Meeting**

Mr. McIntyre announced that the next WAC meeting will be held on April 8<sup>th</sup> and will focus on approval of SCWA's FY20 budget. Immediately following the WAC meeting, SCWA is offering a tour of Agency facilities and Mr. McIntyre encouraged participation by interested Board members. Mr. McIntyre also advised the Board that on April 22<sup>nd</sup>, there will be an official ribbon cutting to

1 celebrate completion of the Dry Creek Habitat Enhancement Project Reach 4 segment and  
2 encouraged participation by interested Board members. Director Baker asked if the April 8<sup>th</sup> tour will  
3 include Collector Six, the biggest and most successful of the water supply collectors. Mr. McIntyre  
4 replied yes and that Board members will also be able to tour the recently completed Fish  
5 Ladder/Viewing facilities

#### 6 Leadership Novato

7 Mr. McIntyre stated he, Ryan Grisso and Robert Clark will be participating in Leadership  
8 Novato's Special District Day on March 13<sup>th</sup>. Ms. Blue is in the 2019 class, and their March meeting  
9 is structured to learn about local special districts.

#### 10 OPEN TIME

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

#### 13 STAFF/DIRECTORS REPORTS

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

16 Ms. Kehoe reminded the Board that their Form 700 is due April 2<sup>nd</sup>.

17 Mr. Clark announced that staff is working on getting the Stafford Treatment Plant (STP) up  
18 and running on or before March 18<sup>th</sup>. Additionally, as mentioned by Director Grossi during a  
19 previous Board meeting, Mr. Clark explained the reason for the water vapor cloud Director Grossi  
20 observed early one morning a couple of weeks ago near the STP. Mr. Clark stated that when a  
21 large volume of water is discharged through the spillway, under certain conditions, such as cold  
22 winter mornings, a mist plume can be created right where the water transitions from the spillway to  
23 the creek bed channel.

#### 24 ACTION CALENDAR

#### 25 AMEND CONSULTING SERVICES AGREEMENT – WEST YOST ASSOICATES

26 Mr. Clark advised the Board that the amendment will allow West Yost to assist District Staff  
27 in developing a plan to reduce disinfection byproduct concentrations in the Point Reyes water  
28 system. He added that the focus is to evaluate and size a granular active carbon filter system, water  
29 booster pump and disinfection booster system, as well as identify the proper location of this system  
30 to best address increased disinfection byproduct concentrations.

1 On the motion of Director Joly, and seconded by Director Fraites the Board moved to  
2 approve the Amended Consulting Services Agreement with West Yost Associates as presented by  
3 the following vote:

4 AYES: Director Baker, Fraites, Grossi, Joly and Petterle

5 NOES: None

6 ABSTAIN: None

7 ABSENT: None

8 **APPROVAL OF SALARY AND TERMS AND CONDITIONS OF EMPLOYEMENT FOR**  
9 **UNREPRESENTED EMPLOYEES**

10 Mr. McIntyre stated that this is the second time the Board has seen this agreement which is  
11 consistent with the terms of the recently approved Employee Association agreement.

12 President Baker provided an oral report of the Salary and Terms and Conditions of  
13 Employment for the Unrepresented Employees by reading the following:

14 In accordance with Government Code section 54953(c) (3), I am providing an oral summary  
15 of the recommended action. The item before the Board tonight is to set the salary and terms and  
16 conditions of employment for the District's three Unrepresented Employees (Auditor-Controller,  
17 Chief Engineer, and District/Administrative Secretary), retroactive to October 1, 2018 through  
18 September 30, 2023.

19 The recommended action is to grant 3.8% increase retroactive to October 1, 2018 to the  
20 Auditor-Controller, Chief Engineer, and District/Administrative Secretary positions, with an additional  
21 0.5% equity adjustment effective July 1, 2019; subsequent annual increases will be based upon the  
22 CPI-U (September-August changes), with floor of 2.0% and cap of 4.0%; a half-day off to be  
23 observed on the proceeding business day if Christmas or New Year's Eve falls on a weekend; and  
24 add the tier of 22.5 days per year vacation accrual for Unrepresented Employees with 15 to 20 years  
25 of service.

26 Over the five-year term, the total increase for all three positions over current salary is  
27 approximately \$89,442. A detailed financial analysis, including the increases to base wages and  
28 corresponding payroll taxes, retirement contributions, holiday pay, and fringe benefits such as  
29 medical, vision, and life Insurance and car allowance, are shown as Attachment #1 in the  
30 corresponding agenda report for this item, and the new salary schedules are shown as Attachments  
31 #2 and 3 in the corresponding agenda report for this item.

1 On the motion of Director Petterle, and seconded by Director Joly, the Board moved to  
2 approve the Salary and Terms and Conditions of Employment for Unrepresented Employee as  
3 presented by the following vote:

4 AYES: Director Baker, Fraites, Grossi, Joly and Petterle

5 NOES: None

6 ABSTAIN: None

7 ABSENT: None

8 **INFORMATION ITEMS**

9 **NOVATO POTABLE WATER SYSTEM FINANCIAL PLAN UPDATE**

10 Ms. Blue presented the Novato Potable Water System Financial Plan Update. She noted  
11 that staff is currently proposing a 3.5% rate increase for FY20 with future annual rate increases of  
12 4.5%. Ms. Blue added that this proposed rate increase is based on several factors including a FY20  
13 SCWA wholesale water rate increase of 4.8%, Stafford Treatment Plant production of 650 million  
14 gallons annually and projected water sales of 2.6 billion gallons annually.

15 Direct Baker inquired if there was any disagreement with the amount of increase from the  
16 other water agency contractors. Ms. Blue replied that the original proposed increase was 6% but  
17 after considerable discussion the rate was lowered to be more reasonable, however they are still  
18 looking at future increases up to 6% per year. Director Fraites had a question about the projection  
19 of 12 Equivalent Dwelling Units (EDUs) per year and asked if this was based on single family  
20 dwellings or apartments. Ms. Blue replied that it is just an average based on any new commercial or  
21 residential development. Director Baker stated that we have seen little growth in new residential  
22 construction since the Hamilton Field redevelopment. He asked if there was anything to change this  
23 slow growth trend. Mr. McIntyre replied there is limited land available for any new housing boom in  
24 Novato; however there is still some in-fill growth. He added that the annual projection of 12 new  
25 EDUs is a conservative number which represents 50% of what we have averaged annually in the  
26 past five years. Director Grossi added that there is an affordable housing project in the works at the  
27 commissary site along State Access and that Indian Valley College also has a project coming up.  
28 Director Joly commented that we must keep in mind that we are a water agency and we have  
29 declining use, and the AMI will further reduce water use.

30 Ms. Blue stated that the next step in the FY20 budget process is to bring a 3.5% draft rate  
31 increase letter to the Board for review and approval at the next meeting. She advised the Board that  
32 with the proposed rate increase, a single-family home will see about a \$2 a month increase or about



1 \$25 a year. Director Fraites commented that we need to be prepared to answer any customer  
2 questions regarding unfunded pension liabilities. Mr. McIntyre stated the draft letter will include a  
3 discussion on why the rate increase is needed. Director Joly expressed the need for full  
4 transparency for retirement, health care and future capital improvement funding. In addition,  
5 Director Joly asked about the upcoming Office Building renovation project and how it reflects in the  
6 budget. Ms. Blue stated that this debt, spread over time, is included in the financial model. Director  
7 Joly praised Ms. Blue on a great job done, stating the excel dashboard was excellent.

#### 8 **UPDATE: POINT REYES SYSTEM DISINFECTION BYPRODUCTS**

9 Mr. Ramudo provided an update on the Point Reyes System Disinfection Byproduct  
10 Operational Evaluation. He noted that recent work has confirmed that the increase in  
11 trihalomethane concentrations is due to elevated bromide levels in the Coast Guard wells. He  
12 stated that we are currently waiting for test results that will determine whether we have exceeded the  
13 maximum drinking water standard limit for this constituent. If so, we will need to follow state  
14 mandated public notification requirements to our West Marin potable water customers within 30  
15 days.

16 Director Baker noted that the PRE Tank 4A is a larger tank compared to the current one and  
17 asked if we are likely to make the problem worse realizing this is a persistent problem. Mr. Ramudo  
18 stated that it has the potential to be worse, and that we need to get to the source of the problem,  
19 noting that another Gallagher well with help. Director Fraites stated that the attached notice does  
20 not mention that the bromide problem is linked to the sea level rise. He thought it would be  
21 important to mention this, so the customers know it is Mother Nature and not our system. Mr.  
22 Ramudo replied that the notice in the agenda is a template from the state and a final notice would  
23 be customized to reflect local conditions. He noted that we will be working with West Yost to come  
24 up with a plan to manage the system. He added that the first short term step is to lower chlorine,  
25 limit the use of Coast Guard wells, and increase monitoring of the system; the midterm step will be  
26 to install granular carbon filter vessels to help reduce disinfection byproduct concentrations; and the  
27 final step will be to construct an additional well near the current Gallagher well which is outside the  
28 area of salinity intrusion.

#### 30 **FISCAL YEAR 2018-19 MID YEAR PROGRESS REPORT – OPERATIONS/MAINTENANCE**

31 Mr. Clark discussed the FY 2018-19 Mid-Year Progress Report for the Operations and  
32 Maintenance Department. He stated that staff continues to investigate the unusually high  
33 production vs. consumption variance in the Pt. Reyes water system. Mr. Clark also noted the  
34 significant expansion in recycled water customers, from 54 to 92 accounts. Director Grossi asked if

1 we expect to run out of recycled water supply. Mr. McIntyre stated that we receive up to 1.2 million  
2 gallons per day from Novato Sanitary District and 0.5 MGD from Las Gallinas Valley Sanitary District  
3 during the peak season and both facilities have plenty of excess supply and treatment capacity.  
4 Director Petterle asked if when the Las Gallinas treatment plant remodel is done, we will get an  
5 increase of recycled water. Mr. McIntyre replied that we will not see an increase but MMWD will  
6 receive all recycled water from Las Gallinas and will no longer need to produce their own recycled  
7 water. Director Joly asked what percentage of recycled water we could do. Mr. McIntyre replied that  
8 we are close to 10% now and it may be feasible to get up to 15%, in the not too distant future.  
9 Director Baker stated other than golf courses and car washes there are not a lot of large users.  
10 Director Joly said any new connection to our existing recycled water system is pure gravy to us. Mr.  
11 McIntyre responded that staff continues to work on connecting more customers, including a gas  
12 station car wash along S. Novato Blvd.

#### 13 **AMI DEPLOYMENT PROJECT UPDATE**

14 Mr. Clark gave an update on the AMI deployment project. He noted that the project is almost  
15 complete, and we expect that Ferguson will be done installing units by March 15<sup>th</sup>. With the final  
16 inventory review and material order completed, staff has determined that the overall project cost is  
17 estimated to exceed the original budget by five percent or \$350,000. He noted that there are  
18 several items that contributed to the increase including a few thousand additional service meter  
19 changes vs. register swap outs, a change order for paying required prevailing wages and cellular  
20 meter interface units required for north service area customers. Director Joly asked if this \$350,000  
21 is raising our debt. Mr. Clark replied that the additional costs will be absorbed in the approved CIP  
22 budget.

23 Director Fraites asked for an update about the couple that came to a meeting a few weeks  
24 ago. Mr. Clark stated that staff has been communicating with Mr. Larsen and all tests have been  
25 inconclusive to date. He added that there is no simple solution because staff cannot pinpoint why  
26 the customer feels this way. Mr. McIntyre said that staff will come back to the Board at a future  
27 meeting with options for moving forward

#### 28 **MISCELLANEOUS**

29 The Board received the following miscellaneous items: Disbursements-Dated February 21,  
30 2019, Disbursements – Dated February 28, 2019, and Update – Polybutylene Service Lateral  
31 Population.

32 The Board received the following news articles; Notice Inviting Sealed Bids – Bay Area  
33 Chemical Consortium (BACC); Potter Valley Project: Could the dam go but the diversions remain?;  
34 Rest in peace, Virgil; and Novato considers switch to council District elections – LAW VIOLATION

1 CLAIMED.

2 **ADJOURNMENT**

3 President Baker adjourned the meeting at 7:27 p.m.

4 Submitted by

5

6

7 Theresa Kehoe

8 District Secretary

9

3

**DRAFT**  
**NORTH MARIN WATER DISTRICT**  
**MINUTES OF REGULAR MEETING**  
**OF THE BOARD OF DIRECTORS**  
March 19, 2019

**CALL TO ORDER**

President Baker called the regular meeting of the Board of Directors of North Marin Water District to order at 6:00 p.m. at the District Headquarters and the agenda was accepted as presented. Present were Directors Jack Baker, Rick Fraites, Michael Joly, James Grossi, and Stephen Petterle. Also present were General Manager Drew McIntyre, District Secretary Terrie Kehoe, Auditor-Controller Julie Blue and Chief Engineer Rocky Vogler.

District employees, Tony Arendell (Construction/Maintenance Superintendent), and Robert Clark (Operations/Maintenance Superintendent) were also in attendance.

Also in the audience were Lynne Rosselli (Sonoma County Water Agency) and Novato residents Greg Larsen and Margarita Ajello.

**MINUTES**

Director Joly had a question on the minutes regarding missing comments he made related to recycled water. Mr. McIntyre responded that approval of the draft minutes for the March 5, 2019 meeting will be continued to the next agenda in order to allow staff time to review the tape and add comments made by him in reference to recycled water.

**GENERAL MANAGER'S REPORT**

**ACWA**

Mr. McIntyre reported that on Monday he met with the new ACWA Executive Director, Dave Eggerton. Mr. Eggerton began his new position at ACWA on November 1, 2018 and is the past General Manager for Calaveras County Water District. Mr. McIntyre also added that he volunteered to be part of the ACWA 2019 Region 1 Nominating Committee for the 2020-21 term.

**Water Supply Coordination Council**

Mr. McIntyre announced that he has a WSCC meeting in Santa Rosa on March 25<sup>th</sup> to prepare the April 8 WAC meeting agenda.

**Point Reyes Station Community Water Topics**

Mr. McIntyre stated that on the evening of March 25<sup>th</sup>, he will be attending the first County led Community Water Topics Workshop in Point Reyes Station. This meeting will be similar to county

led workshops that have been taking place in the Dillon Beach Village community. The topics discussed will include water supply, septic concerns and sea level rise.

**PRESENTATION ON DRAFT FY 20 SCWA WATER TRANSMISSION SYSTEM BUDGET**

Lynne Rosselli, from SCWA, provided a presentation on the draft FY20 SCWA Water Transmission Budget, in which the North Marin water rate will increase 4.8% to \$936.37 per acre foot. Ms. Rosselli noted that the rate increase was tempered by a 5% increase in projected water deliveries for FY20. She also pointed out that NMWD opted for the cash option instead of bonds. Director Baker asked what other agencies chose the cash option, and Ms. Rosselli replied only North Marin Water has the option per the Restructured Agreement. Director Joly asked what the other agencies will be paying, and she replied the average rate is slightly less at 4.6% and NMWD's rate is higher because NMWD also pays a "Russian River Conservation Charge" in lieu of property taxes paid by Sonoma county customers to pay costs associated with the Warm Spring Dams project. Director Joly then inquired as to how much Marin Municipal pays. Mr. McIntyre replied that they pay a higher rate than what we pay at \$1,130 per acre foot. Director Joly asked if they have increased the debt by keeping rates low. Ms. Rosselli replied that this year there will be an increase of \$13 million dollars in bonds, but NMWD does not pay into that because we are paying cash.

Director Petterle left the Board Room at 6:26 p.m.

Director Joly asked what the indebtedness will be with this new bond. Ms. Rosselli stated the total debt service is five million per year for the 2019 budget, and the debt service is 9% of the total budget which has increased to catch up with deferred maintenance and deferred capital improvement projects. Director Joly asked how many years they have deferred and how much is left. Ms. Rosselli stated she didn't have the numbers readily available but that they had to defer many projects during the drought and now SCWA is in a good position to catch up. She also added the Dry Creek Habitat Enhancement Project is under a Biological Opinion order by the federal government so they are obligated to perform the work and the project is expensive. She noted that the Army Corp is supposed to cover 65% of these costs. Mr. McIntyre added that continued Corps funding is critical and encouraged Board members to attend the ribbon cutting ceremony on April 22<sup>nd</sup> in Dry Creek to celebrate the cooperative work between the Corps and SCWA to-date. Director Baker also inquired about the rubber inflatable dam replacement project at Mirabel commenting that they are very expensive and only a couple of vendors have them. Ms. Rosselli stated that they are in line to purchase and receive the new dam this year.

**OPEN TIME**

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

During the Staff/Director's Report, Mr. Clark discussed the West Marin disinfection byproduct issue and noted that with the last PRE water sample in February, the average was below the 0.080mg/L limit and we currently remain in compliance with regulations. He added that staff is working with West Yost Consultants to come up with an action plan to have an appropriate treatment system in place this summer for the PRE Zone. Mr. McIntyre added that being below the threshold buys us some time but we need to move quickly to address this issue. Mr. McIntyre thanked the Operations and Water Quality staff for making the necessary changes to date adding that more needs to be done. Director Joly asked when staff thought this will be a compliance issue again. Mr. Clark replied that the next samples will be in May and then August and that our goal is to have something installed before August. Director Joly asked if West Yost will be able to help us meet this date and Mr. Clark replied that we are working closely with West Yost to achieve this goal.

Mr. Clark also announced that staff is working on getting the Stafford Treatment Plant up and running this Wednesday. Director Joly asked what the startup date was for last year, and Mr. Clark replied April 9<sup>th</sup>.

Director Petterle returned to the Board Room at 6:33 p.m.

#### **MONTHLY PROGRESS REPORT**

Mr. McIntyre reviewed the Monthly Progress Report for February. He reported that February water production in Novato was down 18% from one year ago and down 4% fiscal year to date. In West Marin, water production is down 23% from February one year ago and up 10% fiscal year to date. He added that recycled water production is down 90% from one year ago and up 23% fiscal year to date. Mr. McIntyre added that it is interesting to note that our recycled water production was 44% of Stafford Treatment Plant production fiscal year to date. He noted that Stafford Lake holds 4900 AF and is spilling with a Lake elevation of 198.6 feet. Mr. McIntyre added that Lake Sonoma is at 100% capacity, Lake Mendocino is at 118% capacity and Stafford Lake is at 102% capacity.

Mr. McIntyre advised that Board that under Safety/Liability, we currently have 151 days without a lost time injury. On the Summary of Complaints and Service Orders, the Board was apprised that overall the number of complaints/service orders are up 24% fiscal year to date. Mr.

McIntyre reminded the Board that the primary reason for this increase is due to increased customer water awareness due to AMI implementation. Ms. Blue reported on the February 2019 Investments, where the District's portfolio holds \$17.9M earning a 2.11% rate of return. Ms. Blue noted the LAIF rate is 2.39%.

**CONSENT CALENDAR**

On the motion of Director Petterle, and seconded by Director Fraites the Board approved the following items on the consent calendar by the following vote:

AYES: Director Baker, Fraites, Grossi, Joly and Petterle

NOES: None

ABSTAIN: None

ABSENT: None

**ATHERTON PLACE WATER FACILITIES APN: 125-600-51 & 52**

The Board approved the Atherton Place Water Facilities water service agreement for 50 new townhome style condominiums and 1,340 square feet of commercial/community space located along Redwood Blvd between Pinheiro Circle and Ranch Drive

**MARIN LAFCO SPECIAL DISTRICT MEMBER ELECTION BALLOT**

The Board approved to cast their vote for Jack Baker on the 2019 Marin LAFCO Special District Member, Regular Seat, Election Ballot. Las Gallinas Valley Sanitary District and North Marin Water District nominated NMWD Director Jack Baker for this four-year term position.

**SUPPORT LETTER FOR SB 669 (CABALLERO)**

The Board approved continued support of ACWA's coalition letters to oppose any statewide water tax legislation in 2019 and authorized the General Manager to execute a support letter for SB 669 (Caballero), creating a Safe Drinking Water Trust Fund to help community water systems in disadvantaged communities provide access to safe drinking water. The Safe Drinking Water Trust Fund would be financed with General Fund dollars and is the preferable alternative to proposed statewide water tax legislation.

**ACTION CALENDAR**

**AUTHORIZE AFFIRMATIVE VOTE FOR SCWA FY20 WATER TRANSMISSION SYSTEM**

**BUDGET**



Mr. McIntyre noted that the proposed budget sets NMWD water purchases for FY2019/20 at \$937.37 per acre-foot. He reminded the board that Auditor-Controller Julie Blue was a member of the Ad Hoc budget subcommittee formed in December, 2018 to help negotiate the budget with SCWA. Mr. McIntyre requested that the Board authorize Jack Baker, as our WAC Representative, to vote in favor of the SCWA FY2019/20 Water Transmission System Budget at the April 8, 2019 WAC meeting.

Director Joly stated we are looking for a water rate increase of around 5%, but asked if in the future will be looking at a 10% increase. Mr. McIntyre replied that the Ad Hoc budget subcommittee has continued to stress that future SCWA rate increases are kept around 4 to 6% per year. Director Joly requested to see future budgets over two meetings noting he would like to have more time to review the information since these are significant expenditures.

On the motion of Director Petterle and seconded by Director Fraites the Board approved authorizing Jack Baker to vote in favor of the SCWA FY2019/20 Water Transmission Budget by the following vote:

AYES: Director Baker, Fraites, Grossi, Joly and Petterle

NOES: None

ABSTAIN: None

ABSENT: None

#### **AMI OPT-OUT OPTIONS – 26 ARONIA LANE**

Mr. Clark explained that after ongoing investigations and testing of local radio wave frequency, the customer at 26 Aronia Lane still has concerns regarding the newly installed AMI meter. Therefore, Mr. Clark recommended the Board approve an AMI Opt-Out option for the customer.

Director Grossi asked if this one meter served six customers. Mr. Clark replied yes, there is one AMI meter for all six units and that the bill is in the name of the HOA and they would be the one looking at the consumption. Director Petterle asked if the fee was enough to cover the cost. Ms. Blue noted that the fee is consistent with the Opt-Out policy and we have not yet heard from the HOA. Mr. Larsen stated that they could pay the fee but that he doesn't think the HOA will have a problem paying it. Mr. Larsen stated he went to the HOA Board and briefed them, adding he will have them contact Ms. Blue directly. Director Baker added we would need something formal from the HOA. Director Petterle stated that we have to deal with the HOA because the service is in their

name. Director Joly also asked Ms. Ajello if she was feeling better, she stated that it can only get better.

On the motion of Director Petterle and seconded by Director Fraites the Board approved the AMI Opt-Out option for 26 Aronia Lane by the following vote:

AYES: Director Baker, Fraites, Grossi, Joly and Petterle

NOES: None

ABSTAIN: None

ABSENT: None

### **PROPOSAL FOR WATER RATE STUDY**

Ms. Blue opened discussion on this agenda item by reminding the Board that the recent peer review concluded that a more complete study should be prepared in time for the FY21 budget cycle. She requested that the Board authorize the General Manager to execute an agreement with Hildebrand Consulting to conduct a 2019 Water Rate Study.

Director Fraites asked if this year's proposed 3.5% rate increase would change if the Board approved the Water Rate Study contract. Ms. Blue answered that the rate study will be used for future budget cycles. Director Joly asked if the rate study would be ready before we begin the FY2020-21 budget process. Ms. Blue replied that the rate study will be completed by December 2019 which will allow sufficient time to incorporate the results into the FY2020-21 budget process that begins early, 2020. Director Grossi asked how the consultant will evaluate what fair and equitable rates are, and will they look at the cost it takes to provide the service. Ms. Blue stated that the consultant will review all rates to ensure revenue collected from each customer is proportional to the cost to provide said service. Director Joly asked if we had reached out to our legal counsel. Mr. McIntyre replied that legal counsel has been actively involved on this issue and agrees that this rate study should be performed. Mr. McIntyre also added that he recommends that a Water Rate Study Ad Hoc Subcommittee be formed. Director Joly stated he would like to be involved in this process and Director Grossi added he would like to as well. Mr. McIntyre replied that, based on this input the Ad Hoc subcommittee will consist of Director's Joly and Grossi. Director Fraites asked if we have to do a new rate study every year. Ms. Blue replied that rate studies are typically updated every three to five years.

On the motion of Director Joly and seconded by Director Fraites the Board approved authorizing the General Manager to enter into an agreement with Hildebrand Consulting to conduct

188 a Water Rate Study and to form a Water Rate Study Ad Hoc Subcommittee by the following vote:

189 AYES: Director Baker, Fraites, Grossi, Joly and Petterle

190 NOES: None

191 ABSTAIN: None

192 ABSENT: None

193 **RATE INCREASE LETTER TO NOVATO CUSTOMERS**

194 Ms. Blue presented a draft Rate Increase Letter to Novato Customers which will be mailed  
195 on April 6<sup>th</sup> and proposes a 3.5% rate increase. Director Petterle asked if the letter presented was  
196 our standard letter. Mr. McIntyre replied that the format is similar to previous letters but more rate  
197 increase justification information was added regarding employee compensation and increased  
198 government regulations/permit fees. Ms. Blue also announced that we will be adding an excerpt on  
199 the customer water bills with a brief summary of the rate increase and a link to calculate how the  
200 rate will affect them individually. An example of this notice will be included in the next meeting  
201 agenda.

