

**NORTH MARIN WATER DISTRICT
MINUTES OF REGULAR MEETING
OF THE BOARD OF DIRECTORS
June 2, 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 6:01 p.m. and the agenda was accepted as presented. President Joly added that 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. President Joly asked if there were any members of the public on the line to announce themselves, and there was no reply.

President Joly 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, 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.

President Joly announced in the event of technical difficulties during the meeting, the District Secretary will adjourn the meeting and the remainder of the agenda will be rescheduled for a future special meeting which shall be open to the public and noticed pursuant to the Brown Act.

Mr. McIntyre performed a roll call of staff, participating by phone were General Manager Drew McIntyre, District Secretary Terrie Kehoe, Auditor-Controller Julie Blue, Tony Arendell (Construction/Maintenance Superintendent), Robert Clark (Operations/Maintenance Superintendent) Monica Juarez (Cashier/Receptionist) and Pablo Ramudo (Water Quality Supervisor).

MINUTES

Director Baker commented that on page 4, line 104 of the minutes in reference to questions on the rate increase, staff provided the information to our customers or directed them to our website. Director Baker stated that he would hope that our customers are seldom directed to the website and instead their questions should be answered directly.

Director Joly announced on behalf of the Board he wanted to acknowledge the great job Ms. Kehoe has done on the minutes and on the agenda.

On motion of Director Baker, seconded by Director Fraites the Board approved minutes from the May 19, 2020 meeting by the following vote:

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

NOES: None

ABSTAIN: None

ABSENT: None

GENERAL MANAGER'S REPORT

Gallagher Ranch Streambank Stabilization Project

Mr. McIntyre reported that a preconstruction meeting was held on May 28th with the primary permitting agencies, contractor and property owner. He stated the meeting went well and Ms. Chandrasekera will be the project manager for this project. Mr. McIntyre advised the Board that the contractor is expected to start work mid-June and the project will be completed before the grant deadline of July 21st. He added all the permit requirements are now in place and the conditions will require additional environmental inspections resulting in additional costs of \$25,000 to \$30,000 for biological monitoring. Mr. McIntyre noted that during pre-construction monitoring an active swallow nest was identified and it is too early to fully determine how the active nest might impact construction activities and biological monitoring costs.

Old Ranch Road Tank No. 2

Mr. McIntyre announced that in regards to the Northern Spotted Owl survey, the consultant did perform some daytime inspection work a few weeks ago but did not find any nests. He added the consultant still expects to do four more surveys over the next four to six weeks.

West Marin Waterline Newsletter

Mr. McIntyre reported staff received four calls to-date based on the West Marin Waterline newsletter. The newsletters were distributed around May 21st and most of the calls were related to how the 25% water conservation reduction would affect them directly. Mr. McIntyre stated that Mr. Grisso explained to those customers that this will be a community wide reduction and not tracked on a per account basis. He added the Novato Waterline will be in the next agenda as a draft, before mailing to our customers.

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:

Ms. Kehoe announced that due to the COVID-19 shelter-in-place restrictions, the Dance Palace has cancelled our reservation for holding our regular Board meeting in West Marin on June 23rd. Therefore, we will be either holding a meeting here at District Headquarters or via teleconference if shelter-in-place restrictions are still in place.

Mr. Clark stated in response to Director Baker's request at the last Board Meeting he reviewed the District's agreement with the small group of Pacheco Valley homeowners for use of the Pacheco Water Tank roof for tennis courts. He stated that the agreement was last updated in 2013 and expires in December 2023. Mr. Clark informed the Board that we currently receive \$2,800 in revenue annually and the agreement has a \$50 per year escalation clause.

Director Grossi announced that he recently heard that businesses are boarding up their windows on Grant Avenue tonight due to protest concerns and asked about the District's security. A general discussion ensued about District security measures.

Mr. Clark announced that the Division of Safety of Dams performed their annual Stafford Lake dam inspection today. He was pleased to advise the Board that we passed with flying colors and noted they did not perform the Outlet Tower Scour outlet gate test this year since it is only required every other year.

CONSENT ITEMS

Director Baker had a question on Item 6 and Director Petterle had a question about Item 7, therefore they were removed from the consent calendar for additional discussion.

