

**NORTH MARIN WATER DISTRICT  
MINUTES OF REGULAR MEETING  
OF THE BOARD OF DIRECTORS  
October 5, 2021**

**CALL TO ORDER**

President Grossi announced that due to the Coronavirus outbreak and pursuant to the Brown Act as modified by Assembly Bill 361, this was a virtual meeting. President Grossi called the regular meeting of the Board of Directors of North Marin Water District to order at 6:00 p.m. and the agenda was accepted as presented. President Grossi added that there was not a public location for participating in this meeting, but any interested members of the public could participate remotely by utilizing the video or phone conference dial-in method using information printed on the agenda. President Grossi 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.

President Grossi welcomed the public to participate in the remote meeting and asked that they mute themselves, except during open time and while making comments on the agenda items. President Grossi noted that due to the virtual nature of the meeting he will request a roll call of the Directors. A roll call was done, those in remote attendance established a quorum. Participating remotely were Directors Jack Baker, Rick Fraites, Jim Grossi, Michael Joly and Stephen Petterle.

President Grossi announced all public attendees will be invited to speak and will need to use the raised hand icon in Zoom or dial \*9 to be called upon.

Mr. McIntyre performed a roll call of staff, participating remotely were Drew McIntyre (General Manager), Tony Williams (Assistant GM/Chief Engineer), Terrie Kehoe (District Secretary), Julie Blue (Auditor-Controller), Tony Arendell (Construction/Maintenance Superintendent), Robert Clark (Operations/Maintenance Superintendent) and Pablo Ramudo (Water Quality Supervisor). Also participating remotely was IT consultant Kevin Cozart (Core Utilities).

President Grossi announced for those joining the virtual meeting from the public to identify themselves. Participating remotely were Will Houston (Marin IJ) and Ken Levin (Point Reyes Station Village Association).

**MINUTES**

On motion of Director Joly seconded by Director Petterle the Board approved the minutes from the September 21, 2021 Regular Board Meeting by the following vote:

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

NOES: None

ABSTAIN: None

ABSENT: None

### **GENERAL MANAGER'S REPORT**

#### Marin Voice Submission in Marin IJ

Mr. McIntyre announced he submitted a Marin Voice article that was published in the Marin IJ on Saturday, October 2<sup>nd</sup>. He stated the article was produced as a means to get the word out to our customers on what NMWD has done in the past, what we are currently doing, and what our plans are for the future in regards to water supply.

#### Kastania Pump Station Project

Mr. McIntyre reported he and Mr. Williams have had ongoing meetings with MMWD and SCWA staff in reference to MMWD's Kastania Pump Station Project. He stated they are working on three agreements that will come to the Board at the same time, first as an information item and then as an action item at the following meeting.

#### Drop By Event October 9th

Mr. McIntyre informed the Board that NMWD will be participating in our third Drought Drop By event on Saturday from 8 a.m. until noon. He added it will be located in front of the District office and we expect 200-300 people to stop by and pick up their buckets filled with a showerhead, shower timer, hose nozzle, sink aerator and toilet leak detection tablets. McIntyre noted the event was promoted in the Waterline newsletter, the Novato Advance, Marin IJ online and on social media posts starting October 6<sup>th</sup>.

#### Emergency Water Conservation Ordinance 39 (West Marin) and 41 (Novato)

Mr. McIntyre apprised the Board that staff is working on revisions to the Emergency Water Conservation Ordinance's for both West Marin and Novato to provide an indefinite extension of the Stage 2 conservation level. He noted the proposed extension would stay in effect during the continued drought conditions until we get substantial rainfall.

Director Petterle asked if staff anticipated any CEQA action for the Kastania Pump Station Project. Mr. McIntyre replied yes. Director Petterle asked if the action will be based on a categorically exemption. Mr. McIntyre responded yes.

### **OPEN TIME**

President Grossi asked if anyone from the public wished to bring up an item not on the agenda and the following was discussed.