202 On the motion of Director Petterle and seconded by Director Fraites the Board approved the  
203 Rate Increase Letter to Novato customers by the following vote:

204 AYES: Director Baker, Fraites, Grossi, Joly and Petterle

205 NOES: None

206 ABSTAIN: None

207 ABSENT: None

208 **MISCELLANEOUS**

209 The Board received the following miscellaneous items: Disbursements – Dated March 7,  
210 2019, Disbursements – Dated March 14, 2019, and Stafford Treatment Plant Production Cost.

211 The Board received the following news articles: Novato council approves disputed 87-room  
212 hotel; City moves to shore up pensions; Pension litigants deflated by ruling; Water rate, fee hike plan  
213 raises questions – MMWD; Chronic flooding prompts toll talk; Second units can help solve housing  
214 crisis and Novato council signals shift to district elections.

215 Director Joly requested that he would like to have something reported to the Board so it is  
216 reflected in the minutes that the AMI project is finished. Ms. Blue stated that the project is  
217 substantially complete but we still have some in-house work needed to complete the project. . Mr.

218 Clark added that Ferguson is finished with their work and there are some meters left but that it is  
219 less than 1% of the total. Director Baker also requested that a summary of the project be brought to  
220 a future agenda, noting that the project went well but took more time. Mr. Clark replied that he and  
221 Ms. Blue will put a summary together and present it to the Board.

222 **ADJOURNMENT**

223 President Baker adjourned the meeting at 7:25 p.m.

224 Submitted by

225

226

227 Theresa Kehoe

228 District Secretary

229

230

231

4

5

6

**7**



## MEMORANDUM

To: Board of Directors March 29, 2019

From: Rocky Vogler, Chief Engineer *RV*  
Carmela Chandrasekera, Associate Engineer *CC*

Subject: Notice of Completion for Stafford Treatment Plant Coat Concrete Clearwells Project (Farr Construction Inc.)  
R:\Folders by Job No\6000 jobs\6600 STP jobs\6600.89 Coat Concrete Clearwells\BOD Memos\6600.89 STP CCC Farr Const Notice of Completion BOD memo.doc

**RECOMMENDED ACTION:** Authorize the General Manager to execute and file a Notice of Completion for the Stafford Treatment Plant Coat Clearwells project.

**FINANCIAL IMPACT:** None

Pursuant to and in conformance with contract requirements for the Stafford Treatment Plant Coat Concrete Clearwells project, the contractor (Farr Construction) has fulfilled their obligations under the contract. Corrections of all work deficiencies and punch list items have been completed. All work performed by Farr Construction (Farr) has been inspected by District staff and the coating inspector (Brelje & Race). Farr's work was completed on March 13, 2019.

Per the Contract Documents, Farr has furnished written notice that the work is complete and that all subcontractors and equipment suppliers have been paid (see Attachment A). Farr has released the District of all claims. A Notice of Completion is provided as Attachment B which, if approved, will be filed with Marin County on April 3, 2019. Final payment (for monies held in retention) in the amount of \$23,919.46 will be processed for release, on May 9, 2019 subject to absence of any additional claims filed during the 30-day notice period.

Project Cost Summary

The Board approved the award of the contract with Farr for \$481,400 for coating the STP concrete clearwells with a contingency of \$25,000 (~5% of contract value). The net change orders amounted to -\$3,010.74 (negative 0.6% of the contract amount) with additive change orders for \$5,989.26 and a deductive change order for \$9,000.00. Total payment to Farr will be \$478,389.26. The final project cost summary as of March 18, 2019 is provided as Attachment C.

RECOMMENDATION

Authorize the General Manager to execute and file a Notice of Completion for the Stafford Treatment Plant Coat Concrete Clearwells project.

Approved by GM *[Signature]*

Date 3/29/19

**CONDITIONAL WAIVER RELEASE**  
**AND CERTIFICATE OF FINAL PAYMENT**

TO: North Marin Water District (District)

JOB : Stafford Treatment Plant –  
Coat Concrete Clearwells

JOB NO: 1 6600.89

CONTRACT DATED: Oct 30, 2018

**CONTRACTOR:**

Farr Construction  
1050 Linda Way  
Sparks, NV 89431

**DESCRIPTION OF PROJECT:** Preparing surfaces, furnishing and applying 100% solid epoxy surfacing material and 100% solid elastomeric polyurethane as a protective coating system to the concrete surfaces of Acti-Floc Clear Well and Finished Clear Well and any other coatings as described in the plans and specifications.

**DESCRIPTION OF SITE (LOCATION):** Stafford Treatment Plant, 3015 Novato Blvd., Novato, CA

With reference to said contract, as amended, between the undersigned contractor and the District, the undersigned hereby certifies and represents that it has made full payment of all costs, charges and expenses incurred by it or on its behalf for work, labor, services, materials and equipment supplied to the foregoing site and/or used in connection with its work under said contract.

The undersigned further certifies that to its best knowledge and belief, each of its subcontractors and materialmen has made full payment of all costs, charges and expenses incurred by them or on their behalf for work, labor, services, materials and equipment supplied to the foregoing site and/or used by them in connection with the undersigned's work under said contract.

In consideration of the sum of \$23,919.46 as final payment under the contract to be received hereafter within a reasonable time, the undersigned, upon receipt of such final payment, waives and releases and forever discharges the District and the site and property from all claims, stop notices and obligations of every nature arising out of or in connection with the performance of said contract by the undersigned and all amendments thereto except as set forth below.

\_\_\_\_\_  
NONE

(Note: If none, write "NONE" in space above. If the space above is left blank, it is interpreted that "NONE" is claimed. Any claims excepted must be described and the specific amount claimed must be set forth.)

Unless any claims, stop notices, and obligations are described and the specific amounts claimed, are described in the space above, contractor certifies that there are none.

As additional consideration for the final payment the contractor agrees to indemnify and hold harmless the District from and against all costs, losses, damages, claims, causes of action, judgments and expenses, including attorney's fees arising out of or in connection with claims against the District which claims arise out of the performance of the work under the contract and which may be asserted by the contractor or any of its suppliers, subcontractors of any tier or any of their representatives, officers, agents or employees except for those claims listed above.

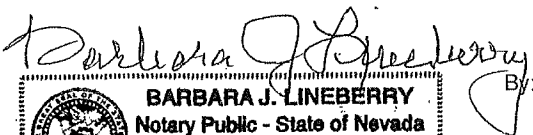

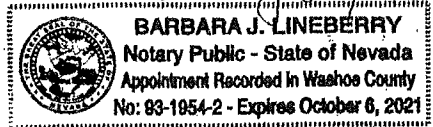
The foregoing shall not relieve the undersigned of its obligations under the provisions of said contract, as amended, which by their nature survive completion of the work including, without limitation, warranties, guarantees and indemnities.

Executed this 14th day of March 2019

**ALL SIGNATURES MUST BE ACKNOWLEDGED  
BEFORE A NOTARY PUBLIC**

Farr Construction California dba Resource  
Development Company

\_\_\_\_\_  
(Name of Contractor)

  
By:   
  
**BARBARA J. LINEBERRY**  
Notary Public - State of Nevada  
Appointment Recorded in Washoe County  
No: 93-1054-2 - Expires October 6, 2021

\_\_\_\_\_  
Jeff Farr  
Printed Name of Signatory

Title: President

**Distribution:**

Original: Contractor  
Copy: Job File

Posting requested by:  
NORTH MARIN WATER DISTRICT

After Posting Time has Expired Mail To:

North Marin Water District  
P. O. Box 146  
Novato, CA 94948-0146

NORTH MARIN WATER DISTRICT  
NOVATO, CALIFORNIA

NOTICE OF COMPLETION

To: Marin County Clerk  
3501 Civic Center Dr., Rm 234  
San Rafael, CA 94903  
Date: April 3, 2019  
File No.: 1 6600.89  
Date of Completion: March 13, 2019  
Owner: North Marin Water District  
999 Rush Creek Place  
Novato, CA 94947

OWNER'S ESTATE OR INTEREST:  
Easement \_\_\_\_\_ Fee Title  X  Encroachment Permit \_\_\_\_\_  
Other (describe) \_\_\_\_\_

CONTRACTOR:  
Name: Farr Construction  
Address: 1050 Linda Way  
Sparks, NV 89431

TITLE OF PROJECT: Stafford Treatment Plant – Coat Concrete Clearwells

DESCRIPTION OF PROJECT: Preparing surfaces, furnishing and applying 100% solid epoxy surfacing material and 100% solid elastomeric polyurethane as a protective coating system to the concrete surfaces of Acti-Floc Clear Well and Finished Clear Well and any other coatings as described in the plans and specifications.

DESCRIPTION OF SITE (LOCATION): Stafford Treatment Plant, 3015 Novato Blvd., Novato, CA

Final payment will be made to the above contractor on or after 35 days from the recording date of this notice of completion, except where otherwise provided for by law.

The undersigned under penalty of perjury says that he is the General Manager of the North Marin Water District, the public agency authorizing the work or improvement referred to in the foregoing notice of completion; that he has executed such notice of completion on behalf of such public agency and likewise makes this verification on behalf of said public agency pursuant to authority granted by the District's Board of Directors; and that he has read said notice of completion and knows the contents thereof and that the facts therein stated are true.

\_\_\_\_\_  
Drew McIntyre, General Manager

**VERIFICATION**  
**STATE OF CALIFORNIA )**  
**COUNTY OF MARIN )**

THE UNDERSIGNED, declares that he has read the foregoing notice, knows the contents thereof, and the same is true of his own knowledge. I certify under penalty of perjury that the foregoing is true and correct.

SEAL:  
\_\_\_\_\_  
Drew McIntyre, General Manager  
\_\_\_\_\_  
Date and Place

Disposition:  
Original: County Recorder  
Copy: Contractor  
Copy: Project File

**NORTH MARIN WATER DISTRICT  
WATER SYSTEM IMPROVEMENTS/SPECIAL PROJECTS  
PROJECT SUMMARY**

COMPLETED BY: Carmela Chandrasekera  
DATE: 12/4/2017

UPDATED BY: Carmela  
DATE: 3/18/2019

SERVICE AREA: ☒ NOVATO

☐ WEST MARIN

☐ OCEANA MARIN

Job No.	1.6600.8	Job Title: Coat Concrete Clearwells, STP								
Facility No.	6600	Facility Type (Pipelines, Pump Stations, etc.): Treatment Plant								
<b>Description:</b> Coat STP concrete interior surfaces of the Actifloc clarifier and finished water clearwell. Existing concrete walls and floor are degrading. Coating the baffle walls, interior walls, and floor is included. This project will provide a protective coating to eliminate the degradation of the concrete. Minor coating of ladders and welded steel pipe is also included in the project.										
<b>Project Justification:</b> The low PH water is attacking the concrete surfaces and will eventually cause corrosion of the reinforcement and cause structural failure. Providing an impervious coating will protect the structure.										
	<b>Baseline Cost Estimate</b>	<b>Initial</b>	<b>Updated ( 12/17 )</b>	<b>Updated ( 8 /18 )</b>	<b>Updated 10/18</b>	<b>Expended to Date</b>	<b>Baseline Schedule</b>	<b>Start</b>	<b>Finish (Est.)</b>	<b>Finish (Actual)</b>
1	Project Dev.	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	Project Dev.	7/1/2017	9/1/2017	
2	Design	\$5,000	\$5,000	\$10,000	\$10,000	\$10,000	Design	1/2/2018	2/15/2018	
3	Permitting (CEQA)	N/A	N/A				Permitting	N/A		
4	Coating Contract	\$457,000	\$521,000	\$500,000	\$481,400	\$478,389	Procurement	10/15/2018	11/15/2018	
5	Inspection		\$26,050	\$30,000	\$30,000	\$12,183	Construction	11/15/2018	3/15/2019	
6	Legal +Misc. + Materials					\$4,928	Project Closeout	3/15/2019	4/15/2019	
7	NMWD Maintenance					\$6,881				
8	NMWD Treatment Plant staff					\$20,312				
9										
#	Const. Admin.		\$2,000	\$10,000	\$10,000	\$20,554				
#	Project Closeout		\$1,000	\$2,000	\$2,000	\$2,000				
#	SubTotal	\$467,000	\$560,050	\$557,000	\$538,400	\$560,247				
#	Project Contingency (5%)	\$23,000	\$28,000	\$28,000	\$27,000					
	<b>Total</b>	<b>\$490,000</b>	<b>\$588,000</b>	<b>585,000</b>	<b>565,400</b>	<b>\$560,247</b>				
Comments: 2017: updated coating cost estimate price/sf and included ceiling 2018: Updated based on June 2018 CCI Concrete surface area to coat is reduced (no coating the ceiling per Brelje and Race report), Misc. metal coating added. The difficulty of confined space and disposal of water is considered.										

8

## MEMORANDUM

To: Board of Directors  
From: Terrie Kehoe, District Secretary and Records Retention Manager   
Subject: Records Retention Program – Destruction of Records  
t:\gm\admin secty\record retention\2019\board memo 4.2019.doc

March 29, 2019

**RECOMMENDED ACTION:** Approve Destruction of Records


**FINANCIAL IMPACT:** \$795.00 for document shredding

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 21, the documents designated as eligible will be destroyed in an appropriate manner. This year, destruction of records is scheduled for April 15, 2019.

Attached is a proposed resolution for the Board to approve the destruction of certain records for this year. Exhibit A of the proposed resolution is the Request for Destruction of Records forms for documents to be eliminated. The lists of files to be destroyed have been reviewed and approved by: (1) Department Head, (2) Records Retention Manager, (3) Auditor-Controller and (4) General Manager.

RECOMMENDATION

Approve resolution authorizing the Destruction of Certain Records on or about April 15, 2019 in the manner consistent with District Policy.

Approved by GM   
Date 3/29/19

**RESOLUTION 19-**

**RESOLUTION OF THE BOARD OF DIRECTORS OF  
NORTH MARIN WATER DISTRICT TO  
APPROVE DESTRUCTION OF CERTAIN RECORDS**

---

**WHEREAS**, California Government Code §60200, et seq., authorizes the legislative body of a district to authorize the destruction of certain documents without retaining copies and authorizes the destruction of documents not expressly required by law to be maintained, if conditions are complied with as specified in Government Code §60203, and

**WHEREAS**, The Board of Directors of the North Marin Water District adopted Resolution 02-20 on June 4, 2002 establishing a policy for retention of documents and destruction of specified documents, and

**WHEREAS**, revisions to said policy were approved by the Board of Directors on July 15, 2003, and

**WHEREAS**, the Request for Destruction of Record forms describing the document or documents to be destroyed, with the written approval of the District's Department Heads, Records Retention Manager, Auditor-Controller and General Manager appearing thereon, is attached as Exhibit A.

**NOW, THEREFORE**, be it resolved by the Board of Directors of the North Marin Water District, that the records described in Exhibit A attached are hereby approved for destruction on or about April 15, 2019 in an appropriate manner.

\* \* \* \* \*

I hereby certify that the foregoing is a true and complete copy of a resolution duly and regularly adopted by the Board of Directors of NORTH MARIN WATER DISTRICT at a regular meeting of said Board held on the second day of April 2019 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

(SEAL)

---

Terrie Kehoe  
District Secretary



**NORTH MARIN WATER DISTRICT RECORDS RETENTION  
REQUEST FOR DESTRUCTION OF RECORDS**

**Admin. - Accounting**

Retention periods for the listed records have expired. Please indicate your approval by signing where indicated. If you disapprove for any reason, mark through the record, initial and state reason for disapproval.

Box No.	RECORD NAME	DATE RANGE		NMWD Retention Period	Request prepared by: District Secretary, Terrie Kehoe	Date: March 22, 2019
		From	To			
AC-11-10	Disbursements T-Z	7/09	6/10	CY+6		
AC-12-10	Disbursements A-AT&T004	7/10	6/11	CY+6		
AC-12-11	Disbursements AT&T006-Bay	7/10	6/11	CY+6		
AC-12-12	Disbursements BE-CL	7/10	6/11	CY+6		
AC-12-13	Disbursements CM-EY	7/10	6/11	CY+6		
AC-12-14	Disbursements F-GRA	7/10	6/11	CY+6		
AC-12-15	Disbursements GROE-I	7/10	6/11	CY+6		
AC-12-16	Disbursements J-County of Marin	7/10	6/11	CY+6		
AC-12-17	Disbursements MA-NA & NMWD	7/10	6/11	CY+6		
AC-12-18	Disbursements NE-NU	7/10	6/11	CY+6		
AC-12-19	Disbursements O-PET & PERS	7/10	6/11	CY+6		
AC-12-20	Disbursements PG&E - RAU	7/10	6/11	CY+6		
AC-12-21	Disbursements RED-SHR	7/10	6/11	CY+6		
AC-12-22	Disbursements SI-T	7/10	6/11	CY+6		
AC-12-23	Disbursements U-XYZ	7/10	6/11	CY+6		
AC-12-25	Employee Timesheets	1/11	12/11	CY+6		
AC-13-09	Disbursements A (Misc.) - AT&T	7/11	6/12	CY+6		
AC-13-10	Disbursements A-B	7/12	6/13	CY+6		
AC-13-10	Disbursements Automation Dir-State of CA	7/11	6/12	CY+6		
AC-13-11	Disbursements CAD Masters-Eyler	7/11	6/12	CY+6		

DESTRUCTION APPROVALS SIGNATURES	
Department Head <i>Julie Blue</i>	Date Approved <i>3/27/19</i>
Auditor-Controller <i>Julie Blue</i>	Date Approved <i>3/27/19</i>
Records Retention Manager <i>T. Kehoe</i>	Date Approved <i>3/27/19</i>
General Manager <i>[Signature]</i>	Date Approved <i>3/28/19</i>
BOD Meeting Approval Date: _____	
Certificate of Destruction completed: Date: _____ No. _____ By: _____	
SUGGESTED METHOD OF DESTRUCTION <input checked="" type="checkbox"/> Shredding <input type="checkbox"/> Other _____ <input type="checkbox"/> Waste Paper (Recycled) <b>Note: Confidential records will be destroyed by shredding</b>	



**NORTH MARIN WATER DISTRICT RECORDS RETENTION  
REQUEST FOR DESTRUCTION OF RECORDS**

**Admin. - Accounting**

Retention periods for the listed records have expired. Please indicate your approval by signing where indicated. If you disapprove for any reason, mark through the record, initial and state reason for disapproval.

Box No.	RECORD NAME	DATE RANGE		NMWD Retention Period	Request prepared by: District Secretary, Terrie Kehoe	Date: March 22, 2019
		From	To			
AC-13-11	Disbursements C-D	7/12	6/13	CY+6		
AC-13-12	Disbursements E-H	7/12	6/13	CY+6		
AC-13-12	Disbursements F (Misc)-Hydro Science	7/11	6/12	CY+6		
AC-13-13	Disbursements I (Misc)-Matchette	7/11	6/12	CY+6		
AC-13-13	Disbursements I-MC	7/12	6/13	CY+6		
AC-13-14	Disbursements McAgnon- NUSD	7/11	6/12	CY+6		
AC-13-14	Disbursements ME-O	7/12	6/13	CY+6		
AC-13-15	Disbursements P-PET	7/12	6/13	CY+6		
AC-13-15	Disbursements NSI-Pace Supply	7/11	6/12	CY+6		
AC-13-16	Disbursements PG&E-SIE	7/12	6/13	CY+6		
AC-13-16	Disbursements Pape-Roberts & Brune	7/11	6/12	CY+6		
AC-13-17	Disbursements S(Misc)-Truttman	7/11	6/12	CY+6		
AC-13-17	Disbursements SJ-U	7/12	6/13	CY+6		
AC-13-18	Disbursements U(Misc)- Insta Print	7/11	6/12	CY+6		
AC-13-18	Disbursements V-Z	7/12	6/13	CY+6		
AC-14-01	Job Cost Work Order Changes	7/12/12	3/15/13	CY+4		
"	A/R Sales Journals	8/9/11	7/11/12	CY+4		
"	A/R Cash Receipts Journals	8/10/11	6/30/13	CY+4		
"	A/R Daily Cash Reports	1/4/10	6/28/13	CY+4		
AC-14-12	Account Payable Posting Registers	11/14/12	5/27/13	CY+4		

DESTRUCTION APPROVALS SIGNATURES	
Department Head <i>Julie Blue</i>	Date Approved 3/27/19
Auditor-Controller <i>Julie Blue</i>	Date Approved 3/27/19
Records Retention Manager <i>T. Kehoe</i>	Date Approved 3/27/19
General Manager <i>[Signature]</i>	Date Approved 3/28/19
BOD Meeting Approval	
Date: _____	
Certificate of Destruction completed:	
Date: _____ No. _____ By: _____	
SUGGESTED METHOD OF DESTRUCTION	
<input checked="" type="checkbox"/> Shredding <input type="checkbox"/> Other _____	
<input type="checkbox"/> Waste Paper (Recycled)         Note: Confidential records will be destroyed by shredding	

# NORTH MARIN WATER DISTRICT RECORDS RETENTION REQUEST FOR DESTRUCTION OF RECORDS

## Admin. - Accounting

Retention periods for the listed records have expired. Please indicate your approval by signing where indicated. If you disapprove for any reason, mark through the record, initial and state reason for disapproval.

Box No.	RECORD NAME	DATE RANGE		NMWD Retention Period	Request prepared by: District Secretary, Terrie Kehoe	Date: March 22, 2019
		From	To			
"	Deduction Registers	1/15/10	1/15/12	CY+6		
AC-15-2	Payroll Report-PAS	7/15/12	6/30/13	CY+4		
"	Job Postings Registers	5/31/13	8/8/13	CY+4		
"	A/R Invoices #11900-11999	9/21/10	6/14/11	CY+6		
"	Vehicle Timesheets FY14	7/1/13	6/30/14	CY+4		
AC-15-3	Payroll Report - PAS	7/15/13	6/30/14	CY+4		
"	Job Postings Registers	8/9/13	5/15/14	CY+4		
"	A/R Cash Receipts Journals	7/1/13	5/15/14	CY+4		
AC-15-16	Accounts Payable Check Register	4/20/11	12/28/11	CY+6		
"	A/P Posting Registers	5/29/13	12/19/13	CY+4		
"	Payroll Direct Deposit Register	5/15/10	9/15/11	CY+6		
"	Payroll Posting Registers	11/15/12	12/31/13	CY+4		
AC-16-32	Employment Tax Filings Quarterly Reports (Payroll Tax Forms)	2009	2012	CY+6		
AC-17-02	F/A Depreciation Expense Reports	8/4/13	7/13/14	CY+2		
"	F/A Net Book Value Report & Fixed Assets Journal	7/31/15	7/5/16	CY+2		
AC-17-08	Employee Retirement Plans:					
	Lincoln Financial Nationwide	7/13/11	6/30/14	CY+6		
"	Dental Benefits Paid & Admin Fees					
	(SHIR01 & SHIR02)	7/6/11	6/14/13	CY+6		

DESTRUCTION APPROVALS SIGNATURES	
Department Head <i>Julie Blue</i>	Date Approved <i>3/27/19</i>
Auditor-Controller <i>Julie Blue</i>	Date Approved <i>3/27/19</i>
Records Retention Manager <i>T. Kehoe</i>	Date Approved <i>3/27/19</i>
General Manager <i>[Signature]</i>	Date Approved <i>3/28/19</i>
BOD Meeting Approval Date: _____	
Certificate of Destruction completed: Date: _____ No. _____ By: _____	
SUGGESTED METHOD OF DESTRUCTION	
<input checked="" type="checkbox"/> Shredding <span style="float: right;"><input type="checkbox"/> Other _____</span>	
<input type="checkbox"/> Waste Paper (Recycled) <span style="float: right;"><b>Note: Confidential records will be destroyed by shredding</b></span>	




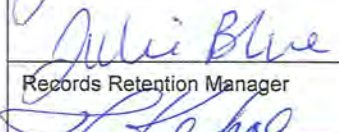
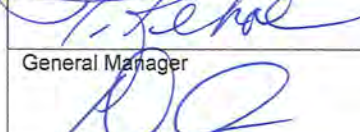
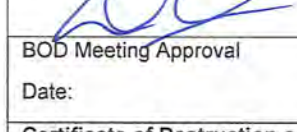
# NORTH MARIN WATER DISTRICT RECORDS RETENTION REQUEST FOR DESTRUCTION OF RECORDS

## Admin. - Accounting

Retention periods for the listed records have expired. Please indicate your approval by signing where indicated. If you disapprove for any reason, mark through the record, initial and state reason for disapproval.