ITEM 5 - RESOLUTION RE CONSOLIDATION OF DISTRICT ELECTION AND FILING INFORMATION DISTRICT ELECTION, NOVEMBER 3, 2020

The Board approved the Resolution re the Consolidation of District Election. Directors Baker, Joly and Petterle seats will have four-year terms following the 2020 election. The filing period for the November 3, 2020 District Election is July 13 through August 7, 2020.

On the motion of Director Baker, and seconded by Director Petterle the Board approved on the consent calendar the Resolution re Consolidation of District Election and Filing Information District Election for District Election on November 3, 2020 by the following vote:

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

NOES: None

ABSTAIN: None

ABSENT: None

ITEM 6 - SET MEETING FOR ASSISTANT GENERAL MANAGER/CHIEF ENGINEER INTERVIEW

A special meeting for the Assistant General Manager/Chief Engineer interviews was proposed for June 9th at the District office. Directors, staff, candidates and the public will adhere to the social distancing restrictions and will be required to wear masks.

Director Baker asked when the Directors could expect the information on the candidates so they can be prepared for the meeting. Mr. McIntyre replied that all supporting documents will be sent out with the special meeting agenda on the Friday before.

On the motion of Director Baker, and seconded by Director Petterle the Board approved to set a meeting for Assistant General Manager/Chief Engineer Interviews as a special meeting at 6:00 p.m. on June 9th by the following vote:

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

NOES: None

ABSTAIN: None

ABSENT: None

ITEM 7 - RESPONSE TO CIVIL GRAND JURY REQUEST – FOLLOW-UP REPORT ON WEB TRANSPARENCY COMPENSATION PRACTICES

The Civil Grand Jury Request Follow-up Report on the Web Transparency Compensation Practices was presented to the Board. The measures implemented by the District successfully satisfy the recommendation as outlined by the Marin County Civil Grand Jury and NMWD was recognized to have excellent practices with regard to transparency on compensation of their elected officials.

Director Petterle asked if our letter addresses the requested information for Finding 5, and stated he would not want our letter thrown out on a technicality. Ms. Blue replied that our response includes both the signed form in Attachment 2 where we agree with Finding 5, and confirm compliance with Recommendation's 4 and 6 and provide an additional summary in the accompanying letter.

On the motion of Director Petterle, and seconded by Director Fraites the Board approved on the response to Civil Grand Jury Request – Follow-Up Report on Web Transparency Compensation Practices by the following vote:

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

NOES: None

ABSTAIN: None

ABSENT: None

ACTION ITEMS

RENEW DECLARATION OF LOCAL EMERGENCY RELATED TO COVID-19 PANDEMIC

Mr. McIntyre requested the Board find that there still exists a need to continue the State of Emergency due to the COVID-19 pandemic as reflected by Resolution No. 20-07.

Mr. McIntyre reminded the Board that staff has been operating under partial Emergency Operations Center (EOC) activation since March 18th and summarized various key measures implemented by the District's emergency management team since that time.

Mr. McIntyre stated the District's staff are physically separated as much as possible by rotation shifts and having some employees work from home, but all critical operations needed to maintain essential services continue. Mr. McIntyre also noted relocation of some staff back to the District buildings, and certain other projects and activities are delayed until after the Marin County and Statewide shelter-in-place orders are both significantly modified, suspended, or terminated. He apprised the Board that currently we have no employees who have been instructed to be isolated or are self-quarantined.

Mr. McIntyre provided the Board with an update on current coronavirus conditions in Marin County. He noted on June 1st, the Marin County Public Health Office approved opening of offices subject to compliance of specified protocols and advised physical Board meetings will be reinstated as soon as it is safe for Board members, public and staff to do so.

Mr. McIntyre informed the Board that the District has recently hired Boucher Law to help prepare an OSHA compliant COVID-19 Preparedness and Response Plan at a cost of approximately \$3,300. Mr. McIntyre added that he expects that the Plan will be finalized this month. He also advised that staff will continue to modify work space areas to ensure a minimum physical separation of six feet.

On the motion of Director Petterle, and seconded by Director Baker, the Board approved the renewal of 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

CONTRACT EXTENSION FOR NMWD TRENCH RESTORATION PAVING

Mr. Arendell reported our paving contractor, McLellan, has had an excellent working relationship with NMWD and they are offering their current pricing in the next fiscal year.

