



**NORTH MARIN
WATER DISTRICT**

REVISED

NORTH MARIN WATER DISTRICT
AGENDA - REGULAR MEETING
January 18, 2022 – 6:00 p.m.
Location: Virtual Meeting
Novato, California

NOTE: REVISED INFORMATION FOR ITEM #7 PROVIDED AT THE END OF THE AGENDA PACKET.

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.

ATTENTION: This will be a virtual meeting of the Board of Directors pursuant to Assembly Bill 361 issued by the Governor of the State of California.

There will not be a public location for participating in this meeting, but any interested member of the public can participate telephonically by utilizing the dial-in information printed on this agenda.

Video Zoom Method

CLICK ON LINK BELOW:

Go to: <https://us02web.zoom.us/j/82191971947> OR

Password: 466521

SIGN IN TO ZOOM:

Meeting ID: 821 9197 1947

Password: 466521

Call in Method:

Dial: +1 669 900 9128
+1 253 215 8782
+1 346 248 7799
+1 301 715 8592
+1 312 626 6799
+1 646 558 8656

Meeting ID: 821 9197 1947#

Participant ID: #

Password: 466521#

For clarity of discussion, the Public is requested to MUTE except:

1. During Open Time for public expression item.
2. Public comment period on agenda items.

Please note: 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.

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
6:00 p.m.	CALL TO ORDER	
	1.	APPROVE MINUTES FROM REGULAR MEETING , December 21, 2021
	2.	REDISTRICTING PROCESS PUBLIC HEARING NO 1: Review and Receive Public Input on Current Electoral Division Maps
	3.	GENERAL MANAGER'S REPORT
	4.	OPEN TIME: (Please observe a three-minute time limit) 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.
	5.	STAFF/DIRECTORS REPORTS
	6.	MONTHLY PROGRESS REPORT w/Customer Service Questionnaire
		CONSENT CALENDAR 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.	Consent - Approve: Re-Authorizing Meetings by Teleconference of Legislative Bodies of North Marin Water District NOTE: REVISED INFORMATION FOR ITEM #7 PROVIDED AT THE END OF THE AGENDA PACKET Resolution
	8.	Consent – Approve: Recruitment Firm Agreement
	9.	Consent – Approve: Agreement with Sonoma Water for Drought Tool Kit Purchases
		ACTION CALENDAR
	10.	Approve: Gallagher Well No. 2 –Easement Acquisition Cost
	11.	Approve: Gallagher Well No. 2 Well Installation – Rejection of Apparent Low Bid As Non-Responsive and Award of Construction Contract to Second Lower Bidder
	12.	Consider: AMI Opt-Out Request- 609 Rowland Blvd.
		INFORMATION ITEMS
	13.	West Marin 2021 Dry Year Water Conditions Report – Initial Review
	14.	San Marin Pump Station Battery Backup System
	15.	Ethics Training for Board of Directors and District Officers
	16.	Technical Advisory Committee Meeting – December 6, 2021
	17.	MISCELLANEOUS Disbursements – Dated December 23, 2021 Disbursements – Dated December 30, 2021 Disbursements – Dated January 6, 2022 Disbursements – Dated January 13, 2022 Point Reyes Light - Salinity Notice – December 23, 2021 Point Reyes Light - Salinity Notice – December 30, 2021 Marin IJ – NMWD Ad No. 8 – Did you know? – December 31, 2021 Marin IJ – NMWD Ad No. 9 – Did you know? – January 14, 2022

Est. Time	Item	Subject
		NMWD Response Letter – Proposed Accessory Dwelling Unit at 145 Silver Hills Road Point Reyes Light – NMWD Notice of Public Hearing on Redistricting – January 6, 2022 Marin IJ - NMWD Notice of Public Hearing on Redistricting – January 7, 2022 Increase in Director’s Compensation Annual Report on Board Compensation
		<u>News Articles:</u> San Francisco Chronical – Californians have a lot of ideas for how to get more water. Most of them are really bad Marin IJ – Editorial – Water-supply roller coaster needs to end Marin IJ – Hopeful signs amid historic drought – CONDITIONS EASING Marin IJ – California adopts new water rules – OUTDOOR USE Point Reyes Light – Editorial – Nature smiles on us Marin IJ – Water district delays pipeline across bridge- MARIN MUNICIPAL Marin IJ – Water officials consider rolling back restrictions – MARIN MUNICIPAL Marin IJ – Slowing water pipeline plan best for MMWD board incumbents
		<u>Social Media Posts</u> NMWD Web and Social Media Report – December 2021
7:30 p.m.	18.	ADJOURNMENT

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DRAFT
NORTH MARIN WATER DISTRICT
MINUTES OF REGULAR MEETING
OF THE BOARD OF DIRECTORS
December 21, 2021

CALL TO ORDER

President Petterle 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 Petterle 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 Petterle 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 Petterle 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 Petterle 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 Petterle 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 Petterle 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 Petterle announced for those joining the virtual meeting from the public to identify themselves and there was no response.

MINUTES

On motion of Director Joly seconded by Director Baker, the Board approved the minutes from the December 7, 2021 Regular Board Meeting by the following vote:

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

37 NOES: None

38 ABSTAIN: None

39 ABSENT: None

40 On motion of Director Joly seconded by Director Baker, the Board approved the minutes
41 from the December 14, 2021 Special Board Meeting by the following vote:

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

43 NOES: None

44 ABSTAIN: None

45 ABSENT: None

46 **GENERAL MANAGER'S REPORT**

47 Recent Rainfall Events

48 Mr. McIntyre reported as of December 20th Novato is at 13.7 inches of rain which is 34%
49 above average rainfall through December and about 50% of our annual rainfall. He noted there
50 is another one to three inches of rain in the forecast over the next week or so.

51 Stafford Lake Back Feeding Update

52 Mr. McIntyre announced NMWD has backfed Stafford Lake for a total of five days between
53 December 3-9th. He stated the total amount backfed was approximately 32-acre feet. Mr.
54 McIntyre added given the continued rainfall it is looking unlikely that staff will re-initiate back
55 feeding to meet our target storage supply of 2,300-acre feet. Mr. McIntyre added Mr. Clark and
56 the Operations staff are monitoring the situation closely.

57 Director Joly stated 32-acre feet is good and staff is doing a good job keeping an eye on
58 things.

59 Sonoma County Water Agency (SCWA) Temporary Urgency Change Order (TUCO)

60 Mr. McIntyre reported on December 10th the State Water Board issued a new TUCO to
61 allow SCWA to base Lake Mendocino and Lake Sonoma water releases on Lake Mendocino
62 storage levels rather than on Lake Pillsbury's. He noted the State Water Board has also extended
63 the Russian River curtailment suspension through January 10, 2022.

64 PG&E Discretionary Bypass Flows at Potter Valley Project (PVP)

65 Mr. McIntyre informed the Board that SCWA and Mendocino County Inland Water and
66 Power Commission sent a request to PG&E to increase bypass flows from 45 cfs to 135 cfs. He

noted the Water Advisory Committee (WAC) has also submitted a support letter advocating for the requested increase.

Director Grossi asked if the PVP bypass flows are allowed to go to 135 cfs regardless of the time of year or season. Mr. McIntyre replied the 135 cfs rate is a wintertime window from now until early April, 2022.

NMWD Agenda Schedule for January

Mr. McIntyre apprised the Board there are three potential Board meetings in January including the Local Water Supply Enhancement Study Workshop at 6 p.m. on January 25. He noted the Board approved the 2022 schedule which indicated that the January 4th meeting is tentative. Mr. McIntyre stated that since January 4th is right after the holidays it may be cancelled due to limited agenda items. He noted staff will know for sure early next week, and if confirmed, a meeting cancellation will be posted.

OPEN TIME

President Petterle asked if anyone from the public wished to bring up an item not on the agenda and there was no response.

STAFF/DIRECTORS REPORTS

President Petterle asked if any Directors or staff wished to bring up an item not on the agenda and there was no response.

Director Petterle stated in the Sunday Marin IJ there was an article stating Marin reservoirs were at above average levels. He added the headline gave an indication that the drought was over and everything is fine. Director Petterle noted at his house he had 16.6-inches of rain since October 1st, which is double the 8.4-inches he received last year; however, it is significantly less than the 41-inches that was received in water year 2018/19. He emphasized the weather is unpredictable and the drought is not over. Director Petterle stated he believes it is the responsibility of the Directors to not only ensure sufficient water supply for this year, but to ensure sufficient water supply every year. He added he hoped his fellow Directors agree and do not lose sight of that. Director Petterle noted just because we are getting rain now, does not mean it will happen in the months ahead, stressing we need to continue with our water conservation programs and continue to explore additional water supply.

Director Joly commented on climate droughts versus weather droughts. Director Joly added SCWA's Lake Sonoma supply is sizably lower than this time in 2020. Mr. McIntyre added that the drought is multi years in the making and a couple months of rainfall is not going to change that. He added mandatory conservation will continue in Novato and is driven by Lake Sonoma and Lake Mendocino levels in the north which still needs significant improvement. Mr. McIntyre

noted in West Marin, water conditions are different, adding it will be a Normal year classification in Lagunitas Creek if Kent Lake rainfall from October 1, 2021 through March 31, 2022 totals 28-inches. Director Joly stated he gives full support and agrees entirely with what Director Petterle said, noting he is glad the District will be holding a Local Water Supply Enhancement Study Workshop on January 25th and give the public an opportunity to participate.

MONTHLY PROGRESS REPORT

The Monthly Progress Report for November was reviewed. Mr. McIntyre reported that water production in Novato was down 53% from one year ago and down 27% fiscal year to date. In West Marin, water production was down 39% from one year ago and down 31% fiscal year to date. Recycled Water production was down 92% from one year ago and down 2% fiscal year to date. Stafford Treatment Plant production was down 20% fiscal year to date. The Board was apprised that Stafford Lake is at 37% capacity, Lake Sonoma is at 50% and Lake Mendocino is at 37% capacity. In Oceana Marin, effluent volume was 0.554 MG for November compared to 0.534MG one year ago. Under Safety and Liability, we had 54 days without a lost time injury. Under Utility Performance there were no unusual trends. On the Summary of Complaints and Service Orders, the Board was apprised that total numbers were down 18% from November one year ago. Ms. Blue reported on the November 2021 Investments, where the District's portfolio holds \$26.9M earning a 0.27% average rate of return. Ms. Blue noted that during November the cash balance increased by \$346,272. She also noted the LAIF rate is 0.20%.

Director Joly asked a question about energy use for Stafford Treatment Plant, questioning why the energy number is 38,000 KW hours when there was no production at the plant. Ms. Blue responded that the amount of power purchased was 38,000 KW hours and the actual use was 17,000 KW hours, however the way the solar power contract is set up we pay for the power even if we do not use it. Mr. Joly thanked Julie for the answer.

Director Grossi asked about the delinquent water bill impacts and asked how much money NMWD might recover through the state program. Ms. Blue replied NMWD is currently in the application process and applied for \$53,000 for Novato and \$1,500 for West Marin. Director Joly commended Ms. Blue for following up.

CONSENT CALENDAR

On the motion of Director Fraites, 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

**RE-AUTHORIZING MEETINGS BY TELECONFERENCE OF LEGISLATIVE BODIES OF
NORTH MARIN WATER DISTRICT**

Resolution 21-30 will extend the continuation of teleconference meetings and "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 Re-Authorizing Meeting by Teleconference of Legislative Bodies of North Marin Water District" from December 21, 2021 through January 20, 2022 pursuant to Brown Act provisions.

FINAL ANNUAL REPORT FISCAL YEAR 2020-21

The Annual Report was originally provided at the December 7th meeting and minor changes were made. Upon approval the final copy will be distributed.

ACTION CALENDAR

BOARD COMMITTEE/ASSOCIATION ASSIGNMENTS FOR 2022

This information was provided to the Board at the previous meeting on December 7, 2021, at which time President Petterle asked to defer action on this item for further review. President Petterle stated there were no requests from the Board to change assignments, therefore he recommended that the current committee assignments for the Board of Directors remain status quo for the 2022 year.

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

On the motion of Director Fraites, and seconded by Director Grossi the Board approved the Board/Committee Association Assignments for 2022 by the following vote:

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

NOES: None

ABSTAIN: None

ABSENT: None

**APPROVAL OF SALARY, TERMS AND CONDITIONS OF EMPLOYMENT – GENERAL
MANAGER (BOARD RESOLUTION 21-31 AMENDING PRIOR BOARD RESOLUTION 20-26)**

Director Grossi reported this agenda item was initially presented to the Board at its December 7, 2021 meeting for discussion. Director Grossi reported on the salary, terms and conditions of employment for the General Manager. He stated the Board recently had a closed session where they conducted the annual evaluation of the General Manager and it was all positive. On behalf of the Board, Director Grossi thanked Mr. McIntyre for guiding the District this

169 past year, noting he has done a great job with guiding staff and representing the District to others
170 in the industry. He added the District is lucky to have him. Director Petterle stated this is not
171 something the Directors take lightly which is why there were two closed sessions to discuss this
172 and noted Mr. McIntyre has been an amazing representative of NMWD. Director Petterle thanked
173 Mr. McIntyre and expressed his appreciation for everything he does for the District.

174 President Petterle asked if there were any questions from the Board or members of the
175 public. No questions from the Board or members from the public were asked.

176 President Petterle provided an oral summary of the recommended action in accordance
177 with Government Code section 54953 (c) (3). He stated: "The item before the Board tonight is to
178 set the salary, terms and conditions of employment for the District's General Manager position,
179 effective October 1, 2021. The recommended action is to grant a 3.7% COLA wage increase to
180 the General Manager's base salary, effective October 1, 2021. The total annual salary increase
181 is \$8,880. In addition, payroll taxes will increase by \$130.00 and retirement contributions will
182 increase by \$2,470 annually. After factoring in the above adjustments, the annual base
183 compensation for the General Manager position will be \$248,580, effective October 1, 2021."
184 President Petterle announced that additional details regarding this item were set forth in the
185 agenda and resolution associated with this item.

186 On the motion of Director Joly, and seconded by Director Baker the Board authorized
187 approval of Resolution 21-31, North Marin water District Conditions of Employment – General
188 Manager by the following vote:

189 AYES: Director Baker, Fraites, Joly and Petterle

190 NOES: None

191 ABSTAIN: None

192 ABSENT: Director Grossi (lost internet connection, therefore he was not present to vote
193 on this item).

194 Mr. McIntyre thanked the Board for their kind words and stated it is an honor to work with
195 the Board and staff. He added the District has had an excellent reputation for decades and he is
196 proud to continue to do his part. Director Joly stated Mr. McIntyre only enhances that reputation.
197 Director Baker agreed, stating Mr. McIntyre makes the District look good.

198 **INFORMATION ITEMS**

199 **FY 2021/22 FIRST QUARTER PROGRESS REPORT – WATER QUALITY**

200 Mr. Ramudo reported on the FY 20-21 Quarterly Progress Report for Water Quality. He
201 summarized the Novato system source water Stafford Lake, the treatment performance at
202 Stafford Treatment Plant; and the Novato distribution system. Mr. Ramudo also talked in great

length about the cyanobacteria production by blue green algae in Stafford Lake. He explained that during the reporting period no animals were allowed in the park or on the shore of the lake and signs have been posted warning consumption of the surface water, noting it is only a recreational concern. Mr. Ramudo stated the chlorine and granular activated carbon is 100% successful in the removal of the algae toxins and there has been no detection in our drinking water. Additionally, the Division of Drinking Water is aware of the situation and staff will continue to monitor the lake and collect samples.

Mr. Ramudo also summarized the Point Reyes system source water at Coast Guard/Gallagher Wells and the performance at the Point Reyes Treatment Plant and the Point Reyes distribution system. He noted West Marin is still having salinity intrusion in the Coast Guard Wells, however with the help our customers conserving water use, staff was able to mitigate salinity instruction impacts to some degree. Mr. Ramudo expressed he is hopeful with the Gallagher Well No. 2 project coming online there will no longer be a problem with the salinity.

Mr. Ramudo also reported that the Deer Island facility had no production, noting the recycled water produced with Novato Sanitary District and Las Gallinas Sanitary continues to be a great drought resistant source of supply.

NBWA MEETING – DECEMBER 3, 2021

Director Fraites reported on the NBWA meeting that was held on December 3, 2021. He stated the main topic of discussion was the Potter Valley Project situation that Mr. McIntyre covered earlier in the meeting during the General Manager's Report. Director Fraites added the presentation was given by John Driscoll from Congressman Jared Huffman's office.

MISCELLANEOUS

The Board received the following miscellaneous items: Disbursements – Dated December 9, 2021; Disbursements – Dated December 16, 2021, 2022 TAC and WAC/TAC Meeting Schedule, Point Reyes Light - Salinity Notice –December 9, 2021, Point Reyes Light – Salinity Notice – December 16, 2021, NOAA Three-Month Outlook Temperature and Precipitation Probability- December 16, 2021, Marin IJ – NMWD Ad No. 6 – Did you know? – December 10, 2021, Marin IJ – NMWD Ad No. 7 – Did you know? – December 17, 2021 and Annual Sick Leave Buy-Back.

The Board received the following news articles: Marin IJ – State aims to fine wasters of water DROUGHT and Merced Sun Star – Amid drought, California advances big new reservoir project.

The Board received the following social media posts: NMWD Web and Social Media Report – November 2021.