Box No.	RECORD NAME	DATE RANGE		NMWD Retention Period	Request prepared by: District Secretary, Terrie Kehoe	Date: March 22, 2019
		From	To			
"	CalPERS Retirement (CALP02)	7/25/13	6/26/14	CY+6		
"	CalPERS Health (CALP03)	8/3/11	6/5/14	CY+4		
"	CalPERS Financial Report & Accounting (CALP04)		6/19/14	CY+6		
"	Disbursements	7/2/10	3/12/12	CY+6		
"	A/P Check Register	3/3/10	4/13/11	CY+6		
"	Mutual of Omaha	7/25/13	5/29/14	CY+6		
"	UNUM	9/14/11	7/3/13	CY+6		
AC-17-10	AFLAC 2012 (A-Z)	1/1/12	12/31/12	CY+6		
"	AFLAC 2011 (A-Z)	1/1/11	12/31/11	CY+6		
"	Direct Deposit Register	12/31/08	4/30/10	CY+6		
"	Vision Plan	7/1/11	6/30/12	CY+6		
"	Vision Plan	7/1/10	6/30/11	CY+6		
"	Vision Plan	7/1/12	6/30/13	CY+6		
AC-17-11	Bank Statements	7/5/07	6/30/14	CY+4		
AC-18-6	Timesheets 2012	1/1/12	12/31/12	CY+6		

### DESTRUCTION APPROVALS SIGNATURES

Department Head 	Date Approved 3/27/19
Auditor-Controller 	Date Approved 3/27/19
Records Retention Manager 	Date Approved 3/27/19
General Manager 	Date Approved 3/28/19

BOD Meeting Approval  
Date: \_\_\_\_\_

Certificate of Destruction completed:  
Date: \_\_\_\_\_ No. \_\_\_\_\_ By: \_\_\_\_\_

### SUGGESTED METHOD OF DESTRUCTION

☒ Shredding
 ☐ Other \_\_\_\_\_

☐ Waste Paper (Recycled)
 **Note: Confidential records will be destroyed by shredding**

**NORTH MARIN WATER DISTRICT RECORDS RETENTION  
REQUEST FOR DESTRUCTION OF RECORDS**

**Admin. - Billing**

Retention periods for the listed records have expired. Please indicate your approval by signing where indicated. If you disapprove for any reason, mark through the record, initial and state reason for disapproval.

Box No.	RECORD NAME	DATE RANGE		NMWD Retention Period	Request prepared by: District Secretary, Terrie Kehoe	Date: March 22, 2019
		From	To			
B-14-01	Payment Stubs	12/28/12	1/17/13	CY+4		
B-14-02	Payment Stubs	1/18/13	2/6/13	CY+4		
B-14-03	Payment Stubs	2/7/13	3/4/13	CY+4		
B-14-04	Payment Stubs	3/5/13	3/25/13	CY+4		
B-14-05	Payment Stubs	3/26/13	4/11/13	CY+4		
B-14-06	Payment Stubs	4/12/13	5/1/13	CY+4		
B-14-07	Payment Stubs	5/2/13	5/22/13	CY+4		
B-14-08	Payment Stubs	5/23/13	6/13/13	CY+4		
B-14-09	Payment Stubs	6/14/13	7/5/13	CY+4		
B-14-10	Payment Stubs	7/8/13	7/16/13	CY+4		
B-14-11	Payment Stubs	7/16/13	7/29/13	CY+4		
B-14-12	Payment Stubs	7/19/13	9/9/13	CY+4		
B-14-13	Payment Stubs	9/10/13	10/4/13	CY+4		
B-14-14	Payment Stubs	10/7/13	10/24/13	CY+4		
B-14-15	Payment Stubs	10/25/13	11/20/13	CY+4		
B-14-16	Payment Stubs	11/21/13	12/13/13	CY+4		
B-14-17	Posted Payment Reports	1/2013	4/2013	CY+4		
B-14-18	Posted Payment Reports	5/2013	8/2013	CY+4		
B-14-19	Posted Payment Reports	9/2013	12/2013	CY+4		
B-14-23	Old Close List 2013	1/1/2013	12/31/2013	CY+4		

DESTRUCTION APPROVALS SIGNATURES	
Department Head <i>Julie Blue</i>	Date Approved <i>3/27/19</i>
Auditor-Controller <i>Julie Blue</i>	Date Approved <i>3/27/19</i>
Records Retention Manager <i>T. Kehoe</i>	Date Approved <i>3/27/19</i>
General Manager <i>DK</i>	Date Approved <i>3/28/19</i>
BOD Meeting Approval	
Date: _____	
Certificate of Destruction completed:	
Date: _____ No. _____ By: _____	
SUGGESTED METHOD OF DESTRUCTION	
<input checked="" type="checkbox"/> Shredding <input type="checkbox"/> Other _____	
<input type="checkbox"/> Waste Paper (Recycled)         Note: Confidential records will be destroyed by shredding	



**NORTH MARIN WATER DISTRICT RECORDS RETENTION  
REQUEST FOR DESTRUCTION OF RECORDS**

**Admin. - Billing**

Retention periods for the listed records have expired. Please indicate your approval by signing where indicated. If you disapprove for any reason, mark through the record, initial and state reason for disapproval.

Box No.	RECORD NAME	DATE RANGE		NMWD Retention Period	Request prepared by: District Secretary, Terrie Kehoe	Date: March 22, 2019
		From	To			
"	APS 2013	1/1/13	12/31/13	CY+4		
"	Cash Receipt Books	12/11/12	12/12/13	CY+4		
B-15-02	APS Bank Draft 2014	1/1/14	12/31/14	CY+4		
"	Cash Receipt Book 2014	1/1/14	12/31/14	CY+4		
"	Old Close List 2015	1/1/15	12/31/15	CY+3		
B-15-08	Posted Payments Report	1/2014	4/2014	CY+4		
B-15-09	Posted Payments Report	5/2014	8/2014	CY+4		
B-15-10	Posted Payments Report	9/2014	12/2014	CY+4		
B-15-11	Payment Stubs	12/16/13	1/7/14	CY+4		
B-15-12	Payment Stubs	1/8/14	1/30/14	CY+4		
B-15-13	Payment Stubs	1/31/14	2/24/14	CY+4		
B-15-14	Payment Stubs	2/25/14	3/17/14	CY+4		
B-15-15	Payment Stubs	3/18/14	4/30/14	CY+4		
B-15-16	Payment Stubs	5/1/14	8/26/14	CY+4		
B-15-17	Payment Stubs	8/27/14	12/26/14	CY+4		
B-16-03	Posted Payments Report	1/2015	5/2015	CY+2		
B-16-04	Posted Payments Report	6/2015	10/2015	CY+2		
B-16-05	Posted Payments Report	11/2015	12/2015	CY+2		
"	Service Complaint Report	2014	2015	CY+2		
"	Notification Log from NPD 2015	1/1/2015	12/31/15	CY+2		

DESTRUCTION APPROVALS SIGNATURES	
Department Head <i>Julie Blue</i>	Date Approved <i>3/27/19</i>
Auditor-Controller <i>Julie Blue</i>	Date Approved <i>3/27/19</i>
Records Retention Manager <i>T. Kehoe</i>	Date Approved <i>3/27/19</i>
General Manager <i>DS</i>	Date Approved <i>3/28/19</i>
BOD Meeting Approval	
Date: _____	
Certificate of Destruction completed:	
Date: _____ No. _____ By: _____	
SUGGESTED METHOD OF DESTRUCTION	
<input checked="" type="checkbox"/> Shredding <input type="checkbox"/> Other _____	
<input type="checkbox"/> Waste Paper (Recycled)         Note: Confidential records will be destroyed by shredding	

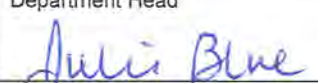
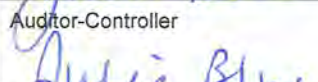


# NORTH MARIN WATER DISTRICT RECORDS RETENTION REQUEST FOR DESTRUCTION OF RECORDS

Admin. - Billing

Retention periods for the listed records have expired. Please indicate your approval by signing where indicated. If you disapprove for any reason, mark through the record, initial and state reason for disapproval.

Box No.	RECORD NAME	DATE RANGE		NMWD Retention Period	Request prepared by: District Secretary, Terrie Kehoe	Date: March 22, 2019
		From	To			
"	Closed APS 2014	1/1/14	12/31/14	CY+2		
"	Deposit Slips 2015	1/1/15	12/31/15	CY+2		
"	Cash Register Tapes 2015	1/1/15	12/31/15	CY+2		
"	Encoding Tape 2015	1/1/15	12/31/15	CY+2		
B-16-12	Bill Adjustments 2014	1/1/14	12/31/14	CY+4		
"	Cash Receipt Book 2015	1/1/15	12/31/15	CY+4		
B-16-14	Payment Stubs	12/29/14	4/30/15	CY+2		
B-16-15	Payment Stubs	5/1/15	9/30/15	CY+2		
B-17-01	Payment Stubs	7/8/16	12/8/16	CY+2		
B-17-02	Payment Stubs	2/1/16	7/7/16	CY+2		
B-17-03	Payment Stubs	10/1/15	1/29/16	CY+2		
B-17-05	Encoding Tapes 2016	1/1/16	12/31/16	CY+2		
"	Back Flow Charge 2016	1/1/16	12/31/16	CY+2		
"	Customer Service Questionnaire 2016	1/1/16	12/31/16	CY+2		
"	Service Complaint Reports 2016	1/1/16	12/31/16	CY+2		
"	Water Load Permits 2016	1/1/16	12/31/16	CY+2		
"	NPD Report 2016	1/1/16	12/31/16	CY+2		
"	Return APS 2015	1/1/15	12/31/15	CY+2		
"	Deposit Slips 2016	1/1/16	12/31/16	CY+2		
"	Shut Off Lists 2015	1/1/15	12/31/15	CY+2		

DESTRUCTION APPROVALS SIGNATURES	
Department Head	Date Approved
	3/27/19
Auditor-Controller	Date Approved
	3/27/19
Records Retention Manager	Date Approved
	3/27/19
General Manager	Date Approved
	3/28/19
BOD Meeting Approval	
Date: _____	
Certificate of Destruction completed:	
Date: _____ No. _____ By: _____	
SUGGESTED METHOD OF DESTRUCTION	
<input checked="" type="checkbox"/> Shredding <span style="float: right;"><input type="checkbox"/> Other _____</span>	
<input type="checkbox"/> Waste Paper (Recycled) <span style="float: right;">Note: Confidential records will be destroyed by shredding</span>	



# NORTH MARIN WATER DISTRICT RECORDS RETENTION REQUEST FOR DESTRUCTION OF RECORDS

Admin. - Billing

Retention periods for the listed records have expired. Please indicate your approval by signing where indicated. If you disapprove for any reason, mark through the record, initial and state reason for disapproval.

Box No.	RECORD NAME	DATE RANGE		NMWD Retention Period	Request prepared by: District Secretary, Terrie Kehoe	Date: March 22, 2019
		From	To			
B-17-06	Meter Read Edits 2015 Cycle 1,2,3	1/1/15	12/31/15	CY+2		
"	Closed APS 2015	1/1/15	12/31/15	CY+2		
"	Customer Correspondence 2015	1/1/15	12/31/15	CY+2		
B-17-07	Meter Read Edits 2015 Cycle 4,5,6,7,8	1/1/15	12/31/15	CY+2		
B-18-A	APS Application 1995-2018	1995	2018	SUS/OB		
B-18-B	Consumer Application (In&Out Backup)	2014	2015	CY+2		
B-18-C	Service Orders 2013 (Yellow Tags) A-L	1/1/13	12/31/13	CY+4		
B-18-D	Service Orders 2014 (Yellow Tags)	1/1/14	12/31/14	CY+4		
B-18-E	Service Orders 2013 (Yellow Tags)M-Z	1/1/13	12/31/13	CY+4		
B-18-F	Shut off lists 2016	1/1/16	12/31/16	CY+1		
B-17-08	Posted Payments Report 2016	7/2016	12/2016	CY+2		
B-17-09	Posted Payments Report 2016	1/2016	6/2016	CY+2		
B-17-10	Service Orders 2012 (Yellow Tags)A-L	1/1/12	12/31/12	CY+4		
B-17-11	Service Orders 2012 (Yellow Tags)M-Z	1/1/12	12/31/12	CY+4		
B-18-01	2017 Posted Payments Report	8/2017	12/2017	CY+2		
B-18-02	2017 Posted Payments Report	1/2017	7/2017	CY+2		
B-18-03	2016 Meter Reading Edit/Audit Report Cycle 1-3	1/1/16	12/31/16	CY+2		
"	2016 Customer Correspondence	1/1/16	12/31/16	CY+2		
"	2016 Corrected Bills	1/1/16	12/31/16	CY+2		
"	2016 Return Checks	1/1/16	12/31/16	CY+2		

DESTRUCTION APPROVALS SIGNATURES	
Department Head	Date Approved
<i>Julie Blue</i>	3/27/19
Auditor-Controller	Date Approved
<i>Julie Blue</i>	3/27/19
Records Retention Manager	Date Approved
<i>T. Kehoe</i>	3/27/19
General Manager	Date Approved
<i>DK</i>	3/28/19
BOD Meeting Approval	
Date: _____	
Certificate of Destruction completed:	
Date: _____ No. _____ By: _____	
SUGGESTED METHOD OF DESTRUCTION	
<input checked="" type="checkbox"/> Shredding <span style="float: right;"><input type="checkbox"/> Other _____</span>	
<input type="checkbox"/> Waste Paper (Recycled) <span style="float: right;"><b>Note: Confidential records will be destroyed by shredding</b></span>	

**NORTH MARIN WATER DISTRICT RECORDS RETENTION  
REQUEST FOR DESTRUCTION OF RECORDS**

**Admin. - Billing**

Retention periods for the listed records have expired. Please indicate your approval by signing where indicated. If you disapprove for any reason, mark through the record, initial and state reason for disapproval.

[illegible]



2019

# **NORTH MARIN WATER DISTRICT RECORDS RETENTION REQUEST FOR DESTRUCTION OF RECORDS**

Retention periods for the listed records have expired. Please indicate your approval by signing where indicated. If you disapprove for any reason, mark through the record, initial and state reason for disapproval.

Dept	RECORD CATEGORY NAME	DATE RANGE		NMWD Retention Period
		From	To	
21	Rejected Bids			CY + 02
	RW So. Phs 1a	2012	2012	CY + 02
	RW So. Phs 1b	2011	2011	CY + 02
	RW So. Phs 2	2012	2012	CY + 02
	RW Retrofits (6057)	2013	2013	CY + 02
	RW So Retrofits – 1S	2012	2012	CY + 02
	RW No. Seg 1	2011	2011	CY + 02
	RW No. Seg 2	2011	2011	CY + 02
	RW No. Seg 3	2011	2011	CY + 02
	RW No. Plum St Tank	2011	2011	CY + 02
	So. Novato Blvd. –Rowland to Sunset	2015	2015	CY + 02
	Atherton Tank Rehab	2014	2014	CY + 02
	Gallagher Well Pipeline	2014	2014	CY + 02

Request prepared by: Eileen Blue	Date: 3-12-19
DESTRUCTION APPROVALS SIGNATURES	
Department Head <i>R. Logan</i>	Date Approved 3/13/19
Auditor-Controller <i>Julie Blue</i>	Date Approved 3/14/19
Records Retention Manager <i>T. Kehoe</i>	Date Approved 3/27/19
General Manager <i>[Signature]</i>	Date Approved 3/28/19
BOD Meeting Approval Date: _____	
Certificate of Destruction completed: Date: _____ No. _____ By: _____	
SUGGESTED METHOD OF DESTRUCTION	
<input type="checkbox"/> Shredding	<input type="checkbox"/> Other _____
<input type="checkbox"/> Waste Paper (Recycled)	Note: Confidential records will be destroyed by shredding

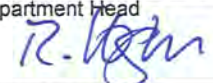
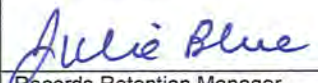
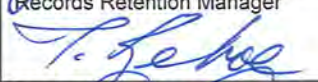
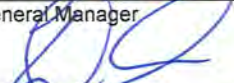
(1 Box)

2019

# NORTH MARIN WATER DISTRICT RECORDS RETENTION REQUEST FOR DESTRUCTION OF RECORDS

Retention periods for the listed records have expired. Please indicate your approval by signing where indicated. If you disapprove for any reason, mark through the record, initial and state reason for disapproval.

Dept	RECORD CATEGORY NAME	DATE RANGE		NMWD Retention Period
		From	To	
21	Rejected Proposals			CY + 02
	P RTP Eng. Servs	2010	2010	CY + 02
	RW So. Const Mgmt	2011	2011	CY + 02
	RW So. Appraisal	2011	2011	CY + 02
	RW No. Const Mgmt	2011	2011	CY + 02
	Stafford Lake Topo/Bathymetric Survey	2010	2010	CY + 02
	Stafford Dam EAP	2014	2014	CY + 02
	STP – Solar	2010	2010	CY + 02
	MSN/AEEP Const Mgmt	2014	2014	CY + 02

Request prepared by: Eileen Blue	Date: 3-12-19
DESTRUCTION APPROVALS SIGNATURES	
Department Head 	Date Approved 3/13/19
Auditor-Controller 	Date Approved 3/14/19
Records Retention Manager 	Date Approved 3/27/19
General Manager 	Date Approved 3/28/19
BOD Meeting Approval Date: _____	
Certificate of Destruction completed: Date: _____ No. _____ By: _____	
SUGGESTED METHOD OF DESTRUCTION	
<input type="checkbox"/> Shredding <input type="checkbox"/> Other _____	
<input type="checkbox"/> Waste Paper (Recycled) <b>Note: Confidential records will be destroyed by shredding</b>	



**NORTH MARIN WATER DISTRICT RECORDS RETENTION  
REQUEST FOR DESTRUCTION OF RECORDS**

Admin. - GM

Retention periods for the listed records have expired. Please indicate your approval by signing where indicated. If you disapprove for any reason, mark through the record, initial and state reason for disapproval.

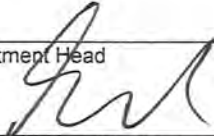
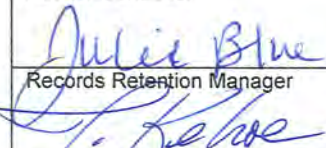

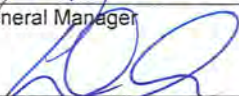
[illegible]

[illegible]

SUGGESTED METHOD OF DESTRUCTION	
<input checked="" type="checkbox"/> Shredding	<input type="checkbox"/> Other _____
<input type="checkbox"/> Waste Paper (Recycled)	<b>Note: Confidential records will be destroyed by shredding</b>



[illegible]

DESTRUCTION APPROVALS SIGNATURES	
Department Head 	Date Approved 3/26/19
Auditor-Controller 	Date Approved 3/27/19
Records Retention Manager 	Date Approved 3/27/19
General Manager 	Date Approved 3/28/19
BOD Meeting Approval	
Date: _____	
Certificate of Destruction completed:	
Date: _____ No. _____ By: _____	
SUGGESTED METHOD OF DESTRUCTION	
<input checked="" type="checkbox"/> Shredding <input type="checkbox"/> Waste Paper (Recycled)	<input type="checkbox"/> Other _____ <b>Note: Confidential records will be destroyed by shredding</b>

## NORTH MARIN WATER DISTRICT RECORDS RETENTION

## REQUEST FOR DESTRUCTION OF RECORDS

## Water Quality/Lab

Retention periods for the listed records have expired. Please indicate your approval by signing where indicated. If you disapprove for any reason, mark through the record, initial and state reason for disapproval.

[illegible]

**NORTH MARIN WATER DISTRICT RECORDS RETENTION  
REQUEST FOR DESTRUCTION OF RECORDS**

## Maintenance

Retention periods for the listed records have expired. Please indicate your approval by signing where indicated. If you disapprove for any reason, mark through the record, initial and state reason for disapproval.

[illegible]




[illegible]



9

## MEMORANDUM

TO: Board of Directors April 2, 2019

FROM: Rocky Vogler, Chief Engineer 

SUBJ: Settlement Agreement between Young Family and NMWD – PRE Tank 4A Replacement

R:\Folders by Job No\6000 jobs\6263.20 PRE Tank 4A\BOD Memos\4-2-19 Agreement Auth.doc

**RECOMMENDED ACTION:** Authorize General Manager to Execute Settlement Agreement with the Young Family

**FINANCIAL IMPACT:** Approximately \$10,000 (included in the FY 19 CIP Budget)

The Young family (Young) submitted an appeal on January 28, 2019 to the California Coastal Commission (CCC). The appeal is requesting that the CCC overturn the Marin County Board of Supervisors approval of a Coastal Development Permit on December 18, 2019 for the PRE Tank 4A project. The CCC hearing date is scheduled for 9 a.m. on April 10<sup>th</sup> at the County Board of Supervisors chambers in Salinas, CA (Monterey County). CCC staff have prepared an appeal staff report (attached), and are recommending a finding of “No Substantial Issue”, which addresses whether or not the Young’s appeal raises a substantial issue.

On February 12, 2019, District staff participated in a conference call with the Young’s attorneys and engineer to further discuss the Young’s desire for the District to move the tank further from their property, as well as review the existing site conditions/constraints that limit the District’s flexibility in accommodating their requested relocation. During the conversation, the Young family’s attorneys indicated the possibility of further legal action by the Young family should the outcome of the CCC hearing be unfavorable to them. District staff agreed to review whether any shift of the tank to the south and west could be accommodated. Subsequently, District staff determined that the horizontal location of the tank could be adjusted by moving a maximum distance of 1’-9” to the south and 5’-0” to the west. District staff contacted the property owner at 420 Drakes View Drive (toward which the tank would be moved under the proposal) to solicit concurrence with the proposed shift, which they provided. A follow up conference call with the Young’s attorneys and engineer was held on March 11, 2019, during which the Young’s attorneys agreed to review the proposed shift in tank location with the Young’s, and also agreed to provide feedback from Young by March 22, 2019. The Young’s attorneys did respond via email on March 27, 2019, indicating Young would accept the proposed shift with several additional stipulations, all of which were minor in nature and can be accommodated by the District.

During the aforementioned process, District staff has kept its legal counsel apprised of any developments. District counsel recommended that a Settlement Agreement be developed

between Young and the District that would capture the agreed upon shift in tank location and additional minor stipulations, as well as require Young to withdraw their appeal to the CCC and forego their right to any future legal action related to the tank 4A project. District counsel will prepare the Settlement Agreement, and staff anticipates acceptance by both parties by April 5, 2019 in order for Young to notify the CCC of their desire to withdraw their appeal prior to the April 10, 2019 CCC hearing.

Staff estimates that the cost to update the design drawings with the adjusted tank location will range between \$5,000 and \$7,000. In addition, legal costs to prepare the Settlement Agreement and participate in verbal/written communications are estimated at \$3,000. The costs of defending litigation brought by Young, at a minimum, would likely be a multiple of those amounts.

**RECOMMENDATION:**

Authorize the General Manager to execute the Settlement Agreement between the Young Family and the District for the PRE Tank 4A Project, in a form approved by District legal counsel.

**CALIFORNIA COASTAL COMMISSION**

NORTH CENTRAL COAST DISTRICT OFFICE  
45 FREMONT STREET, SUITE 2000  
SAN FRANCISCO, CA 94105  
PHONE: (415) 904-5260  
FAX: (415) 904-5400  
WEB: WWW.COASTAL.CA.GOV



# W18a

Appeal Filed:	01/28/2019
49th Day:	Waived
Action deadline:	None
Staff:	EM - SF
Staff Report:	03/22/2019
Hearing Date:	04/10/2019

## APPEAL STAFF REPORT: SUBSTANTIAL ISSUE DETERMINATION ONLY

<b>Appeal Number:</b>	<b>A-2-MAR-19-0007</b>
<b>Applicant:</b>	<b>North Marin Water District</b>
<b>Appellant:</b>	Owl Mountain LLC on behalf of the Young Family
<b>Local Government:</b>	Marin County
<b>Local Decision:</b>	<b>County</b> Coastal Development Permit (CDP) P1927 approved by the Marin County Board of Supervisors on December 18, 2018.
<b>Project Location:</b>	The terminus of Drakes View Drive (APN 114-120-09) in Inverness, Marin County.
<b>Project Description:</b>	Replacement of a previously destroyed 25,000-gallon public water supply storage tank and an existing 50,000-gallon tank with a new 125,000-gallon concrete tank.
<b>Staff Recommendation:</b>	No Substantial Issue

---

**Important Hearing Procedure Note:** This is a substantial issue only hearing. Testimony will be taken only on the question of whether the appeal raises a substantial issue. Generally and at the discretion of the Chair, testimony is limited to three minutes total per side. Please plan your testimony accordingly. Only the Applicant, persons who opposed the application before the local government (or their representatives), and the local government shall be qualified to testify.

Others may submit comments in writing. If the Commission determines that the appeal does raise a substantial issue, the de novo phase of the hearing will occur at a future Commission meeting, during which the Commission will take public testimony. (California Code of Regulations, Title 14, Sections 13115 and 13117.)

## **SUMMARY OF STAFF RECOMMENDATION**

The Marin County Board of Supervisors approved a coastal development permit (CDP) to replace a previously destroyed 25,000-gallon water storage tank and an existing 50,000-gallon tank with a new 125,000-gallon tank (with a height of 20 feet 8 inches above existing grade and 34 feet in diameter) located at the terminus of Drakes View Drive, in the Paradise Ranch Estates neighborhood of the unincorporated Inverness area of Marin County.

