

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

June 4, 2019

CALL TO ORDER

Vice President Michael Joly 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 Rick Fraites, James Grossi, Michael Joly, and Stephen Petterle. Director Jack Baker was absent. Also present were General Manager Drew McIntyre, District Secretary Terrie Kehoe, Auditor-Controller Julie Blue and Chief Engineer Rocky Vogler.

District employees, Robert Clark (Operations/Maintenance Superintendent), Tony Arendell (Construction/Maintenance Superintendent) and Monica Juarez (Receptionist/Cashier) were also in attendance. In the audience were Novato customer Tina McMillan, District legal counsel representative, Carl Nelson (Bold, Polisner, Maddow, Nelson and Judson); special counsel Tom Willis (Remcho, Johansen & Purcell); Chris Chaffee and Paul Mitchell (Redistricting Partners, LLC), and Nic Zateslo (Political Data, Inc.).

MINUTES

On motion of Director Petterle, seconded by Director Grossi the Board approved the minutes from the May 21, 2019 meeting as presented by the following vote:

AYES: Director Fraites, Grossi, Joly and Petterle

NOES: None

ABSTAIN: None

ABSENT: Director Baker

PUBLIC HEARING NO. 3 – CALIFORNIA RIGHTS ACT (CVRA) AND ELECTIONS CODE

(ED) 10010:

Vice President Joly declared the third public hearing opened at 6:01 p.m.

Mr. McIntyre opened the discussion by reminding the Board that Public Hearings Nos. 1 and 2 were held during the District's Regularly Scheduled board meetings on May 7, 2019 and May 21, 2019. He stated at both Public Hearings the public was given an opportunity to weigh in on composition of the districts. Mr. McIntyre added as of noon on May 31st the District had

received two comments via emails from Novato residents; one from a resident of Hamilton that supported Plan A, and the other requesting that the demographers include the location of the incumbents on the maps. Mr. McIntyre summarized that at the completion of Public Hearing No. 2; three draft maps were developed, each depicting five divisions in different configurations. He added the purpose of this third public hearing is to obtain input from the public and Board regarding the content of the draft maps and proposed sequence of elections. Mr. McIntyre stated that the three draft division map alternatives were posted on the District's webpage on May 28, and a notice was published in the Marin IJ on the same date. He added the fourth public hearing is scheduled for June 18th to obtain additional input from the public and Board regarding the content of the draft maps and sequencing of elections. Mr. McIntyre stated that at the conclusion of the fourth public hearing, the Board may approve a final map and sequencing of elections to be used for the ordinance.

Mr. McIntyre also reminded that Board that the West Marin meeting on June 25th will have an agenda item that will summarize the transition to district-based elections process and the public will have another opportunity to make comments. Additionally, he noted at the fifth public hearing on July 16th the Board will consider adoption of an ordinance that will establish NMWD's district based election. Mr. McIntyre introduced District legal counsel and the demographers to lead the discussion and answer questions. He added that staff member Monica Juarez was in the audience for Spanish translation if needed.

Mr. Nelson of District legal counsel introduced special counsel Tom Willis, and demographers Paul Mitchell, Chris Chaffee and Nic Zateslo.

Mr. Mitchell noted that his presentation will be essentially the same as the one at the prior hearing in the event there are new members from the public in attendance. Mr. Mitchell summarized the process and reminded the Board that we are drawing the maps to be of relatively equal size and functionally contiguous. He added the idea is to maintain communities of interest, like special needs, or minorities. Mr. Mitchell noted that NMWD is different than other agencies and the District's Elevation Zone maps may be an interest to consider, while still maintaining local governments lines and neighborhoods.

