

DRAFT
NORTH MARIN WATER DISTRICT
MINUTES OF REGULAR MEETING
OF THE BOARD OF DIRECTORS
April 7, 2020

CALL TO ORDER

President Joly announced that due to the Coronavirus outbreak and pursuant to Executive Order N-29-20 issued by the Governor of the State of California this was a virtual meeting.

President 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. President Joly opened the meeting announcing this is the first virtual Board meeting in the 72-year history of North Marin Water District. There was not a public location for participating in this meeting, but any interested members of the public could participate telephonically by utilizing the dial-in information printed on the agenda. He welcomed the public to participate in the call and asked that they mute their phone, except during open time and while making comments on the agenda items. President Joly noted that due to the virtual nature of the meeting he will conduct a roll call from the Directors. A roll call was done and all Directors were in remote attendance therefore establishing a quorum. Participating remotely by phone were Directors Jack Baker, Rick Fraites, James Grossi, Michael Joly and Stephen Petterle.

Mr. McIntyre did a roll call of staff, also present were General Manager Drew McIntyre, District Secretary Terrie Kehoe. Auditor-Controller Julie. Blue was in attendance remotely by phone.

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

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President Joly asked if there were any members of the public on the line to announce themselves, and no one replied.

MINUTES

On motion of Director Baker, seconded by Director Petterle the Board approved minutes from the March 17, 2020 meeting by the following vote:

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

NOES: None

ABSTAIN: None

ABSENT: None

GENERAL MANAGER'S REPORT

Mr. McIntyre reminded everyone of the protocol of the meeting and asked all participants to announce their name when talking and to mute their phone as much as possible unless they are speaking.

Ensuring the Protection of Everyone's Health

Mr. McIntyre thanked the public and the Board members for their flexibility and understanding in having these remote meetings to protect everyone's health. He noted this type of meeting format is not ideal, but it is certainly rational given this public health crisis. Mr. McIntyre stated he would like the minutes to reflect his profound appreciation to all staff for their continued professionalism in maintaining essential services during these uncertain times. He noted that District employees remain focused each and every day on critical tasks necessary to ensure that our water is safe and reliable.

Dry Year Conditions Update

Mr. McIntyre reminded the Board that at the last meeting he reported that Kent Lake rainfall through March 12th was at 15.6-inches. He noted we did receive some recent rain, but the total rainfall through April 21st was just under 24-inches or 14% below the minimum Normal Year condition threshold of 28-inches as defined by Lagunitas Creek Water Right Order 95-17. Mr. McIntyre added that Dry Year conditions will trigger enactment of the District's West Marin Water Shortage Contingency Plan and we will be required to hold a public hearing similar to that in 2014 to adopt an emergency water conservation ordinance. He anticipated that the Public Hearing will be scheduled for the May 5th meeting. Mr. McIntyre added on a related matter, the third-party truck hauling firm delivering NMWD surplus water to the Nicasio community was notified on April 1st that availability of surplus water is suspended until further notice.

Gallagher Ranch Streambank Project

Mr. McIntyre apprised the Board that staff is heavily engaged in the permitting phase of the Gallagher Ranch Streambank stabilization process. He noted our permitting and design consultants have been having to make substantial permit and design changes as we work our way through the permitting process from various agencies including the Regional Water Quality Control Board (RWQCB), California Department of Fish and Wildlife (CDFW), Army Corps of

Engineers (ACOE) and Marin County. Mr. McIntyre stated these regulatory requests are resulting in higher consulting costs as identified in Consent Items 5 and 6 and will ultimately drive up the construction cost as well. He announced that staff expects to return to the Board at the next meeting to have an action item to award the project to the lowest, responsible bidder. Mr. McIntyre added at that time, he will have more information to share regarding overall timeline impacts. He summarized; costs are going up, but barring any new permit surprises, we expect to still have a significant amount of the project funded by federal Natural Resources Conservation Service (NRCS) grant funds.

OPEN TIME

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

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 staff is in the process of starting up the Stafford Treatment Plant with rotating shifts based on a 7:00 a.m. to 3:30 p.m. Monday thru Friday schedule in hopes we can meet the FY20 production goal of 650M gallons of water.