237 **ADJOURNMENT**

238 President Petterle adjourned the meeting at 7:00 p.m.

239 Submitted by

240

241 Theresa Kehoe

242 District Secretary

243

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MEMORANDUM

To: Board of Directors, North Marin Water District

From: Drew McIntyre, General Manager
Morgan Biggerstaff, BPMNJ
Kristen Mah Rogers, Olson Remcho LLP

January 14, 2022

Subject: Redistricting Process Public Hearing No. 1 – Review and Receive Public Input on Current Electoral Divisions Map

t:\gm\california voting rights act cvra-2021\california voting rights act - 2021\board memo hearing no 1 for 01_18_22 meeting final.docx

RECOMMENDED ACTION: Solicit Public Input

FINANCIAL IMPACT: None at this time

Background

On August 6, 2019, the Board of Directors (Board) adopted corrected Ordinance No. 38 to transition from an at-large to a division-based election system in conformance with the California Voting Rights Act of 2001 ("CVRA"). The director elections (for divisions 2, 3, and 4) in November 2020 were held under the new by-division election system (see the District's Final Approved Division Map depicted on Attachment 1).

Pursuant to California Elections Code Section 22000 *et seq.*, the Board must review its electoral division boundaries following the federal census that occurs every ten years, identify any significant demographic changes, and adjust the boundaries as necessary consistent with the US Constitution, Federal and State laws. In adjusting those boundaries, the Board is required to draw divisions that meet the following legal requirements:

- Each division shall contain nearly equal population, with any deviations justified by other traditional redistricting criteria.
- Each division shall be drawn in a manner that complies with the state and federal Constitutions, the Federal Voting Rights Act, and state law.
- Consistent with the principles established by the United States Supreme Court in *Shaw v. Reno*, 509 U.S. 630 (1993), divisions shall not be drawn with race as the predominant factor.
- Each division shall be contiguous, meaning that there are no islands or parts of the division that are not attached to the whole.

Elections Code Section 22000 provides that the Board of Directors may also take into consideration the following factors: (1) topography, (2) geography, (3) cohesiveness, contiguity, integrity and compactness of territory, and (4) community of interests of the division. Essentially, these criteria mean that the Board may consider:

- Keeping communities of interest, such as neighborhoods, school district boundaries, etc., undivided by a division boundary, to the extent feasible.
- Respecting visible natural and man-made geographical and topographical features when drawing division boundaries, as much as possible.
- Having compactness of divisions, including their shape and appearance.
- Identifying changes to the housing stock, including areas of population growth, if any, since lines were drawn in 2019, keeping in mind, however, that divisions will have to contain nearly equal population based on the 2020 Census data.
- Including public facilities in each division, to the extent feasible.
- Including commercial interests in each division, to the extent feasible.

The additional criteria may or may not be applicable or appropriate in the District's service area. The community should be encouraged to provide input on some or all of these additional criteria and may also provide input on or suggest other criteria not mentioned above.

On December 7, 2021, the Board received a report from staff and legal counsel regarding the 2020 Census data in which the District's demographer (Redistricting Partners) indicated the 2020 Census data did not reveal significant population shifts that require adjustments in division lines. In fact, the 2020 Census data indicated improved population balance among the District's five electoral divisions, meaning that the current districts as drafted comply with the constitutional requirement that the districts have equal population. The relevant standard is that a plan with total deviation of less than 10% among all districts is presumed constitutional. The current total deviation among all districts using 2020 census data is 7.7%, well within the constitutional standard.

The Board directed staff and legal counsel to prepare materials and invite the public to provide input on the possibility of re-adopting the current electoral divisions map. Per the schedule shown below, the District is holding two (2) virtual public hearings where the Board will

receive and respond to public comments, and subsequently consider adoption of a final electoral divisions map.

Redistricting Process Timeline

DATE	EVENT	COMMENT
Tuesday, January 18, 2022 at 6:00 p.m.	1st Public Hearing (Regular Meeting).	Show map, receive public comments.
Tuesday, February 15, 2022 at 6:00 p.m.	2nd Public Hearing (Regular Meeting).	Respond to comments (if any); Board vote to adopt final map of Electoral Divisions.

Public Outreach

The redistricting process is informed by public input. To support the public in providing input, District staff developed a public outreach strategy to help inform the public on division-based elections and to encourage and obtain feedback and input, using the following methods:

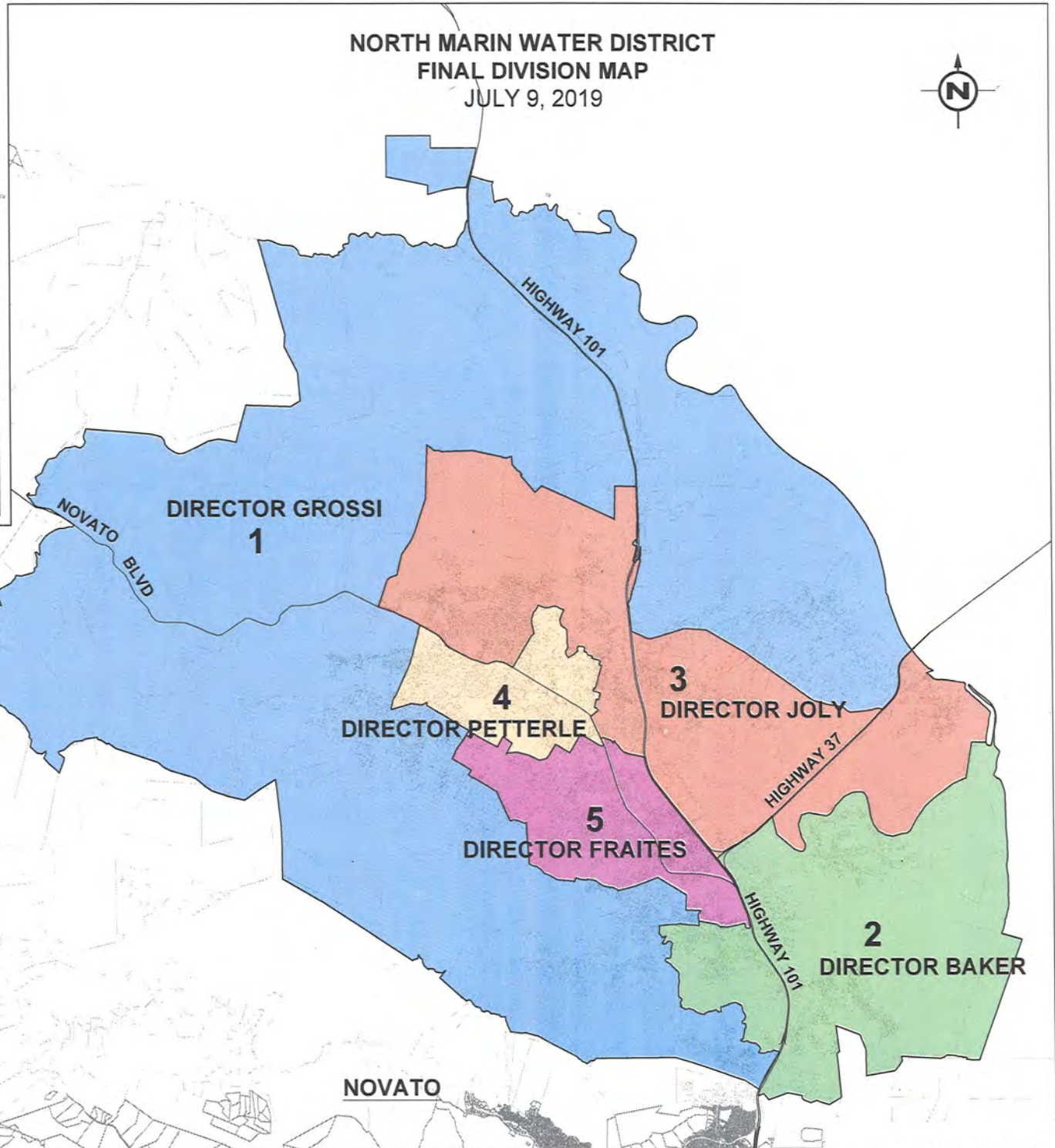
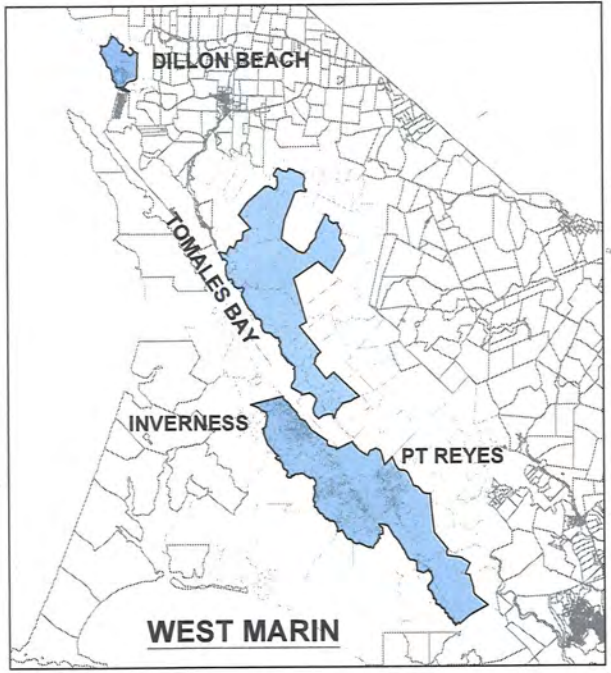
- Established a dedicated web page on the District's website to provide information regarding the 2021 redistricting process; and
- Posted ongoing social media outreach to Facebook, Twitter, and Nextdoor; and
- Issued a press release to both the Marin IJ and Point Reyes Light newspapers to inform residents and businesses in the District's service areas about how they can participate in the process; and
- Published public notices in the Marin IJ and Point Reyes Light newspapers to inform residents and businesses in the District's service areas about how they can participate in the process.

Recommendation

Staff recommends that the Board receive an updated presentation by Redistricting Partners and legal counsel, and subsequently solicit public input as part of the first public hearing. A final vote on the new division boundaries will be held at a second public hearing on February 15, 2022.

Attachments

- Attachment 1 – North Marin Water District's Final Approved Division Map
- Attachment 2 – PowerPoint Presentation



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North Marin Water District

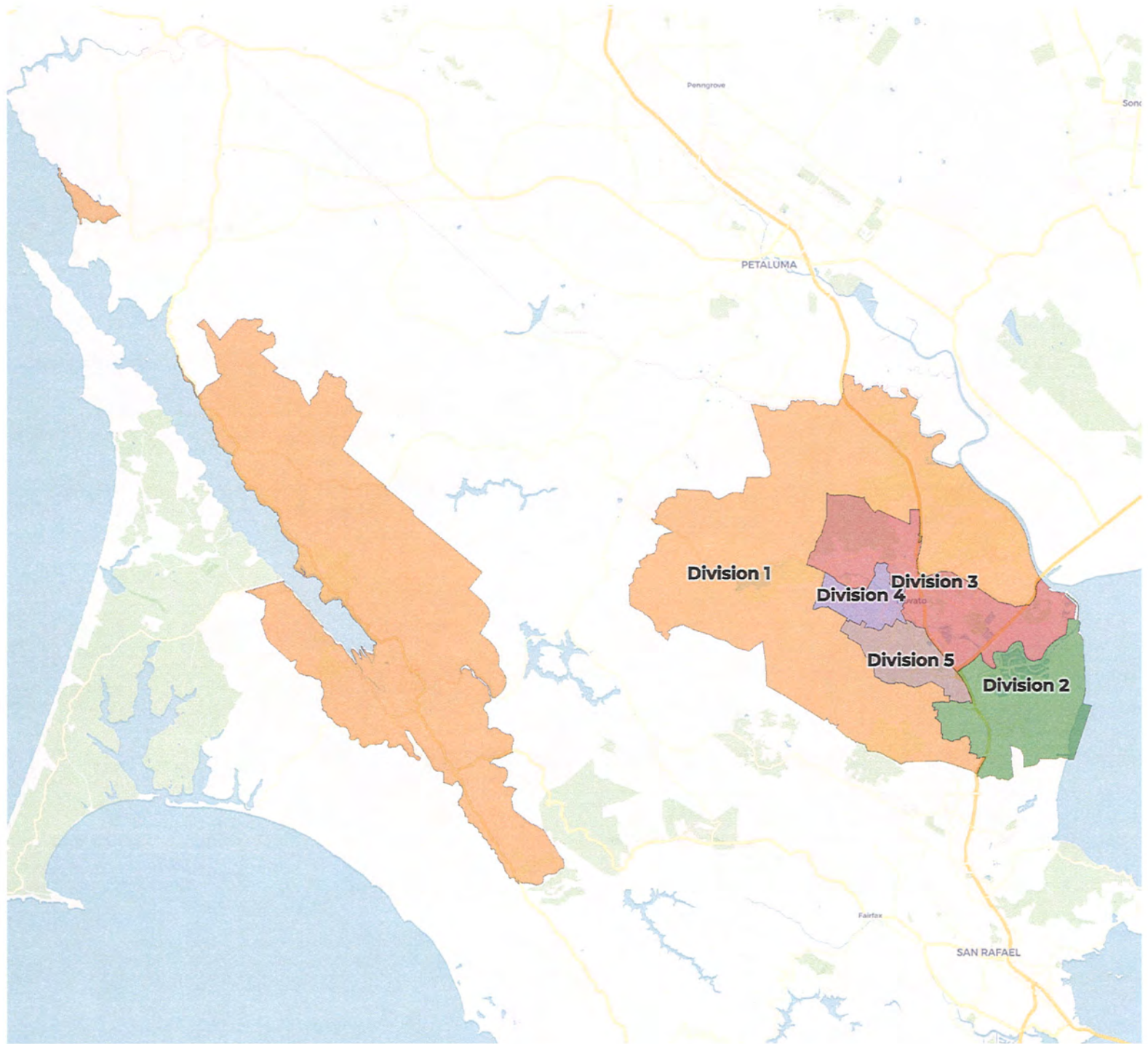
Redistricting 101

December 7, 2021

Overview

This presentation will cover a range of topics and expand on the technical aspects of the redistricting process.

- Current District Population
- What is Districting/Redistricting?
- Traditional Redistricting Principles
- Redistricting Process & Public Input



2010 Census

	Division 1	Division 2	Division 3	Division 4	Division 5
Population	12,890	12,300	12,451	12,158	11,739
Deviation	582	-8	143	-150	-569
Deviation %	4.7%	-0.1%	1.2%	-1.2%	-4.6%
Other	11,011	7,709	9,482	8,210	7,822
Other %	85.4%	62.7%	76.2%	67.5%	66.6%
Latino	1,250	7,201	1,855	2,000	2,722
Latino %					23.2%
Asian					830
Asian %	3.8%	6.9%	6.6%	5.9%	7.1%
Black	133	462	190	342	365
Black %	1.0%	3.8%	1.5%	2.8%	3.1%

Total Deviation of 9.3%

Citizen Voting Age Population (CVAP)

	Division 1	Division 2	Division 3	Division 4	Division 5
Total CVAP	9,292	7,531	8,508	7,975	7,737
Other CVAP	8,194	5,996	6,973	6,843	5,810
Other CVAP %	88.2%	79.6%	82.0%	85.8%	75.1%
Latino CVAP	633	738	790	438	1,165
Latino CVAP %	6.8%	9.8%	9.3%	5.5%	15.1%
Asian CVAP	333	613	622	438	504
Asian CVAP %	3.6%	8.1%	7.3%	5.5%	6.5%
Black CVAP	133	184	123	256	258
Black CVAP %	1.4%	2.4%	1.5%	3.2%	3.3%

2020 Census

	Division 1	Division 2	Division 3	Division 4	Division 5
Population	13,180	12,321	13,076	12,535	12,202
Deviation	517	-342	413	-128	-461
Deviation %	4.1%	-2.7%	3.3%	-1.0%	-3.6%
Other	10,722	7,201	9,384	7,754	7,479
Other %	81.4%	58.4%	71.8%	61.9%	61.3%
Latino	1,678	7,566	8,581	7,588	3,372
Latino %					27.6%
Asian					1,074
Asian %	4.7%	8.0%	6.7%	5.9%	8.8%
Black	157	433	220	342	277
Black %	1.2%	3.5%	1.7%	2.7%	2.3%

Total Deviation of 7.7%

Citizen Voting Age Population (CVAP)

	Division 1	Division 2	Division 3	Division 4	Division 5
Total CVAP	10,026	9,096	10,051	9,641	8,340
Other CVAP	8,754	6,800	8,219	7,985	6,636
Other CVAP %	87.3%	74.8%	81.8%	82.8%	79.6%
Latino CVAP	676	836	1,217	931	896
Latino CVAP %	6.7%	9.2%	12.1%	9.7%	10.7%
Asian CVAP	549	845	557	477	522
Asian CVAP %	5.5%	9.3%	5.5%	4.9%	6.3%
Black CVAP	47	616	59	249	285
Black CVAP %	0.5%	6.8%	0.6%	2.6%	3.4%

What is Redistricting?

Redistricting is the process of adjusting district lines every 10 years after the release of the U.S. Census. The well-known examples are Congress and the Legislature.

Within the U.S., redistricting has become an extremely politicized process and has been the subject of more high-profile Supreme Court decisions than any other part of our elections system.