The Appellant contends that the County-approved project raises Marin County Local Coastal Program (LCP) consistency issues relating to height restrictions for the Coastal Residential Single-Family Planned District (C-RSP), the protection of visual resources and community character, and grading and excavation standards. Specifically, the Appellant contends that the County-approved project is taller than the allowed maximum height for the designated zoning district's standards for ridgetop lots, its design is inconsistent with the visual resources and community character of the surrounding neighborhood and would result in impacts to both public and private views, and construction of the proposed project would result in runoff to and erosion of the Appellant's property.

While the project site is located near the top of a topographic knoll at the crest of Inverness Ridge, the tank site is predominately wooded and not visible from public highways or other public viewing areas. The existing public view of the site from Shoreline Highway on the east side of Tomales Bay looking west only presents densely wooded hills, with few residences even visible. Additionally, Point Reyes National Seashore is on the opposite side of the knoll, however the tank would not be visible from the National Park or the Inverness Ridge Trail. In short, the only views affected by the proposed project are *private* views, which aren't protected by the LCP.

In terms of the Appellant's height allegation, the project location is not considered a ridge lot and does not otherwise implicate ridgetop requirements, and thus the applicable height standard is a maximum of 25 feet. Because the proposed tank would be just less than 21 feet tall, it meets LCP height requirements. In terms of visual resources and community character, the proposed tank is comparable in bulk and scale to surrounding development and has also been designed to minimize impacts on the surrounding viewshed, particularly for neighboring residences, through the use of a vegetated berm and native landscape. The proposed tank would use building materials that are earth-toned with a patina intended to mimic the visual appearance of the existing redwood tank. Therefore, the proposed tank would effectively blend in with its surroundings consistent with applicable LCP policies protecting visual resources and community character as well. Lastly, the proposed water storage tank would be in conformance with the LCP's grading and excavation standards policies because the proposed project does not involve extensive grading and excavation, and would be appropriately sited and designed to minimize and otherwise address potential runoff/erosion impacts to the neighboring properties. Specifically, native vegetation would be used to stabilize slopes, and an erosion and sediment

control plan with appropriate best management practices is required to be implemented under the County's CDP, consistent with applicable LCP policies regarding grading and excavation.

As a result, staff recommends that the Commission determine that the appeal contentions do not raise a substantial LCP conformance issue and decline to take jurisdiction over the CDP for this project. The single motion necessary to implement this recommendation is found on page 5 below.

## TABLE OF CONTENTS

<b>I. MOTION AND RESOLUTION.....</b>	<b>5</b>
<b>II. FINDINGS AND DECLARATIONS.....</b>	<b>5</b>
A. PROJECT LOCATION AND DESCRIPTION .....	5
B. MARIN COUNTY CDP APPROVAL .....	6
C. APPEAL PROCEDURES .....	7
D. SUMMARY OF APPEAL CONTENTIONS .....	7
E. SUBSTANTIAL ISSUE DETERMINATION .....	8
F. CONCLUSION .....	14

## APPENDICES

Appendix A - Substantive File Documents

Appendix B – Staff Contact with Agencies and Groups

## EXHIBITS

Exhibit 1 – Location Map

Exhibit 2 – Parcel Location

Exhibit 3 – Project Site Plan

Exhibit 4 – Project Site Images

Exhibit 5 – Marin County Final Local CDP Action Notice

Exhibit 6 – Appeal of Marin County Local CDP Action

## I. MOTION AND RESOLUTION

Staff recommends that the Commission determine that **no substantial issue** exists with respect to the grounds on which the appeal was filed. A finding of no substantial issue would mean that the Commission will not hear the application de novo and that the local action will become final and effective. To implement this recommendation, staff recommends a **YES** vote on the following motion. The motion passes only by affirmative vote of a majority of the Commissioners present.

***Motion:** I move that the Commission determine that Appeal Number A-2-MAR-19-0007 raises no substantial issue with respect to the grounds on which the appeal has been filed under Section 30603. I recommend a yes vote.*

***Resolution.** The Commission finds that Appeal Number A-2-MAR-19-0007 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Program and/or the public access and recreation policies of the Coastal Act.*

## II. FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

### A. PROJECT LOCATION AND DESCRIPTION

The County-approved project is located on Drakes View Drive in the Paradise Ranch Estates neighborhood of the unincorporated Inverness area of Marin County (see **Exhibit 1** for a location map). The project site is near the top of a wooded topographic knoll on an east-facing side of Inverness Ridge on the Point Reyes peninsula. The 0.126-acre parcel is zoned Residential Single-Family Planned District (C-RSP), is surrounded by single-family residential parcels (of the same zoning) on all sides, and is owned by North Marin Water District (NMWD). Currently the parcel is developed with one wooden water storage tank and an access road for NMWD construction and maintenance (with access via the adjacent property at 420 Drakes View Drive). The parcel previously contained a second redwood water storage tank that was destroyed in the 1995 Mount Vision Fire. In Inverness, NMWD uses water storage tanks to meet the community's domestic water needs and maintain adequate water reserves for fire protection. The proposed tank would be located approximately 22 feet 6 inches from the western front property line, 5 feet from the northern side of the property line (which is also the property line for the adjacent, Appellant's property at 25 Buck Point Drive), 22 feet 6 inches from the southern side property line, 22 feet from the western rear property line, and about 250 feet east of the Inverness Ridge Trail within the Point Reyes National Seashore. See **Exhibit 2** for a depiction of parcel locations.

The proposed project would replace the previously destroyed 20-foot high, 16-foot diameter, 25,000-gallon redwood water storage tank and the existing 20-foot high, 22-foot diameter, 50,000-gallon redwood tank (which would be demolished) with a new 125,000-gallon tank with



a height 20 feet 8 inches above existing grade and 34 feet in diameter. According to NMWD the existing 50,000-gallon tank has surpassed its design life and is being replaced to meet the recommendations made in NMWD's 2001 West Marin Long Range Plan and the 2014 West Marin Water System Plan, as well as the recommendations provided by the Marine County Fire Department for fire storage requirements. The current 50,000 gallon tank does not provide an adequate amount of fire storage capacity. The new larger capacity tank will ensure adequate water supply for the Paradise Ranch Estates neighborhood on the Point Reyes Peninsula, plus expand water storage capacity to protect properties within the subdivision from fire hazards. The new tank will modernize the current water treatment system and storage capacity. Please see **Exhibit 3** for the project site plan; and **Exhibit 4** for photographs of the site and surrounding area, as well as a rendering of the proposed water storage tank with viewpoints from 420 Drakes View Drive.

## **B. MARIN COUNTY CDP APPROVAL**

Marin County received a coastal development permit (CDP) application for the proposed development on February 7, 2018. On March 1, 2018, the County posted a pending application notice on the project site and on August 28, 2018, mailed out a public notice identifying the applicant, describing the project and its location, and providing the date of the Deputy Zoning Administrator (DZA) hearing. This notice was sent to all property owners within a 325-foot radius from the boundaries of the subject property, including the Appellants, and was posted online on the County's project website. On September 13, 2018, the County DZA held a duly noticed public hearing and adopted a resolution conditionally approving the NMWD's CDP. On September 24, 2018, Ryan J. Patterson, on behalf of Jesse Colin Young, submitted an appeal of the NMWD CDP approval to the County Planning Commission raising issues related to public noticing, visual resources, and environmental impacts.

The County Planning Commission held a duly noticed public hearing to take public testimony and consider the project on October 22, 2018. The Planning Commission upheld the DZA's decision, approving the CDP for the project with conditions. These conditions required lowering the proposed tank height from the approved 20 feet 8 inch height above grade to 18 feet above grade, and required that the NMWD fund additional landscaping to reduce visual impacts at the boundary between the NMWD and Young's properties. On October 30, 2018, NMWD appealed the Planning Commission's decision approving the project with said conditions to the County Board of Supervisors. NMWD raised concerns regarding the 18 foot height restriction, asserting the reduction in height would not allow for adequate fire water storage. At the public hearing on December 18, 2018, the Board of Supervisors found that the basis of appeal by NMWD was sufficient to overturn the Planning Commission's decision. Ultimately, the Board of Supervisors determined that the DZA-approved project height was consistent with LCP height limits for the C-RSP zoning district, and the Board removed the Planning Commission conditions limiting project height, but maintained the Planning Commission's requirement to provide a landscaping fund to the Appellant.

The County's Final Local Action Notice (FLAN) of its CDP decision was received in the Coastal Commission's North Central Coast District Office on Monday January 14, 2019 (see **Exhibit 6** for the County FLAN). The Coastal Commission's ten-working day appeal period for this action

began on Tuesday, January 15, 2019 and concluded at 5 p.m. on Friday, January 29, 2019. One valid appeal was received during the appeal period (see **Exhibit 7**).

### **C. APPEAL PROCEDURES**

Coastal Act Section 30603 provides for the appeal to the Coastal Commission of certain CDP decisions in jurisdictions with certified LCPs. The following categories of local CDP decisions are appealable: (a) approval of CDPs for development that is located (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance, (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff, and (3) in a sensitive coastal resource area; or (b) for counties, approval of CDPs for development that is not designated as the principal permitted use under the LCP (Sections 30603(a)(1)-(4)). In addition, any local action (approval or denial) on a CDP for a major public works project (including a publicly financed recreational facility and/or a special district development) or an energy facility is appealable to the Commission (Section 30603(a)(5); see also California Code of Regulations Title 14 Section 13012). The County's decision on the CDP for this project is appealable to the Commission because the project is a major public works project (i.e., it entails improvements to a public works facility that exceed the cost of \$277,033), and because the use is not the principally-permitted use in this zoning district.

The grounds for appeal under Section 30603 are limited to allegations that the development does not conform to the certified LCP or to the public access policies of the Coastal Act. Section 30625(b)(2) of the Coastal Act requires the Commission to consider a CDP for an appealed project de novo unless a majority of the Commission finds that "no substantial issue" is raised by such allegations. Under Section 30604(b), if the Commission conducts the de novo portion of an appeals hearing (upon making a determination of "substantial issue") and ultimately approves a CDP for a project, the Commission must find that the proposed development is in conformity with the certified LCP. If a CDP is approved for a project that is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone, Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act. This project is not located between the nearest public road and the sea, and thus the additional public access and recreation finding is not needed if the Commission were to approve a project following a de novo hearing.

The only persons qualified to testify before the Commission on the substantial issue question are the Applicant, persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing. Any person may testify during the de novo CDP determination stage of an appeal.

### **D. SUMMARY OF APPEAL CONTENTIONS**

The Appellant contends that the County-approved project raises LCP consistency issues relating to visual resources and community character standards, applicable grading standards and height limits. Specifically, the Appellant asserts that (1) the proposed tank is significantly larger than

the existing redwood tank that it will replace, and that it would impact both public and private views inconsistent with LCP requirements that require new development to be sited and designed to blend in with the surroundings, maintain appropriate scale and design, and not obstruct existing coastal views from Highway 1; (2) the project violates LCP grading and excavation standards because it has not been designed to avoid significant erosion or damage to adjacent properties caused by runoff; and (3) the project violates LCP maximum height limits, including because the project site should be regarded as a ridgetop lot, thus requiring a more restrictive height limit. Please see **Exhibit 6** for the Appellants full appeal contentions.

## **E. SUBSTANTIAL ISSUE DETERMINATION**

The term “substantial issue” is not defined in the Coastal Act or in its implementing regulations. In previous decisions on appeals, the Commission has generally been guided by the following factors in making substantial issue determinations: the degree of factual and legal support for the local government’s decision; the extent and scope of the development as approved or denied by the local government; the significance of the coastal resources affected by the decision; the precedential value of the local government's decision for future interpretations of its LCP; and, whether the appeal raises only local issues as opposed to those of regional or statewide significance. Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of a local government’s CDP decision by filing a petition for a writ of mandate pursuant to the Code of Civil Procedure, Section 1094.5.

In this case, and for the reasons discussed further below, the Commission exercises its discretion and determines that the development approved by the County does not raise a substantial issue with regard to the Appellant’s contentions.

### **1. Visual Resources and Community Character**

#### ***Applicable Policies***

The LCP includes policies that require that new development be sited and designed to blend in with the surroundings, and specifically with prominent wooded areas; to maintain appropriate scale and design compatible with the character of the surrounding environment; and to not obstruct existing coastal views from Highway 1 as follows:

#### ***LUP Appendix A page A-8***

*30251. The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

#### ***LUP Policy 3***

*a. The height, scale, and design of new structures shall be compatible with the character of the surrounding natural or built environment. Structures shall be designed to follow*

*the natural contours of the landscape and sited so as not to obstruct significant views as seen from public viewing places.*

*b. Development shall be screened with appropriate landscaping; however such landscaping shall not, when mature, interfere with public views to and along the coast. The use of native plant material is encouraged.*

***LUP Policy 8(c)(4)(c)(2)***

*a. In areas where structures may be seen from the adjacent parklands (primarily the north, south and west sides of the subdivision) structures shall be screened by the existing vegetation to the maximum extent possible. Structures shall not be higher than the tree canopy, even if Section 22.47.024(2)(e) of the Zoning Ordinance would otherwise permit taller buildings. The purpose of this measure is to prevent the presently tree-covered silhouette of the ridgeline from being broken up. In addition, the structures will be better-screened. It is noted that the west side is adjacent to the Park Wilderness area.*

*b. In areas where structures may be visible, dark earth-tones shall be used to ensure the least amount of visual intrusion into the landscape. ...*

*f. Use of colors and materials consistent with the woodland character of the subdivision and the vernacular building style of the area should be observed to avoid obtrusive visual impact.*

***IP Section 22.56.130I(O)***

...

*2. To the maximum extent feasible, new development shall be designed and sited so as not to impair or obstruct existing coastal views from Highway 1 or Panoramic Highway.*

*3. The height, scale and design of new structures shall be compatible with the character of the surrounding natural or built environment. Structures shall be designed to follow the natural contours of the landscape and sited so as not to obstruct significant views as seen from public viewing places.*

*4. Development shall be screened with appropriate landscaping; however, such landscaping shall not, when mature, interfere with public views to and along the coast. The use of native plant material is encouraged.*

***IP Section 22.57.086I(2)(f)***

*Materials and colors shall blend into the natural environment unobtrusively, to the greatest extent possible.*

***Analysis***

The Appellant contends that the County-approved project does not comply with LUP Policies 3 and 8 that require that all new development not impair coastal views from Highway 1, the Panoramic Highway, or significant public views from public viewing places; that the scale and design of new development be compatible with the surrounding natural and built environment; and that new development be appropriately screened and constructed using materials and colors that blend with the natural environment. These standards are implemented by LCP Implementation Plan (IP) Sections 22.56.130I(O) and 2.57.086I(2)(f).

As required by LUP Policy 8(c)(4)(c)(2), which outlines the location and density of new development in Inverness Ridge, new development must be sited and designed to blend in with the surroundings, and specifically with prominent wooded areas. The Appellant claims that the proposed tank is significantly larger than the existing redwood water storage tank, and will negatively impact both public and private views. However, the LCP does not protect private views. The proposed tank does not significantly impact public views because the surrounding trees are taller than the proposed tank on three sides, shielding it from view from public vantage points. While the project site is adjacent to Point Reyes National Seashore, it is located on the eastern side of the park and would not be visible to park goers. See **Exhibit 4** for project site images.

Likewise, LUP Policy 3 requires development to maintain appropriate scale and design compatible with the character of the surrounding environment and screened with appropriate landscaping. The Appellant contends that the proposed tank is not compatible with the character of the surrounding environment; and therefore, violates the visual resources and community character standards. Surrounding residences vary in architectural styles, thus, residences in the area have varying heights and the area is quite densely vegetated. At a height of 20 feet 8 inches, the tank is about two stories tall, and occupies an area of approximately 908 square feet (16.5%) of the 5,500 square foot lot. Previously destroyed tank 4A and existing tank 4B occupy 201.06 square feet (3.65%) and 380.13 square feet (6.91%), respectively. To avoid visual impacts, the proposed development has been designed to blend into the landscape, including in relation to the neighboring residences at 420 Drakes View Drive and 25 Buck Point Road, through the design of a vegetated earthen berm composed of non-fire prone shrubs and three to five native trees on the west and northwest sides of the tank. The Applicants was also required by the County CDP to provide \$5,000 in funds to the Appellant, located on 25 Buck Point Road, for them to pursue additional landscape screening as the Appellant sees fit. Because the tank is of similar size to neighboring residences and includes native vegetation screening, the proposed tank is consistent with the scale of other structures in the surrounding neighborhood and blends with the surrounding vegetation.

LCP Section 22.56.130I(O) requires that new development must not obstruct existing coastal views from Highway 1. The Appellant contends that the proposed tank will negatively impact both public and private views because it is larger than the existing redwood tank. However, the ordinance protects only public views from the highway. The site is shielded by intervening topography and vegetation from views from the distant lower vantage point along Drakes View Drive, Sir Frances Drake Boulevard, and State Highway 1. Views of the tank's western side are partially shielded by ceanothus shrubs. Additionally, the proposed building materials incorporate earth toned, reinforced concrete that will mimic the visual appearance of the existing redwood tank. Thus, public views are not affected by the proposed project, and rather are protected.

Finally, the proposed building materials incorporate earth toned, reinforced concrete that will mimic the visual appearance of the existing redwood tank, and help it to blend in with the nearby wooded environs. The proposed tank has been designed to blend appropriately into the established community character of Inverness in accordance with LUP policies that require such.

Thus, the County-approved project does not raise substantial issue of LCP conformance with respect to visual resources and community character.

## **2. Grading and Excavation**

### ***Applicable Policies***

The LCP includes policies that require development to minimize grading and to implement grading and erosion control guidelines as follows:

#### ***LUP Watershed and Water Quality Protection/Grading Policy 6***

*In order to ensure the long-term preservation of water quality, protection of visual resources, and the prevention of hazards to life and property, the following policies shall apply to all construction and development, including grading and major vegetation removal, which involve the movement of earth in excess of 150 cubic yards.*

*a. Development shall be designed to fit a site's topography, soils, geology, hydrology, and any other existing conditions and be oriented so that grading, cut and fill operations, and other site preparation are kept to an absolute minimum. Natural features, landforms, and native vegetation shall be preserved to the maximum extent feasible. Areas of a site which are not suited to development because of known soil, geologic, flood, erosion or other hazards shall be kept in open space.*

*b. For necessary grading operations, the smallest practicable area of land shall be exposed at any one time during development and the length of exposure shall be kept to the shortest practicable time. The clearing of land shall be avoided during the winter rainy season and all measures for removing sediments and stabilizing slopes shall be in place before the beginning of the rainy season.*

*c. Sediment basins (including debris basins, desilting basins, or silt traps) shall be installed on the project site in conjunction with initial grading operations and maintained through the development process to remove sediment from runoff waters. All sediment shall be retained on site unless removed to an appropriate dumping location.*

#### ***LUP Watershed Protection Policy 8(c)(4)(c)(4)***

*b. Silt traps or other necessary erosion control measures shall be required for all new grading and construction.*

#### ***LUP Grading and Erosion Control Guidelines Policy 8(c)(4)(c)(1)***

*It is essential that grading be minimized in any new building area so that soils which are exposed during the construction process can be adequately revegetated and cuts avoided to minimize erosion. Erosion control practices should address management of surface water run-off to prevent gullyng through improper discharge of storm water[,] from downspouts and paved areas and down-stream transport of eroded sediments. Revegetation practices for erosion control should specify use of indigenous ground covers and seed mixes.*

#### ***IP Section 22.57.0861(1)***

*a. Grading shall be held to a minimum. Every reasonable effort shall be made to retain the natural features of the land: Skylines and ridgetops, rolling land forms, knolls, native vegetation, trees, rock outcroppings, watercourses. Where grading is required, it shall be done in such a manner as to eliminate flat planes and sharp angles of intersection with natural terrain. Slopes shall be rounded and contoured to blend with existing topography...*

*c. Grading plans shall include erosion control and revegetation programs. Where erosion potential exists, silt traps or other engineering solutions may be required. The timing of grading and construction shall be controlled by the department of public works to avoid failure during construction. No grading shall be done during the rainy season, from November through March.*

*d. All construction shall assure drainage into the natural watershed in a manner that will avoid significant erosion or damage to adjacent properties. Impervious surfaces shall be minimized.*

### ***Analysis***

The Appellant contends that the County-approved project violates LCP grading and excavation standards because it has not been designed to avoid significant erosion or damage to the adjacent properties. IP Section 22.57.0861(1)(d) requires that all construction assure that drainage to the natural watershed avoid significant erosion and damage to adjacent properties. Further, LUP Policies 6 and 8 are related to watershed and water quality protection, and ensuring that natural features, landforms, and native vegetation are preserved to the maximum extent feasible. To capture sediment from runoff waters and protect soils exposed during grading or development, the LCP requires the use of specific erosion control measures.

The proposed project entails the construction of a new water storage tank encompassing the footprint of a previously existing, smaller water tank that was previously destroyed and removed. The area surrounding the proposed tank will require grading, including cut and fill, to prepare the site for a larger tank footprint and for the construction of an earthen berm to provide additional visual screening for adjacent residential properties, including the Appellant's. The grading will result in removal of 170 cubic yards of soil from the site, intended to help lower the visual profile of the tank to reduce any impacts on neighbors. The tank will be situated three feet below grade. The Appellant contends that the project will result in erosion of the Appellant's property, the property line of which is located 5 feet downhill from the tank site. The Appellant's house is on an adjacent parcel about 245 feet away from the proposed tank. To prevent runoff and provide an additional buffer, the County's CDP approval requires the NMWD to provide a landscaping fund of \$5,000 to the Appellant that the Appellant can use as they see fit to provide additional screening. The project also includes an erosion control plan consistent with the standards required by Marin County Department of Public Works, which applies California Regional Water Quality Control Board and Marin County Stormwater Pollution Prevention Program requirements. The plan includes utilizing best management practices for the management of site spoils, including the use of sediment basins, temporary vegetation, and silt traps. Additionally, the Applicant is also required to establish new vegetation on disturbed areas to minimize erosion, including the creation of a vegetated earthen berm along the west and northwest sides of the tank to help reduce the visual appearance of the tank for neighboring private properties while providing a stable slope above the maintenance access pad around the tank. The planting plan

includes establishing the berm with a mix of trees and shrubs native to Marin County. -The Applicant estimates that grading and excavation will take approximately two weeks and would occur during summer and fall of 2020, avoiding construction during the rainy season as required by IP Section 22.57.0861(1)(c). The project site currently drains via sheet flow to the surrounding hillsides, mainly draining to Tomlinson Creek to the north and ultimately to Tomales Bay. The project has been designed to collect surface water into the storm drain system to ensure it is appropriately handled. The required drainage and erosion control plan should serve to improve conditions at the site related to potential erosion, and should also serve to protect water quality from runoff leaving the site.

The County-approved project will adequately mitigate any runoff and erosion impacts consistent with LCP requirements. Native vegetation plantings will help to stabilize slopes, and an Erosion and Sediment Control Plan with appropriate best management practices will be implemented to address drainage and avoid any increase in erosion to adjacent properties. Thus, the County-approved project does not raise substantial issue of LCP conformance with respect to grading and excavation.

### **3. Height Restrictions**

#### ***Applicable Policies***

The Marin LCP includes policies that dictate maximum allowable heights for each zoning designation as follows:

#### ***LUP Visual Resources Policy 3:***

*a. The height, scale, and design of new structures shall be compatible with the character of the surrounding natural or built environment.*

#### ***IP Section 22.57.0861(2):***

*b. There shall be no construction permitted on top or within three hundred feet horizontally, or within one hundred feet vertically of visually prominent ridgelines, whichever is more restrictive, if other suitable locations are available on the site. If structures must be placed within this restricted area because of site size or similar constraints, they shall be on locations that are least visible from nearby highways and developed areas.*

...

*e. No part of a building shall exceed twenty-five feet in height above natural grade. . . Where a ridge lot is too flat to allow placement of the house down from the ridge, a height limit of one story or a maximum of eighteen feet to the top of the roof shall be imposed. These requirements may be waived by the planning director upon presentation of evidence that a deviation from these standards will not violate the intent of Sections 22.47.020 and 22.47.030.*

#### ***Analysis***

The Appellant contends that the project fails to comply with the LCP Section 22.57.0861(2)(e) under the C-RSP zoning district. The Appellant states that the height of the proposed addition violates provisions of the LCP because the proposed project is on a ridge lot, and therefore the



appropriate height limit is 18 feet. LCP regulations for the subject parcel's zoning district indicate that no part of a building shall exceed twenty-five feet above natural grade and that no accessory building shall exceed fifteen feet above natural grade.