Ken Levin asked if Mr. McIntyre could address the question of salinity. Mr. Levin stated he was confused as to why sometimes the salinity levels are high and then they drop to a lower number. Mr. Levin asked if it has something to do when the test was taken and suggested that the District could maybe test more often. Mr. McIntyre replied a West Marin salinity update will be addressed as part of the oral staff report by Mr. Clark and Mr. Ramudo.

### **STAFF/DIRECTORS REPORTS**

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

Mr. Clark provided an update on West Marin salinity intrusion and reported staff continue to test in several locations. He stated the primary location to test the potable water is at the Red Barn in Point Reyes Station, however, they also have several other locations in the service area including Inverness Park and Point Reyes Station. Mr. Clark noted staff has seen salinity fluctuate and have had this discussion internally. He reported the low-salinity water bottle fill station is being prepared for service and it will be available this Friday. Mr. Clark noted the hours will be Tuesdays 1:30 p.m. to 4:30 p.m. and on Fridays from 9 a.m. to 1 p.m. He added that the station will be open two days a week and it will be available as long as the sodium level is above 115 mg/L. Mr. Clark announced there will be a notice in the paper and on our website along with a map of the fill station location. Mr. Ramudo added that the fill station schedule could change depending on the interest by our residents.

Mr. Williams updated the Board on the West Marin Gallagher Well No. 2 pumping test. He added there will be a full report submitted to the California Department of Fish and Wildlife. Director Joly asked if he could give the parameters of what we are testing for. Mr. Williams replied while keeping a steady pump rate they are looking for any noticeable effects on stream flow and level in Lagunitas Creek.

Ms. Blue updated the Board on a new Senate Bill that was signed on September 23rd which will extend the grace period for those customers that could have their service shut off for nonpayment. She noted this grace period has been extended to December 31<sup>st</sup> and staff will continue to monitor the delinquent amount due.

### **CONSENT ITEMS**

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

**HIGH PRESSURE WATER SERVICE AGREEMENT, 59 BRIDGE ROAD, APRN 143-200-23**

The Board approved a High-Pressure Water Service Agreement for 59 Bridge Road, APN 143-200-23. This project includes construction of a single-family home, installation of a new 1-inch potable water service and a residential fire hydrant upon a 0.6-acre parcel located at the end of Bridge Road.

**TEXT FOR FALL 2021 WEST MARIN "WATERLINE" ISSUE 20**

The Board approved the text for the Fall 2021 West Marin Waterline, Issue 20. This issue focuses on the West Marin water shortage situation, District response to the salinity intrusion in the West Marin Service Area and water conservation programs available to customers.

**AUDITOR-CONTROLLER'S STATEMENT OF INVESTMENT POLICY**

The Board approved the Auditor-Controller's Statement of Investment Policy. There were no changes proposed in the Investment Policy from that approved by the Board last year.

**ACTION ITEMS**

**BOARD OF DIRECTORS – MEETINGS BY TELECONFERENCE**

The continuation of the Board of Directors meetings by Teleconference was discussed. Mr. McIntyre reported over the past eighteen months to protect attendees from potential exposure to the novel coronavirus disease, the Board meetings have been held virtually. He stated on September 16, 2021 the Governor Signed AB 361 amending the Brown Act to allow local legislative bodies to continue to conduct meetings virtually under specified conditions. Mr. McIntyre stated he is recommending that that Board adopt the resolution proclaiming that remote meetings should continue due to the ongoing public health state of emergency. He noted the resolution would only be in effect for thirty days and would run from October 5, 2021 through November 4, 2021. Mr. McIntyre added he envisions as long as there is a mask mandate in Marin County we will continue with meetings by teleconference and that another resolution would come to the Board at the November 2<sup>nd</sup> meeting

President Grossi asked if there were any comments from the public and there were none.