What is Redistricting?

Redistricting is at its core the act of equalizing population among districts.

This is necessary in order to meet two requirements - one constitutional, one from Supreme Court precedent:

- *Equal Representation (14th Amendment)* - how effective any resident can be at advocating for themselves or being represented within a jurisdiction.
- *One Person One Vote* - equal ability to elect a candidate of choice.

Redistricting Principles

Federal law and the Elections Code § 22000 define criteria
Special Districts consider when redistricting:

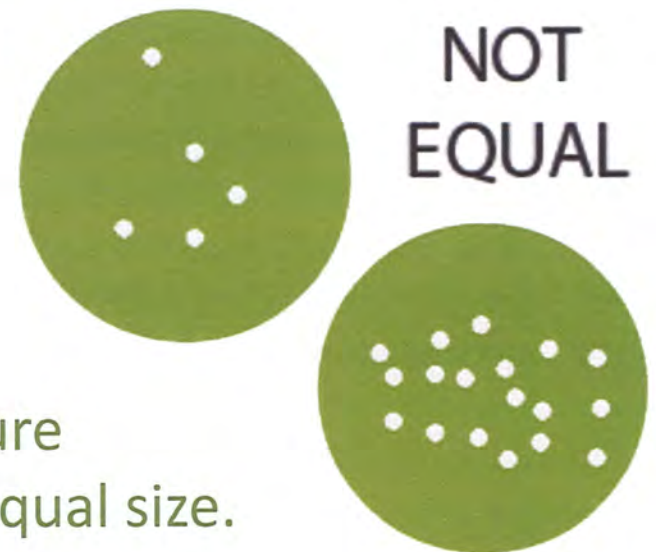
- Relatively equal population - people, not citizens
- Voting Rights Act
- *Shaw v. Reno*
- Topography
- Geography
- Cohesiveness, contiguity, integrity and compactness
- Community of interests

Equal Population

Utilizing the U.S. Census Decennial File

What is “equal” population has been a key subject in redistricting litigation.

- Population Equality is based on “People” not citizens or voters or other metrics.
- The metric used is called “deviation” which is a measure of how close a district is to equal size.



Voting Rights

Voting Rights Act (1965)

- Must draw districts to ensure minority groups' ability to elect candidates of choice
- Requires majority-minority districts

Shaw v. Reno (1993)

- Districts cannot be drawn with race as the predominant factor

Local Government Lines

The existing underlying governmental structure

Water Districts often have a geographic relationship with the cities and communities they serve.

- Underlying City Boundaries
- Unincorporated County areas, that are often rural and agricultural areas

Contiguity

Two definitions for what is contiguous

Contiguity should be thought of as “literal” and “functional.”

1. An area that is one whole piece is “literally contiguous.”
2. An area that represents how the population or how people are connected is “functionally contiguous.”



Compactness

Determining what is “compact”

The measure of compactness can get complicated.

- Ratio of the circumference of a district and the area of a district.
- Measuring the number of distinct straight lines and the number of kinks and bends.
- Simply outlawing funny shapes.

**NOT
COMPACT**

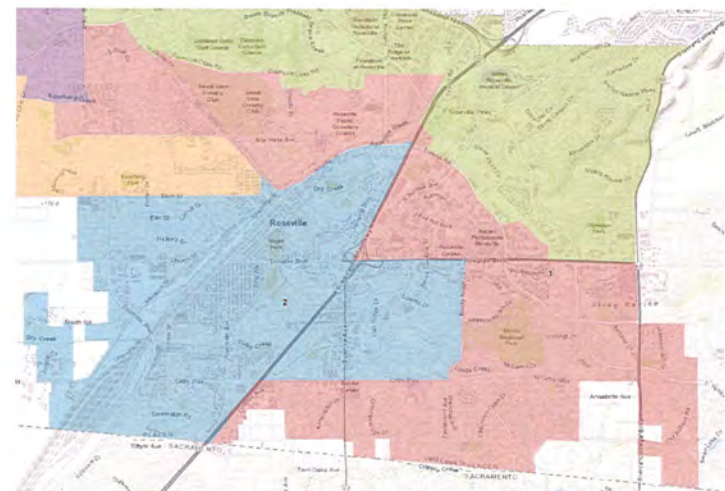
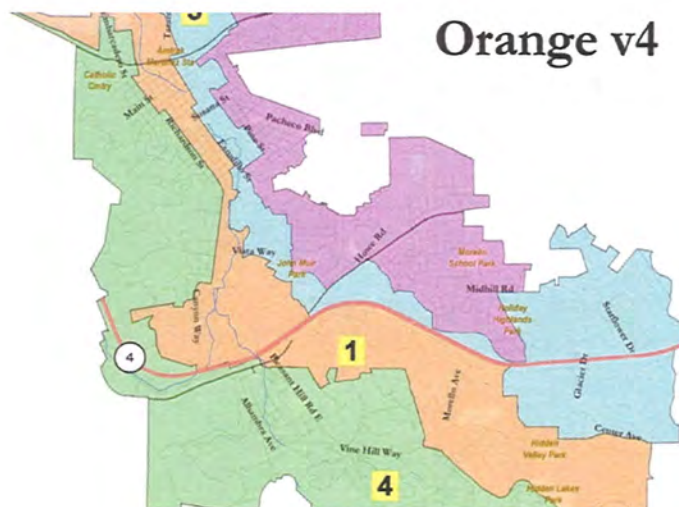


Compactness

Determining what is “compact”

California has a rather elegant/simple definition.

- Not bypassing nearby populated areas in favor of more distant populated areas



Communities of Interest

A community of interest is defined as:

“a contiguous population which shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation.” Cal. Const. art. XXI, § 2(d)(4).

- Examples:

- Senior Citizens or Students
- Downtown / Urban
- Rural or Agricultural
- Homeowners or Renters

Communities of Interest

Bringing like people together for representation

What are you looking for in trying to judge the applicability of a Community of Interest to the redistricting process?

- Group with shared culture / characteristics
- Geographic Nature / Density / Ability to be mapped
- Relationship to Agency / Policies

Additional Redistricting Rules

Optional, Additional Criteria

Water Districts often expand beyond these traditional principles. Examples can include:

- Taking into consideration future growth
- Balancing the rural / urban interface between districts

North Marin Water District Redistricting

Timeline for Upcoming Meetings

December 7th

Redistricting 101 Presentation
Consideration of Current Plan & 2020 Census

January 15th

Hearing #1
Consideration of Draft Maps and Current Map
Public Hearing to receive input

February 18th

Hearing #2
Public Hearing to receive input
Approval of Final Map



REDISTRICTING PARTNERS

3

4

5

6

NORTH MARIN WATER DISTRICT
MONTHLY PROGRESS REPORT FOR December 2021
January 18, 2022

1.**Novato Potable Water Prod* - RR & STP Combined - in Million Gallons - FYTD**

Month	FY21/22	FY20/21	FY19/20	FY18/19	FY17/18	22 vs 21 %
July	282.9	341.7	317.7	341.1	331.0	-17%
August	212.4	290.1	287.1	300.9	303.0	-27%
September	214.5	225.6	280.5	255.0	292.4	-5%
October	198.5	307.8	286.0	265.6	273.7	-36%
November	94.1	201.6	226.3	170.1	163.9	-53%
December	137.1	183.0	141.2	157.8	152.1	-25%
FYTD Total	1,139.5	1,549.7	1,538.8	1,490.5	1,516.0	-26%

*Excludes water backfed into Stafford Lake: FY22=12.82 MG

West Marin Potable Water Production - in Million Gallons - FY to Date

Month	FY21/22	FY20/21	FY19/20	FY18/19	FY17/18	22 vs 21 %
July	6.0	8.2	8.9	10.2	9.5	-26%
August	5.7	9.2	8.4	9.9	8.8	-38%
September	5.9	7.9	7.8	9.5	8.4	-26%
October	5.1	6.7	7.5	8.3	7.9	-25%
November	3.5	5.8	6.7	7.3	5.4	-39%
December	4.0	5.1	4.8	5.7	5.1	-21%
FYTD Total	30.2	42.9	44.1	50.9	45.0	-29%

Stafford Treatment Plant Production - in Million Gallons - FY to Date

Month	FY21/22	FY20/21	FY19/20	FY18/19	FY17/18	22 vs 21 %
July	67.0	105.8	68.2	78.6	112.6	-37%
August	31.3	81.1	103.8	79.3	81.5	-61%
September	41.7	16.1	115.0	60.5	122.7	159%
October	28.2	7.7	103.4	74.5	102.3	266%
November	0.0	0.6	102.8	0.0	53.6	-100%
December	0.0	0.0	0.0	0.0	0.0	-
FYTD Total	168.1	211.3	493.0	292.9	472.6	-20%

Recycled Water Production* - in Million Gallons - FY to Date

Month	FY21/22	FY20/21	FY19/20	FY18/19	FY17/18	22 vs 21 %
July	42.9	39.0	36.5	30.2	27.7	10%
August	41.4	43.2	33.3	30.6	26.1	-4%
September	39.6	29.5	29.7	33.5	25.0	35%
October	18.3	22.8	26.6	20.1	19.1	-20%
November	0.8	10.9	10.8	12.7	2.5	-92%
December	0.3	0.2	0.5	1.5	0.8	50%
FYTD Total*	143.4	145.6	137.5	128.5	101.2	-2%

*Excludes potable water input to the RW system: FY22=3 MG; FY21=24.7 MG; FY20=16.7; FY19=20.0 MG; FY18=15.8MG

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2. Stafford Lake Data

	December Average	December 2021	December 2020
Rainfall this month	5.28 Inches	6.51 Inches	1.88 Inches
Rainfall this FY to date	10.22 Inches	15.70 Inches	1.99 Inches
Lake elevation*	184.0 Feet	188.9 Feet	177.9 Feet
Lake storage**	643 MG	913 MG	389 MG

* Spillway elevation is 196.0 feet

** Lake storage less 390 MG = quantity available for normal delivery

Temperature (in degrees)

	Minimum	Maximum	Average
December 2021 (Novato)	53	67	60
December 2020 (Novato)	44	67	56

3. Number of Services

December 31	Novato Water			Recycled Water			West Marin Water			Oceana Marin Swr		
	FY22	FY21	Incr %	FY22	FY21	Incr %	FY22	FY21	Incr %	FY22	FY21	Incr %
Total meters installed	20,821	20,788	0.2%	99	99	0.0%	799	792	0.9%	-	-	-
Total meters active	20,663	20,569	0.5%	96	94	2.1%	789	784	0.6%	-	-	-
Active dwelling units	24,099	24,084	0.1%	-	-	-	837	834	0.4%	235	235	0.0%

4. Oceana Marin Monthly Status Report (December)

Description	December 2021	December 2020
Effluent Flow Volume (MG)	0.842	0.512
Irrigation Field Discharge (MG)	0.000	0.000
Treatment Pond Freeboard (ft)	6.8	5.6
Storage Pond Freeboard (ft)	7.0	8.5

5. Developer Projects Status Report (December)

Job No.	Project	% Complete	% This month
1.2820.00	Bahia Heights	99	0
1.2831.00	Landsea Homes	98	1
1.2851.00	385 Bel Marin Keys	99	0
1.2841.00	Hamilton Village	99	0
1.2821.00	Atherton Place	99	1
1.2836.00	Residence Inn	10	0
1.2835.00	Springbrook	95	5
1.2856.00	Redwood Credit Union	5	0
1.2850.00	59 Bridge Road	5	0

District Projects Status Report - Const. Dept. (December)

Job No.	Project	% Complete	% This month
1.1798.00	Replace Valves on Center Road	5	0

Employee Hours to Date, FY 20/21

As of Pay Period Ending December 31, 2021

Percent of Fiscal Year Passed = 50%

Developer Projects	Actual	Budget	% YTD Budget	District Projects	Actual	Budget	% YTD Budget
Construction	730	1,400	52%	Construction	960	3,460	28%
Engineering	1,127	1,504	75%	Engineering	1,230	2,722	50%

6. Safety/Liability

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FY 22 through Dec

FY 21 through Dec

Industrial Injury with Lost Time				Liability Claims Paid	
Lost Days	OH Cost of Lost Days (\$)	No. of Emp. Involved	No. of Incidents	Incurred (FYTD)	Paid (FYTD) (\$)
61	\$13,814	2	2	0	\$0
23	\$10,120	3	3	1	\$6,590

Days since lost time accident through December 31, 2021

85 Days

7. Energy Cost

FYE	kWh	December		Fiscal Year-to-Date thru December		
		¢/kWh	Cost/Day	kWh	¢/kWh	Cost/Day
2022 Stafford TP ¹	23,817	22.2¢	\$171	237,773	21.8¢	\$282
Pumping	85,612	27.1¢	\$773	699,983	27.4¢	\$1,053
Other ²	35,658	28.1¢	\$334	255,101	31.0¢	\$434
	145,086	26.5¢	\$1,278	1,192,857	27.1¢	\$1,770
2021 Stafford TP	16,894	28.7¢	\$156	300,710	20.6¢	\$337
Pumping	95,767	24.0¢	\$767	907,126	25.2¢	\$1,265
Other ²	49,156	24.6¢	\$403	287,373	28.4¢	\$452
	161,817	24.7¢	\$1,326	1,495,209	22.5¢	\$2,054
2020 Stafford TP	40,912	21.1¢	\$278	501,816	18.6¢	\$507
Pumping	79,559	22.3¢	\$555	839,931	23.4¢	\$1,075
Other ²	42,501	22.0¢	\$292	294,969	26.6¢	\$429
	162,972	21.9¢	\$1,125	1,636,716	22.5¢	\$2,011

¹Actual electricity used 18,475kWh.

²Other includes West Marin Facilities

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8. Water Conservation Update

	Month of December 2021	Fiscal Year to Date	Program Total to Date
High Efficiency Toilet (HET) Rebates	12	71	4346
Retrofit Certificates Filed	23	78	6910
Cash for Grass Rebates Paid Out	5	47	995
Washing Machine Rebates	3	25	6855
Water Smart Home Survey	0	5	3904

9. Utility Performance Metric

<u>SERVICE DISRUPTIONS</u> (No. of Customers Impacted)	December 2021	December 2020	Fiscal Year to Date 2021	Fiscal Year to Date 2020
PLANNED				
Duration Between 0.5 and 4 hours	2		60	76
Duration Between 4 and 12 hours			17	
Duration Greater than 12 hours				
UNPLANNED				
Duration Between 0.5 and 4 hours	1		12	29
Duration Between 4 and 12 hours				2
Duration Greater than 12 hours				1
<u>SERVICE LINES REPLACED</u>				
Polybutylene	2	0	24	53
Copper (Replaced or Repaired)	0	0	15	4

10. Summary of COVID-19 Costs and Water Bill Delinquency Impacts - to Date

	<u>Total</u>
Increase in on-call Labor Costs	\$ 115,600
Payroll Accounts Receivable Collection Costs	\$ 13,300
Time off to Employees for COVID related reasons* -	\$ 46,300
Vendor Expenses - Including Legal Fees	\$ 45,600
Total Covid-19 Costs to Date	<u>\$ 220,800</u>

* Families First Coronavirus Response Act (FFCRA) & CA Supplemental Paid Sick Leave (SPSL)
Allows employees to take time off for COVID medical reasons including vaccination.