As the LCP does not provide a definition for what constitutes a "ridge lot", the discretion of identifying when such a lot is present is incumbent upon the decision-making body. The Planning Commission looked to the Marin County General Plan in making this determination;<sup>1</sup> however such General Plan designations do not apply to the coastal zone, and the Planning Commission determination was subsequently overruled by the Board of Supervisors when it approved the subject CDP. In any case, while the project site is located near the top of a topographic knoll at Inverness Ridge, but the tank site is not visible from public highways or other developed areas. The existing public view of the site from Shoreline Highway on the east side of Tomales Bay looking west only presents densely wooded hills, with few residences even visible. Additionally, Point Reyes National Seashore is on the opposite side of the knoll, and the tank would not be visible from the National Park or the Inverness Ridge Trail. The parcel is heavily vegetated, and the proposed water tower would be below the treeline. Ultimately, the County Board determined that this was *not* a ridge lot, and that the appropriate maximum height is the 25-foot maximum identified for buildings in this zone district. The Commission concurs, including as the clear LCP policy intent regarding ridge lots is to protect public ridgeline views against inappropriate incursions into them, and the County-approved project does just that, including that the new tank will not be visible from public views. The County-approved project allows the water tank at a height of 20 feet 8 inches above existing natural grade, which is below the applicable 25-foot maximum height limit regulations of the C-RSP zoning district.

For these reasons, the approved project does not raise a substantial issue of LCP conformance with respect to height restrictions.

#### **4. Substantial Issue Determination Conclusion**

When considering an appealed project, the Commission must first determine whether the project raises a substantial issue of LCP conformity, such that the Commission should assert jurisdiction over a de novo CDP for such development. The Commission has the discretion to find that the project does not raise a substantial issue of LCP conformance. As explained above, the Commission is guided in its "substantial" issue determination by the following five factors: the degree of factual and legal support for the local government's decision; the extent and scope of the development as acted upon by the local government; the significance of the coastal resources affected by the decision; the precedential value of the local government's decision for future interpretations of its LCP; and, whether the appeal raises only local issues as opposed to those of regional or statewide significance. In this case, these five factors, considered together, support a conclusion that this project does not raise a substantial issue of LCP conformance.

First, the County's administrative record for this matter, including the record of the County Board of Supervisors hearing on the proposed project, demonstrates that the County had factual and legal support for its decision to approve the proposed project. In relation to the height restriction contentions, the County Board appropriately determined the applicable maximum

---

<sup>1</sup> Where the General Plan uses specific maps to identify such lots.

height standard, and appropriately determined that the project meets the designated height limit for the Coastal Residential Single-Family Planned District. Additionally, the County Board appropriately determined that the development meets the scale and design standards of the LCP. Both of these determinations are supported by the fact that the design, materials, and color of the development are visually compatible with the surrounding landscape, and that the County-approved project does not obstruct public views from any public viewing areas or viewsheds, including designated scenic roads and visual resource areas. Lastly, the County-approved project has been sited and designed to avoid runoff or erosion impacts to adjacent properties. Thus, the County provided adequate factual and legal support for its decision that the approved development would be consistent with the certified LCP.

Second, the extent and scope of the development is limited to the replacement of an existing water storage tank and a previously destroyed water tank with a single, improved water tank which fits the scope and size of surrounding development. The project will remain visually compatible with adjacent residences while ensuring adequate water storage for the Paradise Ranch Estates neighborhood and expanding water storage capacity for fire protection.

Third, the significance of the coastal resources affected by the project is less than significant as the impacts to visual resources are minimal and limited to private views, which are not protected by the LCP. In addition, the County-approved project is sited, designed and conditioned to limit these potential private view impacts as much as possible.

Fourth, the County's decision does not set any new precedent for LCP interpretations as the project is similar to the surrounding developments, and is otherwise consistent with applicable LCP policies. Because the project is consistent with the LCP, a finding of no substantial issue will not create an adverse precedent for future interpretation of the LCP.

Lastly, the appeal raises solely local issues regarding private community character and visual compatibility, grading and excavation and height limitations of a distinct location within a specific neighborhood in Marin County, with no bearing on regional or statewide public resource issues.

For the reasons stated above, the Commission finds that Appeal Number A-2-MAR-19-0007 does not present a substantial issue with respect to the grounds on which the appeal was filed under Section 30603 of the Coastal Act, and that the project as proposed is consistent with the certified LCP. Thus, the Commission here declines to take jurisdiction over the CDP application for this project.

**APPENDIX A: SUBSTANTIVE FILE DOCUMENTS<sup>2</sup>**

- Adopted Resolution – Marin County Deputy Zoning Administrator, September 13, 2018 Hearing
- Adopted Resolution – Marin County Planning Commission, October 22, 2018 Hearing
- Adopted Resolution – Marin County Board of Supervisors, December 18, 2018 Hearing

**APPENDIX B: STAFF CONTACT WITH AGENCIES AND GROUPS**

- North Marin County Water District
- Marin County Community Development Agency
- Owl Mountain LLC (Zacks, Freedman & Patterson, PC)

---

<sup>2</sup> These documents are available for review in the Commission's North Central Coast District office in San Francisco.

10

## MEMORANDUM

To: Board of Directors

March 29, 2019

From: Julie Blue, Auditor/Controller *JB*

Subj: 2018 Election Costs

I:\ac\board reports\board memos\2019\election cost 11.2018.docx

**RECOMMENDED ACTION:** Information Only**FINANCIAL IMPACT:** \$18,915

The November 2018 election cost allocation from the Marin County Registrar of Voters totaled \$18,915. Due to the unforeseen nature of these costs there was no specific amount budgeted for this expense. The FY 2018/19 budget for consulting services, included in the administration & GM department budgets, will sufficiently absorb these costs. The allocation is based on the number of jurisdictions who share the ballot with NMWD and the voter turnout. The costs include printing, labor, and postage costs. The more jurisdictions involved the lower the cost allocation is.

The 2018 allocation was based on 38,088 registered voters at \$0.4966 per voter. This includes one Sonoma County registered voter who resides within NMWD's boundary. Prior to the most recent election in November, the last election occurred in November 2007 and cost the District \$51,210. The prior two elections occurred in 2003 and 2001 totaling \$35,445 and \$31,022 respectively.

**11**

## MEMORANDUM

To: Board of Directors  
From: Drew McIntyre, General Manager  
Subject: WAC/TAC Meeting – February 4, 2019  
I:\gm\bod misc 2019\wac tac meeting memo 02.04.19.doc

March 29, 2019

**RECOMMENDED ACTION:** Information Only

**FINANCIAL IMPACT:** None

Supplemental information is provided as follows using item numbers referenced in the attached meeting agenda and draft minutes (Attachment A). A complete agenda packet is available via [www.sonomawater.org/water-advisory-committee](http://www.sonomawater.org/water-advisory-committee).

**1. Check-in**

NMWD Board was represented by Director Baker.

**3. Elect New Leadership**

A vacancy in WAC leadership for the second year of the current 2018-2019 two year leadership term was filled with the appointment of Susan Harvey (Cotati) as Chair (she was the current Vice Chair) and Dave King (Petaluma) as Vice Chair.

**8. Revised 2019 WAC/TAC Meeting Schedule**

The approved revised 2019 WAC/TAC Meeting Schedule is included as Attachment B. The April Special WAC meeting for approval of the Agency's FY2019-20 Water Transmission System budget was moved from 9:00 a.m. on April 1 to 10:00 a.m. on April 8<sup>th</sup>.

**14. PG&E Potter Valley Project Relicensing Update**

PG&E filed a "Notice of Withdrawal" regarding PVP relicensing on January 25, 2019 and immediately thereafter, on January 29<sup>th</sup>, filed for bankruptcy. Due to the short time frame, there was not much to discuss at the February 4, 2019 WAC/TAC meeting except for surprise by the announcements. A PVP update to the NMWD Board occurred with an agenda item on the February 5, 2019 meeting. Staff continues to work with our legal counsel, Robert Maddow, to monitor and assess these recent events. Mr. Maddow is also legal counsel for Valley of the Moon Water District, one of the other eight Water Agency Contractors.





**WATER ADVISORY COMMITTEE  
AND  
TECHNICAL ADVISORY COMMITTEE**

**MONDAY: FEBRUARY 4, 2019**

Utilities Field Operations Training Center  
35 Stony Point Road, Santa Rosa, CA

**9:00 a.m. Note location**

*This is a combined WAC and TAC meeting.*

1. Check In
2. Public Comment
3. Elect New WAC Leadership
4. Recap from the November 5, 2018 WAC/TAC Meeting and Approval of Minutes
5. Recap from the January 7, 2019 TAC Meeting and Approval of Minutes **(TAC)**
6. Message from outgoing WAC Chair – Mark Millan
7. New WAC Member Orientation
8. Approve – Revised 2019 WAC/TAC Meeting Schedule
9. Water Supply Coordination Council – January 23, 2019
10. Sonoma Marin Saving Water Partnership **(TAC)**
  - a. Water Production Relative to 2013 Benchmark
  - b. FY18 Annual Report (available at meeting)
  - c. New Water Use Efficiency Legislation Update
11. TAC Budget Subcommittee Update - FY2019-20 Draft SCWA Budget
12. Water Supply Conditions
13. Biological Opinion Status Update
14. PVP Relicensing Update
15. Items for Next Agenda
16. Check Out

\*DRAFT Minutes of Water Advisory Committee and Technical Advisory Committee  
35 Stony Point Road, Santa Rosa, California  
February 4, 2019

Attendees: Craig Scott, City of Cotati  
Jennifer Burke, City of Santa Rosa  
Victoria Fleming, City of Santa Rosa  
Easter Ledesma, City of Santa Rosa  
Toni Bertolero, Town of Windsor  
Sam Salmon, Town of Windsor  
Colleen Ferguson, City of Sonoma  
Mary Grace Pawson, City of Rohnert Park  
Jake Mackenzie, City of Rohnert Park  
Larry Russell, Marin Municipal Water District  
Mike Ban, Marin Municipal Water District  
Drew McIntyre, North Marin Water District  
Jack Baker, North Marin Water District  
Dan St. John, City of Petaluma  
Dave King, City of Petaluma

Chris Petlock, Valley of the Moon Water District  
Matt Fullner, Valley of the Moon Water District  
Jon Foreman, Valley of the Moon Water District  
Grant Davis, SCWA  
Supervisor James Gore  
Rocky Vogler, North Marin Water District  
Paul Piazza, Town of Windsor  
Mike Thompson, SCWA  
Pam Jeane, SCWA  
Jay Jasperse, SCWA  
Barry Dugan, SCWA  
Brad Sherwood, SCWA  
Kimberly Zunino, City of Santa Rosa  
Colin Close, City of Santa Rosa

Public Attendees: Brenda Adelman, RRWPC  
Bob Anderson, United Wine Growers  
Margaret DiGenova, California American Water

1. Check-in  
Drew McIntyre, TAC Chair, noted that WAC Vice Chair Susan Harvey was not able to make the meeting and called the meeting to order at 9:08 a.m.
2. Public Comments  
No public comments
3. Elect New WAC Leadership  
Referred to memo from Susan Harvey regarding need for election of WAC Chair and Vice Chair. In second year of two-year term. A motion was made to appoint Susan Harvey as WAC Chair by Jake Mackenzie, City of Rohnert Park,

seconded by Jack Baker, North Marin Water District; unanimously approved. A motion was made to appoint Dave King as WAC Vice Chair by Jake Mackenzie, City of Rohnert Park, seconded by Jack Baker, North Marin Water District; unanimously approved.

4. Recap from November 5, 2018 WAC/TAC Meeting and Approval of Minutes  
Moved by Jake Mackenzie, City of Rohnert Park, seconded by Jack Baker, North Marin Water District. Approved with one abstention from Windsor (Salmon) and one abstention from Santa Rosa (Fleming).
5. Recap from January 7, 2019 TAC Meeting and Approval of Minutes  
Moved by Mary Grace Pawson, City of Rohnert Park, seconded by Jennifer Burke, City of Santa Rosa. Approved with one abstention from Windsor.
6. Message from outgoing WAC Chair- Mark Millan  
Drew McIntyre, TAC Chair- Referred to letter from Mark Millan. Mr. McIntyre commented that it has been a pleasure working with Mark Millan and that Mark was very attentive to the needs of WAC. Dave King, WAC Vice Chair- Thanked Mark for his service to the WAC and Town of Windsor. Grant Davis, SCWA, also acknowledged Mark Millan's service as Chair, stating he did a wonderful job attending meetings and was very active on the Water Supply Coordination Council and continues to do a tremendous amount of work with Water Reuse throughout the region. Mr. Davis thanked Susan Harvey for stepping up as WAC Chair and Dave King as Vice Chair.
7. New WAC Member Orientation  
Welcome new WAC members, orientation binders delivered with memo and documents. New member tour of Water Agency facilities is scheduled for 11:15 a.m. on April 8, 2019 immediately following the Special WAC budget approval meeting.
8. Approve- Revised 2019 WAC/TAC Meeting Schedule  
WAC had previously approved the scheduled. April 1, 2019 is Caesar Chavez Day which is a holiday for many Sonoma County employees. Proposed is to move April 1<sup>st</sup> 9:00 a.m. meeting to April 8 at 10:00 a.m. The meeting will be for approval of the Agency's FY2019-20 Water Transmission System budget followed by a WAC new member tour of Agency facilities. Motion from Jake Mackenzie, City of Rohnert Park and Jack Baker, North Marin Water District; unanimously approved.
9. Water Supply Coordination Council  
Drew McIntyre, Council meets in advance and sets up agenda for WAC meeting. Last meeting was January 23, 2019.
10. Sonoma County Water Saving Partnership (TAC)-
  - a. Water Production Relative to 2013 Benchmark. .  
Referred to Water Use tracking handout for calendar year of 2018.  
Partnership water use for 2018 was 15% below the State's water benchmark use in 2013.
  - b. FY18 Annual Report. Report was distributed after the meeting.
  - c. New Water Use Efficiency Legislation Update- Report by Colin Close, City of Santa Rosa. CA State Legislature passed two bills on water conservation and drought planning in 2018-Senate Bill 606 (Hertzberg) and Assembly Bill

1668 (Friedman). Implementation of Governor's Executive Order B3716 to focus on long term water use efficiency rather than short term emergency response and asks all water providers to take in account climate change and drought resilience in its assessments and reporting. Four primary goals: user water more wisely, eliminate water waste, strengthening local drought resilience, and improve ag. water use efficiency and drought planning.

11. TAC Ad Hoc Budget Subcommittee Update- FY2019-20 Draft SCWA Budget

Kimberly Zunino, City of Santa Rosa, provide an overview of the budget approval process- Sonoma Water prepares draft and meets with TAC Ad Hoc Budget subcommittee for review. Subcommittee brings recommendation to the TAC to approve the budget, TAC reviews and then recommends to WAC for consideration of approval. Sonoma Water will provide presentations to Boards and Councils as requested. Ad Hoc Budget Subcommittee has performed an initial review of the budget and requested additional information. Sonoma Water will provide the information at the next budget subcommittee meeting February 15, 2019.

12. Water Supply Conditions

Supervisor Gore, Provided an update on Forecast Informed Reservoir Operations (FIRO)- Army Corps of Engineers (ACOE) has approved a major deviation for Lake Mendocino allowing up to 11,000 acre feet of additional storage within the flood pool. Pam Jeanne, SCWA

Lake Mendocino; 81,000 Acre feet and well into normal flood control pool. ACOE is in charge of the reservoir operation now at both Mendocino as well as Lake Sonoma. Lake Sonoma; 252,000 acre feet and just into the flood control pool. ACOE is releasing a small amount of water right now at Lake Sonoma and has shared their release schedule for both lakes with the Agency.

Jay Jasperse, SCWA- FIRO at Lake Mendocino; a lot of focus throughout the country is on the innovative way Lake Mendocino is now trying to be managed. Bureau of Reclamation as well as ACOE are observing carefully so this can be developed and applied to other facilities. The approved Lake Mendocino Deviation is up to a 15% increase in our potential water supply. This operation can also help with flood control by pre-releasing ahead of time based on weather forecast. The major deviation is approved for one water year.

13. Biological Opinion Status Update

Jay Jasperse, SCWA Referred to handout

- A. The Fish Flow Project-Responding to comments and re-circulation of the document is anticipated. PG&E Bankruptcy and PG&E's decision to withdraw their application for relicensing must be included. Contemplating if new alternatives will need to be reevaluated in the document.
- B. Dry Creek Habitat Enhancement Project- Contractor will be working on the third of three sites in Reach 14 this summer. ACOE and Sonoma Water are moving ahead with Phases 4, 5 and 6 which make up the last three miles of the projects. Staff is working with Right of Way and property owners and design. Ribbon cutting to celebrate the completion of Reach 4, April 22, 2019 tentatively at 12:30pm.
- C. Fish Monitoring- Dry Creek- tracking antennas have been installed in off-channel areas. Finding good results for Steelhead, Chinooks and Coho utilizing the new refuge features within Dry Creek.
- D. Russian River Estuary Management Project-Estuary is open because of higher flows from the winter storms.

- E. Interim Flow Changes- Water supply conditions are normal and whether or not the Agency needs to file a petition for interim flow changes will be determined later in the year.

14. PVP Relicensing Update

Supervisor Gore provided an update. Of immediate concern is PG&E's notice that they are discontinuing their PVP relicensing effort. This notice was received about a week ago and is still being evaluated. Supervisor Gore wanted everyone to know that good work has been produced by the two working groups as part of Congressman Huffman's PVP Ad Hoc Committee. The Working Groups are: (1) Water Supply and (2) Fish Passage. There was a general discussion on the future of the Huffman Ad Hoc Committee now that PG&E has submitted their Notice of Withdrawal.

15. Items for next agenda (TAC Meeting March 4, 2019)

No special requests

16. Check out

Meeting adjourned at 10:35am.

**2019 TAC - WAC / TAC MEETING SCHEDULE (Revised)**

**35 Stony Point Road, Santa Rosa, California**

Month	Day	Body	Time
JANUARY	7	 TAC	9:00a.m.
FEBRUARY	4	WAC / TAC	9:00a.m.
MARCH	4	 TAC	9:00a.m.
APRIL	8	SPECIAL WAC	10:00a.m.
MAY	6	WAC / TAC	9:00a.m.
JUNE	3	TAC	9:00a.m.
JULY	8	TAC (tentative)	9:00a.m.
AUGUST	5	WAC / TAC	9:00a.m.
SEPTEMBER	9	TAC (tentative)	9:00a.m.
OCTOBER	7	TAC	9:00a.m.
NOVEMBER	4	WAC / TAC	9:00a.m.
DECEMBER	2	TAC	9:00a.m.

12



## MEMORANDUM

To: Board of Directors  
From: Tony Arendell, Construction/Maintenance Superintendent <sup>TA</sup>  
Subject: 2019 Flushing Program Update  
K:\CONST SUP\2019\2019 Flushing.doc

March 29, 2019

**RECOMMENDED ACTION:** Information**FINANCIAL IMPACT:** None

The West Marin system was not flushed this year due to the salinity intrusion at the Coast Guard wells and our efforts to utilize supply water from the lower capacity Gallagher well. However, we did flush 25,000 gallons through the PRE 4 Zone to reduce disinfection byproducts by reducing water age in PRE Tank 4.

The Novato system flushing program kicked off January 14<sup>th</sup> and was completed by March 22<sup>nd</sup>. The upper zones, (zones 2-4) were flushed including the regulated and hydropneumatic zones this year. The program was performed by the Construction/Maintenance Department. The hydropneumatic zones were flushed by a limited high velocity burst in order to get the sediment suspended (under the maximum flow capacity of the pumps), the goal being to clean the system and bring in higher chlorine residual water but not to overwhelm the small tanks and pumps in these areas. All other lines were flushed continuously with high velocity water (2.5 cfs). As part of our National Pollutant Discharge Elimination System (NPDES) Permit, measurements of the free chlorine residual levels in the discharge water were taken to ensure no chlorine entered the storm drains. In some areas, the water showed more color with higher turbidity requiring additional flushing times. The flushing plan to alternate between Zone 1 and the upper zones annually is still the appropriate plan for now.

The Novato flushing program used just under 6.3 million gallons (MG) of water, with Zone 2 using 4.7 MG, and the upper zones using 1.6 MG, requiring 767 staff hours. Also during the program, it was determined that additional maintenance work was needed with 8 blow-off repairs and 1 hydrant repair in Novato and 3 broken blow-offs in Point Reyes.

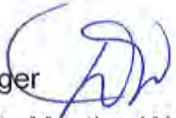
There were no water quality complaints reported with 5 calls into the office about water in the street and about why we perform the flushing. Flushing crew in the field responded to multiple consumer inquires daily, with questions about what they were doing.

13

## MEMORANDUM

To: Board of Directors

March 29, 2019

From: Drew McIntyre, General Manager 

Subject: Point Reyes Station Community Meeting Workshop No. 1 – March 25, 2019

t:\gmbod misc 2019\pt reyes station county ws#1 memo 3\_29\_19.doc

**RECOMMENDED ACTION:** Information**FINANCIAL IMPACT:** None

On Monday evening, March 25, 2019 I attended the first of three Point Reyes Station community meeting workshops hosted by Marin County Environmental Health Services (see flyer in Attachment 1). The purpose of the meeting was to obtain input from the community regarding issues primarily related to water supply, on-site septic treatment concerns, and sea level rise. This outreach effort by the county is similar to what has been occurring recently for the Dillon Beach Village community (two of three workshops have occurred at Dillon Beach so far).

Funding for this program is from a Prop 1 Bay Area Integrated Regional Water Management Program (IRWMP) grant. The Environmental Justice Coalition for Water (EJCW) is the Bay Area Program Manager for a portion of the IRWMP grant and Marin County is one of 10 Bay Area partners participating in outreach services in support of disadvantaged and under-represented communities. As part of this effort, the County received a \$49,000 grant in the summer of 2018 to study water related issues in both Dillon Beach Village and Point Reyes Station. According to EJCW, over \$4M is available to be spent in the Bay Area for disadvantaged communities and these community outreach meeting are being used to help prioritize where said grant funds should be allocated.

Approximately 40 residents attended the meeting. After the County presentation, attendees were split into smaller working groups. Most of the comments received from the smaller working groups centered around on-site septic issues as well as adequate restroom facilities for the public. I had the opportunity to speak to the group to review the District's water supply reliability and water quality impacts associated with continued saline intrusion at our Coast Guard wells. I also updated attendees on the Districts ongoing projects to expand water supply from Gallagher Ranch which is upstream from tidal influence and not subject to saline intrusion. I plan to continue to attend these additional workshops as they occur.

# COMMUNITY MEETING

## Point Reyes Station

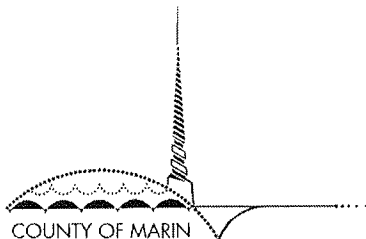
### Creating a Community Water Story

Monday, March 25, 2019

Small Gym  
West Marin School  
11550 Shoreline Hwy, Point Reyes Station  
6:00 pm

Join us for a conversation about the water-related needs, assets, and priorities of Point Reyes Station. Topics include water supply, septic concerns, sea level rise, water recycling, and other related issues. This unique opportunity is funded by a grant from the State Department of Water Resources to support small communities with water resource planning and decision-making. Spanish translation service will be provided.