Mr. Clark added that the recent reduction of on-site laboratory staff to one chemist during the COVID-19 pandemic was not sufficient to meet workload demands. Therefore, the lab has been divided into two work areas to accommodate two chemists and still practice safe physical distancing. Mr. Clark added that this should work well to get more tasks done and avoid overtime.

Lastly Mr. Clark announced that the roof replacement project is now tentatively scheduled to occur around the beginning of May and the project will take twenty days to complete. Director Baker noted that we will be doing a substantial remodel of the whole building and asked if replacing the entire roof was premature; perhaps a patch or repair option would be more appropriate. Mr. Clark replied that in the design of the remodel the complete roof will stay in place and that the current Board approved Headquarters Upgrade Master Plan assumes the roof replacement occurs in advance of the office upgrade project. Director Baker noted when we do the work in two years, the building will change and the configuration may need to be altered. He asked if this is the best timing to reroof now when the structure will change. Mr. Clark responded that the roof is in bad condition and needs to be replaced as soon as possible. Director Baker stated that he respects his judgement, but is not convinced.

Director Joly noted that we are reaching the end of our rain season and asked what we are doing to prepare for wild fire season and the procurement of generators. Mr. Clark replied he

is now reviewing last year's Public Safety Power Shutoff (PSPS) program and making outreach to those we contracted with in the past regarding power generator rentals. He added he is working on a Board memo and reviewing the budget to make sure we have adequate funding for next year.

CONSENT ITEMS

On the motion of Director Baker, and seconded by Director Petterle 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

AMEND ESA CONSULTING SERVICES AGREEMENT – ADDITIONAL PERMITTING SERVICES AGREEMENT FOR GALLAGHER RANCH (LAGUNITAS CREEK) STREAMBANK STABILIZATION PROJECT)

The Board authorized the General Manager to amend the ESA Consulting Services Agreement for additional permitting services for the Gallagher Ranch (Lagunitas Creek) Streambank Stabilization Project. The original agreement was for \$57,000 and ESA requested a contract modification of \$25,000 to address out-of-scope work requested by the permitting agencies.

AMEND WRA CONSULTING SERVICES AGREEMENT – ENGINEERING SERVICES FOR GALLAGHER RANCH (LAGUNITAS CREEK) STREAMBANK STABILIZATION PROJECT

The Board authorized the General Manager to amend the WRA Consulting Services Agreement for engineering services for Gallagher Ranch (Lagunitas Creek) Streambank Stabilization Project. The original agreement was for \$94,400 and WRA requested a contract modification of \$35,000 to address design modifications required by the Regional Water Quality Control Board (RWQCB) and the California Department of Fish and Wildlife (CDFW) to improve riparian and aquatic habitat features.

ENVIRONMENTAL COLLABORATIVE (EC) – CONSULTING SERVICES AGREEMENT

The Board authorized the General Manager to execute a General Consulting Services Agreement with Environmental Collaborative for \$20,000. Staff determined that an additional environmental support services consulting firm is necessary due to workload demands. The projects include permitting for Oceana Marin Pond Berm Rehabilitation project and the Old Ranch Road Tank Replacement Project.

RECORD RETENTION PROGRAM – DESTRUCTION OF RECORDS

The Board approved the Destruction of Certain Records in the manner consistent with District Policy.

ACTION ITEMS

DECLARATION OF LOCAL EMERGENCY RELATED TO COVID-19 PANDEMIC

Mr. McIntyre stated North Marin Water District (District) performs an essential function and operates essential infrastructure to provide water and sewer service to over 60,000 residents of Marin County. He reported the District has partially activated its Emergency Operation Center (EOC) as defined in the District's Emergency Operation Plan and the emergency management team is also coordinating with Marin County EOC, the City of Novato and other local Special Districts. Mr. McIntyre explained to the Board that to ensure operational flexibility in meeting the challenges of COVID-19, it is requested that the Board proclaim the existence of a local state of emergency. He added by proclaiming a local emergency, the District could be provided opportunities for additional state or federal assistance. Mr. McIntyre noted the resolution has been reviewed by legal counsel and is consistent with recent actions by many other local Bay Area water and wastewater agencies. He stated this resolution will be reviewed as an action item at each subsequent Board meeting to determine the need to continue the declaration until the state of emergency has subsided and the Board has terminated the declaration.