Water Bill Delinquency Impacts

	<u>2 Years Ago</u>	<u>Last Year</u>	<u>This Year</u>
	<u>12/2019</u>	<u>12/2020</u>	<u>12/2021</u>
Customer Accounts Past Due (count)	1.9%	4.3%	4.0%
Delinquent Balances % Due on Account	4.1%	11.8%	15.8%
Delinquent Balances \$ Due on Account*	\$ 52,000	\$ 124,000	\$ 158,000

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NORTH MARIN WATER DISTRICT

Summary of Complaints & Service Orders December 2021

Tag Breakdown:

Total: 174 Consumer: 54 Office: 120

<u>Type</u>	<u>Dec-21</u>	<u>Dec-20</u>	<u>Added Notes</u>
<u>Billing</u>			
High Bill	<u>1</u>	<u>10</u>	
Total	<u>1</u>	<u>10</u>	
<u>Meter Replacement</u>	<u>12</u>	<u>18</u>	
Total	<u>12</u>	<u>18</u>	
<u>Need Read</u>	<u>10</u>	<u>0</u>	
Total	<u>10</u>	<u>0</u>	
<u>No-Water</u>	<u>1</u>	<u>0</u>	
Total	<u>1</u>	<u>0</u>	
<u>Leak</u>			
Consumer	116	93	
District	<u>3</u>	<u>11</u>	
Total	<u>119</u>	<u>104</u>	
<u>Water Quality</u>			
Turbidity	<u>0</u>	<u>1</u>	
Total	<u>0</u>	<u>1</u>	
<u>Check Pressure</u>	<u>1</u>	<u>1</u>	
Total	<u>1</u>	<u>1</u>	
<u>Turn Off / On</u>	<u>21</u>	<u>9</u>	
Total	<u>21</u>	<u>9</u>	
<u>Other</u>	<u>9</u>	<u>12</u>	
Total	<u>9</u>	<u>12</u>	
<u>TOTAL FOR MONTH:</u>	<u><u>174</u></u>	<u><u>155</u></u>	<u><u>12%</u></u>

Fiscal YTD Summary

Billing	2	37	-95% Decrease in Billing
Meter Replacement	12	18	-33% Decrease in Meter Replacements
Need Read	10	0	100% Increase in Reads
No-Water	1	0	100% Increase in No-Water
Leak	543	429	27% Increase in Leaks
Water Quality	1	1	0% No Change.
Pressure	1	1	0% No Change.
Turn Off / On	61	100	-39% Decrease in Water On/Off
Other	9	12	-25% Decrease in other tags
Total	<u><u>640</u></u>	<u><u>598</u></u>	<u><u>7%</u></u> Increase overall

Change Primarily Due To

Bill Adjustments Under Board Policy:

December 21 vs. December 20

Dec-21	13	\$3,149
Dec-20	10	\$5,144

Fiscal Year vs Prior FY

FY 21/22	95	\$32,690
FY 20/21	133	\$48,077

Customer Service Questionnaire Quarterly Report

Quarter Ending 12/31/2021



NMWD

	Response		
	Agree	Neutral	Disagree
Water Quality			
Courteous & Helpful	0	0	0
Accurate Information	0	0	0
Prompt Service	0	0	0
Satisfactorily Resolved	0	0	0
Overall Experience	0	0	0
	0	0	0

	Agree	Neutral	Disagree
Leak			
Courteous & Helpful	35	0	0
Accurate Information	33	1	1
Prompt Service	33	2	0
Satisfactorily Resolved	33	2	0
Overall Experience	34	1	0
	168	6	1

	Agree	Neutral	Disagree
Billing			
Courteous & Helpful	0	0	0
Accurate Information	0	0	0
Prompt Service	0	0	0
Satisfactorily Resolved	0	0	0
Overall Experience	0	0	0
	0	0	0

Questionnaires Sent Out	136	100%
Questionnaires Returned	41	33%

Pressure	
Courteous & Helpful	
Accurate Information	
Prompt Service	
Satisfactorily Resolved	
Overall Experience	

Noisy Pipes	
Courteous & Helpful	
Accurate Information	
Prompt Service	
Satisfactorily Resolved	
Overall Experience	

Other	
Courteous & Helpful	
Accurate Information	
Prompt Service	
Satisfactorily Resolved	
Overall Experience	

Grand Total

	Response		
	Agree	Neutral	Disagree
Pressure			
Courteous & Helpful	0	0	0
Accurate Information	0	0	0
Prompt Service	0	0	0
Satisfactorily Resolved	0	0	0
Overall Experience	0	0	0
	0	0	0

	Agree	Neutral	Disagree
Noisy Pipes			
Courteous & Helpful	0	0	0
Accurate Information	0	0	0
Prompt Service	0	0	0
Satisfactorily Resolved	0	0	0
Overall Experience	0	0	0
	0	0	0

	Agree	Neutral	Disagree
Other			
Courteous & Helpful	6	0	0
Accurate Information	6	0	0
Prompt Service	6	0	0
Satisfactorily Resolved	6	0	0
Overall Experience	6	0	0
	30	0	0

198	6	1
97%	3%	0%

Customer Service Questionnaire Quarterly Report

Quarter Ending : December

Customer Comments	Staff Response to Negative Comments	Issues NMWD Should Address In The Future
LEAK		
1 Tech and Phone Operator were polite and knowledgeable		
2 gentleman was very helpful		
3 FSR was very nice, courteous, and prompt		
4 everyone was friendly, prompt, and professional		
5 everyone was great, thanks!		
6 great service		
7 very helpful info		
8 Darrell was great!		
9 Rich was amazing, extremely professional , very helpful		
10 I was satisfied with my call		
11 darrell was great, knowledgeable, effient,		Requested better explanation in water leak alert
12 a+ service from everyone we had contact with. Very knowledgeable		
13 Thanks again for helping		
14 excellent help, great stff		
15 rich handled my issue in a totally professional manner.		
16 Excellent service. Very helpful.		
17 Told that his leak wasn't considered an emergency and rep was there in a hour	copy of questionnaire given to Tony A. for follow up.	Customer thinks all leaks should be considered an emergency because of the drought charge
18 prompt response, great staff		
19 VERY COURTEOUS		
20 Received a quick response		
21 Very happy with the men and their job		
22 everyone I dealt with was very nice & very helpful		
23 Darrell was great		Customer says we need someone who cares about novato not just a political career
24 Prompt Friendly Service		
OTHER		
25 Prompt		
26 After Hours service good response time		
27		COST

MEMORANDUM

To: Board of Directors

January 14, 2022

From: Julie Blue, Auditor-Controller *JB*
Nancy Holton, Accounting Supervisor

Subj: Auditor-Controller's Monthly Report of Investments for December 2021
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RECOMMENDED ACTION: Information

FINANCIAL IMPACT: None

At month end the District's Investment Portfolio had an amortized cost value (i.e., cash balance) of \$26,376,941 and a market value of \$26,374,053. During December the cash balance decreased by \$583,745. The market value of securities held decreased \$2,888 during the month. The total unrestricted cash balance at month end was \$3,957,137 and 99.23% of the Designated Cash Reserves are funded.

At December 31, 2021, 87% of the District's Portfolio was invested in California's Local Agency Investment Fund (LAIF), 8% in Time Certificates of Deposit, 4% in the Marin County Treasury, and 1% retained locally for operating purposes. The weighted average maturity of the portfolio was 26 days, compared to 28 days at the end of November. The LAIF interest rate for the month was 0.21%, compared to 0.20% the previous month. The weighted average Portfolio rate was 0.27%, the same as the prior month.

Investment Transactions for the month of December are listed below:

12/9/2021	Synovus Bank	US Bank	\$249,043.33	TCD Matured
12/9/2021	LAIF	US Bank	\$30,000.00	Trsf from LAIF account
12/20/2021	LAIF	US Bank	\$500,000.00	Trsf to LAIF account
12/29/2021	US Bank	LAIF	\$400,000.00	Trsf to LAIF account

**NORTH MARIN WATER DISTRICT
AUDITOR-CONTROLLER'S MONTHLY REPORT OF INVESTMENTS
December 31, 2021**

Type	Description	S&P Rating	Purchase Date	Maturity Date	Cost Basis ¹	12/31/2021 Market Value	Yield ²	% of Portfolio
LAIF	State of CA Treasury	AA-	Various	Open	\$22,859,775	\$22,856,887	0.21% ³	87%
Time Certificate of Deposit								
TCD	Morgan Stanley Bank	n/a	1/16/20	1/18/22	247,000	247,000	1.75%	1%
TCD	Wells Fargo National Bank	n/a	3/6/20	3/7/22	248,000	248,000	1.35%	1%
TCD	American Express Natl Bank	n/a	4/7/20	4/7/22	248,000	248,000	1.35%	1%
TCD	Synchrony Bank	n/a	4/17/20	4/18/22	248,000	248,000	1.20%	1%
TCD	Pinnacle Bank	n/a	5/7/20	5/9/22	248,000	248,000	0.90%	1%
TCD	Enerbank	n/a	9/25/20	9/25/24	249,000	249,000	0.45%	1%
TCD	Sallie Mae Bank	n/a	8/18/21	8/18/23	249,000	249,000	0.35%	1%
TCD	UBS Bank	n/a	9/9/21	9/11/23	249,000	249,000	0.35%	1%
TCD	BMW Bank	n/a	8/20/21	2/20/24	249,000	249,000	0.45%	1%
					\$2,235,000	\$2,235,000	0.90%	8%
Other								
Agency	Marin Co Treasury	AAA	Various	Open	\$1,045,108	\$1,045,108	0.22%	4%
Other	Various	n/a	Various	Open	237,057	237,057	0.41%	1%
TOTAL IN PORTFOLIO					\$26,376,941	\$26,374,053	0.27%	100%
Weighted Average Maturity =					26 Days			

LAIF: State of California Local Agency Investment Fund.

TCD: Time Certificate of Deposit.

Agency: STP State Revolving Fund Loan Reserve.

Other: Comprised of 5 accounts used for operating purposes. US Bank Operating Account, US Bank STP SRF Loan Account, US Bank FSA Payments Account, Bank of Marin AEEP Checking Account & NMWD Petty Cash Fund.

1 Original cost less repayment of principal and amortization of premium or discount.

2 Yield defined to be annualized interest earnings to maturity as a percentage of invested funds.

3 Earnings are calculated daily - this represents the average yield for the month ending December 31, 2021.

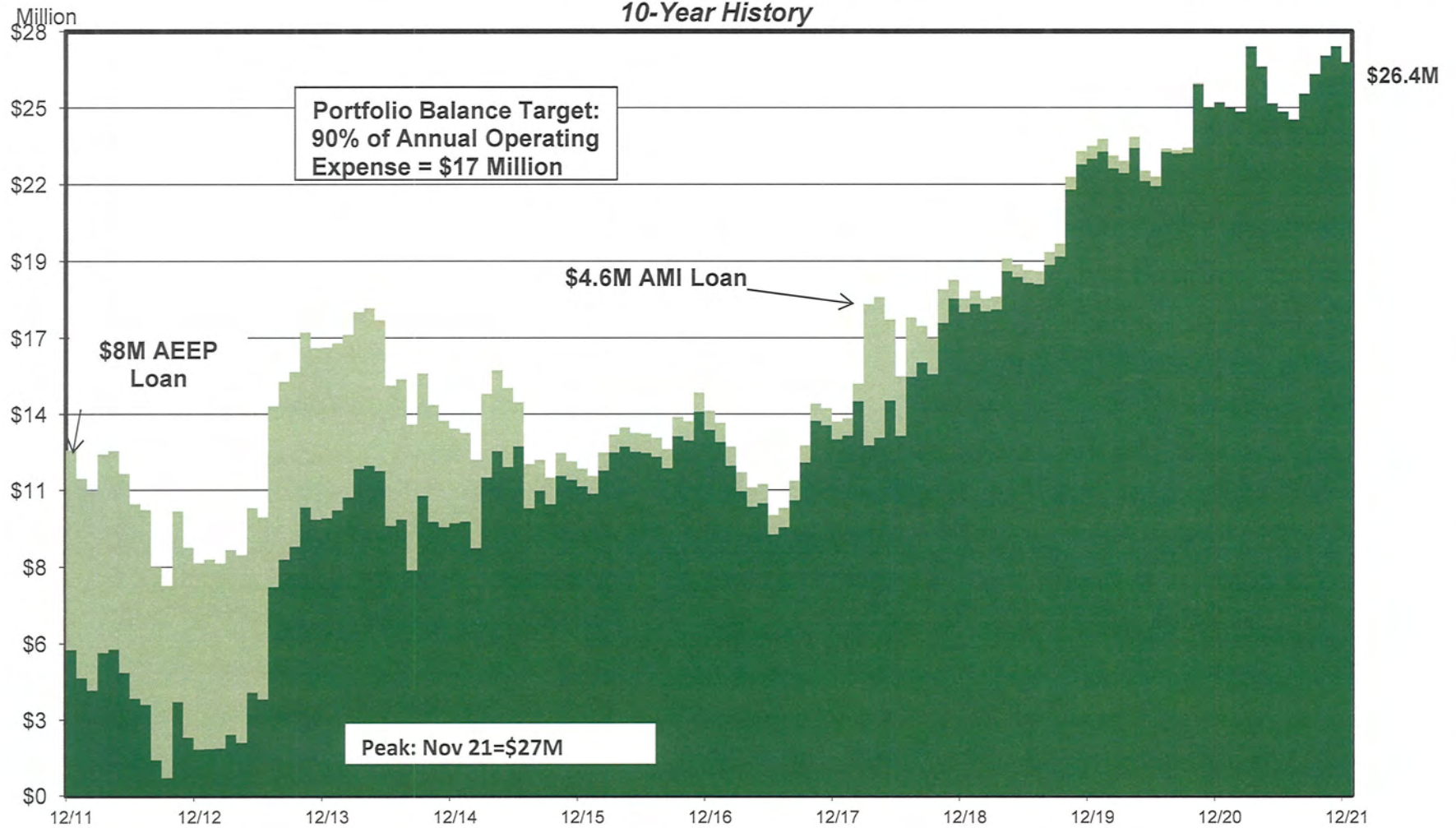
Interest Bearing Loans	Loan Date	Maturity Date	Original Loan Amount	Principal Outstanding	Interest Rate
Marin Country Club Loan	1/1/18	11/1/47	\$1,265,295	\$1,117,682	1.00%
Marin Municipal Water - AEEP	7/1/14	7/1/32	\$3,600,000	\$1,930,238	2.71%
Employee Housing Loans (2)	Various	Various	525,000	525,000	Contingent
TOTAL INTEREST BEARING LOANS			\$5,390,295	\$3,572,920	

The District has the ability to meet the next six months of cash flow requirements.

1/14/2022

NMWD Portfolio Balance 10-Year History

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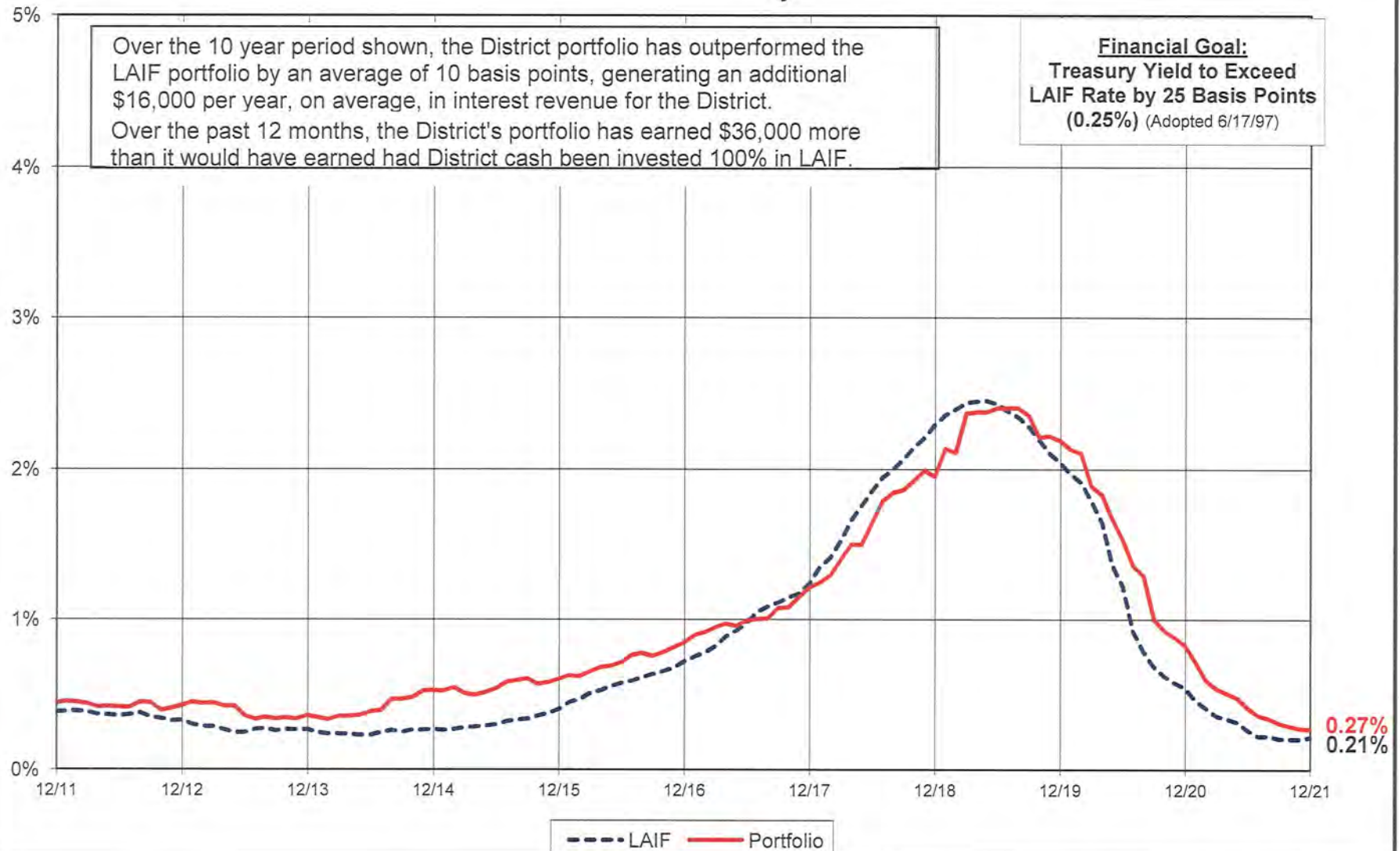
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NMWD Portfolio Rate of Return State of CA Local Agency Investment Fund vs District Portfolio 10-Year History

Over the 10 year period shown, the District portfolio has outperformed the LAIF portfolio by an average of 10 basis points, generating an additional \$16,000 per year, on average, in interest revenue for the District.
Over the past 12 months, the District's portfolio has earned \$36,000 more than it would have earned had District cash been invested 100% in LAIF.

Financial Goal:
Treasury Yield to Exceed
LAIF Rate by 25 Basis Points
(0.25%) (Adopted 6/17/97)



7

MEMORANDUM

To: Board of Directors January 14, 2022

From: Drew McIntyre, General Manager 

Subject: Re-Authorizing – Meetings by Teleconference of Legislative Bodies of North Marin Water District

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RECOMMENDED ACTION: Adopt Resolution No. 22-XX: "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 Re-Authorizing Meetings by Teleconference of Legislative Bodies of North Marin Water District from January 21, 2022 through February 20, 2022 Pursuant to Brown Act Provisions".