For more information contact Lorene Jackson at  
[lajackson@marincounty.org](mailto:lajackson@marincounty.org) or (415) 473-7146



*The meeting room is accessible to persons with disabilities. Requests for accommodations may be made by calling (415) 473-6269 (Voice), (415) 473-2255 (TDD/TTY) or by e-mail at [disabilityaccess@marincounty.org](mailto:disabilityaccess@marincounty.org) at least five business days in advance of the event. Copies of documents are available in alternative formats, upon request.*

**14**

**DISBURSEMENTS - DATED MARCH 21, 2019**

Date Prepared 3/19/19

The following demands made against the District are listed for approval and authorization for payment in accordance with Section 31302 of the California Water Code, being a part of the California Water District Law:

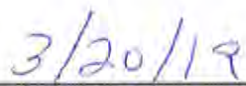

Seq	Payable To	For	Amount
EFT*	US Bank	February Bank Analysis Charge (Lockbox \$912 & Other \$385, Less Interest of \$163)	\$1,133.49
1	All Star Rents	Rental of Standby Generator for Gallagher Well Site	807.89
2	Alpha Analytical Labs	Lab Testing	240.00
3	Backflow Distributors	Freeze Bag for Small Backflow (24" x 30")	30.18
4	Bank of Marin	Bank of Marin Principal & Interest (Pymt 89 of 240) (Aqueduct Energy Efficiency Project)	46,066.67
5	Bay Area Barricade Service	Blue Marking Paint (84-12 oz cans)	330.39
6	Buck's Saw Service	Parts for String Mower	81.85
7	Building Supply Center	Hardware, PRE#1 Hatch Parts, Drain Plug & PVC Fittings for PRE#2	36.23
8	California Water Service	Water Service (1 CCF) (1/19-3/19)	61.59
9	Caltest Analytical Laboratory	Lab Testing (OM)	70.30
10	Cilia, Joseph	Retiree Exp Reimb (March Health Ins)	333.79
11	Clipper Direct	April Commuter Benefit Program (2)	414.00
12	Cole-Parmer Instrument	Flex Tubing (25') (Lab)	89.20
13	CPI International	Modifier for Mg Analysis (Lab)	103.73
14	Cummings Trucking	Sand (32 yds)	2,066.75
15	Dickson	Software with USB Cable (Eng)	109.82
16	Diggs, James	Retiree Exp Reimb (March Health Ins)	311.19
17	E & M	Wonderware Support Renewal (\$3,111), Support Renewal for License (\$3,735) & Alarm Software Support License Fee (\$660)	7,506.00

Seq	Payable To	For	Amount
18	Fishman Supply	Rain Pants, Rain Jackets (3) (\$197) & Overalls (2)	303.00
19	Fisher Scientific	Tip Rack (Lab)	56.00
20	Frontier Communications	Leased Lines	1,431.36
21	Grainger	Faceshield Assembly (4), Goggle Gear Lens (4), O-Ring, Pipe Plug, Cleanout Plug, Polyvinyl Chloride Rod, Knee Boots (Durbin) (\$98), Drill Bit Set, 1/2 HP Utility Pump (\$265), 12V Batteries (2), Quick Release Ratchet, Hip Boots (4) (\$332), Headlamps (2) (STP) & Fan Switch (OM Lift Station)	1,251.79
22	Hach	Reagent (Lab)	38.02
23	Hession, Philip	Novato "Washer Rebate" Program	50.00
24	InfoSend	February Monthly Support Fee	717.32
25	Jackson, David	Retiree Exp Reimb (March Health Ins)	986.81
26		Vision Reimbursement	368.00
27	Latanyshyn, Roman	Retiree Exp Reimb (March Health Ins)	333.79
28	Lemos, Kerry	Retiree Exp Reimb (March Health Ins)	986.81
29	Marin County Fair	Sponsorship of Award in Professional Garden Dept "Water Conservation Theme"	100.00
30	Murphy, Victoria	Novato "Toilet Rebate" Program	200.00
31	NACE	Membership Dues (4/19-4/20) (Durbin) (Budget \$200)	145.00
32	North Marin Auto Parts	Cleaning Pads (20), Spark Plugs (4), Battery ('05 Ford Ranger) (\$107), Service Parts ('05 Honda Civics-2 & '04 Chevy Silverado) (\$131), Crimp Tool for Fleet, Door Support, Oil for STP & Brake Pads ('04 Chevy Silverado) (\$106)	452.24
33	North Bay Gas	February Cylinder Rental	113.00
34	Pace Supply	Service Saddles (6)	306.23
35	NMWD Petty Cash	Petty Cash Reimbursement: Safety Snacks (\$68) & Safety Bucks	80.37



Seq	Payable To	For	Amount
36	PG&E	Power/Bldgs/Yard (\$2,710), Rectifier/Controls (\$482), Pumping (\$20,531), Treatment (\$298) & Other (\$192)	24,214.29
37	Pollard Water	Pressure Gauge	68.06
38	Primex	Installation & Programming of 2 SLC 5/05 Processors	7,620.00
39	R & B	Couplings (19) (\$309), Meter Flanges (6) (\$142), Gaskets (7), Nipples (8), Tape (80) (\$304)	917.69
40	Darlene Rhodes HR Consulting	Prog Pymt#1: HR Consulting Services (Balance Remaining on Contract \$14,438)	5,362.50
41	SPG Solar	February Energy Delivered Under Solar Services Agreement	6,727.01
42	Stafford, Vernon	Retiree Exp Reimb (March Health Ins)	333.79
43	Township Building Services	February Janitorial Services	1,877.53
44	US Bank	February Safekeeping Treasury Securities	139.50
45	VWR International	Ampules (40) & Filter Set (50) (Lab)	104.60
46		Vision Reimbursement	27.12
		<b>TOTAL DISBURSEMENTS</b>	<b><u>\$115,104.90</u></b>

The foregoing payroll and accounts payable vouchers totaling \$115,104.90 are hereby approved and authorized for payment.

	
Auditor-Controller	Date
	
General Manager	Date

**DISBURSEMENTS - DATED MARCH 28, 2019**

Date Prepared 3/26/19

The following demands made against the District are listed for approval and authorization for payment in accordance with Section 31302 of the California Water Code, being a part of the California Water District Law:

Seq	Payable To	For	Amount
P/R*	Employees	Net Payroll PPE 3/15/2019 & Retro Pay for Unrepresented Employees	\$142,137.97
EFT*	Internal Revenue Service	Federal & FICA Taxes PPE 3/15/2019 & Retro Pay	60,134.79
EFT*	State of California	State Taxes & SDI PPE 3/15/2019 & Retro Pav	12,604.69
EFT*	CalPERS	Pension Contribution PPE 3/15/2019 & Retro Pay	36,469.56
1	All Star Rents	Air Compressor Rental (Hydro Maint) (1 Day)	148.04
2	Alpha Analytical Labs	Lab Testing	230.00
3	American Family Life Ins	March AFLAC Employee Paid Benefit	3,073.23
4	Arrow Benefits Group	February & March Dental Expense (\$294)	581.95
5	AT&T	Leased Lines	66.06
6	Bold & Polisner	February Legal Fees	1,176.00
7	Borges & Mahoney	Parts & Labor for Repair of CI2 Vacuum Regulators (STP)	2,088.49
8	Caltest	Replacement Payment-Wrong Remit Address Lab Testing	70.30
9	Comcast	March Internet Connection	143.29
10	Core Utilities	Consulting Services: February IT Support (\$6,022), Kastania MOV Programming (\$125), PRTP (\$450), SCADA & PLC Programming (\$2,650), Website Maintenance (\$125) & AMI Software Maintenance (\$650)	10,021.69
11	Derrickson, Jim & Jan	Novato "Washer Rebate" Program	50.00
12	Diesel Direct West	Tax on Gasoline (\$1,033), Diesel (407 gal) (\$1,427) & Gasoline (764 gals) (\$2,293)	4,753.83
13	Engineering Supply	Data Logger Software (Engineering)	141.35
14	Eurofins Eaton Analytical	Lab Testing (W.M. & STP)	280.00
15	Fishman Supply	Rain Jackets (3) (\$196) & Overalls (STP)	235.12
16	Friedman's Home Improvement	Parts for OM Lift Station - Electrical	33.86

Seq	Payable To	For	Amount
17	Genterra Consultants	Prog Pymt#17: Dam Safety Consulting Services for STP (Balance Remaining on Contract \$9,735)	265.00
18	Grainger	Air Flow Switch (OM) (\$195), Electronic Ballast (8), 1/2 HP Utility Pump (\$265), Ops & Maintenance Supplies, Disposable Gloves (100), Full Body Harness (\$207), Self-Retracting Lifeline (\$284) (STP), Hand Sanitizer Dispensers (3) (\$321), Ball Valve Lockout Kit for Backflows (5) (\$110), Pipe Cutter (2) (\$135) & Batteries for STP Cl2 Monitors (2)	1,989.10
19	Hach	Buffer & Salt Bridge for pH Probes @ STP	206.51
20	Hamilton Square	Refund Security Deposit on Hydrant Meter Less Final Bill	601.50
21	Hardy Diagnostics	Media for Microbiological Analysis (Lab)	230.07
22	HERC Rentals	Light Tower Rental (1 Month) (Wildhorse Tank)	465.13
23	InfoSend	February Processing Fee for Water Bills (\$971) & Postage (\$2,709)	3,680.66
24		Vision Reimbursement	234.14
25	Lincoln Life	Deferred Compensation PPE 3/15/19	10,269.45
26	Marin County Registrar of Voters	Charges for November 6, 2018 General	18,915.23
27	Marin Reprographics	24 X 36 Additional Prints (7)	11.40
28	Mettler-Toledo Rainin	Annual Pipette Calibration (Lab)	198.32
29	Mutual of Omaha	April Group Life Insurance Program	926.64
30	Nationwide Retirement Solution	Deferred Compensation PPE 3/15/19	1,750.00
31	Neopost	April Postal Meter Rental	124.43
32		Vision Reimbursement	133.75
33	Pace Supply	Push-On Gaskets (30) (\$127), Meter Boxes (28) (\$893), Brass Couplings (50) (\$882), Meter Gaskets (50), Copper Pipe (180') (\$1,917), Meter Stops (6) (\$1,276), Gate Valve & Test Valve	5,480.79
34	Recology	February Trash Removal	480.66
35	The Reed Group	Peer Review Water Rate Study Final Invoice (Total Project Cost \$8,567)	1,417.98
36		Refund From Employee Paid AFLAC Account	34.97

Seq	Payable To	For	Amount
37	Soiland	Asphalt Recycling (7 tons)	33.20
38	Sonoma County Water Agency	February Contract Water	304,201.65
39	The Transmitter Shop	Wildhorse Level Transmitter Repair	373.00
40	Trattoria Ghiringhelli Catering	Deposit for 2019 Holiday Party	1,500.00
41	Univar	Sodium Hydroxide (25,000 gal) (STP)	9,165.58
42	Van Bebber Bros	Steel for Tank Security Upgrade	56.15
43	VWR International	Sodium Hydroxide (Lab)	19.49
44	White Cap Construction	Sand Bags (30)	113.20
45	Wiley Price & Radulovich	February Legal Fees	1,701.00
46	Wilson Bohannon	Lock Cylinders (8) (Tank Security Upgrade)	276.39
47	WQI	Registration Fee for Grade 1 Distribution Certification Test Review in Davis 2/28-3/1 (Rodriguez, Gibbs & Watkins)	1,500.00
		<b>TOTAL DISBURSEMENTS</b>	<b><u>\$640,795.61</u></b>

The foregoing payroll and accounts payable vouchers totaling \$640,795.61 are hereby approved and authorized for payment.

<u>Julie Blue</u>	<u>3/26/19</u>
Auditor-Controller	Date
<u>DREW McINTYRE</u>	<u>3/26/19</u>
General Manager	Date

## MEMORANDUM

To: Board of Directors

March 29, 2019

From: Julie Blue, Auditor-Controller *JB*

Subj: Rate Increase Notice on Water Bill

t:\acfbudget\fy-2019.20\rate increase fy 19.20\board memo notice on bill 2019.docx

### **RECOMMENDED ACTION: Information Only**

### **FINANCIAL IMPACT: No Cost**

At the March 19<sup>th</sup> NMWD board meeting the Board of Directors approved a customer letter notifying of a proposed increase to water rates and related public hearing. In conjunction with the individually addressed letters to customers regarding the proposed rate increase, the District includes a message on each customer's water bill. The notice reads:

*A public hearing will be held at NMWD's office on Tuesday, May 21, at 6pm, to consider a 3.5% rate increase effective June 1, equivalent to \$2.10 per month for the typical residence. The impact on your account can be viewed at [nmwd.com/accountbalance.php](http://nmwd.com/accountbalance.php) or call us at 415-897-4133.*

The message space on the water bill is limited to approximately 250 characters. The above message is summarized in 235 characters.

The Water Cost Calculator on the District's website calculates the cost and impact of the approved increases in dollars and percentages for every customer account based on each account's individual water use history. An example, using NMWD's typical single-family customer, who uses 87,600 gallons of water annually, is shown on the following page. A similar notice, as the one above, has been placed on the District's homepage along with a link to the *Water Cost Calculator* and a link to a copy of the rate increase notification letter.

NMWD's customer base is divided into eight groups billed bimonthly. The message will be included on the Novato Service Area water bills mailed after March 21, thereby ensuring that all customers will receive the notice prior to the May 21 public hearing.



### NMWD ANNUAL WATER COST CALCULATOR

**Service Location:** 123 Main Street  
**Zone:** Wtd Avg

**Account No:** 123456  
**Meter Size:** 0.625"

<b>Basic Data</b>	<b>6/1/2018</b>	<b>6/1/2019</b>
Water Use (Annual Gallons) *	87,600	87,600
Service Charge (Bimonthly)	\$33.00	\$34.15
Water Rate/1,000 Gallons **	\$5.98	\$6.19
<b>Annual Cost</b>		
Service Charge	\$198	\$205
Water Use Charge	\$524	\$542
Total Annual Cost	\$722	\$747
Annual Increase		\$25.23
Percentage Increase		3.5%
<b>Monthly Increase: ***</b>		<b>\$2.10</b>

\* Water Use shown is based on your prior 12 months billed consumption.

\*\* Water Rate shown is your annual average. The Water Rate and Water Use Charge assume your seasonal water use pattern remains consistent with your prior 12 months billed consumption.

\*\*\* Note that meters are read, and bills are rendered, bimonthly (every 2 months).

*This Annual Water Cost Calculator is for estimating purposes only and may not provide all of the information contained on your specific customer bill or be precisely accurate. Your future water cost will vary based upon your actual water use. If you have questions about this calculator please call the District at 415.897.4133 and ask for customer service.*



March 31, 2019

**Re: Notice of Proposed Water Rate Increase**

Dear Customer:

The mission of North Marin Water District (NMWD) is to meet the expectations of our customers in providing potable and recycled water services that are reliable, high-quality, environmentally responsible, and reasonably priced. To fulfill this mission, NMWD must generate revenue sufficient to cover its cost of operations.

Accordingly, North Marin Water District is proposing an increase in the cost of water which averages \$2.10 per month (3.5%) for the typical Novato customer, effective June 1, 2019.

This letter provides details on the need for the increase and information about the public hearing where public comment will be taken prior to a vote by the District Board of Directors on the proposed water rate increase.

**You can determine the increase in your annual water cost based on your personal water use over the past year from our website. Insert your NMWD account number and the name on your account into the Rate-Increase Model on NMWD's website at [https://www.nmwd.com/account\\_balance.php](https://www.nmwd.com/account_balance.php)**

**REASON FOR THE PROPOSED INCREASE**

**Higher Water Costs:** Chemical and power costs to operate Stafford Water Treatment Plant continue to rise. In addition, the Sonoma County Water Agency (SCWA), which provides 75% of Novato's water supply is increasing the rate it charges NMWD by 4.8% effective July 1, 2019.

**Water System Infrastructure Maintenance/Repair:** Established over 70 years ago, NMWD's water system has grown to include 330 miles of pipeline, 39 million gallons of finished water storage distributed across 33 tanks, 26 pump stations, 13 pressure-regulating stations, 2,674 fire hydrants, and a multitude of valves – all of which require ongoing maintenance and repair. Investment in our facilities and infrastructure must increase to ensure continued, efficient, and reliable operations.

**Employee Compensation:** Our skilled and valued employees earn a wage at or near the median of comparable Bay Area agencies, and increases are generally consistent with the consumer price index. Competitive wages are necessary to help retain our specialized staff as well as attract highly qualified new employees as vacancies occur.

**Increased Government Regulations and Permit Fees:** New and expanded Federal and State regulations and increases in permit fees are an annual occurrence with which the District must comply.

**RATE COMPARISON**

Are North Marin's rates reasonable? It's a fair question. You can answer this yourself by comparing NMWD's rates to 16 counterpart Bay Area water agencies (see "Urban Area Water Cost Comparison", page 4 of this letter). This chart shows that the typical cost of service for a Novato single-family residence is at the median of these comparison agencies.

### **PROPOSED RATE INCREASE**

The District is a public agency that does not earn a profit. All rates and charges collected from customers go toward District operating expenses and maintaining prudent operating and capital reserve balances. A table showing the existing rates and charges, and the amounts proposed, is included on page 3 of this letter.

**Residential Accounts:** It is proposed that a 3.5% increase in the commodity rate and the bimonthly service charge be implemented effective June 1, 2019. For the typical Novato single-family residence, the proposed increase in the total cost of water (commodity charge plus bimonthly service charge) would add \$2.10 per month (\$4.20 per bimonthly bill) to the cost of water beginning June 1, 2019.

**Non-Residential Accounts (Commercial, Institutional & Irrigation):** It is proposed that a 3.5% increase in the commodity rate and the bimonthly service charge be implemented effective June 1, 2019. The increase for non-residential customers will vary based upon water use. In Novato the median non-residential account uses more water than the median residential account, but would still see an increase in the total cost of water (commodity charge plus bimonthly service charge) of 3.5%. You can determine the increase in your annual water cost based on your consumption over the past year from our website. See the boxed area above for instructions.

### **WATER RATE PUBLIC HEARING**

**A public hearing will be held at the NMWD office (999 Rush Creek Place, Novato) at 6:00 p.m. on Tuesday, May 21, 2019, to consider enactment of a 3.5% increase effective June 1, 2019.**

### **HOW TO PARTICIPATE**

You are invited to present oral or written testimony on these proposals at the public hearing. You have the right to protest these proposed rate increases. If you do, you must submit your protest in writing, even if you plan to attend the public hearing. If written protests are submitted by a majority of the affected property owners or customers, the proposed increases will not be imposed.

Your written protest must be received prior to the close of the May 21, 2019 public hearing. Written protests must be signed by the property owner or customer of record and must include a description of the parcel (parcel number) or NMWD account number. Send or deliver written protests to:

District Secretary  
North Marin Water District  
PO Box 146  
Novato, CA 94948

For more information visit NMWD's website at [www.nmwd.com](http://www.nmwd.com) or call the District Secretary at (415) 897-4133.

Sincerely,

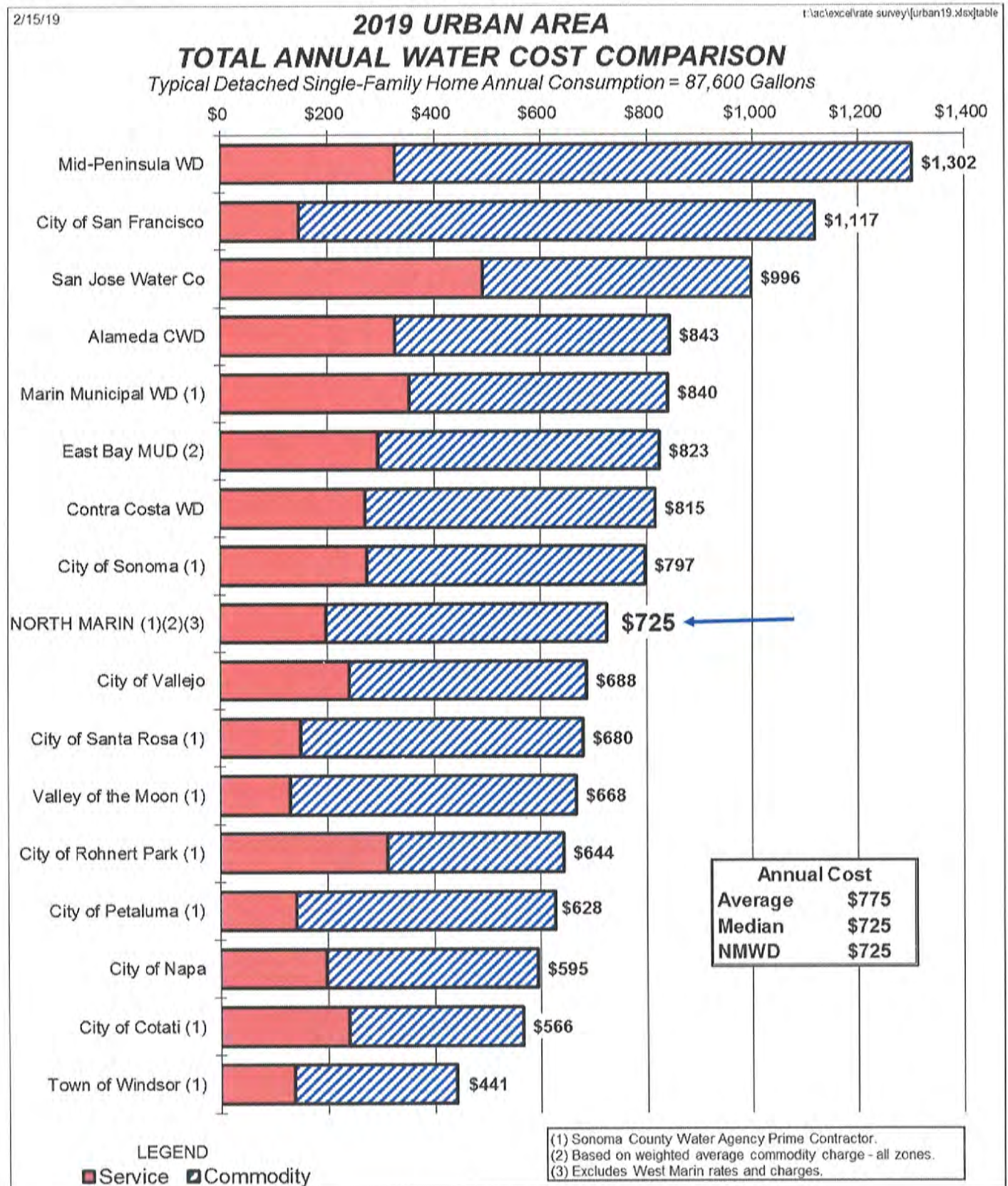


Drew McIntyre, General Manager



## NOVATO WATER CHARGES

	Existing 6/1/18	Proposed 6/1/19	% Increase
<b>A BI-MONTHLY SERVICE CHARGE OF:</b>			
STANDARD 5/8-INCH METER .....	\$33.00	\$34.15	3.5%
1 -inch residential meter for fire sprinklers .....	\$37.50	\$38.80	3.5%
1 -inch meter .....	\$66.00	\$68.30	3.5%
1.5 -inch meter .....	\$80.50	\$83.30	3.5%
2 -inch meter .....	\$125.50	\$129.90	3.5%
3 -inch meter .....	\$248.50	\$257.20	3.5%
4 -inch meter .....	\$399.00	\$413.00	3.5%
6 -inch meter .....	\$835.00	\$864.00	3.5%
8 -inch meter .....	\$1,244.50	\$1,288.00	3.5%
<b>PLUS A QUANTITY RATE OF:</b>			
<u>Residential rate for each 1,000 gallons</u>	<u>Rate</u>	<u>Rate</u>	
First 615 gallons per day .....	\$5.24	\$5.42	3.5%
616 - 1,845 gallons per day .....	\$8.35	\$8.64	3.5%
Use in excess of 1,845 gallons per day .....	\$14.54	\$15.05	3.5%
<u>Rate for each 1,000 gallons for all other potable water accounts</u>			
Commercial, institutional & irrigation accounts - 11/1-5/31 .....	\$5.77	\$5.97	3.5%
Commercial, institutional & irrigation accounts - 6/1-10/31 .....	\$6.20	\$6.42	3.5%
<u>Rate for each 1,000 gallons for non-potable water</u>			
Recycled Water .....	\$5.77	\$5.97	3.5%
Raw (Untreated) Water .....	\$2.38	\$2.46	3.5%
<b>PLUS AN ELEVATION ZONE RATE FOR EACH 1,000 GALLONS OF:</b>			
<u>Zone</u> <u>Elevation</u>	<u>Rate</u>	<u>Rate</u>	
A 0 through 60 feet .....	\$0.00	\$0.00	-
B 60 feet - 200 feet .....	\$0.63	\$0.65	3.5%
C 200 feet + .....	\$2.01	\$2.08	3.5%
<b>Hydrants or Temporary Service .....</b>	<b>\$8.49</b>	<b>\$8.79</b>	<b>3.5%</b>







March 21, 2019

999 Rush Creek Place  
P.O. Box 146  
Novato, CA 94948-0146

**PHONE**  
415-897-4133

**EMAIL**  
[info@nmwd.com](mailto:info@nmwd.com)

**WEB**  
[www.nmwd.com](http://www.nmwd.com)

The Honorable Ben Allen, Chair  
Senate Environmental Quality Committee  
State Capitol, Room 2205  
Sacramento, CA 95814

**RE: SB 332 (Hertzberg & Wiener): Recycled Water Mandate for Ocean and Bay Dischargers - Oppose**

Dear Senator Allen:

On behalf of North Marin Water District (NMWD), I am writing to express our opposition to SB 332 (Hertzberg & Wiener). As introduced, SB 332 would require wastewater treatment agencies that discharge treated effluent to saline waters, oceans, bays and estuaries to reduce their discharges by 50% by January 1, 2030, and by 95% by January 1, 2040. The bill would also declare that discharge from ocean outfalls is a "waste and unreasonable use" of water and impose penalties of \$2,000/acre-foot of water discharged above the reduction requirement.

This bill also seeks to amend the California Constitution by drastically redefining "waste and unreasonable use" to include any ocean discharge as well as the failure of local water suppliers to accept treated wastewater made available to that supplier for specified uses. This approach fails to consider the dramatic variances among watersheds and regions or operational realities. This mandate would constrain local agency decision-making authority and force agencies to prioritize resources for water reuse over public health, environmental preservation, and other local priorities and negatively impact existing water reuse efforts.

NMWD has expended over \$30M to date on a local recycled water system to offset potable water used for landscape irrigation in Novato. These costs are above those expended by Novato Sanitary District and Las Gallinas Valley Sanitary District on necessary recycled water treatment facilities. These facilities were developed pursuant to a local comprehensive recycled water master plan. While NMWD supports the robust development of water reuse projects as part of a comprehensive framework to secure California's water reliability, SB 332 is a fundamentally flawed, top down approach. The cost of implementing this bill in the NMWD service area has

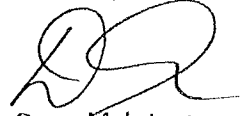
DIRECTORS: JACK BAKER · RICK FRAITES · JAMES GROSSI · MICHAEL JOLY · STEPHEN PETERLE

OFFICERS: DREW McINTYRE, General Manager · TERRIE KEHOE, District Secretary · JULIE BLUE, Auditor-Controller · ROCKY VOGLER, Chief Engineer

not yet been estimated but would ultimately be borne by local ratepayers as the bill provides no financial mechanism to assist agencies with compliance.