Director Baker and Grossi both commented that McLellan has been around for a long time, they are reliable, dependable, honest and do a good job for the District and others.

On the motion of Director Grossi, and seconded by Director Fraites, the Board approved renewal of the Contract Extension for NMWD Trench Restoration Paving by the following vote:

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

NOES: None

ABSTAIN: None

ABSENT: None

DISTRICT CROSS CONNECTION CONTROL PROGRAM REVISION FOR RESIDENTIAL POOLS

Mr. Clark recommended the Board approve staff's recommendations to revise the approach to comply with the California Code of Regulations as related to drinking water protection from contamination from swimming pools. He also requested the Board provide direction to staff of the preferred option regarding potential reimbursement for recent customers caught in the transition to newer swimming pool cross connection requirements.

Mr. Clark stated staff is working on a complete overhaul of the program which will involve changes to Regulations 6, 54 and the backflow manual. He added the State Division of Drinking Water is developing their own backflow manual, however it is not ready for public review until late summer, noting we are waiting for this information in order to get further guidance. Mr. Clark said at this time they would like to focus on swimming pool cross connection requirements. He stated staff has reviewed surveys from forty-seven northern California water agencies to see how they address this, and 60% of the surveyed agencies do not require backflow devices at the meter, but rely on other private side protection means and methods. Mr. Clark stated that approximately 3,200 residential customers have swimming pools and the vast majority do not have backflow devices at the meter. He stated that we need to ensure adequate backflow protection is maintained at each location. Mr. Clark added the most efficient and cost-effective approach is to have pool owners provide annual verification using certified, independent testers. Director Baker asked what the letter would say. Mr. Clark replied that the letter would request residential owners with swimming pools to have a certified backflow technician test the private backflow device and then send the certificate back to the District. Director Baker asked who are these testers. Mr. Clark replied primarily plumbers, and the District has a list of twenty or so that can we give to our customers. Director Baker commented that he does not have a high level of confidence with this

and feels dealing with private plumbers is risky. Mr. Clark stated that the District already utilizes some of these companies for our own inspections for commercial accounts.

Director Petterle asked if this is what the District has already been doing, or is this a change in procedure. Mr. Clark replied the District has done this for commercial accounts, but not historically for residential customers with pools. Mr. Clark added that over the last two years we have required installation of a District backflow device at the meter when it has been brought to our attention that a residence has a pool. However, as a result of our recent cross connection control (CCC) program review and our recommended self-certification approach, installation of District owned backflow devices will not be required. Mr. Clark noted that during this transition phase in our CCC program review, some customers in 2019 and 2020 were required to pay backflow installation charges and bi-monthly charges. One customer recently caught up in this transition from the old program to the new program already received a refund of these charges. He added that staff is recommending that the Board approve Option 2 outlined in the memo which refunds customers recently caught in the program transition over a two-year period between 2019 and 2020 versus just a one-year period in 2020 as outlined in Option 1.

Director Joly stated that Option 2 is broader, reaches more potential customers and seems to be more transparent and fair. He asked if staff felt they reviewed this enough and know how many of the estimated 3,200 pools in Novato had District installed backflow devices. Mr. Clark replied that the vast majority of the estimated 3,200 residential customers with pools do not have District installed backflow devices. Director Joly stated that this was a very complex memo with multi parts, and asked the Board if they feel sufficiently informed to make their decision tonight. Director Petterle replied he did feel sufficiently informed. Director Baker stated he is worried that we may be doing something less expensive for the customer, but it may open a door to other problems down the road. Mr. McIntyre reiterated that we have over 3,000 residential pools and staff's recommendation for individual pool owners to provide a certificate on an annual basis will be a lot more robust than what we are currently doing. Director Joly asked if there will be two separate votes. Mr. McIntyre clarified stating we need a motion to approve the revised approach for residential swimming pool backflow protection and to provide either a one year or two-year credit/refund for recent customers impacted by the cross connection control program transition.