FINANCIAL IMPACT: None

As authorized by the Governor's Executive Order N-29-20, Board meetings have been held virtually since March 17, 2020 to protect attendees, including members of public, District employees, and Board members, from potential exposure to the novel coronavirus disease 2019 ("COVID-19"). On June 11, 2021, the Governor issued Executive Order N-08-21 which rescinded these temporary modifications to the Brown Act, effective September 30, 2021. On September 16, 2021, the Governor signed Assembly Bill 361 (2021) ("AB 361") amending the Brown Act to allow local legislative bodies to continue to conduct meetings virtually under specified conditions and pursuant to special rules on notice, attendance, and other matters. AB 361 took full effect on October 1, 2021.

AB 361 authorizes the Board of Directors to meet virtually during declared states of emergency without noticing the location of individual Board Members or requiring such locations to be open to the public if certain findings are made and certain procedures are followed. Where a virtual meeting is held pursuant to AB 361, the members of the public must be able to observe and participate during the meeting.

The Governor's March 4, 2021 declaration of a State of Emergency remains in effect and the State currently requires masks for all unvaccinated individuals and recommends all vaccinated individuals wear masks indoors, CDC, Cal/OSHA, and OSHA continue to recommend physical distancing of at least six feet to protect against transmission of COVID-19. Marin County

Approved by GM 

Date 1/14/22

continues to recommend following CDC guidance on physical distancing as a layer of protection against transmission of COVID-19. Therefore, the current circumstances support a determination by the Board that meeting in person would continue to present imminent risks to the health and safety of attendees.

On October 5, 2021, the Board adopted Resolution 21-22, thereby finding a 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 meetings by teleconference of legislative bodies of North Marin Water District from October 5, 2021 through November 4, 2021 pursuant to Brown Act provisions.

On November 2, 2021, November 16, 2021, December 7 and December 21, 2021, the Board adopted Resolutions 21-26, -27, -28 and -30 respectively, thereby finding a 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 re-authorizing meetings by teleconference of legislative bodies of North Marin Water District for 30 days pursuant to the Brown Act provisions.

If adopted, Resolution No. 22-XX will allow the Board to continue to meet virtually for another 30 days, after which the Board will need to reconsider its findings and confirm the need to hold virtual meetings. This reconsideration and confirmation will need to occur every thirty days until the Board determines it is safe to meet in person.

RECOMMENDED ACTION:

Adopt Resolution No. 22-XX: "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 Re-Authorizing Meetings by Teleconference of Legislative Bodies of North Marin Water District from January 21, 2022 through February 20, 2022 Pursuant to Brown Act Provisions".

RESOLUTION NO. 22-XX

RESOLUTION OF THE BOARD OF DIRECTORS OF NORTH MARIN WATER DISTRICT 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 RE-AUTHORIZING MEETINGS BY TELECONFERENCE OF LEGISLATIVE BODIES OF NORTH MARIN WATER DISTRICT FROM JANUARY 21, 2022 THROUGH FEBRUARY 20, 2022 PURSUANT TO BROWN ACT PROVISIONS

WHEREAS, all meetings of the legislative bodies of the North Marin Water District ("District") are open and public, as required by the Ralph M. Brown Act ("Brown Act"), Government Code Section 54950, *et seq*, and any member of the public may observe, attend, and participate in the business of such legislative bodies; and

WHEREAS, on March 4, 2020, Governor Newsom declared a State of Emergency as a result of the rapid spread of the novel coronavirus disease 2019 ("COVID-19"); and

WHEREAS, on March 10, 2020, the Board of Supervisors of the County of Marin ratified proclamations of health and local emergency due to COVID-19; and

WHEREAS, on March 16, 2020, the City Council of the City of Novato ratified and confirmed a proclamation of local emergency due to COVID-19;

WHEREAS, on March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20 suspending certain provisions of the Brown Act in order to allow local legislative bodies to conduct meetings telephonically or by other means, after which District staff implemented virtual meetings for all meetings of legislative bodies within the District; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21, which terminated the provisions of Executive Order N-29-20 that allows local legislative bodies to conduct meetings telephonically or by other means effective September 30, 2021; and

WHEREAS, on September 16, 2021, Governor Newsom signed Assembly Bill 361 (2021) ("AB 361"), which amended the Brown Act to allow local legislative bodies to continue to conduct meetings by teleconference under specified conditions and pursuant to special rules on notice, attendance, and other matters; and

WHEREAS, AB 361, pursuant to Executive Order N-15-21, took full effect on October 1, 2021, and makes provisions under Government Code section 54953(e) for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, it is further required that state or local officials have imposed or, local officials have recommended, measures to promote social distancing, or, the legislative body must find that meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, on October 5, 2021, the Board of Directors previously adopted Resolution No. 21-22, finding that the requisite conditions exist for the legislative bodies of North Marin Water District ("District") to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; and

WHEREAS, on November 2, 2021, the Board of Directors previously adopted Resolution No. 21-26, reaffirming the finding that the requisite conditions exist for the legislative bodies of North Marin Water District to continue to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; and

WHEREAS, on November 16, 2021, the Board of Directors previously adopted Resolution No. 21-27, reaffirming the finding that the requisite conditions exist for the legislative bodies of North Marin Water District to continue to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; and

WHEREAS, on December 7, 2021, the Board of Directors previously adopted Resolution No. 21-28, reaffirming the finding that the requisite conditions exist for the legislative bodies of North Marin Water District to continue to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; and

WHEREAS, on December 21, 2021, the Board of Directors previously adopted Resolution No. 21-30, reaffirming the finding that the requisite conditions exist for the legislative bodies of North Marin Water District to continue to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; and

WHEREAS, as a condition of extending the use of the provisions found in section 54953 (e), the Board of Directors must reconsider the circumstances of the state of emergency that exists in the District, and the Board of Directors has done so; and

WHEREAS, emergency conditions continue to persist in the District, specifically, the State of Emergency for the State of California declared by Governor Newsom as a result of the COVID-19 pandemic remains in effect; and

WHEREAS, the Centers for Disease Control and Prevention ("CDC") and Marin County continue to recommend physical distancing of at least six feet from others outside of the household; and

WHEREAS, "Protecting Workers: Guidance on Mitigating and Preventing the Spread of COVID-19 in the Workplace," promulgated by the Occupational Safety and Health Administration ("OSHA") under the United States Department of Labor, provides that "[m]aintaining physical distancing at the workplace for [unvaccinated and at-risk] workers is an important control to limit the spread of COVID-19" and recommends that employers train employees about the airborne nature of COVID-19 and importance of exercising multiple layers of safety measures, including physical distancing, and that employers implement "physical distancing in all communal work areas for unvaccinated and otherwise at-risk

workers,” including physical distancing from members of the public, as a “key way to protect such workers”; and

WHEREAS, Title 8, Section 3205, subdivision (c)(5)(D) of the California Code of Regulations, promulgated by the Division of Occupational Safety and Health of the California Department of Industrial Relations (“Cal/OSHA”), requires employers to provide instruction to employees on using a combination of “physical distancing, face coverings, increased ventilation indoors, and respiratory protection” to decrease the spread of COVID-19; and

WHEREAS, the Board of Directors recognizes the recommendations by state and local officials to use physical distancing as a layer of protection against COVID-19 and desires to continue to provide a safe workplace for its employees and a safe environment for the open and public meetings of the District’s legislative bodies; and

WHEREAS, due to the continued threat of COVID-19, the District continues to implement multiple layers of protection against COVID-19, including physical distancing, for the safety of employees and members of the public; and

WHEREAS, while the District believes District work-related activities may be conducted safely in person through imposition of various safety protocols, Board meetings continue to present a unique challenge due to their being open to the public generally, with limited space in the boardroom, and no ability to verify vaccination status or to provide contact tracing for potentially exposed individual attendees; and

WHEREAS, the Board of Directors hereby finds that the presence of COVID-19 and the increase of cases due to the Delta variant has caused, and will continue to cause, conditions of concern to the safety of certain persons within the District, including older and immunocompromised individuals that are likely to be beyond the control of the services, personnel, equipment, and facilities of the District, and, therefore, continues to present imminent risks to the health or safety of attendees, including members of the public and District employees, should meetings of the District’s legislative bodies be held in person; and

WHEREAS, as a consequence of the local emergency persisting, the Board of Directors does hereby find that the legislative bodies of North Marin Water District shall continue to conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall continue to comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

WHEREAS, the District will continue to conduct meetings for all meetings of legislative bodies within the District virtually (i.e. through the use of Zoom, or similar virtual meeting provider) and/or telephonically, in conformance with requirements under the Brown Act.

THEREFORE, BE IT RESOLVED by the Board of Directors of the North Marin Water District as follows:

1. The above recitals are true and correct and hereby incorporated into this Resolution.

2. In compliance with the special teleconference rules of Section 54953 of the Government Code, as established by Assembly Bill 361 (2021), the Board of Directors hereby makes the following findings:
 - a. The Board of Directors has considered the circumstances of the state of emergency; and
 - b. The states of emergency, as declared by the Governor, , continue to impact directly the ability of the District's legislative bodies, as well as staff and members of the public, to safely meet in person;
 - c. The CDC, and Cal/OSHA continue to recommend physical distancing of at least six feet to protect against transmission of COVID-19; and
 - d. Meeting in person would continue to present imminent risks to the health and safety of members of the public, members of the District's legislative bodies, and District employees due to the continued presence and threat of COVID-19.
3. The District's legislative bodies may continue to meet remotely from January 21, 2022 through February 20, 2022 in compliance with the special teleconference rules of Section 54953 of the Government Code, as amended by Assembly Bill 361 (2021), in order to protect the health and safety of the public.
4. The Board of Directors will review these findings and the need to conduct meetings by teleconference within thirty (30) days of adoption of this resolution.

* * * * *

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 18th day of January 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

Theresa Kehoe, Secretary
North Marin Water District

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8

MEMORANDUM

To: Board of Directors
From: Drew McIntyre, General Manager
Subj: Recruitment Firm Agreement
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January 14, 2021

RECOMMENDED ACTION: Approve**FINANCIAL IMPACT: \$27,000**

The General Manager plans to retire in May 2022. The Board, General Manager and Chief Engineer/Assistant General Manager (AGM) all recognize the importance of a smooth transition not only in the General Manager's office but in the Chief Engineer/AGM office as well. The transition plan calls for the appointment of the current Chief Engineer/AGM into the General Manager's position upon my retirement. The Board has directed staff to commence recruitment of a successor for the Chief Engineer/AGM position.

The District as well as Marin Municipal Water District and County of Marin have recently been successfully utilizing the services of executive search firm Ralph Anderson and Associates. Ralph Anderson is headquartered in Rocklin and specializes in high-level local government recruitment (General Manager, Assistant General Manager, CFO, etc.)

Ralph Anderson will develop a recruitment brochure and, due to the high cost of living in Marin, will primarily target California agencies. They will market the position, screen the applicants and guarantee a suitable successor. The agreement stipulates that Ralph Anderson be the exclusive recruiter.

The goal is to have a successor candidate on-board in May.

RECOMMENDATION

Authorize the General Manager to enter into an agreement with Ralph Anderson and Associates to recruit a successor Chief Engineer/AGM for a fee not-to-exceed \$27,000.

Approved by GM Date 1/14/22

9

MEMORANDUM

To: Board of Directors

January 14, 2022

From: Ryan Grisso, Water Conservation Coordinator *RG*

Subject: Approve – Agreement with Sonoma Water for Drought Tool Kit Purchases

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RECOMMENDED ACTION: Approve Agreement with Sonoma Water**FINANCIAL IMPACT:** Up to \$17,817 (Included in FY22 Budget)

In response to the drought and in addition year-round conservation outreach efforts, the District and Sonoma Marin Saving Water Partnership (Partnership) launched an aggressive public outreach campaign to emphasize the need to save water during this drought by highlighting actions customers can take to reduce water use and improve water use efficiency. This campaign included three Drought Drop-By Events in Marin, Sonoma and Mendocino Counties, by where customers could come by and pick up a Drought Tool Kit, which included a bucket, showerhead, sink aerator, shower timer, hose nozzle and leak detection tablets. These events were very well attended with over 800 Drought Tool Kits being distributed over the three events. Remaining Drought Tool Kits have been made available at the front counter at the District office since October and will be used for future events.

In order to obtain the materials in a timely manner for each event and to achieve bulk discount purchases, Sonoma Water was asked to purchase the materials for the Drought Tool Kits, with reimbursement from the partnership member on a per Drought Tool Kit basis. The District requested and received 1,200 Drought Tool Kits for the final two Drought Drop-By Events, for a total reimbursement cost to Sonoma Water of \$17,817. This agreement formalizes the purchase and reimbursement for the Drought Tool Kits to Sonoma Water and staff recommends approval.

RECOMMENDATION

Board authorize the General Manager to execute Agreement with Sonoma Water for the purchase of 1,200 Drought Tool Kits in an amount not to exceed \$17,817.

Approved by GM *DM*Date *1/14/22*

Cooperative Agreement for Reimbursement of Funding for Sonoma-Marín Saving Water Partnership Bulk Purchase of Drought Kit Materials

This Cooperative Agreement for Reimbursement (“Agreement”) is by and between **Sonoma County Water Agency**, a body corporate and politic of the State of California (“Sonoma Water”) and **City of Cotati, City of Rohnert Park, City of Santa Rosa, Marin Municipal Water District, North Marin Water District, Valley of the Moon Water District, and Town of Windsor** (“Partners”). The Effective Date of this Agreement is the date the Agreement is last signed by the parties to the Agreement, unless otherwise specified in Article 6.1 (Term of Agreement).

RECITALS

- A. In 2005 Sonoma Water began working with its water retailers to develop the Sonoma-Marín Saving Water Partnership (Partnership). The Partnership represents 13 water utilities in Sonoma and Marin counties that have joined together to provide regional solutions for water use efficiency.
- B. On April 27, 2021, the Sonoma County Board of Supervisors proclaimed a local emergency due to the adverse environmental, economic, health, welfare, and social impacts of the drought that pose an imminent threat of disaster and threaten to cause widespread potential harm to people, businesses, agriculture, property, communities, the environment, wildlife, and recreation in the County of Sonoma.
- C. In response to the drought declaration and in addition to the Partnership’s year-round conservation campaign efforts, the Partnership launched an aggressive public outreach campaign to emphasize the need to save water by highlighting actions customers can take to reduce water use and improve water use efficiency.
- D. These efforts included Drought Drop By events in Sonoma, Marin, and Mendocino counties at which drought kits were distributed free of charge on a first-come basis.
- E. Partners asked to purchase additional kits in excess of the allotted amount and to contribute funds to do so.
- F. To obtain the materials in a timely manner and at a reduced bulk cost, Sonoma Water purchased materials at a total cost of \$236,562 with reimbursement by Partners for \$150,000 of the total cost for additional materials purchased on their behalf.

In consideration of the foregoing recitals and the mutual covenants contained herein, the parties hereto agree as follows:

AGREEMENT

The Partners and Sonoma Water agree as follows:

1. RECITALS

- 1.1. The above recitals are true and correct and are incorporated herein.

2. LIST OF EXHIBITS

- 2.1. The following exhibits are attached hereto and incorporated herein:
- a. Exhibit A: Contact Information
 - b. Exhibit B: Partner Costs

3. COORDINATION

- 3.1. Partners shall coordinate the work set forth below with Sonoma Water's Project Manager. Contact information is shown in Exhibit A (Contact Information).

4. SONOMA WATER'S RESPONSIBILITIES

- 4.1. Sonoma Water will complete the following at its cost and expense, except to the extent of Partners funding provided for in Sections 5 and 6 below.
- a. Drought Drop By Kits: Sonoma Water will order and pay for Drought Drop By kits on behalf of Partners at a cost of \$14.85 per kit. Kits will include a bucket to catch water for reuse, a WaterSense-labeled low-flow showerhead, a 5-minute shower timer, WaterSense-labeled low-flow faucet aerator, toilet leak-test dye tablets, and a self-closing garden hose nozzle.
 - b. Invoices: Sonoma Water will bill Partners for costs authorized under this Agreement in accordance with Exhibit B.

5. PARTNERS' RESPONSIBILITIES

- 5.1. Payment: Upon execution of this Agreement and receipt of an invoice thereof, each Partner shall deposit with Sonoma Water the applicable amount shown in in Exhibit B (Partner Costs).

6. ADDITIONAL REQUIREMENTS

- 6.1. Term of Agreement: This Agreement shall expire on June 30, 2022, unless terminated earlier pursuant to the provisions of Paragraph 6.3.
- 6.2. Authority to Amend Agreement: Changes to the Agreement may be authorized only by written amendment to this Agreement, signed by all parties. Changes to lengthen time schedules or make minor modifications to the scope of work, which do not increase the amount paid under the Agreement, may be executed by Sonoma County Water Agency's General Manager in a form approved by County Counsel.
- 6.3. Authority to Terminate Agreement: Any party may terminate its participation in this Agreement by giving thirty (30) calendar days advance written notice to all other parties of its intent to terminate its participation in this Agreement.

Termination shall not relieve the Terminating Party of its obligation to pay costs and expenses related to the Project or otherwise allocated prior to the effective date of the termination. Sonoma Water's right to terminate may be exercised by Sonoma County Water Agency's General Manager.