For these reasons, NMWD opposes SB 332.

Sincerely,



Drew McIntyre  
General Manager

CC: Gabrielle Meindl, Chief Consultant, Senate Environmental Quality Committee  
(via facsimile (916) 322-3519)

Mimi Holtkamp, Committee Secretary, Senate Environmental Quality Committee  
(via [mimi.holtkamp@sen.ca.gov](mailto:mimi.holtkamp@sen.ca.gov))

Jessica Gauger, California Association of Sanitation Agencies  
(via [jgauger@casaweb.org](mailto:jgauger@casaweb.org))

Senator Mike McGuire  
(via facsimile (916) 651-4902)

Assembly Member Marc Levine  
(via facsimile (916) 319-2110)



## Las Gallinas plans big plant upgrade

### Sewer

#### SANITARY DISTRICT

Multimillion dollar project to renovate sewage facility

**By Adrian Rodriguez**

[arodriguez@marinij.com](mailto:arodriguez@marinij.com) @adrianrrodri on Twitter

After years of planning, the Las Gallinas Valley Sanitary District is gearing up to break ground on a three-year, multimillion-dollar renovation of its sewage treatment plant.

Workers were rained out the past couple of months but are now preparing the work site at the district headquarters at 300 Smith Ranch Road in San Rafael to replace the wastewater treatment facilities and expand its recycled water capacity.

Faced with increasingly stringent environmental regulations and aging infrastructure the district has owned since the 1950s, officials have been planning the upgrade since 2012.

“This is a new technology we’re bringing, state-of-the-art, so to speak,” said Mike Cortez, the district engineer. “It’s going to help us produce cleaner water, and less of it will be discharged into the bay. We’re going to produce more recycled water, which is good for

**SEWER >> PAGE 6**



District engineer Mike Cortez stands by the construction area at the Las Gallinas Valley Sanitary District facilities in San Rafael.

ALAN DEP — MARIN INDEPENDENT JOURNAL

## Las Gallinas plans big plant upgrade

### Sewer

#### FROM PAGE 1

when we’re in a drought.”

Cortez said construction will start picking up over the next three weeks, weather permitting.

directors approved a notice of public hearing to mail out to customers indicating the next increase is set to take place in July. The public hearing is June 13. If it passes, customers will be paying about \$2.49 more a month for services. For a typical single-family home, that equals an annual increase from \$898 to \$927. This represents about a 3 percent increase.



The project will increase the district's secondary water treatment capacity from 8 million gallons per day to 18 million gallons per day. The expanded capacity will help to prevent blending primary and secondary treated water, especially during large winter storms, which will improve the overall water quality.

The project will also increase the plant's recycled water production capacity from 1.4 million gallons a day to 5.4 million gallons per day.

In November, the district awarded the \$46.4 million construction contract to Myers & Sons Construction of Sacramento to get the job done. Another \$5 million will pay for construction management costs.

One of the first orders of business is demolishing the recycled water facility owned by Marin Municipal Water District to make way for the new facility.

The two districts have had a recycled water partnership dating back 40 years, said Emma Detwiller, spokesperson for MMWD. MMWD serves 330 customers with recycled water.

A 2017 engineer's estimate suggested that the overall project would cost approximately \$36 million. To pay for it, the Las Gallinas district in 2017 sold \$41 million in bonds.

When construction bids came in higher than anticipated, the district sought out a new estimate, which came in at \$49 million. This past fall, a \$12 million loan was secured to make up the difference.

That borrowed money has a 25-year term with a 3.3-percent interest rate, said Mike Prinz, general manager of the district.

"The annual payments are factored into each year's budget and rate increase, and will be for the next couple decades," Prinz said, noting that the district is planning to study another five-year rate hike scheme in the fall.

Revenues from existing rate increases have gone to pay for other infrastructure upgrades, such as rehabilitating sewer and lower lateral pipelines; increasing capacity of sewer mains; rehabilitating pump stations and constructing a biogas energy recovery system, among other projects.

It's a lot to keep up with as the district manages 28 sewage pump stations, 35 miles of pressurized sewer mains and more than 11,000 connections along its 105 miles of pipeline, Prinz said.

Running on a \$10 million annual operations and maintenance budget, the district has 20 full-time equivalent employees, serving approximately 30,000 residents in north San Rafael. This year its capital improvement project budget is \$30 million, of which \$15 million is going toward the sewage treatment upgrade.

"Yes, there's a lot of work to do," Prinz said. "I'm very glad we can do projects like this while keeping our rates near the middle of the local range of wastewater rates."



District engineer Mike Cortez walks by water treatment structures at the Las Gallinas Valley Sanitary District facilities in San Rafael. The district has begun a three-year, \$49 million sewage treatment plant upgrade project.

ALAN DEP — MARIN INDEPENDENT JOURNAL

This year is the final year of a five-year rate increase plan. On Thursday, the district board of

Copyright Terms and Terms of Use. Please review new arbitration language here.

## *Novato elections change will spark greater opportunity*

### **Marin Voice**

**By Veda Florez**

Last year, the city of Novato looked to the future and voted on a 30-year general plan. The plan shines an equity lens in hopes of strengthening community participation and outlines opportunities for diversity, equity and inclusion in community governance. District elections can work hand in hand with Novato's general plan to spark transformational change and become the catalyst to encourage greater participation in local government.

San Rafael is one of many cities in California to adopt district elections over at-large representation, in part due to lawsuits or the threats of legal action from individuals or groups arguing that minorities are underrepresented in local government.

This threat, and the resulting change to district elections, has been an effective tool for minority candidates to be elected. The catch phrase of a local organization called Latino Marin focuses on this opportunity "to weave the Latino experience into the fabric of the community."

Novato can use the lawsuit to turn "lemons into lemonade" and strengthen its commitment to diversity, equity and inclusion. Creating five voting districts creates a greater pool of participants, not just from the Latino community but the community at large.

Following in the footsteps of San Rafael, Novato can offer all residents a reasonable opportunity to have a seat on the City Council. District elections encourage participation in the electoral process and lay the groundwork for equitable representation in local government.

Over the past 20 years, 30 percent of the 482 cities in California have switched to district elections. When a candidate represents a diverse segment of the community, higher voter turnout is

power for candidates who can focus their canvassing efforts on a smaller base rather than the entire city. Once elected to the City Council, all members work together for the betterment of the community.

The transition begins with all district lines drawn simultaneously, then a plan for staggered elections due to council members' four-year overlapping terms. As a result, council members Pam Drew, Josh Fryday and Eric Lucan can seek re-election in November 2019, and council members Denise Athas and Pam Eklund can seek re-election in November 2022.

The work in diversity, equity and inclusion is a slow, thoughtful process. Novato may not see an immediate change in the composition of the City Council. However, setting our sights on the future is the key.

According to the Marin County Office of Education, 36 percent of all students in Novato are Latino. The prospect of a homegrown Latinx student seated on the City Council would be auspicious for Novato. Lucan and school board Trustee Maria Aguila are examples of homegrown candidates who have a seat at the table. District elections present greater opportunity for changing the political dynamic, allowing for even more diverse representation.

I support a move to district elections to promote diversity in the pool of future candidates. However, rather than rushing into the process of quickly drawing district lines, consideration should be given to waiting until after the 2020 census. Novato can create a resolution of intent that will stop criticism and lawsuits, but drawing district lines with equal representation now could become the lawsuit of the future. Certainly, preliminary work can and should be done to begin the process, with all interested stakeholders at the table. *Veda Florez, of Novato, is the public*

reported. The election of San Francisco's late mayor, Ed Lee, is an example of higher voter turnout when a candidate represents a diverse segment of the community.

District elections also open the door for qualified candidates who sit on the sidelines. Several culturally diverse Novato residents have considered running for Novato City Council. For one reason or another, they ultimately did not follow through. Perhaps this will be their watershed moment and catalyst for action.

Reasonable participation in the local political process becomes more difficult if a candidate comes from a lower socioeconomic level. District elections strengthen the buying

*member of the IJ's editorial board and a member of the Marin County Elections Department's Election Advisory Committee.*

**Novato may not see an immediate change in the composition of the City Council. However, setting our sights on the future is the key.**

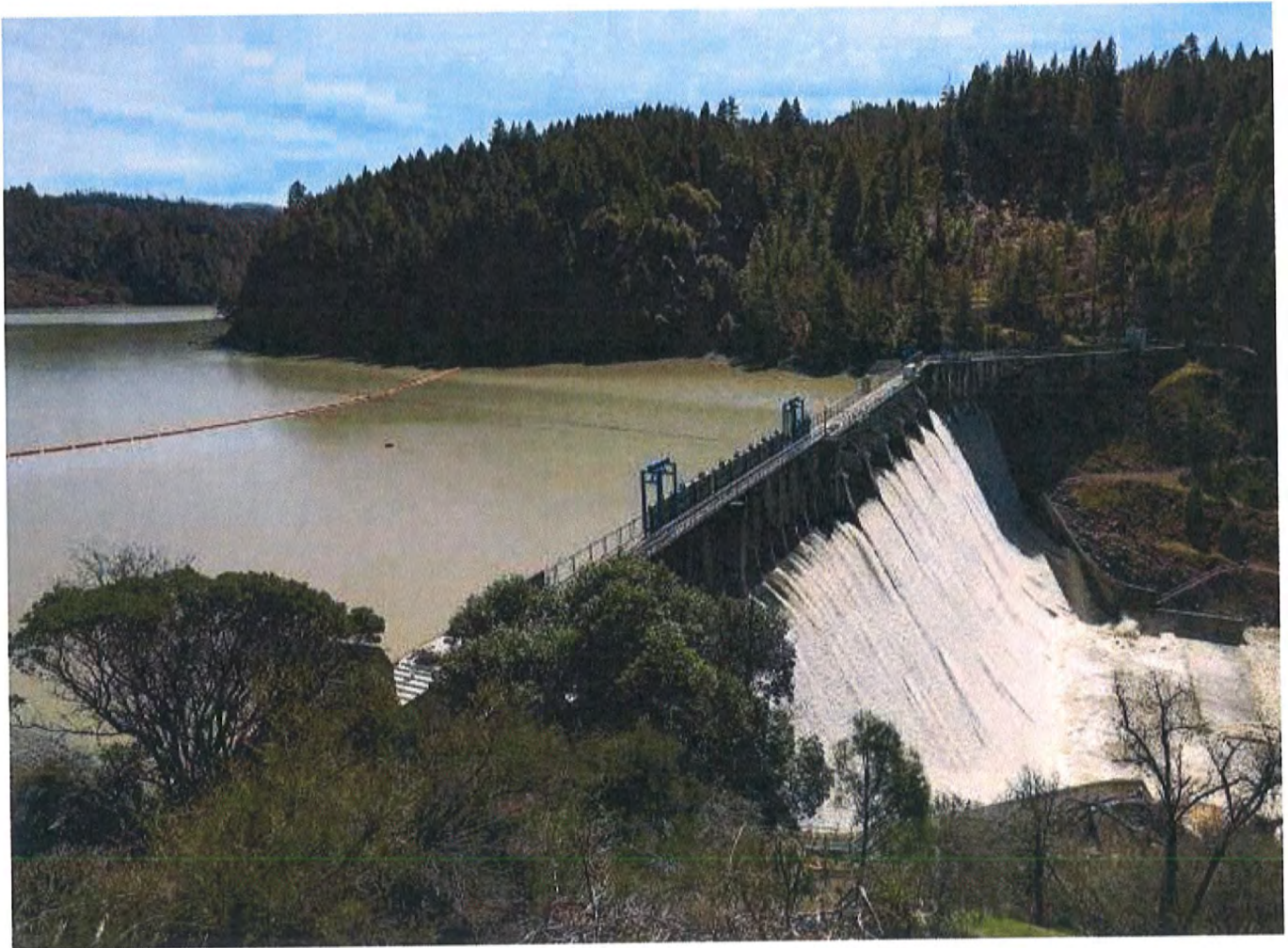
---

Tuesday, 03/19/2019 Pag.A09

Copyright Terms and Terms of Use. Please review new arbitration language here.



# CalTrout wants old Scott Dam on Eel River removed to help salmon and steelhead



## SLIDE 8 OF 9

The spillway gates at Scott Dam are running full blast thanks to heavy rain and snow in the Lake Pillsbury watershed, Thursday, March 14, 2019. (Kent Porter / The Press Democrat) 2019

GUY KOVNER

THE PRESS DEMOCRAT

March 19, 2019, 11:56AM



A state environmental group is calling for the removal of an old dam on the Eel River, contending it threatens the future of protected salmon and steelhead while acknowledging it is a key part of the North Bay's water supply.

Scott Dam, a 138-foot concrete dam erected in 1922, is one of five aging dams California Trout asserts are "ripe for removal" to benefit their natural surroundings and communities.

The nearly 50-year-old nonprofit known as CalTrout said in its report, "Top 5 California Dams Out," the Eel River represents "perhaps the greatest opportunity in California to restore a watershed to its former abundance of wild salmonids."

Scott Dam, located in Lake County's portion of the Mendocino National Forest, has been a longstanding target of other groups, including Friends of the Eel River, who want steelhead, coho and chinook salmon to swim freely within the 288 miles of habitat in the Eel watershed blocked by the dam.

The environmentalists see a "unique opportunity" to achieve their goal, as California's largest utility PG&E, which has owned the dam as part of a small hydropower project since 1930, has filed Chapter 11 bankruptcy and abandoned plans to sell or seek relicensing of the project that diverts 20 billion gallons of water a year from the Eel to the Russian River at Potter Valley.

Eel River interests have considered the diversion a form of theft, while the water is critical to towns and ranches on the upper Russian River from Potter Valley to Healdsburg and part of the water supply for 600,000 residents in Sonoma and Marin counties.

How the future of the Potter Valley Project will play out over the next 18 months to two years is unclear, but it appears likely to result in either decommissioning or relicensing of the project, which includes a small powerhouse and two Eel River dams.

The bottom line is either PG&E or a new owner of the project may face a choice between paying more than \$90 million for a fish ladder at Scott Dam or about \$70 million to remove it.

North Coast Rep. Jared Huffman, D-San Rafael, and CalTrout both say federal officials are likely to require "volitional fish passage" at Scott Dam, enabling the threatened salmon and steelhead adults to swim freely to their spawning grounds and juvenile fish to get out to the Pacific Ocean.

"There's no way around it," Huffman said.

The National Marine Fisheries Service, under federal law, has the authority to require fish passage at hydropower projects that are either changing hands or shutting down, said Josh Fuller, an agency biologist based in Santa Rosa.

Fuller, who is involved in process, declined to name a preferred fate for the dam but said it should ensure the dwindling number of Eel River fish are “on a recovery trajectory.”

“We’re going to have to have some sort of fish passage at the facility,” he said. There are numerous ways to accomplish it, including trapping fish and trucking them around the dam, but Marine Fisheries favors volitional passage because it involves “less human intervention” in the fish population. Fuller said.

“It’s fair to say the status quo will not work,” he said.

Darren Mierau, CalTrout’s Arcata-based North Coast director, said the cost difference supports removal of Scott Dam, noting an engineer’s report to PG&E last year that estimated the fish ladder cost at \$55 million to \$93 million.

## **Five dams CalTrout wants removed**

---

California Trout, a nearly 50-year-old environmental nonprofit, cites five of the state’s more than 1,400 sizable dams as “ripe for removal.”

### **Scott Dam**

Built in 1922 on the Eel River in Lake County’s portion of the Mendocino National Forest, the 138-foot Scott Dam impounds Lake Pillsbury, a popular recreational area, and is part of a hydropower project that owner PG&E has abandoned, opening the door to removal as part of a decommissioning process. The dam blocks off the river’s upper watershed to threatened salmon and steelhead.

### **Matilija Dam**

Completed in 1947 on a creek in the Ventura River watershed north of Ojai, 163-foot Matilija Dam impounds a reservoir almost completely filled with sediment. Targeted for removal in 1998 but with no funding approved, it remains a barrier for endangered Southern California steelhead, which number about 500 fish.

### **Searsville Dam**

Built in 1892 on a creek near Stanford University in San Mateo County, 65-foot Searsville Dam blocks the spawning passage for Central California Coast steelhead, a threatened species. The dam’s reservoir is nearly filled with sediment, and the non-potable water is mainly used to irrigate the Stanford campus.

### **Rindge Dam**

Located on Malibu Creek about 3 miles from the coast in Los Angeles County, 100-foot Rindge Dam was built in 1924 by the Rindge family and filled with sediment in less than 30 years. It was decommissioned in 1967 and subsequently approved for removal, but the cost of hauling away 276,000 cubic yards of

impounded sediment remains an obstacle. The dam thwarts migration of endangered Southern California steelhead.

### **Klamath Dams**

Four aging hydropower dams on the Klamath River in Northern California and Southern Oregon are slated for removal in 2021 at a cost of up to \$450 million and with support from more than 40 organizations. It would be the largest dam removal project in the world, restoring access to more than 300 miles of habitat for salmon and steelhead.

The report by Mead & Hunt, a Sacramento engineering firm, concluded the “most feasible and cost-effective fish ladder design would be challenging to build, complicated to operate, very costly, and would have uncertain effectiveness.”

The report was marked “confidential,” but is readily available on the Internet.

A different engineer’s report last year to Sonoma Water put the cost of removing the dam at \$71.5 million.

“We feel that removal of the dam is the best alternative,” Mierau said. “Now that PG&E has abandoned the project, it just makes sense.”

PG&E notified the Federal Energy Regulatory Commission in January that it was essentially surrendering the project that generates 9 megawatts of power, roughly 0.1 percent of the utility giant’s 7,700-megawatt total.

PG&E intends to operate the Potter Valley Project until it is relicensed or decommissioned, said Brandi Merlo, a spokeswoman for the utility. If no new operator comes forward, PG&E expects FERC will order it to officially surrender the project along with a decommissioning plan.

Either way, she said, all stakeholders — including water users, environmentalists and Native American tribes — would have a say during FERC’s determination of what happens to the project.

Merlo said “modifications to Scott Dam” could result from the process, but it is “far too premature to speculate on any potential outcome.”

FERC has set an April 14, 2020 deadline for proposals to acquire a new license, noting that if none are submitted PG&E will be advised to file an official surrender application. The federal agency’s website said the application should include a decommissioning plan that can allow project facilities to remain in place for other uses or their removal and site restoration.

Meanwhile, an informal 21-member stakeholders' committee convened by Huffman has been working for more than a year on a plan that balances the need to improve fish passage on the Eel River with the continued diversion of water to the Russian River.

The committee includes representatives of PG&E, CalTrout, Friends of the Eel River, Sonoma, Mendocino, Lake and Humboldt counties, state and federal agencies and three tribes.

Huffman said the panel's goal is to craft a "two-basin solution" that could include removal of Scott Dam without cutting off water to people "who've been using it for 100 years."

Dam removal would result in a "run of the river" hydro project with wet weather flows on the Eel diverted through the Potter Valley Project's pipeline to the powerhouse and into Lake Mendocino, the reservoir near Ukiah. It could conceivably include a long-planned raising of the reservoir's level to hold more water, Huffman said.

The congressman has not endorsed removal of the dam, but said in an interview that the fish ladder "may not be a great solution."

Huffman said it is "highly unlikely" the status quo will continue, and that "nobody has a slam dunk to have their interests met."

"We're fully on board with it," CalTrout's Mierau said, noting that his solution includes removal of Scott Dam with a restored river channel in its place.

The Potter Valley Project started in 1908 with the 90-foot Cape Horn Dam erected on the Eel River, forming a small reservoir that diverted water to the powerhouse built to provide Ukiah with electricity.

Operators soon realized the powerhouse couldn't run in the summer because of a lack of water, so the larger Scott Dam was built 12 miles upstream in 1922 to provide a year-round water supply. The water was essentially a side benefit from the electricity, but it transformed arid Potter Valley into an agricultural powerhouse that produces \$34 million worth of wine grapes, cattle and other products annually.

The committee's water supply working group has determined that a seasonal water diversion is sufficient to keep Lake Mendocino from going dry, Mierau said.

"Everybody was dedicated to making an effort to find the Potter Valley Irrigation District the water it needs," Mierau said.

That might require developing water storage capacity in the valley or pumping water up from Lake Mendocino, he said.

“There has to be a two-basin solution,” said Janet Pauli, a Potter Valley rancher and irrigation district board member who serves on Huffman’s committee of stakeholders. But she’s not sold on the run of the river concept because there are too many unanswered questions, including how the 7,000-acre valley would be assured enough summertime water and how climate change may affect the watershed.

“At this point in time, there’s not an alternative that gives us confidence we can sustain the quality of life we have,” she said. “I think it’s premature for us to really discuss removing Scott Dam at this time.”

Potter Valley would be the first place impacted by a significant cut in Eel River water diversions to the Russian River, but only because “we’re at the top of the watershed,” Pauli said.

The famed Alexander Valley grape growing area of northern Sonoma County, among others, depends on the water, she said.

San Francisco-based CalTrout, founded in 1971, says it is “dedicated to solving California’s complex resource issues while balancing the needs of wild fish and people.”

David Keller of Petaluma, a director of the Friends of the Eel River, said the run of the river plan is “a very promising solution.”

His nonprofit has been pushing for removal of Scott Dam for more than 25 years and sees the end of PG&E’s operation of the project as an opportune time for that to happen.

The dam is a “white elephant,” he said, part of a system that no longer produces profitable electricity and is essentially a “water transfer project.”

A 2017 report commissioned by CalTrout and conducted in collaboration with the UC Davis Center for Watershed Sciences cited the Eel River as a “stronghold” to be managed in perpetuity with the “highest priority to protect salmonid diversity and production.”

Historically, the Eel River supported spawning of more than a million salmon and steelhead, according to a 2010 report by the UC Davis Center for Watershed Science.

The average run is now about 3,500 fish, a 99 percent decline, according to the report.

Biologists are attempting to estimate the number of adult fish in the river. Only 95 chinook salmon and 112 steelhead have made it to a point near Scott Dam since October.

Removal of Scott Dam would eradicate the reservoir behind it, Lake Pillsbury, a 2,000-acre recreational haven within Mendocino National Forest.

Few people live year-round on the lake, a primitive area replete with bears, mountain lions and bobcats, a herd of tule elk plus eagles and ospreys circling over the water.

It's an hour drive to Potter Valley and 90 minutes to Ukiah, the nearest shopping area, and there is no electricity.

But in the summer, the lake draws thousands of people for camping, fishing, hiking, boating and waterskiing, while the Soda Creek Store on the lake's west side sells \$10,000 worth of ice, said Edie Uram, who has run the store with her husband, Nick, for 30 years.

Frank Lynch, a Cloverdale-area resident whose family has leased a cabin at the lake since 1947, said he's concerned the permanent and part-time residents — numbering close to 600 — are being ignored in the deliberations over Scott Dam's future.

"Obviously, we're being self-protective," he said. "We love our lake."

Lynch, who is president of the Lake Pillsbury Homesite Association, said he has tried, without success, to gain a seat on the stakeholders' committee.

"There needs to be a recognition there is a community here," he said.

You can reach Staff Writer Guy Kovner at 707-521-5457 or [guy.kovner@pressdemocrat.com](mailto:guy.kovner@pressdemocrat.com). On Twitter [@guykovner](https://twitter.com/guykovner).



**Water rate hike, new fee advance****Water****MARIN MUNICIPAL**

Board will hold two-month review process before vote

**By Will Houston**

[whouston@marinij.com](mailto:whouston@marinij.com) @Will\_S\_Houston on Twitter

After hearing critiques from a standing-room-only crowd of customers this week, the Marin Municipal Water District advanced a proposal to raise water rates and implement a new fee-based system on customers' water meter size.

The district Board of Directors' unanimous vote Tuesday kicks off a two-month public review process before the board takes a final vote on the rate hike on May 28.

Tuesday's meeting in Corte Madera was held to decide whether the district would send out a Proposition 218 notice to its customers, outlining the proposal. The notice is important because it sets a cap on how high the rate and fee increases could be over the next four years.

Board members reiterated that they will be able to make changes to the rate and fee structure based on public comment in the following months.

"We on the board and the public, we're all in this together," board president Larry Bragman

said. "We all live here. We all pay water bills. We all have family here. We all live in the shadow of the mountain that we all revere. So I just want to give you assurance that we are operating in good faith to try to construct the most equitable rates for the public."

The district is proposing to raise water rates by about 4 percent per year through 2022 as well as increase existing fees. One of the major points of contention is a proposed new "capital maintenance fee" that would cost most customers \$163 or \$409 each year. The new annual fee would be based on meter size and would be placed on customers' property tax bills. This fee could also be increased by up to 4 percent each year for the next four years.