On the motion of Director Fraites, and seconded by Director Grossi the Board approved the Declaration of Local Emergency Related to COVID-19 Pandemic by the following vote:

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

NOES: None

ABSTAIN: None

ABSENT: None

**SIDE LETTER AGREEMENT TO THE 2018-2023 NMWD/EMPLOYEE ASSOCIATION
MEMORANDUM OF UNDERSTANDING CONCERNING MAXIMUM WORKING HOURS AND
FATIGUE TIME**

Mr. McIntyre presented the Side Letter Agreement to the 2018-2023 NMWD/Employee Association Memorandum of Understanding concerning maximum working hours and fatigue time in recognizing that the District may, at times require employees to work extended hours. Mr. McIntyre stated the District conferred with the Employee Association to formalize a set of procedures which are intended to minimize potential work injuries associated with employees working extended hours without adequate rest between shifts. He added this side letter will provide a minimum of eight (8) hours of rest in cases where an employee's work extends into

overtime hours in an unscheduled overtime situation, so we are compliant with the laws for minimum rest time and to ensure we keep ourselves and our public safe. Mr. McIntyre noted staff conducted a survey of local agencies including Alameda County Water District, Contra Costa Water District and City of Napa, to assess best practices regarding maximum working hours and fatigue time.

Director Baker shared that in his previous employment certain staff often had to work long hours during storms and the administrative department enacted something very similar and recognized that people were exhausted. He expressed that he was in total support of this agreement.

On the motion of Director Fraites, and seconded by Director Petterle the Board approved the Side Letter Agreement to the 2018-2023 NMWD/Employee Association Memorandum of Understanding Concerning Maximum Working Hours and Fatigue Time by the following vote:

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

NOES: None

ABSTAIN: None

ABSENT: None

RATE INCREASE LETTER TO NOVATO CUSTOMERS

Ms. Blue presented the draft 6% revenue increase and rate structure changes letter to Novato customers. Ms. Blue stated that California law (Proposition 2018) requires that customers be notified of a water rate increase at least forty-five days prior to the public hearing when the Board considers adoption of the increase. A public hearing scheduled for June 16, 2020 requires that letters be mailed out by May 2, 2020 and noted the letter design was done with the help of Martin Rauch.

Director Joly stated his name was spelled incorrectly on the notice, but otherwise thought the letter was brilliant. He did ask why there was no mention of the funds required for the loan on the headquarters upgrade. Ms. Blue replied that legal counsel reviewed the letter and gave no indication that there was any missing required information and we do not want to add unnecessary information that may be confusing to the customer. Mr. McIntyre noted that legal counsel gave careful consideration on how the information was presented to be sure we were compliant with Proposition 218 noticing requirements. Director Joly replied that the fact that the letter was reviewed by our legal counsel answers his question. Mr. McIntyre commented that the timing of this notice is unfortunate giving the coronavirus impacts, but stated that we are an essential

service and need to maintain sufficient funding to ensure our customers are provided a reliable water supply for public health, sanitation and fire protection.

Director Fraites noted on the first page, under “Rising Costs to Purchase Imported Water” we might want to add a sentence stating that 75% of the water we use is imported from SCWA. Director Fraites also requested that staff are schooled on how to respond to customers when they call in so our message is clear and consistent. Director Petterle asked if the notice was prepared by Kiosk. Ms. Blue replied that we used Martin Rauch. Director Fraites complimented all those involved on the graphics used and the legibility of the notice.