- 6.4. No Waiver of Breach: The waiver by Sonoma Water of any breach of any term or promise contained in this Agreement shall not be deemed to be a waiver of such term or promise or any subsequent breach of the same or any other term or promise contained in this Agreement.
- 6.5. Construction:
- a. To the fullest extent allowed by law, the provisions of this Agreement shall be construed and given effect in a manner that avoids any violation of statute, ordinance, regulation, or law. The parties covenant and agree that in the event that any provision of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions hereof shall remain in full force and effect and shall in no way be affected, impaired, or invalidated thereby.
 - b. Partners and Sonoma Water acknowledge that they have each contributed to the making of this Agreement and that, in the event of a dispute over the interpretation of this Agreement, the language of the Agreement will not be construed against one party in favor of the other. Partners and Sonoma Water acknowledge that they have each had an adequate opportunity to consult with counsel in the negotiation and preparation of this Agreement.
- 6.6. No Third-Party Beneficiaries: Nothing contained in this Agreement shall be construed to create and the parties do not intend to create any rights in third parties.
- 6.7. Applicable Law and Forum: This Agreement shall be construed and interpreted according to the substantive law of California excluding the law of conflicts. Any action to enforce the terms of this Agreement or for the breach thereof shall be brought and tried in the County of Sonoma.
- 6.8. Captions: The captions in this Agreement are solely for convenience of reference. They are not a part of this Agreement and shall have no effect on its construction or interpretation.
- 6.9. Merger: This writing is intended both as the final expression of the Agreement between the parties hereto with respect to the included terms and as a complete and exclusive statement of the terms of the Agreement, pursuant to Code of Civil Procedure section 1856. Each Party acknowledges that, in entering into this Agreement, it has not relied on any representation or undertaking, whether oral or in writing, other than those which are expressly set forth in this Agreement. No modification of this Agreement shall be effective unless and until such modification is evidenced by a writing signed by both parties.

- 6.10. Survival of Terms: All express representations, waivers, indemnifications, and limitations of liability included in this Agreement will survive its completion or termination for any reason.
- 6.11. *Digital Signature(s)*: Partners shall use either physical or digital signature(s) to execute this Agreement, or to execute documents required to be executed by this Agreement. Digital signature(s) must comply with Government Code section 16.5. By using digital signature(s), Partners warrants and represents that it intends the digital signature to have the same force and effect as the use of a manual signature. Electronic signature(s) are not allowed.
- 6.12. Counterpart Signatures: This Agreement may be executed in counterpart and each of these executed counterparts shall have the same force and effect as an original instrument and as if all of the parties to the aggregate counterparts had signed the same instrument.

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IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date last signed by the parties to the Agreement.

TW 21/22-008

<p>Reviewed as to funds:</p> <p>By: _____ Sonoma County Water Agency Division Manager - Administrative Services</p> <p>Approved as to form:</p> <p>By: _____ Adam Brand, Deputy County Counsel</p> <p>Sonoma County Water Agency</p> <p>By: _____ Grant Davis General Manager Authorized per Sonoma County Water Agency's Board of Directors Action on January 11, 2022</p> <p>Date: _____</p>	<p>Reviewed as to form:</p> <p>By: _____ General Counsel</p> <p>City of Cotati</p> <p>By: _____ City Manager</p> <p>Date: _____</p>
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<p>Approved as to form:</p> <p>By: _____ General Counsel</p> <p>Marin Municipal Water District</p> <p>By: _____ General Manager</p>	<p>North Marin Water District</p> <p>By: _____ General Manager</p>
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IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date last signed by the parties to the Agreement.

TW 21/22-008

City of Rohnert Park By: _____ Director of Public Works	Approved as to form: By: _____ General Counsel City of Santa Rosa By: _____ General Manager
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Approved as to form: By: _____ General Counsel Valley of the Moon Water District By: _____ General Manager	Approved as to form: By: _____ General Counsel Town of Windsor By: _____ Town Manager
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Exhibit A

Contact Information

Sonoma Water	City of Cotati
Project Manager: Paul Piazza 404 Aviation Boulevard Santa Rosa, CA 95403-9019 Phone: 707-547-1968 Email: Paul.Piazza@scwa.ca.gov	Contact: Brittany Bober 201 West Sierra Avenue Cotati, CA 94931 Phone: 707-665-3638 Email: bbober@cotaticity.org
Remit payments to:	Remit invoices to:
Justin Adalio 707-521-6214 justin.adalio@scwa.ca.gov Same address as above	Rosie Speranza 707-665-3612 rsperanza@cotaticity.org Same address as above
Marin Municipal Water District	North Marin Water District
Contact: Carrie Pollard 220 Nellen Avenue Corte Madera, CA 94925 Phone: 415-945-1522 Email: cpollard@marinwater.org	Contact: Ryan Grisso PO Box 146 999 Rush Creek Place Novato, CA 94948 Phone: 415-761-8933 Email: rgrisso@nmwd.com
Remit invoices to:	Remit invoices to:
Same as above	Same as above
City of Rohnert Park	City of Santa Rosa
Contact: Nicholas Bennett 130 Avram Avenue Rohnert Park, CA 94928-1180 Phone: 707-588-3302 Email: nbennett@rpcity.org	Contact: Claire Nordlie 69 Stony Circle Santa Rosa, CA 95401 Phone: 707-543-3962 Email: cnordlie@srcity.org
Remit invoices to:	Remit invoices to:
Same as above	Same as above
Valley of the Moon Water District	Town of Windsor
Contact: Amanda Hudson 19039 Bay Street Sonoma, CA 95476 Phone: 707-996-1037 Email: ahudson@vomwd.org	Contact: Cristina Goulart 9291 Old Redwood Highway Windsor, CA 95492 Phone: 707-838-5357 Email: cgoulart@townofwindsor.com

Remit invoices to:	Remit invoices to:
Accounting: accounting@vomwd.org PO Box 280 El Verano, CA 95433	Accounts Payable at accountspayable@townofwindsor.com Cc: cgoulart@townofwindsor.com

Exhibit B

Partner Costs

Partner	Number of Kits at \$14.85 Each	Cost
City of Cotati	150	\$2,227.12
City of Rohnert Park	200	\$2,969.49
City of Santa Rosa	4,000	\$59,389.83
Marin Municipal Water District	4,250	\$63,101.69
North Marin Water District	1,200	\$17,816.95
Valley of the Moon Water District	200	\$2,969.49
Town of Windsor	100	\$1,484.75

10

MEMORANDUM

TO: Board of Directors
 FROM: Drew McIntyre, General Manager
 SUBJ: Gallagher Well No. 2 - Easement Acquisition Cost

January 14, 2022

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RECOMMENDED ACTION: Board Authorize Easement Payment

FINANCIAL IMPACT: \$50,000 (no budget augmentation required at this time)

Background

At a public hearing on March 25, 2021, the Marin County Deputy Zoning Administrator (DZA) approved the District's Local Coastal Permit (LCP), thereby authorizing the District to construct Gallagher Well No. 2, a municipal well to provide service for customers in the District's West Marin service area. As outlined in the table below, Save Our Seashore (SOS) filed several appeals challenging the decision to approve the District's LCP. The California Coastal Commission denied SOS's final appeal on October 13, 2021, thereby validating the District's LCP and allowing the Gallagher Well No. 2 project to proceed.

DATE	ACTION	RESULT
March 25, 2021	Marin County Deputy Zoning Administrator (DZA) approved permit.	A timely appeal to Marin County Planning Commission was filed by Save Our Seashore on April 1, 2021.
May 24, 2021	Marin County Planning Commission denied appeal and approved permit	A timely appeal to Marin County Board of Supervisors was filed by Save Our Seashore on May 28, 2021.
July 13, 2021	Marin County Board of Supervisors denied appeal and approved permit.	A timely appeal to California Coastal Commission was filed by Save Our Seashore on or before August 5, 2021.
October 13, 2021	Ca. Coastal Commission denied appeal.	Action is not appealable therefore the Marin County Permit is validated and the Well No. 2 project can proceed.

Well No. 2 Easement Acquisition

As part of the Gallagher Well No. 2 project, the District must acquire new easements at Gallagher Ranch. The easements include a Well Site easement (Parcel 1), 15-foot Water Line Easement (Parcel 2), 15-foot Access Easement (Parcel 3) and 25-foot Construction Easement (Parcel 4). The total easement area is approximately 24,527 square feet. District staff has been negotiating with the Gallagher family over the value of the easements for several months. In addition, the District has been in contact with Marin Agricultural Land Trust (MALT) regarding the conservation easement that exists on the Gallagher Ranch property. The terms of the conservation easement mandates that MALT review and approve any easement agreement between the District and the Gallagher family regarding the Gallagher Ranch property.

District staff recently reached agreement with the Gallagher family to pay \$50,000 for these easements. The easement agreement has already been executed by both Gallagher brothers. MALT has also previously indicated their approval of the easement agreement and we expect to have their signature within the next couple of weeks. A copy of the easement agreement (including exhibits) is provided in Attachment 1.

Recommendation

Authorize the payment of \$50,000 to compensate the Gallagher Ranch owners for receipt of a fully executed easement.

Attachments

1. Easement Agreement

Recording requested by:

NORTH MARIN WATER DISTRICT

When Recorded Mail To:

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

A.P.N. 119-050-17

J-2 6609.20

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Recorder's use

GRANT OF EASEMENT/AGREEMENT

This Grant of Easement/Agreement ("AGREEMENT") is entered into as of 12/23/2021, ("Effective Date") by and between GALLAGHER FAMILY, LLC, a California Limited Liability Company ("GRANTOR") and the NORTH MARIN WATER DISTRICT, a local governmental agency of the State of California ("GRANTEE").

RECITALS

A. GRANTOR is the owner of that certain real property located at 14500 Point Reyes-Petaluma Road, County of Marin, State of California, identified as Marin Assessor's Parcel Number ("APN") 119-050-17, and consisting of approximately 330 acres of land as described in the attached Exhibit "A", which is incorporated herein by this reference (the "PROPERTY").

B. On October 17, 1988, GRANTEE entered into an agreement with the previous owners of the PROPERTY, GALLAGHER FAMILY PARTNERS, under which GALLAGHER FAMILY PARTNERS conveyed, via grant deed, a 0.25-acre parcel together with easements appurtenant thereto to construct what is commonly referred to as "NMWD Gallagher Well No. 1," which agreement and deed was recorded in the Official Records of the County of Marin on December 29, 1988 as Document No. 1988-74326 ("the 1988 Agreement").

C. Pursuant to Section 4 of the 1988 Agreement, GRANTEE promised to endeavor to avoid diminution of the then-existing water supply from the private well located on the PROPERTY ("Gallagher Ranch Well"), and to mitigate negative impacts to the water supply of the Gallagher Ranch Well, resulting from operation of NMWD Gallagher Well No. 1.

D. Upon completion of construction of NMWD Gallagher Well No. 1 in 1992, GRANTEE found that the resulting safe yield capacity was approximately 140 gallons per minute (GPM), which is much less than the 300 GPM capacity contemplated at design.

E. The PROPERTY is subject to a Deed of Agricultural Conservation Easement with Marin Agricultural Land Trust ("MALT"), recorded in the Official Records of the County of Marin on April 29, 2016 as Document No. 2016-0018605 ("Conservation Easement"), which restricting GRANTOR from selling any land of said PROPERTY and thereby creating a separate legal parcel. However, the Conservation Easement authorizes GRANTOR to grant easements to construct a municipal water well on a portion of the PROPERTY, subject to compliance with the applicable terms of the Conservation Easement.

F. GRANTEE desires to obtain easements from GRANTOR for the purposes of: 1) constructing, maintaining, operating and using a second well ("NMWD Gallagher Well No. 2"); 2) constructing, reconstructing, removing, replacing, repairing, maintaining, operating and using a water pipeline connecting NMWD Gallagher Well No. 2 to NMWD Gallagher Well No. 1, with a

separate 2" conduit for telemetry purposes ("Water Line"); 3) maintaining access over the PROPERTY to NMWD Gallagher Well No. 2; and 4) maintaining a permanent construction easement related to providing necessary construction access to the Water Line on those portions of the PROPERTY specifically described in Exhibit "B" and depicted on Exhibits "C" and "D," which are attached hereto and incorporated herein by reference.

G. Upon completion of construction, GRANTEE is willing to assume maintenance and repair of NMWD Gallagher Well No. 2 and the Water Line.

H. GRANTOR is willing to grant easements to GRANTEE on the terms and conditions hereinafter set forth.

FOR VALUABLE CONSIDERATION, the receipt of which is acknowledged, the parties agree as follows:

1. Grant of Easements. GRANTOR grant to GRANTEE, subject to the conditions and covenants of this AGREEMENT, perpetual easements for the construction, use and continued operation, maintenance, repair, replacement, alteration, and inspection of NMWD Gallagher Well No. 2 and all appurtenances thereto as follows: 1) a well site easement described in Exhibit B and depicted on Exhibit C as "Parcel One – Well Site Easement"; 2) a water line easement for the purpose of laying down, constructing, reconstructing, removing, replacing, repairing, maintaining, operating and using a water pipeline with a separate 2" conduit for telemetry purposes, including ingress and egress along the easement and right of way described in Exhibit B and depicted on Exhibit D as "Parcel Two – Water Line Easement"; 3) a separate easement and right of way for ingress to and egress from Parcel One described in Exhibit B and depicted in Exhibit C as "Parcel Three – Access Easement"; and 4) a permanent construction easement related to providing necessary construction access for Parcel Two – Water Line Easement described in Exhibit B and depicted on Exhibit D as "Parcel Four – Permanent Construction Easement." If future needs necessitate larger pipes, GRANTEE may install such larger pipeline or pipelines as the GRANTEE may see fit for the transmission of water, a pipe or pipes and all necessary braces, connections fastenings, manholes and other appliances and fixtures for use in connection therewith or appurtenant thereto, together with rights of ingress and egress necessary for these purposes, in, under, on and along Parcel Two, or, upon approval of GRANTOR, at such other mutually agreed location on the PROPERTY.

2. Nonexclusiveness of Grant of Easements. The easements are nonexclusive, provided that the rights retained by GRANTOR shall not include the right to cause or permit activities, including installation or construction of improvements, that unreasonably interfere with the rights herein conferred on GRANTEE. The preceding sentence notwithstanding, GRANTEE may install fencing on portions of Parcel One to protect its equipment from GRANTOR or GRANTOR's animals.

3. Prior Rights. Except as specified in Section 2 above, this grant is made subject and subordinate to the prior and continuing right and obligation of GRANTOR, its successors and assigns, to use the PROPERTY in the performance of its agricultural operations. This grant is made subject to all licenses, leases, easement, restrictions, conditions, covenants, encumbrances, liens and claims of title which may affect the PROPERTY. The word "grant" shall not be construed as a covenant against the existence of any of these.

4. Term. The term of this AGREEMENT shall commence upon the Effective Date and shall be perpetual in term. In the event that GRANTEE should abandon and remove the well from Parcel One – Well Site Easement, GRANTEE shall restore GRANTOR's PROPERTY and this AGREEMENT shall terminate with respect to Parcel One – Well Site Easement, except for the obligations already incurred and the indemnity obligations set forth in Section 10 hereof. In removing the wellhead structure from Parcel One – Well Site Easement, GRANTEE agrees to

restore the PROPERTY insofar as is reasonably possible to its condition prior to installation of the wellhead.

5. Effect on Gallagher Ranch Well. In its operation of NMWD Gallagher Well No. 2, GRANTEE will endeavor to avoid any diminution of the water supply from the Gallagher Family Well below that which is currently being put to beneficial use. If the operation of NMWD Gallagher Well No. 2 does diminish the supply from the Gallagher Family Well, GRANTEE will mitigate negative impacts that GRANTOR might incur. The obligation of GRANTEE to mitigate negative impacts shall be limited to the existing flow capacity of the Gallagher Ranch Well as determined by the rated horsepower of the existing pump operating at the Gallagher Ranch Well and delivering water through existing piping and appurtenances. If the existing private water system on the PROPERTY is modified in any way to increase the present water supply from Gallagher Ranch Well, GRANTEE shall not be obligated to mitigate any interference with the increase, and such modification shall not be permitted to interfere with the operation of NMWD Gallagher Well No. 2.

6. Condition of NMWD Gallagher Well No. 2. GRANTEE agrees to keep the NMWD Gallagher Well No. 2 and the Water Line in good and safe condition, free from waste, so far as affected by GRANTOR's operations, to the reasonable satisfaction of GRANTOR.

7. Construction, Repair and Maintenance. GRANTEE shall bear the entire cost and expense of constructing, reconstructing, repairing, maintaining and operating NMWD Gallagher Well No. 2 and the Water Line. GRANTEE agrees that all work upon or in connection with NMWD Gallagher Well No. 2 and the Water Line shall be performed at such times and in such manner by GRANTEE to minimize interference with operations of GRANTOR to the extent reasonably possible. Construction, repair and/or reconstruction of NMWD Gallagher Well No. 2 shall be performed in accordance with: 1) the "Water Development Plan" (as that term is defined in the Conservation Easement), which was approved by MALT in February of 2021; and 2) construction plans and specifications ("Contract Documents") as approved by GRANTOR. Approval of the Contract Documents by GRANTOR shall not constitute a warranty by GRANTOR that such Contract Documents conform with applicable federal, state, and/or local codes and regulations.