Director Joly asked about the map approved by the City of Novato that shows a total deviation of 9.7% and how this will be affected by the new census. Mr. Mitchell replied that he is trying to draw the lines with a narrow margin so that the lines do not have to be redrawn after the 2020 Census. Director Grossi asked if the numbers in the presentation were based on the 2010 census or voter eligibility. Mr. Mitchell replied that it is based only on the census count of

residents, not voters. Mr. Mitchell added that the objective is to keep the District compact and divided into simple geometric shapes like squares and circles. He added the population is around 61,520 so we should have around 12,304 in each district, and include consideration of the population outside of Novato.

Mr. Mitchell compared the draft Maps A, B, and C. Director Joly noted that on draft Map C the western part has the same line as Draft Map B, and asked what that line represented. Mr. Mitchell replied the line is the northwest boundary of the city. Director Petterle noted that he can see Highway 101 and Highway 37, but he is unable to see the major streets. Mr. Mitchell noted there is another version of the map on the District website that allows for zooming in on the plan to see lines and addresses. He added that if there is a concern in one area you can bring it to their attention, however, you can't move a line by one street; rather it must be one census block at a time. Mr. Mitchell noted that if only small changes are required, there are more options of ways to move. Director Fraites commented that there was a lack of detail in the maps. Mr. Mitchell directed the Board members to the interactive map on the website where you can see the Novato City Council Districts in addition to the location of NMWD incumbents via census blocks, not their address.

Director Joly asked how many census blocks are in our district. Mr. Mitchell replied that he did not know at this time. Director Joly commented that in draft Map's A and C, there is a lot of ground to cover for a candidate, but understand the goal is to keep it equal in population size. Mr. Mitchell replied that what it comes down to is how dense the population is in a certain areas. Director Grossi noted that in draft Map C both Director Joly and he are in the same district. Mr. Mitchell replied that in most cities or districts he sees the incumbents all living relatively closer to each other, here the incumbents are really spread out which makes it natural to draw divisions that place Directors in separate divisions. Director Grossi asked if this would be quasi gerrymandering. Mr. Mitchell stated that it would be hard to make a plan that is gerrymandering given the location of the incumbents. Director Joly commented that draft Map C incorporates almost the entire northern half of the city. Mr. Mitchell replied that at this phase we are in a listening mode to get public and Board comments and can revise the draft maps as required. Director Joly asked if there is a maximum deviation of 5% between any one district. Mr. Mitchell confirmed, adding it is best to make the deviation percentage as small as possible so there is less of a chance they will need to be redrawn after the 2020 census. He added on July 16th, the final Public Hearing will take place to adopt the maps.

Director Joly asked whether there will be a hearing at the West Marin Board meeting on June 25th. Mr. McIntyre replied that information from the fourth Public Hearing on June 18th will be presented as an information item and although the demographer will not be there, public input will still be taken. Mr. Mitchell advised the Board that if they do receive feedback, to give it to the demographers; copy staff and the attorneys, so everything is open and documented.

Director Grossi stated he understands we have no choice. He commented on the cost impact to the District and noted that it may change the dynamics of the whole Board in that each Director could only be representing their district and that it may make it more difficult to find candidates for Director positions. Director Grossi added that we are not helping minorities because we are splitting them up. Mr. Mitchell agreed that the biggest impact will be the dynamic of the Board. He added that he has seen some areas in the State where there are district dense minorities, however more often than not we don't see that in California. Director Grossi commented that the legislation is not benefiting the minorities that the law is intending to protect, and noted that two years from now, with the changes from the new census, everything could change again. Mr. Mitchell stated there are dysfunctional agencies that are at-large and ones that are by-district. He added by-district only matters on Election Day, whereas when acting as a Board you act for the population at-large. Mr. Petterle stated he would expect if a constituent has a complaint it would be brought to the Board at large. Mr. Mitchell replied that this should be the culture of the Board.