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

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

NOES: None

ABSTAIN: None

ABSENT: None

INFORMATION ITEMS

CORONAVIRUS UPDATE – VERBAL REPORT

Mr. McIntyre reported to the Board on how the current coronavirus pandemic is impacting the District. He stated we have been operating under partial District EOC activation since March 16th and our emergency management team meets every other day to review current conditions. Mr. McIntyre noted on March 31st Marin County issued an extended stay at home order through May 3rd and as of April 6th there have been a total of 143 confirmed cases in Marin with 9 deaths. He added of the 1,556 persons tested for the virus in the county, about 9% are positive. He stated the rate of new cases appears to be slowing, but health experts caution that it is too early to draw any conclusions.

Mr. McIntyre reported that we currently have no employees who have been instructed to be isolated or are on self-quarantine. He noted that with respect to operation status, we are not experiencing any major issues, water demand remains low and we currently see no increasing trend in indoor water consumption. Mr. McIntyre added that the Pt. Reyes Water Treatment and Oceana Marin Wastewater Treatment plants are operating normally and we have no current issues with maintaining essential facilities, equipment and supplies. He noted that physical location Board meetings will be re-instated as soon as it is safe for Board members, public and staff, and stated that it is possible that meetings with small agendas will be cancelled. Mr. McIntyre reviewed a list of additional coronavirus actions taken since the last update at the March

17th Board of Directors meeting. Mr. McIntyre stressed this is a fluid situation and staff are adjusting as best they can.

Director Grossi stated that today the Office of Education closed school for the remainder of the school year and asked if we are looking at options if the shelter in place goes past the first part of May. Mr. McIntyre replied yes, commenting that he would not be surprised if the Order is extended beyond May 3rd.

WAC/TAC MEETING – FEBRUARY 3, 2020

Mr. McIntyre provided an update to the Board on the February 3rd WAC/TAC meeting. He commented on Item 14 and indicated the Special Meeting on April 6th was a virtual meeting, and that Director Baker participated. Mr. McIntyre stated that all water contractors voted in favor of the proposed the FY21 SCWA budget with the exception of the WAC member from Santa Rosa.

Director Grossi said he wanted to join the remote meeting, but was unable to find the information to join. Director Baker commented that Mr. McIntyre summarized the meeting well, and noted it was a surprise that the Santa Rosa WAC member voted against the proposed budget. He expressed that even though it passed many were disappointed.

MISCELLANEOUS

The Board received the following miscellaneous items: Disbursements – March 19, 2020, Disbursements – March 26, 2020 and Disbursements – April 2, 2020.

The Board received the following news articles: Newsom expands lockdown statewide – CALIFORNIA; Inverness plans water rate increase; MMWD official makes rate credit proposal – VIRUS IMPACT; Utility to waive hookup fees for new in-law units – MMWD; Court Approves PG&E's \$23B Bankruptcy Financing Package; Vying nonprofits pitch their visions of affordable housing for Point Reyes; Sonoma Water and Army Corps Succeeding With FIRO; Interests battle over dam removal plan – KLAMATH RIVER; Water shutoffs in sharp focus amid coronavirus outbreak – HEALTH; California's winter goes down as one of the driest, thin snowpack shows; Close to Home: Essential, reliable, clean – even during pandemics; and ACWA Advisory – Governor Issues Executive Order Prohibiting Discontinuation of Service (Shut Offs) by Urban and Community Water Systems.

Director Baker asked about the last item under news articles, the Governor of California discontinuing water shut offs for non-payment. He asked if the District has any recourse other than following the state order. Mr. McIntyre replied no.

Director Joly stated he was very impressed with Mr. McIntyre's comment that washing your hands a hundred times for a duration of 20 seconds costs about 30 cents, which shows our

customers what a terrific value our water is and it would be useful to get that message out to the public.

CLOSED SESSION

President Joly adjourned the Board into closed session at 7:04 p.m. in accordance with California Government Code Section Conference with Legal Counsel, to consider initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: (one case).

OPEN SESSION

Upon returning to regular session at 7:17 p.m., President Joly stated that no reportable action had been taken.

ADJOURNMENT

The Board voted unanimously to adjourn the meeting in honor of Joey Corda. President Joly adjourned the meeting at 7:17 p.m.

Submitted by

Theresa Kehoe
District Secretary