All work by GRANTEE upon the PROPERTY shall be performed in a good and quality like manner reasonably satisfactory to GRANTOR. Prior to GRANTEE's commencement of work to construct NMWD Gallagher Well No. 2 and the Water Line, GRANTOR shall notify GRANTEE of any underground structures located on the PROPERTY within the work limits provided GRANTOR has actual, not constructive, knowledge of the same, without independent investigation. Notwithstanding the foregoing, it shall be GRANTEE's responsibility to determine the existence of any underground facilities and GRANTEE shall call Underground Service Alert at 1-800-642-2444 prior to beginning any work on the PROPERTY.

8. Hazardous materials. With the exception of vehicles carrying fuel during periods of construction, reconstruction, or maintenance, no hazardous materials shall be handled at any time upon the NMWD Gallagher Well No. 2. In the event of leakage or spillage of fuel occurring at NMWD Gallagher Well No. 2, GRANTEE shall, at its own expense, promptly clean up the leakage or spillage to the satisfaction of GRANTOR and any public body having jurisdiction in the matter. Any expense of required compliance with federal, state or local environmental regulations incurred by GRANTOR or GRANTEE as a consequence of GRANTEE's use of NMWD Gallagher Well No. 2 shall be borne by GRANTEE, including any fines and judgments levied against GRANTOR or the PROPERTY.

GRANTEE shall indemnify, hold harmless and defend GRANTOR, against all liability, cost and expenses (including, without limitation, any fines, penalties, judgments, litigation costs, attorneys' fees and consulting, engineering and construction costs) incurred by GRANTOR as a result of GRANTEE's breach of this section or as a result of any such discharge, leakage, spillage,

emission or pollution, (regardless of whether such liability, cost or expense arises during or after the term of the AGREEMENT) concerning NMWD Gallagher Well No. 2.

9. Assumption of Risk. GRANTEE shall assume all risk of damage to NMWD Gallagher Well No. 2 and the Water Line, or any property under the control or custody of GRANTEE while on or near the PROPERTY, incident to the construction or maintenance of NMWD Gallagher Well No. 2 and the Water Line, caused by or contributed to in any way by the construction, operation, maintenance or presence of GRANTOR's operations at the PROPERTY; provided, however such assumption by GRANTEE shall not include any damage caused by the active negligence, recklessness, and/or willful misconduct of GRANTOR, its agents or employees.

10. Indemnity and Insurance. GRANTEE shall indemnify, defend and hold harmless GRANTOR from and against all liability, cost and expense for loss of, or damage to, property and for injuries to, or death of, any person (including, but not limited to, the property and employees of each party) when arising out of GRANTEE's use of the Property by GRANTEE, its agents, employees, contractors, subcontractors, or invitees, or GRANTEE's breach of these provisions in accordance with this Section. The duty of GRANTEE to indemnify and hold harmless includes the duties to defend as set forth in Section 2778 of the Civil Code. It is the express intent of the parties that GRANTEE will indemnify and hold harmless GRANTOR and agents from any and all claims suits or actions arising from any cause whatsoever as set forth above, other than those arising from the negligence, willful misconduct or criminal acts of the GRANTOR and agents. This indemnity shall survive termination of this AGREEMENT.

To insure GRANTEE's contractual liability, GRANTEE shall provide GRANTOR satisfactory evidence of Bodily and Property Damage Liability insurance, in an amount of not less than One Million Dollars (\$1,000,000.00) combined single limit per occurrence. The insurance policies shall name GRANTOR as additional insureds and shall include the endorsements described in subparagraphs b (1), (2) and (3) below. Upon evidence of financial capacity satisfactory to GRANTOR, GRANTEE's obligation hereunder may be satisfied in whole or in part by adequately funded self-insurance.

Any person, firm or corporation GRANTEE authorizes to work upon the PROPERTY shall be deemed to be GRANTEE's agent and shall be subject to all the applicable terms of this AGREEMENT. Prior to entry upon the PROPERTY, GRANTEE shall provide GRANTOR with satisfactory evidence, in the form of a Certificate of Insurance, that all contractors who obtain access to the PROPERTY pursuant to this AGREEMENT maintain the insurance coverage described below throughout the term of this AGREEMENT.

a. Workers' Compensation and Employers' Liability Insurance. The GRANTEE's contractors shall procure and maintain Workers' Compensation Insurance and Employers' Liability Insurance in accordance with the laws of the State of California. Employers' Liability Insurance shall have coverage for a minimum liability of One Million Dollars (\$1,000,000.00) covering a contractor's employees engaged in the work. GRANTEE shall ensure the procurement and maintenance of such insurance by all contractors or subcontractors engaged on the work.

Prior to commencement of any work hereunder, GRANTEE shall deliver GRANTOR a Certificate of Insurance or equivalent evidence of insurance which shall stipulate that 30 days advance written notice of cancellation, non-renewal or reduction in limits shall be given to GRANTOR.

b. Bodily and Property Damage Liability Insurance. GRANTEE shall also procure and maintain Bodily and Property Damage Liability Insurance which shall include as additional insureds the GRANTOR. Said insurance shall include Automobile Bodily Injury and Property Damage coverage, including owned, hired and non-owned vehicles. Said insurance shall be subject to combined single limit of liability of not less than \$1,000,000.00.

A Certificate of Insurance or equivalent evidence of insurance shall be filed with GRANTOR, which shall stipulate:

(1) Thirty days advance written notice shall be given the GRANTOR prior to cancellation, non-renewal or reduction in limits.

(2) That the policy is Primary Insurance and the insurance company providing such policy shall be liable thereunder for the full amount of any loss or claim which GRANTEE is liable for under Sections 10 and 12, up to and including the total limit of liability, without right of contribution from any other insurance effected or which may be effected by GRANTOR.

11. Compliance with Laws. GRANTEE shall comply, at GRANTEE's expense, with all applicable laws, regulations, rules and orders with respect to the use of the PROPERTY, regardless of when they become or became effective, including, without limitation, those relating to construction, grading, signage, health, safety, noise, environmental protection, hazardous materials, waste disposal and water and air quality, and furnish satisfactory evidence of such compliance upon request of GRANTOR.

12. Notices. All notices required or permitted to be given under this AGREEMENT shall be in writing and mailed postage prepaid by certified or registered mail, return receipt requested, or by personal delivery or by overnight courier, to the appropriate addresses indicated below or at such other place or places as either GRANTOR or GRANTEE may, from time to time, respectively, designate in a written notice given to the other. Notices shall be deemed sufficiently served four (4) days after the date of mailing or upon personal delivery.

To GRANTEE: North Marin Water District
999 Rush Creek Place
P.O. Box 146
Novato, CA 94948
Attn: General Manager

To GRANTOR: Gallagher Family, LLC
P.O. Box 941
Point Reyes Station, CA 94956-0941

13. Successors and Assigns. GRANTEE shall not assign nor sublet, in whole or in part, any rights covered by this AGREEMENT, or permit any other person, firm or corporation to use, in whole or in part, any of the rights or privileges granted pursuant to this AGREEMENT, without first obtaining the written consent of the GRANTOR.

14. No Waiver. No waiver of any default or breach of any covenant of this AGREEMENT by either party shall be implied from any omission by either party to take action on account of such default if such default persists or is repeated, and no express waiver shall affect any default other than the default specified in the waiver, and then the waiver shall be operative only for the time and to the extent stated. Waivers of any covenant, term or condition by either party shall not be construed as a waiver of any subsequent breach of the same covenant, term or condition. The consent or approval by either party to or of any act by either party requiring further consent or approval shall not be deemed to waive or render unnecessary their consent or approval to or of any subsequent similar acts.

15. Severability. Each provision of this AGREEMENT is intended to be severable. If any term or provision shall be determined by a court of competent jurisdiction to be illegal or invalid for any reason whatsoever, such provision shall be severed from this AGREEMENT and shall not affect the validity of the remainder of this AGREEMENT.

16. Attorneys' Fees. If any legal proceeding should be instituted by either of the parties to enforce the terms of this AGREEMENT or to determine the rights of the parties under this AGREEMENT, the prevailing party in the proceeding shall receive, in addition to all court costs, reasonable attorneys' fees.

17. Grant of Easement/Agreement Fee and Costs. In consideration of the rights conveyed hereunder and to reimburse the GRANTOR for its costs for review of the easement application, design and construction plans and preparation of the AGREEMENT, GRANTEE agrees to pay to GRANTOR an easement fee in the amount of \$50,000 for the rights granted.

The AGREEMENT shall inure to the benefit of and be binding upon the successors and assigns of the parties hereto, subject to the provisions of Section 13.

IN WITNESS WHEREOF, the parties have executed this Grant of Easement/Agreement as of the day and year first above written by their duly authorized representatives.

GALLAGHER FAMILY, LLC

Dated 12/23/2021

Paul Gallagher
Paul Gallagher

Dated 12/23/2021

Kevin Gallagher
Kevin Gallagher

NORTH MARIN WATER DISTRICT

Dated _____

Drew McIntyre, General Manager

APPROVED AS TO FORM AND CONTENT
MARIN AGRICULTURAL LAND TRUST

Print Name and Title

Dated

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the foregoing instrument to North Marin Water District, a local governmental agency, is hereby accepted by the undersigned officer on behalf of the Board of Directors of the District pursuant to authority conferred by the Board's Resolution No. 10-14 adopted on August 3, 2010, and the Grantee consents to recordation thereof by its duly authorized officer.

NORTH MARIN WATER DISTRICT

Dated: _____

By: _____
Drew McIntyre, General Manager

(attach notary slip on back of this page)

**CALIFORNIA ALL-PURPOSE
ACKNOWLEDGEMENT**

Civil Code § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

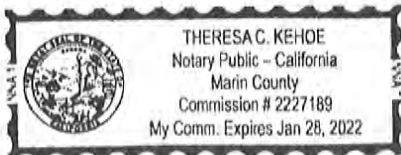
County of Marin } ss

On December 23, 2021, before me, Theresa C. Kehoe, Notary Public,
Date Name and Title of Officer

personally appeared Paul Gallagher,
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose names(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signatures(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.



WITNESS my hand and official seal.

[Signature]
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Grant of Easement/Agreement, APN 119-050-17, J-2 6609.20, 14500 Point Reyes Petaluma Rd

Document Date: 12/20/2021 Number of Pages: Total 14 (6 pages + 8 pages of exhibits)

Signer (s) Other Than Named Above: [Signature]

**CALIFORNIA ALL-PURPOSE
ACKNOWLEDGEMENT**

Civil Code § 1189

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State of California

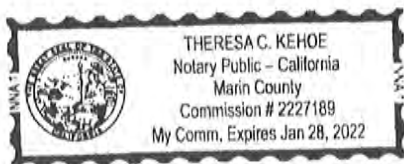
County of Marin } ss

On December 23, 2021, before me, Theresa C. Kehoe, Notary Public,
Date Name and Title of Officer

personally appeared Kevin Gallagher,
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose names(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signatures(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.



WITNESS my hand and official seal.

Theresa C. Kehoe
Signature of Notary Public

Place Notary Seal Above

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Document Date: 12/20/2021 Number of Pages: Total 14 (6 pages + 8 pages of exhibits)

Signer (s) Other Than Named Above: Paul Gallagher

Exhibit A
Description of Gallagher Ranch Property

The land referred to herein is situated in the State of California, County of Marin Unincorporated and described as follows:

PARCEL ONE:

Beginning at the Northwest corner of that tract of land conveyed to Edward Gallagher by Felipe Garcia and wife on November 12, 1875, by Deed recorded August 17, 1874 in Book P of Deeds at Page 66, Marin County Records; thence along the North line of said last mentioned tract, South 82° 45' East 50 chains; thence North 59° East 1.18 chains, more or less, to the center of the Arroyo San Geronimo (or Paper Mill Creek); thence descending said stream with its meanderings 168.35 chains to a point from which a laurel tree 18 inches in diameter marked "B.T.S.&E," bears South 61°30' West distant 53 feet; thence leaving said creek and running South 9° East 20.40 chains to the point of beginning.

Being the same land conveyed to James McM. Shafter by Emma L. Howard, by Deed dated July 24, 1877 and recorded August 1, 1877 in Book P of Deeds at Page 557, Marin County Records.

Excepting therefrom the following parcel:

All that piece of land in the Rancho Tomales & Baulines bounded by the line between Gallagher and the North Bend Ranch, on the Easterly side by the Paper Mill Creek, on the North by a line drawn from the North Pacific Railroad's Eastern line through the large rock at the bend of said road first below the Garcia Station, and on the other side by said Eastern line of said road. Containing 1 acre, more or less, and being the same land conveyed to James Peters by James McM. Shafter and Payne J. Shafter by Deed dated August 2, 1880 and recorded August 10, 1880 in Book U of Deeds at Page 609, Marin County Records.

PARCEL TWO:

Beginning at a point in the centerline of the Arroyo San Geronimo Creek or "Paper Mill Creek", being the Westerly line of the lands conveyed to Robert Gallagher, which point bears North 3° 36' 51" East 4018.37 feet from the fence intersection marking the Northwest corner of the lands conveyed to Edward Gallagher by Felipe Garcia and wife on November 12, 1875 and recorded August 17, 1877 in Book P of Deeds at Page 66, Marin County Records; running thence from said point of beginning along the centerline of said Arroyo San Geronimo Creek, North 21°40' West 31.81 feet; thence leaving said creek centerline, South 60° 20' West 86.44 feet and North 63° 05' West 16.52 feet to a point in the Easterly line of a 50 foot county road (known as the Petaluma Point Reyes County Road), as described in the Deed from Burdell to the County of Marin, recorded September 13, 1912 in Book 146 of Deeds at Page 356, Marin County Records; thence running along the Easterly line of said County Road South 6° 30' East 142.01 feet; thence leaving said road line, North 14° 31' East 51.28 feet; thence North 60° 20' East 104.43 feet to a point in the centerline of the aforesaid Arroyo San Geronimo Creek; running thence along the centerline of said creek, North 21° 40' West 48.98 feet to the point of beginning.

Excepting therefrom Parcels One and Two the following described land:

Beginning at the most Southeasterly corner of the Lands of Robert Gallagher and George M. Gallagher, all as described in that certain Grant Deed filed for record February 18, 1966 in Book 2026 of Official Records at Page 280, Marin County Records; thence following the approximate centerline of the Arroyo San Geronimo Creek, South 9° 40'; East 53.78 feet (16.39 meters); thence North 60° 20' East 129.58 feet (39.50 meters); thence North 9° 40' West 53.78 feet (16.39 meters) and thence North 21° 40' West 33.83 feet (10.31 meters) to a point herein for convenience called "Point A"; thence South 60° 20' West 129.58 feet (39.50 meters) to a point; said point being the approximate centerline of the Arroyo San Geronimo Creek and said point lying on the Easterly boundary of the lands referred to hereinabove (2026 O.R. 280); thence South 21° 40' East 33.83 feet (10.31 meters) along said Easterly boundary and returning to the point of beginning.

Said parcel of land being a portion of the Lands of Robert Gallagher and George M. Gallagher described in separate conveyances recorded August 30, 1959 in Book 759 of Official Records at Page 272 and October 19, 1943 in Book 538 of Official Records at Page 42, Marin County Records.

Said parcel being the same as conveyed to the North Marin Water District, a public corporation, by Deed recorded December 29, 1988 as Instrument No. 88-74326, Marin County Records.

APN: 119-050-17

(End of Legal Description)

NMWD
Gallagher Ranch Easement Agreement

APN 119-050-17

Exhibit B

Parcel One - Well Site Easement

An easement for a water well over a parcel of land in the County of Marin, State of California more particularly described as follows:

Commencing at the northerly corner of that certain parcel of land conveyed as a well site to the North Marin Water District by Grant Deed recorded December 29, 1988 as Document No. 1988-74326, Marin County Records;

Thence, along the northeasterly line of the adjoining water line easement conveyed to the North Marin Water District by Document No. 1988-74326, N 21° 40' 00" W 14.22 feet;

Thence, leaving said line, N 74° 43' 25" E 7.49 feet;

Thence N 85° 44' 12" E 22.24 feet;

Thence N 03° 54' 52" W 18.82 feet;

Thence N 50° 19' 55" W 75.85 feet;

Thence N 16° 13' 41" W 121.77 feet;

Thence N 16° 23' 39" E 114.58 feet to the true point of beginning of this easement;

Thence N 21° 12' 13" E 78.16 feet;

Thence S 72° 27' 21" E 63.45 feet;

Thence S 17° 32' 26" W 78.00 feet;

Thence N 72° 27' 21" W 68.44 feet to the true point of beginning.

This easement contains approximately 5,144 square feet.