Vice President Joly asked if there were any comments from the public. Tina McMillan from the audience praised the Board, stating she has great respect for their service and they have done a great job. She stated that she believes the by-district election will be beneficial because it will encourage Directors to take into consideration the community interests instead of always thinking of the District as a whole. She noted that only one woman had been elected to serve on the NMWD Board and only one woman had been appointed to the Board throughout the District's history. Ms. McMillan added that many cannot afford to run against the incumbents because then you have to reach out to the entire District population for election, adding that she believes a smaller population is easier to reach out to and allows you to be more accountable to that group. Ms. McMillan expressed her appreciation that the draft maps are now up, and commented that the City of Novato allowed the public to make more draft maps. She added that she understands the City is different than the water district, and prefers draft Maps A and C because they have a relationship to how the neighborhoods function. Ms. McMillan added that she asked the City not to pair incumbents together because she felt it was

too divisive and that she believes that it is more rational for each Board Member to stand alone. She also asked how long an incumbent can remain in an at-large position. Mr. Willis replied that when the District elections come up, any incumbent will be able to serve their full terms. Ms. McMillan stated no one is disadvantaged that way, and added Novato seems to be the focus and added that she hopes that West Marin will again have a voice as when Director Rodoni was in office. She stated that draft Map C felt compact; but the problem with draft Map C is that it had no sense of neighborhoods. Ms. McMillan said in draft Map A she felt more parts of Novato were represented and there is a way for the Board to tell voters versus population. She stressed to the Board to reach out to the public and asked if Mr. Shenkman has written to the Board, and if not perhaps they should allow more time. Director Joly commented that once the hearing process is formulated and we are in the process we are okay. Mr. Nelson stated that the statute provides a mechanism for extending the period beyond 90 days, but only by agreement with a party who has sent a letter demanding that the agency transition to by-district elections; since the District did not receive such a letter, we have to proceed with the process within the ninety days. Ms. McMillan stated she has been trying to get the public to attend the hearings, and added if the census block is on Goggle maps it is more meaningful. Overall she stated what the Board has done is incredible, they have kept the rates as low as they can and the public appreciates that.

Vice President Joly declared the third public hearing closed at 6:58 p.m.

GENERAL MANAGER'S REPORT

Public Safety Power Shutoff Plan

Mr. McIntyre announced that he and Mr. Clark have a Public Safety Power Shutoff Plan meeting with the local managers on Wednesday afternoon. Director Joly asked if PG&E has publically stated the criteria for shutting off power. Mr. McIntyre replied that they have and it has been approved by the Public Utilities Commission. He added that communities will need to be better prepared for longer power outages and we are working with our local agencies to proactively plan for such events. Director Pettele asked if they will shut down all of Novato, or will they consider only certain neighborhoods. Mr. Clark replied that it could include a large percentage of Novato and even include large segments of the county. Mr. Clark announced if you go online to www.pge.com/en_US/safety/emergency-preparedness/natural-disaster/wildfires/public-safety-power-shutoff-faq.page there is a map with three zones, and it is compared by how wooded the areas are to determine the high danger areas. He added the District's main office and the recycled water plant are not in the heavily wooded areas; but most

everything else is. Mr. Clark stated the plan is based on red flag alerts, humidity and an abundant amount of vegetative fuel. Director Grossi pointed out the whole ridge is in high danger and they should allow control burns. He added if there is a fire, there is a potential for everything in West Marin to go up in flames. Director Petterle commented that the burn index can be dramatically different in Woodacre versus Mt. Tamalpais, and doesn't know how PG&E will take this into account when considering a countywide power shutdown. Director Fraithe asked if there has been any discussion about moving the power lines underground. Mr. Clark responded that in Paradise where they are rebuilding the town they are doing so; otherwise PG&E doesn't have a plan to do so. Director Grossi stated the problem is the cost. He added that twenty years ago, underground power line costs \$1,000 per linear foot. Director Petterle remarked that wildland fires can start for many reasons, not necessarily just PG&E's power line issues.

Point Reyes Station Workshop #2

Mr. McIntyre announced that he will also be attending the second Point Reyes Station Community Water Story Workshop conducted by County Environment Health Services on Wednesday evening in Point Reyes Station.