On the motion of Director Petterle, and seconded by Director Joly the Board approved staff's recommendations to revise the backflow compliance approach for residential customers with swimming pools and to provide a two-year credit/refund for recent customers impacted by the program transition by the following vote:

AYES: Director Fraites, Grossi, Joly and Petterle

NOES: None

ABSTAIN: Director Baker

ABSENT: None

Director Joly asked staff in the future to make the memo clearer for the Board and without a multi option action, adding this memo was complex.

RECOMMENDATION FOR PURCHASE OF ATOMIC ABSORPTION SPECTROMETER

Mr. Ramudo explained the District's current spectrometer was purchased in 1998 and stopped working in 2018 and was unable to be repaired, therefore samples have been sent out to an outside lab. AA systems are used to help analyze and report metals concentrations in water and drinking water for compliance with regulations. He stated he received two proposals, one from Agilent and one from Shimadzu. Mr. Ramudo noted both companies are well known and have been in business for quite some time. He added that the Agilent system has more components, is more automated and will allow more samples to be run with fewer lab hours. The cost of the Agilent system is \$61,000 and the Shimadzu is \$45,000, however he recommended the Agilent system because it will save on many years of labor cost and allow for higher productivity in the lab.

Director Joly stated this was a very straight forward memo, and congratulated Mr. Ramudo for doing a great job coming under budget.

On the motion of Director Fraitcs, and seconded by Director Baker the Board approved the recommendation for purchase of an atomic absorption spectrometer by the following vote:

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

NOES: None

ABSTAIN: None

ABSENT: None

RESOLUTION OF APPRECIATION FOR ALICIA MANZONI

Mr. McIntyre presented the Board with a Resolution of Appreciation for Alicia Manzoni who is retiring on June 5, 2020 after twenty-three years of service. He stated that during her time here at the District she has consistently dealt with customers in a tactful and effective manner. Mr. McIntyre expressed that Ms. Manzoni has done an outstanding job of keeping the billing system running accurately and on time and was instrumental in the successful implementation of the Advanced Meter Information (AMI) project which converted over 21,000 meters to be read electronically. Mr. McIntyre noted her dedication to the District's customers and to her fellow employees will be greatly missed.

Director Petterle expressed his appreciation and remembered about ten years ago he got

a call from Ms. Manzoni, because she noticed his water bill was a little high and it turned out he did have a leak. Director Grossi said one of the reasons why he wanted to be on the NMWD Board was because of people like Ms. Manzoni who is from Novato. He congratulated Ms. Manzoni and expressed his gratitude for providing fantastic service to the District. Director Baker said he received an occasional call about his bill and Ms. Manzoni was always professional, good humored and very pleasant to deal with. Director Fraites acknowledged Ms. Manzoni for doing a fantastic job and wished her the best in her retirement. Director Joly stated he would like the Board to make a unanimous vote and shout it out all at once. On the motion of Director Petterle, and seconded by Director Grossi, the Board unanimously approved the resolution of appreciation for Alicia Manzoni by the following vote:

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

NOES: None

ABSTAIN: None

ABSENT: None

Ms. Manzoni thanked the Board for their kind words, and thanked Ms. Blue and Mr. McIntyre for the opportunity to work for the District for twenty-three years, and added that she will miss everyone.

INFORMATION ITEMS

BUDGET REVIEW – PROPOSED FY20/21 BUDGETS NOVATO AND WEST MARIN SERVICE

AREAS

Mr. McIntyre reminded the Board that at the last meeting the impact of COVID-19 on our customers was discussed and there was direction from the Board to explore additional areas where changes could be made to help customers who were financially impacted by the health pandemic. He noted that during Ms. Blue's report she will address this request. Mr. McIntyre requested that, after Ms. Blue's report, the Board give staff comments and direction if more changes are desired at this time.

Ms. Blue advised the Board that the low-income rate assistance program that was approved in February by the Board, will be in effect July 1, and will allow a fifteen-dollar credit on each bill for those that qualify. She added that she is pleased this was passed in a timely manner. Additionally, under Governor Newsom's executive order, no water services are being shut off due to non-payment. Ms. Blue noted the proposed changes to the shut off policy is a one to three-month extension to the disconnection of water services once the end date of the order is established, a payment plan extension to twenty-four months, and no late fees for three to six months. Director Joly stated he thought the options were wonderfully discussed in the memo,