On the motion of Director Joly, and seconded by Director Fraites the Board adopted Resolution No. 21-22: "Resolution Finding Proclaimed State of Emergency, that Local Officials Continue to Recommend Physical Distancing, and that Meeting in Person Would Present Imminent Risks to the Health or Safety of Attendees; and Authorizing Meeting by Teleconference

of Legislative Bodies of North Marin Water District from October 5, 2021 through November 4, 2021 Pursuant to Brown Act Provisions” by the following vote:

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

NOES: None

ABSTAIN: None

ABSENT: None

### **INFORMATION ITEMS**

#### **TEMPORARY URGENCY CHANGE PETITION (TUCP) FOR LAGUNITAS CREEK - MMWD**

Mr. Williams. reported on the Temporary Urgency Change Petition (TUCP) for Lagunitas Creek submitted by Marin Municipal Water District. He stated the TUCP requested temporary changes to the required releases from Kent Lake in light of the drought conditions and historical low levels in the reservoir. He noted the requested changes to the Kent Lake releases was based on a comprehensive Lagunitas Creek Instream Flow Study conducted earlier this year. Mr. Williams added the focus of the study was to show that the change request will not result in an unreasonable effect on the Coho, Steelhead and Freshwater Shrimp species. Mr. Williams reported prior to the study flows in Lagunitas Creek dropped as low as 1 cfs and historically this had no impact at the wells.

Director Joly wanted to confirm staff does not believe this will impact the Gallagher or Coast Guard wells. Additionally, he asked if the Department of Fish and Wildlife (DFW) had to sign off on the TUCP or if they monitor the creek independently. Mr. Williams replied there is no indication of concern based on historical flow, and the State Water Board has the authority and they coordinate with NMWD and DFW. He reported it is a temporary request and there is no grounds for concern. Director Petterle stated from 1983-1990 he was a senior manager at MMWD and the dam was raised and finished in 1986. He added the water rights were approved in 1995 and it was a ten-year process before they had the rights to store additional capacity. Director Petterle noted these projects do not happen overnight and take time.

President Grossi asked if there were any comments from the public and the following was discussed.

Mr. Levin thanked Mr. Williams for his explanation. He stated it is hard to figure out what is going on and asked if it would change the dry year releases. Mr. Williams responded by summarizing the TUCP requested flow regime changes.

Mr. Levin stated his concern is that all these factors coming together might affect drinking water in Gallagher Well No. 1 and he hoped it does not affect the Coastal Commission view of what is happening. He added everyone is concerned if the flow at the Samuel P. Taylor Park

gauge drops below a certain level, who is responsible for the releases. Mr. Williams replied MMWD is responsible for the releases. Mr. McIntyre noted the most critical time is during the summer months when Lagunitas flow is the lowest and MMWD is not proposing to reduce these creek flows below 6 cfs. He added that due to current dry year conditions and very low tributary flows into Lagunitas Creek, on July 1 the District requested MMWD maintain flow levels above the 6 cfs threshold at the Park gage equal to 120% of what is pumped at Gallagher Well in an abundance of caution. Mr. Levin stated he appreciated that, as there was some criticism towards the District in the past on this issue and he wanted to be able to answer those critics correctly when he engages in discussion with them.

Director Grossi thanked Mr. Williams for his report, and also thanked Mr. Levin for his support of the Gallagher wells.

### **MARIN COUNTY'S REQUEST FOR EMERGENCY DRINKING WATER**

Mr. Williams discussed the County of Marin's efforts to develop an emergency drinking water program for rural homes with wells that are running dry. He stated county staff identified a small number of county residents located outside of NMWD and MMWD boundaries, that may need access to potable water for human health needs over the next several months. Mr. Williams added the District's West Main water supply would not be used due to limited capacity. Mr. Williams noted the Novato Service Area potable water via a hydrant meter is available to the County Agriculture Department for agricultural users in Marin County. He stated this metered hydrant location would also be used for specific, county approved, and emergency residential needs. He noted NMWD's participation would be a very small quantity of water.