County Projects at Stafford

Mr. McIntyre stated on Friday afternoon he has a meeting with Max Korten, Marin County Parks Manager to discuss some potential upcoming County projects at Stafford Lake Park. Director Petterle stated he will abstain from any discussion with Mr. McIntyre on this subject since he works for Marin County Parks.

Steelhead Habitat Assessment in Novato Creek

Mr. McIntyre stated that next week on June 12th he has a meeting with the Santa Rosa office of National Marine Fisheries Service, NMFS, to discuss the next steps following our work assessing suitable steelhead habitat in Novato Creek upstream of Stafford Dam.

Potter Valley Project

Lastly, Mr. McIntyre announced that he and Director Baker have a meeting on June 14th with Congressman Huffman to advocate for WAC/TAC representation at future Huffman Ad Hoc meetings in reference to the Potter Valley Project. He added that Jennifer Burke, TAC Vice Chair and Susan Harvey, WAC Chair, will also attend the meeting. Director Grossi commented

that there was an article in the Marin IJ that made it sound like the deal is done, but the reporter got it wrong.

OPEN TIME

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

STAFF/DIRECTORS REPORTS

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

Mr. Clark announced that the roads in Oceana Marin that were damaged from the 2017 storms have been rebuilt and we should be able to use them for several years to come.

CONSENT CALENDAR

Item 6 – 1758 Indian Valley Road was removed from the consent calendar for additional discussion. On the motion of Director Petterle, and seconded by Director Grossi the Board approved Items 7 and 8 on the consent calendar by the following vote:

AYES: Director Fraites, Grossi, Joly and Petterle

NOES: None

ABSTAIN: None

ABSENT: Director Baker

(ITEM 7) AMEND CONSULTING ENGINEERING SERVICES AGREEMENT – GHD (PRE TANK NO. 4A)

On the Consent Calendar, the Board approved the amended Consulting Engineering Services Agreement with GHD for PRE Tank No. 4A for preparing the design for the tank replacement project which consists of construction a new 125,000 gallon above grade potable water concrete storage tank in Paradise Ranch Estates.

(ITEM 8) GROUP LIFE INSURANCE RENEWAL

Also under the Consent Calendar, the Board approved Group Life Insurance Renewal with Mutual of Omaha. The benefit package includes a life insurance policy for regular employees with a benefit equal to their annual salary up to \$200K and includes an accidental death and dismemberment policy that offers double indemnity in the event of accidental death and defined lump sum payment if there is loss of sight or appendage.

(ITEM 6) 1758 INDIAN VALLEY ROAD, APN 146-200-07

Director Fraites asked Mr. Vogler what the square footage is of the residence and if this is the original design. Mr. Vogler confirmed it is the original design, and the square footage of the residence is 4,400 square feet which does not include an additional dwelling unit.

On the motion of Director Fraites, and seconded by Director Petterle the Board approved Item 6 on the consent calendar by the following vote:

AYES: Director Fraites, Grossi, Joly and Petterle

NOES: None

ABSTAIN: None

ABSENT: Director Baker

ACTION ITEMS

MARIN COUNTY MULTI-JURISDICTIONAL LOCAL HAZARD MITIGATION PLAN

Mr. Vogler reviewed the 2018 Marin County Multi-Jurisdictional Local Hazard Mitigation Plan (MCM LHMP). He stated the plan was developed by the County in direct consultation and coordination with various public agencies across Marin County, and included input from District Staff. Mr. Vogler added the MCM LHMP has recently been approved by both the California Office of Emergency Services (CalOES) and the Federal Emergency Management Agency (FEMA), and was adopted by the County of Marin. He noted potential future project funding opportunities provided by both CalOES and FEMA require participation in a LHMP as a pre-condition for consideration. Mr. Vogler stated in 2016 the Board authorized the District to participate in the County process to update the plan and expand it to include other agencies in the County. He added NMWD chose to participate in addition to various other municipal agencies in the County. Mr. Vogler stated the Oceana Marin treatment pond berm armorment project was originally rejected because the LHMP was not yet adopted. He added FEMA is now looking at our project since it is now part of an adopted LHMP. Director Joly asked Mr. Vogler to explain the Pre-Disaster Mitigation grant, asking if it is 25% matching. Mr. Vogler answered yes, stating the total Oceana Marin Project is estimated at \$1.2M and our share would be \$300,000. Mr. McIntyre commented that he would like to compliment the County of Marin for allowing us to join in their efforts, adding it is the first time in the twenty years he has been at NMWD that this opportunity has been made available.

On the motion of Director Fraites, and seconded by Director Petterle the Board approved adoption of the 2018 Marin County Multi-Jurisdictional Local Hazard Mitigation Plan on the action calendar by the following vote:

AYES: Director Fraites, Grossi, Joly and Petterle

NOES: None

ABSTAIN: None

ABSENT: Director Baker

INFORMATION ITEMS

BUDGET REVIEW – PROPOSED FY 19/20 BUDGETS NOVATO AND WEST MARIN SERVICE AREAS

Ms. Blue reviewed the proposed FY 19/20 Budgets for Novato and West Marin Service Areas. She stated that essentially this is the same budget the Board previously reviewed on May 7th and 21st, with a few changes. She added the Oceana Marin Capital Improvement Projects decreased by \$100,000 because we are rebuilding a pump rather than replacing it. Ms. Blue stated there was an \$18,000 increase in Novato for insurance premiums, and other minor corrections to the Novato, West Marin and Oceana Marin budgets. Ms. Blue added letters were mailed out to all Oceana Marin and West Marin customers on May 8th to explain the proposed rate increase and that hearing notices will be published on June 6th and June 13th in the Point Reyes Light. Ms. Blue explained the Novato and Recycled Water budgets will be considered for approval at the next meeting and the West Marin and Oceana Marin budgets will be considered for approval at the June 25th meeting in West Marin. Director Joly thanked Ms. Blue for the additional details on the graphs and tables and stated he will contact her directly if he has further questions.

WAC/TAC MEETING – MAY 6, 2019

Mr. McIntyre updated the Board on the recent kickoff meeting on SCWA's Regional Water Supply Resiliency Study. He explained that the objective of this study is to look at the collective Water Contractor infrastructure and apply stress tests for water shortage conditions such as severe droughts or short-term emergencies such as earthquakes to see how the entire system can be better utilized to improve overall regional resiliency. Mr. McIntyre stated this study, as an example, could look at how backfeeding Stafford Lake might be encouraged more often during dry years when it hasn't reached full capacity to benefit both NMWD and other Water Contractors.

MISCELLANEOUS

The Board received the following miscellaneous items: Disbursements – Dated May 23, 2019, Disbursements – Dated May 30, 2019 and Legal Notice May 28, 2019 - North Marin Water District Transition to District-Based Elections -North Marin Water District seeks input from residents.

The Board received the following news articles: Novato selects district election map; Seasonal dam gets deflated following heavy rain, runoff; Rodoni launches 2020 campaign; Opinion - Water district needs 'strong dose of transparency'; Opinion – MMWD ensures public health and economic vitality; Critical services brace for outages – PG&E; Regretful water board hikes rates – MARIN MUNICIPAL and Water customers in North Marin face hike in rates.

Mr. McIntyre announced that there will be no need to go into closed session.

Director Grossi commented that he will be out of town for most of July and will not be able to attend the July 16th Board meetings

CLOSED SESSION

Vice President Joly announced that since there is no need to go into Closed Session he will adjourn the meeting.

ADJOURNMENT

Vice President Joly adjourned the meeting at 7:29 p.m.

Submitted by



Theresa Kehoe
District Secretary