and asked if staff has seen any distress from customers. Ms. Blue replied that she has been tracking payments on a weekly basis and as of yet there is no nonpayment trend, but she will continue to monitor. She noted there has been some calls from customers to see if they can delay their payments. Ms. Blue stated that staff are allowing them to delay payment and making notes in their customer billing file. Director Petterle stated he appreciates what staff has done in relationship to the topic from last week. He suggested that the District get Kiosk on board to really promote the ways the District is continuing to support our customers. Director Petterle added as we move forward we want to get an upper hand on this, letting our community know that this is their water district and this is how we can help them. He expressed the need to help Novato get through this, we are all on the same team. Mr. McIntyre asked the Board for clarification on whether the identified options will utilize the maximum stated durations as staff works to modify our Late Charge and Shut-Off Policy 6. Director Grossi stated he was fine with that and believes we need to respond with the situation at hand. Director Joly said he was in favor, and Director Fraites agreed. Director Baker said he was cautious on the twenty-four-month allowance to pay the bill, noting this was a lot of time. Mr. McIntyre replied that the proposed revisions for Policy 6 will be brought back to the Board at the next meeting for review and action.

Ms. Blue reviewed the Proposed FY 20/21 Budgets for the Novato and West Marin Service areas. She stated rate increases are proposed for Novato (6%), West Marin Water (4.5%) and Oceana Marin Sewer (5%). Ms. Blue noted they are the same as what the Board saw at the last meeting with minor changes. Director Joly thanked staff for their transparency and integrity. Ms. Blue reminded the Board that on June 16th there will be two actions items, one being the rate hearing, (Mark Hildebrand will be participating by phone to summarize the rate study and discuss the rate structure changes) and the second action item will be to approve the budget. She noted on June 23rd we will address the West Marin and Oceana Marin rate increases. Director Joly asked if our Prop 218 District legal counsel will also be participating. Ms. Blue replied yes. Director Fraites commented that he noticed MMWD was going to have their rate hearing postponed due to the current financial situation and wondered if we should consider the same. Director Joly asked Ms. Blue if the SCWA 6.79% increase still stands and Ms. Blue confirmed.

PRE TANK 4A REPLACEMENT – PROJECT UPDATE

On behalf of Dave Jackson, Mr. McIntyre updated the Board on the PRE Tank 4A Replacement Project. He reported the contractor has excavated to the depth of the foundation and will begin forming the foundation and floor slab soon; in addition to preparing samples of the tank shell for review.

Director Baker commented that this is an important project in West Marin and much of the Board has been involved with it the last few years. He added that he is glad things are moving along and asked when the tank will be online. Mr. McIntyre replied that the contractor will be done in late fall and we should be online late 2020. Director Baker asked if staff continues to have dialog with the road advisory board. Mr. McIntyre responded affirmatively. Director Joly thanked Mr. Jackson for a great memo.

NBWRA APRIL 27, 2020 – MINUTES

Drew provided a summary of the NBWRA minutes for the April 27th meeting. He announced David Rabbitt was re-elected as Chair and Belia Ramos was elected as Vice Chair. Mr. McIntyre reported that the NBWRA Board approved a six-month Phase 1 project extension since SCWA needed more time to close out the Las Gallinas Valley Sanitary District construction project.

MISCELLANEOUS

The Board received the following miscellaneous items: Disbursements – Dated May 21, 2020, Disbursements – Dated May 28, 2020, NBWA Meeting June 5, 2020, WAC Support Letter - FERC Project No. 77-285 and Feasibility Study Report for the Potter Valley Project.

The Board received the following news articles: Editorial – New wildfire authority faces critical time; Editorial – Rate-hike delay smart for MMWD; ‘Concerning’ data on virus; Dry winter spurs water managers to cut Russian River flows to retain reservoir supplies; Marin gears up for number of key possible reopenings; 58 billion PG&E plan is approved by regulators and Editorial – City, county, online security problems costly

Director Joly noted under disbursements the payment to CalPERS, and requested staff to prepare a memo on pensions. Ms. Blue responded she would be more than happy to do that.

Director Joly thanked the Board and staff for being on the call and wished Ms. Manzoni all the best in her retirement.

ADJOURNMENT

President Joly adjourned the meeting at 7:38 p.m.

Submitted by



Theresa Kehoe
District Secretary