Mr. McIntyre added that Sonoma County is developing a similar program

President Grossi asked if there were any comments from the public and there were none.

### **OVERVIEW OF REDISTRICTING BASED ON THE 2020 CENSUS**

Mr. McIntyre presented an overview of redistricting based on the 2020 Census. He added that staff and legal counsel anticipate providing the Board with a presentation on the redistricting process at the December 7, 2021 Board Meeting. Additionally, Mr. McIntyre advised that staff also anticipates holding public hearings on proposed adjustment to the District's electoral division boundaries at the January 18 and February 15, 2022 Board Meetings. Mr. McIntyre noted the District was fortunate to contract with the same demographers and special counsel as we used in 2019. He noted he does not anticipate much change, but the process must be done by April 17, 2022 in order to comply with SB 594.

Director Grossi stated the District just went through this process three years ago, it is costly and if the changes are minimum, does it leave us some room to leave it as it is. Mr. McIntyre

replied unfortunately no. Director Joly asked if this will be in place for the 2022 election. Mr. McIntyre confirmed, reiterating he does not anticipate much change in the boundary lines, but that remains to be seen.

President Grossi asked if there were any comments from the public and there were none.

**GALLAGHER WELL NO. 2 – UPDATE ON COASTAL PERMIT APPEAL TO CALIFORNIA COASTAL COMMISSION (COUNTY ID P 3010)**

Mr. McIntyre updated the Board on the Gallagher Well No. 2 Coastal Permit Appeal to the California Coastal Commission. He reported that Commission staff is recommending the Commission determine that the appeal raises no substantial issue. He apprised the Board that the remote hearing date is scheduled for Friday, October 15<sup>th</sup>. Mr. McIntyre reported staff, legal counsel and the District's environmental consultant ESA prepared a response to not only address SOS' most recent appeal but also support Commission Staff recommendations. He added that this response will be submitted to the Commission in advance of the Appeal Hearing date.

Director Grossi stated there should be some contact made to the Coastal Commission, and offered to reach out and make contact. Director Joly stated he saw it as good news. Mr. Levin noted he wrote to the Coastal Commission as a member of the Point Reyes Station Village Association, therefore he will be prepared to speak. Mr. McIntyre thanked Mr. Levin for all his support and participation. Director Joly commended Mr. Levin on a job well done.

President Grossi asked if there were any comments from the public and there were none.

**MISCELLANEOUS**

The Board received the following miscellaneous items: Disbursements - Dated September 23, 2021, Disbursements – Dated September 30, 2021, Point Reyes Light – Salinity Notice September 16, 2021, Point Reyes Light – Salinity Notice September 23, 2021, Point Reyes Light – Salinity Notice September 30, 2021, Three-Month Outlook Temperature and Precipitation Probability, Assembly Member Marc Levine – Conserve Water. Preserve California. – Mailer and Disposal of Surplus Equipment.

The Board received the following news articles: Marin IJ – Marin County Drought Tracker; Marin IJ – Dam Downsides – WATER SUPPLY; AWWA – U.S. tap water consumer poll: high satisfaction, though a quarter struggle to pay bills; Marin IJ – State falls short on water savings; Marin IJ – Marin Voice - Desalination is not the answer to district water shortage and Marin IJ – Novato drawing new boundaries.

Mr. McIntyre brought to the Board's attention that Ms. Kehoe updated the agenda on the website today in respect to the three-month weather forecast. The previous one in the agenda was outdated and the updated forecast shows an equal chance of above or below average rainfall

from October through December. Director Grossi stated the Farmer's Almanac will be coming out with another report on La Nina next week, noting the prediction is higher than normal for the next three months and then dry after that.

**ADJOURNMENT**

President Grossi adjourned the meeting at 7:08 p.m.

Submitted by

A handwritten signature in cursive script that reads "Theresa Kehoe".

Theresa Kehoe  
District Secretary