**WATER >> PAGE 2****Water rate hike, new fee advance****Water****FROM PAGE 1**

private lines are also proposed to be exempted because those fire lines are rarely used, he said. Also to be considered is whether to phase in the fee over two or three years, though Horenstein noted a two-year phase-in would decrease revenue by \$10 million and a three-year phase-in

District staff say the rate and fee increases are needed to keep up with inflation. The new fee would be used to generate up to \$20 million per year for replacement of aging pipes, storage tanks and treatment plants. About \$1 million would be used for fire prevention.

The new fee would shift the district away from borrowing money for these types of projects to instead paying for them on a cash basis. Richard Harris of Strawberry questioned why the district is asking for customers to pay more up front when it can continue borrowing money at “generational low rates.”

Charles Duggan, the district treasurer, said the fee would prevent customers from having to pay for hundreds of millions of dollars in interest payments over the decades if the district continued to borrow the money. This is estimated to save customers about \$90 per year. It would also allow the district to use borrowed money in the event of emergencies.

For Paul Clark of San Rafael, who has a 1.5-inch meter, the new fee would mean an extra \$817 on top of the other fees charged by the district. Clark said he needs the larger meter size to get the water up a steep hill to his family’s home. As a result, he said he would be paying at least \$1,045 in fixed fees per year, which doesn’t take into account what he’d be charged for his water use.

“My wife’s comment to me once she heard this: ‘I guess we’d better move,’” Clark told the board.

Mimi Willard, president of the Coalition of Sensible Taxpayers, said the district is placing the burden of the fee on homeowners, especially those with larger meters, without considering water use.

“Once you mail this notice, you can’t have a different metric than the meter,” she said.

Ben Horenstein, the district general manager, said the district is basing the new fee on meter size and not water use because of the potential future demand that larger water meters might have on the district’s system. However, Horenstein

by \$20 million. Another option that saw general approval by the board was to do a “public check-in” during the fourth year of the fee to see if the board wants to change the amount and method of payment. Separately, district staff is proposing a new “super water saver program” that would provide benefits to the lowest water users. The details of this are set to be brought to the board at a future meeting.

Transparency concerns were once again raised about placing the fee on customers’ property tax bills rather than their bimonthly water bill. Horenstein said placing the fee on property tax bills reduces the burden on renters. The district is proposing to continually notify customers of the fee on their water bills.

Addressing concerns by school districts about the impacts of the new fee, Horenstein said the average cost to the county’s school districts would be about \$4,500. The range of costs to schools spans from a high of about \$46,000 for San Rafael City Schools to \$817 for Park School in Mill Valley.

For others, like Marin Conservation League director Ann Thomas of Corte Madera, the district’s proposal wouldn’t raise enough funds needed for fire prevention on the Mount Tamalpais watershed and to repair and replace the district’s aging pipes, storage tanks and treatment facilities.

“You really should have asked for 5 or 6 percent,” Thomas said. “This 4 percent is just hogwash.”

Larry Minikes, also a Marin Conservation League director and a member of the district’s Citizen Advisory Panel, said it was the generations of ratepayers before them that paid for the district’s dams, pipes and storage tanks to be built. Further delaying the repairs and replacement of this infrastructure could not only triple the costs, but also pass them on to the next generation.

“We got a free ride. We’ve been subsidized here for years,” he said. “We’ve been getting water well below cost and now everyone is shocked.”

presented carve-outs and exceptions that the board could consider.

These include potential fee reductions or exceptions for customers who are required to have larger meter sizes because of fire sprinkler systems. Commercial and institutional

The board is set to hold two public workshops on the rate and fee proposals on April 25 in Mill Valley and May 15 in San Rafael.

---

Thursday, 03/21/2019 Pag.A01

[Copyright Terms and Terms of Use. Please review new arbitration language here.](#)

## Fee sought to clean up tainted water

### NEWSOM PROPOSAL

**By Kathleen Ronayne**

*The Associated Press*

**SACRAMENTO** >> Gov. Gavin Newsom wants to charge California water customers up to \$10 per month to help clean up contaminated water in low-income and rural areas, but he will face resistance from some legislative Democrats hesitant to impose new taxes.

The Democratic governor says up to 1 million California residents have some type of contaminated or unclean water coming through their taps that can cause health issues. He has called it “a moral disgrace and a medical emergency.”

“The fact that in California, in the fifth-largest economy, we have people who cannot drink their water, people who can’t even bathe in their water, there’s something absolutely wrong,” Democratic Assemblywoman Eloise Reyes said Wednesday during a hearing on Newsom’s plan.

The fee on water customers would affect households and businesses — an idea that lawmakers killed last session. Newsom wants to combine it with fees on animal farmers, dairies and fertilizer sellers to raise about \$140 million per year.

A competing proposal by Democratic Sen. Anna Caballero would use money from the state’s multibillion-dollar surplus to create a trust fund to pay for water improvements.

Newsom’s plan could be difficult to pass because tax and fee increases require support from two-thirds of lawmakers.

Democrats hold 75 percent of the legislative seats, but some who represent

moderate or agricultural districts may balk at the proposal, particularly after voters recalled a Democratic senator last year after he voted to raise the gas tax. Caballero, for example, represents an agricultural district previously held by a Republican.

There was broad agreement at Wednesday’s hearing that the lack of access to clean water for so many is a stain on the state, but lawmakers acknowledged a political solution has been elusive.

“I would be foolish, based on the history of this issue, to make promises about where we’re going to end up at the end of this cycle,” said Assemblyman Richard Bloom, chairman of the budget subcommittee. “But I will commit to doing my damndest to bring this to a conclusion.”

Newsom’s plan starting next year would charge water customers from 95 cents to \$10 a month, based on the size of their water meter, with exceptions for people in poverty.

## Novato schools plan district elections

### District

### 2020 BALLOT

Board acts to start process before receiving likely suit

**By Keri Brenner**

[kbrenner@marinij.com](mailto:kbrenner@marinij.com) @KeriWorks on Twitter

Rather than wait for a legal hammer to drop, Novato Unified School District trustees voted Thursday to initiate, on their own, a switch to district elections for board members by the November 2020 ballot.

The change, if completed successfully, means that Novato school district voters will elect their board members in 2020 based on the candidates' home neighborhoods instead of the existing district-wide system.

NUSD's board of trustees voted 5-0, with two members absent, at a special meeting to proceed with the process. Kris Cosca, deputy superintendent, said the board, on the advice of legal counsel, decided not to wait to receive a warning letter from a Malibu attorney, as has already happened with two Marin city councils, San Rafael and Novato.

By moving proactively, without first receiving a letter, NUSD stands to save the \$30,000 legal fee charged by Malibu attorney Kevin Shenkman, as well as having a longer window of time to make the switch than the tight 90 day deadline afforded the two cities, Cosca said.

Other Marin school districts, such as San Rafael City Schools, could follow Novato's lead. The San Rafael Board of Education will have an agenda item on the issue at its regular public meeting set for 6 p.m. Monday in the board meeting room, 310 Nova Albion Way, San Rafael, said Christina Perrino, district communications director. More details will be available once the agenda is posted by the end of the day Friday.

Cosca said Novato had several reasons for taking quick action: finances, a longer time frame and "it's the right thing to do."

### DISTRICT » PAGE 2



**Cosca**

## Novato schools plan district elections

### District

of the district population for the purpose of dividing it into seven equal population areas — given that the board decides to stay with seven members.

**FROM PAGE 1**

“We did this because it’s the fiscally conservative thing to do,” Cosca said of saving the \$30,000 fee and avoiding the threat of an expensive lawsuit fight as has occurred elsewhere around the state. “It will give us a longer timeline to implement these changes, which is really important to the board. We can get community input — it will give us a solid process.”

“Finally,” Cosca added, “we did it because it’s the right thing to do. We want to make sure we have representation from all members of our community represented on the board.”

The Novato school district has scheduled a session on the issue for the next regular board meeting at 6 p.m. April 2 at Novato Education Center, 1015 Seventh St. District counsel David Soldani is expected to give the presentation, and there will be opportunities for public comment, Cosca said.

Mary Jane Burke, Marin County superintendent of schools, said Novato was not the first Marin school district to elect its board by areas or districts. Shoreline Unified School District in West Marin already has district or area-specific elected board members, as does the Marin County Board of Education. Burke said she supports more school districts making the switch because it can lead to better representation.

“I am supportive of any and all ways that we can ensure that we have broadbased community engagement and involvement in the electoral process,” Burke said Thursday. “Obviously this is a trend that we’re seeing across our state, one that will hopefully improve the number of people who vote, the number of people that are willing to get involved in elections and (provide) the opportunity to ensure that all members of our community are represented.”

Novato Superintendent Jim Hogeboom said he and other officials are already looking to line up a professional demographer to do a study

Hogeboom said NUSD is also talking to officials at Novato City Hall to see if there’s a chance to combine forces — and save money — on the demographic study that both agencies will have to do in likely overlapping areas.

He acknowledged there was pressure to act in haste: the NUSD board met on the issue Tuesday in closed session, followed almost immediately by Thursday’s special meeting to pass the resolution to begin the process.

“We had to move quickly,” Hogeboom said of avoiding the letter from Shenkman and the \$30,000 fee and shortened timeline. “The idea was, ‘Let’s do it on our own terms.’” Shenkman’s letter warns that if agencies don’t switch to district elections, they could be at risk of getting sued for alleged violations of the California Voting Rights Act. The \$30,000 price tag is just Shenkman’s fee for assuring that an agency has addressed the alleged violations and was no longer at high risk for a lawsuit.

College of Marin spokeswoman Nicole Cruz said Thursday that trustees for the Marin Community College District had not received a letter from Shenkman and that the issue was not listed on any upcoming meeting agendas. However, Cruz said that could change if trustees believe that voting rights or access issues are at stake.

“If there is something that affects voters going to polls, (the trustees) have a history of looking at policies and making necessary changes,” she said.

In 2017, for example, the college switched to evenyear elections to make the process more congruent with the entire elections system, she said.

---

Friday, 03/22/2019 Pag.A01



## Property owners appeal to state in water tank battle

Water

INVERNESS

By Will Houston

*whouston@marinij.com @Will\_S\_Houston on Twitter*

Jesse Colin Young and Connie Young — the couple who recently lost a challenge to a water tank replacement project they say would impair views on their ridgetop property in Inverness — are taking their case to the state.

“We’re not talking a lot of changes but we’re trying to make it so it can work with our property too,” Connie Young said of the project on Monday. “We are not expendable.”

On April 10, the California Coastal Commission is set to consider whether the Youngs’ challenge of North Marin Water District’s water tank project warrants a full appeal hearing. Jesse Colin Young, a musician famous for cofounding the Youngbloods and for his solo career, argued to the county earlier this year and now to the state that the proposed 125,000-gallon storage tank would affect the views of his property in Paradise Ranch Estates, which inspired his 1973 song “Ridgetop.”

The tank would sit about 5 feet from the Youngs’ property line and is meant to replace a nearby 50,000-gallon redwood water tank as well as a 25,000-gallon water tank that burned down in the 1995 Mount Vision Fire. The fire also destroyed more than 40 homes, including the Youngs’ home. The Youngs don’t live on the property

anymore, but their godson does.

The North Marin Water District argues that the location is the only place it could build the tank and that the tank is necessary to comply with county fire storage requirements. The tank will also be designed in a way to blend into the environment, district officials said.

The Youngs argue that the district didn’t provide proper notice of the project to them, but the district says otherwise. Ultimately, the Board of Supervisors sided with the water district in January, but called on the district to pay \$5,000 to the Youngs so they could plant vegetation that would block the view of the tank.

Drew McIntyre, the water district’s general manager, said completing the water tank project is important to improve the water supply of residents and for fire protection, but that the appeals have caused delays.

“While we have missed the 2019 construction window due to these appeals, we are hopeful to be able to finish tank construction in 2020,” McIntyre wrote in an emailed statement.

Connie Young said she and her husband don’t oppose construction of the tank, but said there are alternative designs that could lead to a win-win compromise.

From the coastal commission staff’s perspective, the Youngs’ case doesn’t make the cut for an appeal. The Youngs argue the water tank would violate Marin County’s Local Coastal Plan because of its

**WATER»PAGE 4**

## Property owners appeal to state in water tank battle

Water

FROM PAGE 3

height, potential for erosion and runoff, inconsistency with the community character and the impact on scenic views on both public and private lands.

As for the height, the tank would be about 21 feet tall, which the county found to be below the maximum height allowance of 25 feet. While ridgetop land use rules limit the height to 18 feet, commission staffers state that the property is not considered a ridgetop, at least in the legal sense.

Commission staff also found the district's plans to blend the tank into the surrounding environment to be sufficient and that there would not be impacts to public views, which are the only views protected by the Marin County Local Coastal Plan. The project's grading and excavation plan were also found to be appropriate for the project.

McIntyre characterized the commission staff's recommendation as a "positive step forward."

"We plan on attending the April 10 California Coastal Commission hearing date to strongly support Coastal Commission staff's opinion that our project is consistent with the Marin County Local Coastal Plan and that the Coastal Commission should decline to take jurisdiction over the permit application for this project," McIntyre said.

Connie Young said water district staff only began conversing with them about the project after they filed the appeal.

"I think that's really the sad part of this, that a resident has to go through this kind of process to get a reasonable consideration," she said. "And the water district went to great lengths to misrepresent what we were requesting. They tried

denies their appeal. Connie Young said they have "other options" to consider, but are hoping that a compromise can be found before then.

The commission's meeting will be held in Salinas.



Story poles erected last year indicate the proposed site of a North Marin Water District storage tank in the Paradise Ranch Estates neighborhood of Inverness. It would replace the existing tank at right.

JAMES CACCIATORE — MARIN  
INDEPENDENT JOURNAL

to pit our neighbors against us. Whose interest is that in?"

---

Tuesday, 03/26/2019 Pag.A03

And it doesn't appear that the Youngs will be giving up on the project even if the commission

Copyright Terms and Terms of Use. Please review new arbitration language here.

## *MMWD should reconsider its fee hike plan*

### Editorial

The Marin Municipal Water District deserves credit for its recent effort to go city-to-city to present its plans for a series of rate increases and a new fee to repair and improve its aging water treatment and delivery system.

There seems to be little debate that water system improvements are needed. There are serious questions, however, over how to pay for the improvements.

Those questions came through loud and clear at recent meetings of the San Anselmo and Larkspur city councils, two of the first to hear the presentation by MMWD General Manager Ben Horenstein.

The feedback, ranging from questions about why improvements weren't made earlier to the level of public involvement in the district's decision-making process, should be enough to persuade board members — each a public representative — to slow down and extend its public outreach and involvement.

There are enough valid questions being raised that the board needs to broaden efforts to educate and involve ratepayers in this decision.

Just waiting for so-called “protest” letters is not enough, and the likelihood that not enough letters will be filed to stop the board's plans is not good reason for the district to move forward at its current pace. This plan deserves more time than the two-month review period the MMWD board recently approved.

The district proposal is for a four-year, 4 percent annual rate increase through 2022 and the establishment of a new “capital maintenance fee” based on meter size.

If you don't know the size of your meter, you're probably not alone. But the size would determine whether you pay \$163 or \$409 per year.

In fact, the district's decision-making process drew criticism from San Anselmo Town Council members; Councilman Ford Greene complained that the MMWD board is one of the few public boards in the county that does not broadcast its meetings. He stressed that planned rate increases and new fees will “dramatically impact a lot of people.” He said the board's decision to not televise its public meetings was inexcusable, commenting, “They can't operate in the dark and expect us to pick up the cost.”

The MMWD board has also drawn criticism for allowing some of its elected members to frequently call in to meetings, rather than attending in person. Although legal, the MMWD board has used this practice more often than needed as an emergency measure and more frequently than other public boards across the county.

San Anselmo Mayor Matt Brown also had an issue with the district, in his words, “hiding” the new proposed charge on property tax bills, adding that the list of special taxes and fees on the bill is growing longer.

In Larkspur, Councilman Kevin Haroff questioned the board's decision to use the size of the water meter instead of actual usage to determine the “infrastructure” fee.

Of course, the meter-based fee rather than a usage-based fee would provide a steady and dependable source of revenue, as opposed to one that could fall due to conservation or drought-caused rationing.

Councilman Dan Hillmer, a longtime community leader, urged MMWD to take more time and “build some trust” in its decision-making process.

Given the public feedback it's getting, the MMWD board should take more time to make sure it has a funding plan that truly reflects

The proposed fee follows the district's creation of a watershed management fee and district voters' extension of the so-called "fireflow" tax, which has been used for seismic safety repairs and improving water flow to hydrants in hilly areas of the district.

support of ratepayers, including its decision-making process and how and how much the public will have to pay.

---

Tuesday, 03/26/2019 Page A11

Interestingly, there was no discussion of this new fee during November's re-election of two long-standing water board members.

But for well over a year, according to Horenstein, there have been 18 public meetings on the district's rates, fees and need for improvements and repairs. He conceded that many of those meetings were at the committee level, which typically gets little public attention, attendance or publicity from the district's public information team.

Copyright Terms and Terms of Use. Please review new arbitration language here.

## Novato working on options for district elections

### PUBLIC MEETINGS

**By Will Houston**

*[whouston@marinij.com](mailto:whouston@marinij.com) @Will\_S\_Houston on Twitter*

What should Novato's new election system look like?

This was the question posed to city residents on Tuesday during the first of five meetings that will be held in the coming months on switching Novato from at-large City Council elections to by-district elections. And there's not much time to figure out an answer.

Should the city have five districts or four with an at-large mayor? Where should the district boundaries lie? Or should Novato keep its current at-large election system and try to defend itself in court against the Malibu attorney who's threatened the city with a lawsuit if it doesn't make the change?

Most of the residents who spoke to the City Council on Tuesday favored the change and called for the city to be divided into five electoral districts, at least at the start. Some speakers such as Tracey Ruiz said they favored eventually switching to a four-district council and an at-large mayor.

"Our city has grown," Ruiz said. "We have bigger issues and I think having a mayor creates some accountability with the voters."

A few others, such as Andrew Vavurus, said the city shouldn't be shaken into submission by the specter of a lawsuit and that this issue should be put to the voters.

"I find it amazing that a cadre of individuals and professionals have come up and told us to run and hide behind bushes when we should be defending the beautiful integrity of this town," he said.

State law from 2016 allows local governments to make the change from at-large to district elections without a vote by the people.

### Why change?

Novato has until June 10 to make the switch, otherwise it faces a lawsuit by Malibu attorney Kevin Shenkman for alleged violations of the California Voting Rights Act.

In a February letter to the city, Shenkman argues at-large election systems dilute votes by protected classes of minority voters, such as Latinos. Shenkman has sent similar letters to cities and special districts throughout the state for the past several years; they have been successful at convincing governments, including San Rafael in 2018, to make the change. More recently, San Rafael City Schools received a Shenkman letter and the Novato Unified School District is moving to switch to district elections before Shenkman targets the district.

The cities that have opposed Shenkman's demands to switch to district-based elections ended up losing or settling in court, paying Shenkman millions of dollars in attorney's fees and millions more on their own defense only to lose, according to the

**ELECTIONS » PAGE 4**



## Elections

### FROM PAGE 3

city's legal consultant, Sean Welch.

"It is eye popping," Welch said of the costs.

The Novato City Council decided earlier this month to avoid the financial risk by making the switch. This way, the city would only be liable to pay up to \$30,000 in attorney's fees to Shenkman as long as it adopts the change within 90 days.

### Drawing maps

The city will now hold five meetings on the change where it will ultimately draw district maps and make a final vote, which is scheduled for May 21. The first two meetings are meant to garner the public's views about the number of districts and where the district boundaries should be. There are several considerations the city needs to take when drawing the maps, but Welch urged the city to focus on "communities of interest."

These can be various neighborhoods, schools attendance areas, natural divides such as highways and major roads and creeks and shared demographics such as income level and language. The catch is the districts have to represent roughly equal portions of the city's population, so about 10,000 people per district under a five-district system.

Doug Johnson of the National Demography Corp. said districts can encompass entire neighborhoods or they could essentially be "stripes" or "strips" that run through multiple neighborhoods. Also to consider are the concentrations of protected classes of voters. About 20 percent of the city's population is Latino with the voting age population about 11 percent Latino, Douglas said.

"There's no right or wrong answer," he said about the districts. "... We're looking to identify the building blocks that we'll then put together into the different draft maps."

the census data and create some maps for the city. Johnson said there have been past attempts to use computers to draw the maps, but he said, "The algorithms all stink."

There are other factors the council can consider when deciding on maps including preventing two incumbents from living in the same district. In the end, Welch said that politics are inevitable when it comes to these decisions and most others.

Whatever map is ultimately decided upon will only be used for the November 2019 election when council members Pam Drew, Josh Fryday and Eric Lucan would be up for election. That's because the 2020 U.S. Census is about to occur, which will require the district maps to be revised before the 2022 election when council members Denise Athas and Pat Eklund would be up for election.

### Delay?

Some residents have questioned why the city has to make the switch on such a fast-paced timeline. After receiving a letter from Shenkman in late 2017, the San Rafael City Council was able to draw its maps within 90 days — though the finished product was not without criticism — and adopted them in January 2018. But San Rafael's first district election won't be until 2020 because that will be the first council election to occur since the change was made.

Others questioned whether Novato could request Shenkman to delay filing a lawsuit to allow more time to prepare the district maps. There is an option for a 90-day extension, Welch said, but state election code requires that the city complete the district maps at least six months before the next regular election, which is November 2019 for Novato.

"There just doesn't appear to be any sort of path to negotiate some sort of an agreement," Welch said.

Draft maps are expected to be available by April 15, with the city holding three more hearings to allow for any changes. Before then, residents are being encouraged to draw and submit their own district maps or make suggestions on where they believe the district boundaries should be.

The council is set to hold its next district election discussion at its April 9 meeting. More information can be found online at [bit.ly/2U28knF](https://bit.ly/2U28knF).

---

Thursday, 03/28/2019 Pag.A04

Novato resident Kevin Morrison said there are key differences in income levels and racial demographics between areas such as the downtown and West Novato. Hamilton resident Marie Hoch said she favored square-like districts.

“I’d vote for keeping neighborhoods together and not giving every council member a pick of 25 percent of each neighborhood,” Hoch said.

Councilwoman Pam Drew asked whether a computer algorithm could analyze

Copyright Terms and Terms of Use. Please review new arbitration language here.

## ***Board can take election process that works best***

### **Editorial**

The Novato Unified School District board faces a lot of challenges, among them grappling with declining enrollment and related budget cuts.

Now, trustees have added another challenge to their agenda — revamping elections so that the board's seven trustees are elected by district.

The school board expects it will, sooner or later, join the cities of San Rafael and Novato and the San Rafael City Schools District as the target of a lawsuit pressuring the district to establish district elections.

Those that already have been targets of such lawsuits have typically conceded and made the shift, paying much less in legal fees had they opted to contest it in a court fight.

Novato school district officials say that by moving forward now, the district can avoid a lawsuit and an estimated \$30,000 in legal fees a suit could cost the district.

For years, Novato school board members have been elected at-large. With seven members, there are enough seats that running for the board is not a financially arduous campaign. The argument for shifting to districts is that by focusing their bids for office in smaller areas, campaigns should cost less and be more financially accessible to more candidates.

In addition, there is an argument that minority neighborhoods would have a better chance to elect a representative to the board.

It is not a small shift, and coming up with the lines for new districts may not be an inexpensive process.

In addition, unlike the city of San Rafael, where supporters of district elections could easily point to the Canal neighborhood as being historically under-represented on the City Council, Novato

That is no longer the case. Turnover on the college board has broadened the geographical representation — without a lawsuit.

A downside of the move to district elections is that it could change decision-making dynamics of a board, where instead of approaching decisions as district-wide issues, district representatives may act from the perspective of their local constituents.

When decisions come down to favoring one school campus or another, for example, that shift could become more of a factor.

But that doesn't seem to matter. Officials are more worried about avoiding legal fees.

Novato Superintendent Jim Hogeboom said that instead of waiting to be sued, the school board is moving forward with the change "on our own terms."

Hopefully, that means the trustees will not rush into drawing lines.

Novato trustees should form a broad-based community panel, comprised of parents and faculty as well as residents who don't have kids in district schools — the majority of the district's voters. They should be able to sift through population numbers and so-called "communities of interest" to come up with proposed district boundaries.

Both the Novato City Council and the San Rafael school board should make it a priority to include their residents as co-authors of the district lines.

They, however, face deadlines set forth in the state district-elections law.

Rather than being forced into lawsuit-driven tight time-lines — which make the process mostly driven by politicians and bureaucrats with little

has no obvious area that has been shown to be politically disadvantaged by at-large elections.

Facing similar political dynamics as the city — if not more complex — the San Rafael school board, which received a letter demanding it move to district elections in February, decided this week to make the change.

In past years, for instance, the College of Marin's sevenmember board was dominated by trustees who actually lived within walking distance of the Kentfield campus.

For many years, the board did not have a representative from Novato.

front-end input from those who would be represented — Novato trustees should proceed on the district's "own terms" and base the new lines on a true reflection of the community.

---

Friday, 03/29/2019 Pag.A13

Copyright Terms and Terms of Use. Please review new arbitration language here.