Parcel Two – Water Line Easement

An easement for a water line over a parcel of land in the County of Marin, State of California more particularly described as follows:

Commencing at the northerly corner of that certain parcel of land conveyed as a well site to the North Marin Water District by Grant Deed recorded December 29, 1988 as Document No. 1988-74326, Marin County Records;

Thence, along the easterly line of said parcel, S 21° 40' 00" E 20.63 to the true point of beginning of this easement;

Thence, continuing along said easterly line, S 21° 40' 00" E 13.20 feet and S 09° 40' 00" E 4.47 feet;

Thence, leaving said line, N 39° 50' 01" E 42.64 feet;

Thence N 03° 54' 52" W 41.46 feet;

Thence N 16° 14' 05" W 153.19 feet;

Thence N 17° 32' 26" E 110.02 feet to the southeasterly corner of Parcel One described above;

Thence, along the southerly line of said Parcel One, N 72° 27' 21" W 15.00 feet;

Thence, leaving said line, S 17° 32' 26" W 114.57 feet;

Thence S 16° 14' 05" E 156.12 feet;

Thence S 03° 54' 52" E 33.82 feet;

Thence S 39° 50' 01" W 27.41 feet to the true point of beginning.

This easement contains approximately 5,088 square feet.

Parcel Three – Access Easement

An easement for access over a parcel of land in the County of Marin, State of California more particularly described as follows:

Beginning at the northerly corner of that certain parcel of land conveyed as a well site to the North Marin Water District by Grant Deed recorded December 29, 1988 as Document No. 1988-74326, Marin County Records;

Thence, along the northeasterly line of the adjoining water line easement conveyed to the North Marin Water District by Document No. 1988-74326, N 21° 40' 00" W 14.22 feet;

Thence, N 74° 43' 25" E 7.49 feet;

Thence N 85° 44' 12" E 22.24 feet;

Thence N 03° 54' 52" W 18.82 feet;

Thence N 50° 19' 55" W 75.85 feet;

Thence N 16° 13' 41" W 121.77 feet;

Thence N 16° 23' 39" E 114.58 feet to the southwesterly corner of Parcel One described above;

Thence, along the southwesterly line of said Parcel One, S 72° 27' 21" E 15.00 feet;

Thence, leaving said line, S 16° 23' 39" W 109.89 feet;

Thence S 16° 13' 41" E 112.78 feet;

Thence S 50° 19' 55" E 106.22 feet;

Thence S 03° 54' 52" E 26.60 feet;

Thence N 84° 20' 00" W 36.18 feet;

Thence S 85° 44' 12" W 25.25 feet to the point of beginning.

This easement contains approximately 6,295 square feet.

Parcel Four – Permanent Construction Easement

A permanent easement for construction uses over a parcel of land in the County of Marin, State of California more particularly described as follows:

Beginning at the northerly corner of that certain parcel of land conveyed as a well site to the North Marin Water District by Grant Deed recorded December 29, 1988 as Document No. 1988-74326, Marin County Records;

Thence, along the northeasterly line of the adjoining water line easement conveyed to the North Marin Water District by Document No. 1988-74326, N 21° 40' 00" W 7.81 feet;

Thence, leaving said line, N 39° 50' 01" E 3.80 feet;

Thence N 03° 54' 52" W 21.08 feet;

Thence N 16° 14' 05" W 161.01 feet;

Thence N 17° 32' 26" E 122.16 feet to the southerly line of Parcel One described above;

Thence, along said southerly line S 72° 27' 21" E 25.00 feet to the northwesterly corner of Parcel Two described above;

Thence, along the westerly line of said Parcel Two, S 17° 32' 26" W 114.57 feet, S 16° 14' 05" E 156.12 feet, S 03° 54' 52" E 33.82 feet, and S 39° 50' 01" W 27.41 feet to the westerly line of said well site conveyed to the North Marin Water District by Document No. 1988-74326;

Thence, along said westerly line, N 21° 40' 00" W 20.63 feet to the point of beginning.

This easement contains approximately 8,000 square feet.

Bearings for these easements are based on Document No. 1988-74326, Marin County Records.

Dale White
4 7/14/2021



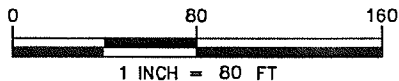
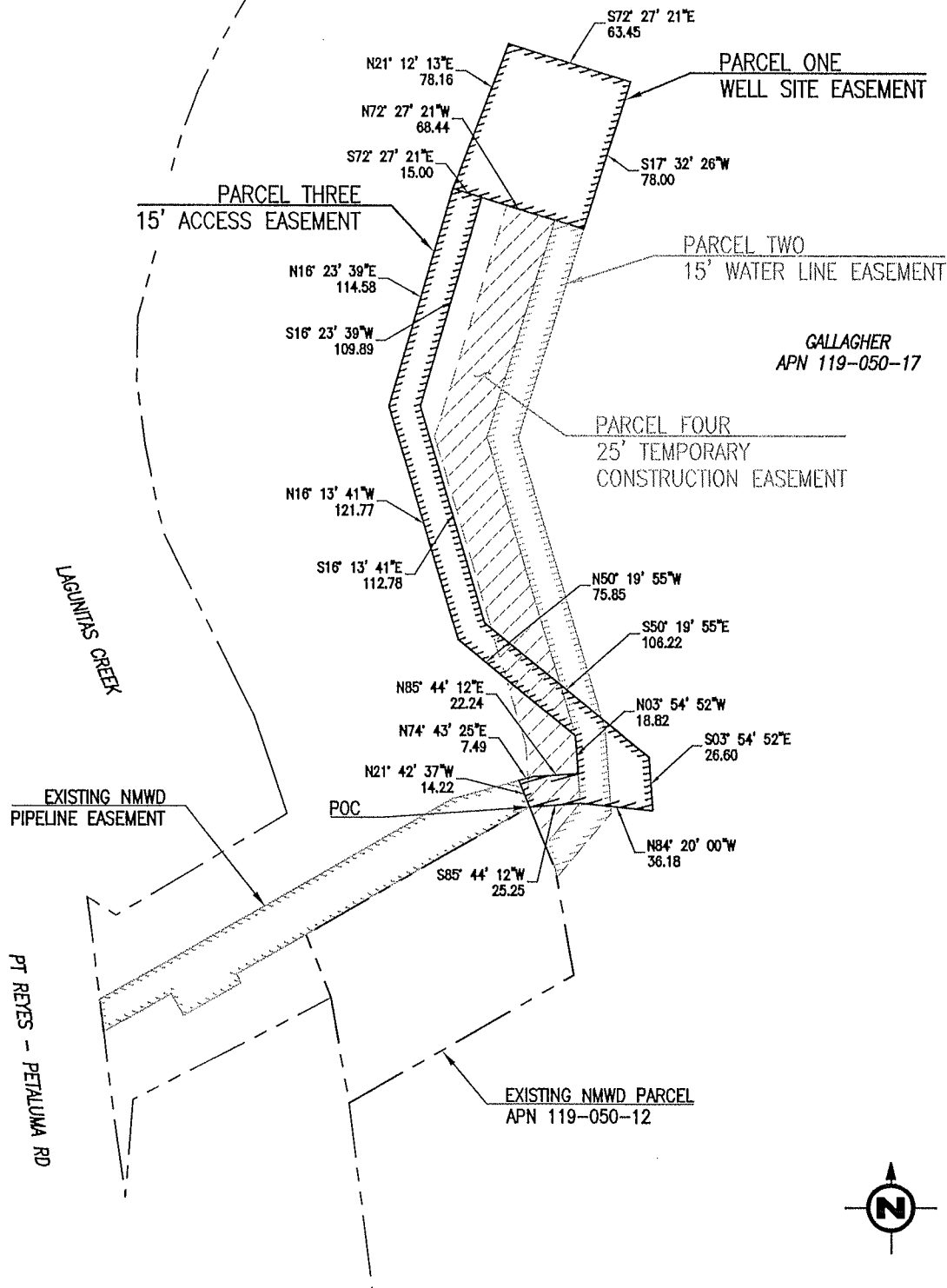


EXHIBIT "C"

NORTH MARIN WATER DISTRICT EASEMENT MAP

GALLAGHER WELL NO. 2

DR	CH	DATE	SCALE	FAC MAP	SERVICE AREA	2	JOB NO J-6609.20
SD	AP	4/19/21	1" = 80'	WH-18			
APN: 119-050-17			SHEET NO: 1 OF 1 SHEETS				

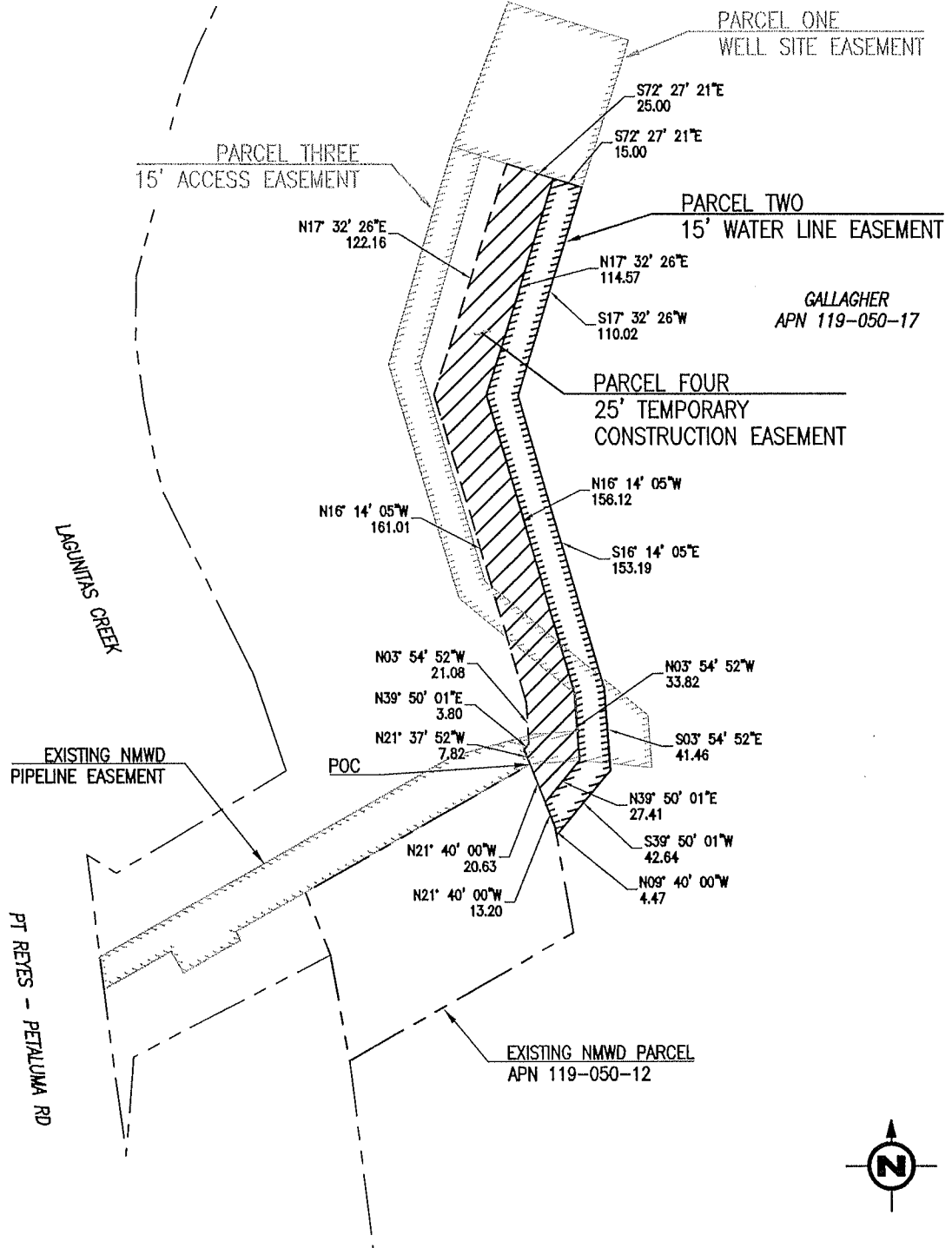


EXHIBIT "D"

NORTH MARIN WATER DISTRICT EASEMENT MAP

GALLAGHER WELL NO. 2

DR	CH	DATE	SCALE	FAC MAP	SERVICE AREA	JOB NO
SD	AP	4/19/21	1" = 80'	WH-18		
APN: 119-050-17			SHEET NO: 1 OF 1 SHEETS		2	J-6609.20

11

MEMORANDUM

To: Board of Directors January 14, 2022

From: Tony Williams, Assistant General Manager/Chief Engineer *AW*
 Avram Pearlman, Assistant Engineer *AP*

Subj: Gallagher Well No. 2 Well Installation – Rejection of Apparent Low Bid As Non-Responsive and Award of Construction Contract to Second Low Bidder

R:\Folders by Job No\6000 jobs\6609.20 New Gallagher Well No 2\BOD Memos\1-18-2022\6609.20 GW02 BOD Approve Award_1-18-22.doc

RECOMMENDED ACTION: That the Board:

- 1) Reject the apparent low bid from Maggiora Bros. Drilling, Inc. bid as non-responsive.
- 2) Award the construction contract to the second low bidder and authorize the General Manager to execute an agreement with Nor-Cal Pump & Well Drilling, Inc.

FINANCIAL IMPACT: \$215,121 plus contingency reserve of \$21,512 (10%) (included in FY2021-22 CIP Budget)

Background

As designed, the Gallagher Well No. 2 Project is to be constructed in two distinct phases as follows: Phase 1 involves drilling of the new well, installation of the well casing, screens, seals, testing and destruction of two monitoring wells; and Phase 2 consists of installing 500 feet of 6-inch water pipeline to connect the new well to the existing Gallagher Well transmission line, installing electrical upgrades (power and control system), constructing the well head piping and appurtenances, and an earthen well mound for flood safety. The Board authorized bid advertisement for Phase 1 of the project on November 2, 2021. The District advertised the project and posted the contract documents electronically on eBidboard (a web-based construction bid management service) on November 19, 2021. District staff also emailed several specialty contractors that hold the required contractor license for well drilling (California license #C-57 Well Drilling).

The bid period was 25 calendar days and included two addenda prior to the bid opening date. Addendum #1 provided answers to questions raised at the first pre-bid meeting and scheduled a second pre-bid meeting. Addendum #1 also provided weight limits for the Gallagher Ranch bridge over Lagunitas Creek, which must be crossed to access the new well site. Addendum #2 clarified that the allowable working hours for the project would include 2 additional hours per weekday and Saturday work in compliance with the project's CEQA documentation. Two contractors/potential bidders attended the mandatory pre-bid site visits. Bid opening occurred on December 14, 2021, and two (2) bids were timely received. A summary of the bidders and the respective bids is included in Table 1 below.

	CONTRACTOR	TOTAL BASE BID
1.	Maggiora Bros. Drilling, Inc. (Watsonville, CA)	\$192,315
2.	Nor-Cal Pump & Well Drilling, Inc. (Yuba City, CA)	\$215,121
	<i>Engineers Estimate*</i>	<i>\$75,000-\$80,000</i>

**prepared by Wood-Rodgers*

Bid Evaluation

The Engineer's Estimate for the project was prepared by the District's consultant, Wood Rodgers and consisted of a cost range: \$75,000-\$80,000. In general, the bids received were significantly higher than the engineer's estimate which is likely due to several factors including significant materials price fluctuations, overall high demand for well drilling throughout the state, relative remoteness of the site and mobilization cost. Maggiora Bros. Drilling, Inc. (Maggiora Bros.) submitted the apparent low bid of \$192,315 which is \$112,315 (140%) above the Engineer's estimate (high end of range). Nor-Cal Pump & Well Drilling, Inc. (Nor-Cal) submitted a bid of \$215,121, which was \$22,806 higher than Maggiora Bros. (difference of approximately 12%).

District staff evaluated both bids and found that the apparent low bidder failed to fill out and/or sign the following items (Bid Specifications Section indicated):

- Acknowledgement of Receipt of Addendum #2 (Section 00300), which expanded working hours to include an additional two hours of work on weekdays (8am to 5pm increased to 7am to 6pm) and added Saturday (9am to 5pm) as a workday
- Contractor's licensing statement (Section 00435)
- Schedule of major equipment (Section 00450)

Sections 00020 and 00100 of the Bid Specifications make clear that the District generally retains discretion to reject non-responsive bids or waive minor bid irregularities. Section 00100-14.0 specifically states that failure to formally acknowledge all addenda is grounds for rejection of the bid as non-responsive. After consulting with District counsel, staff believes that the number of items missing from the Maggiora Bros.' bid submittal, particularly the failure to sign the acknowledgment of Addendum #2, supports the rejection of the apparent low bid as non-responsive. Moreover, District counsel has opined that failure to acknowledge receipt of Addendum #2 likely gives Maggiora Bros. an unfair competitive advantage over Nor-Cal because Maggiora Bros. has not agreed to be bound by the expanded working hours listed in Addendum #2. If awarded the contract, any work done by Maggiora Bros. employees during

those expanded hours might result in Maggiora Bros. seeking a subsequent change order to account for overtime pay, which would ultimately push the contract price higher.

By not acknowledging receipt of Addendum #2 in its bid, the Maggiora Bros.' bid should be viewed as being materially non-responsive, particularly in light of the clear language of Section 00100-14.0. Under the Public Contract Code and relevant caselaw, the District is required to reject materially non-responsive bids.

Nor-Cal, the second low bidder, filled out the required bid documents, including formal acknowledgment of both addenda. References for Nor-Cal have been checked and their work was considered satisfactory by the clients listed. In addition, Nor-Cal has previously performed work for the District and has done so satisfactorily. Therefore, staff recommends the Board award the contract to the second low bidder and authorize the District's General Manager to execute an agreement with Nor-Cal Pump & Well Drilling, Inc.

Financial Impact

The FY2021-22 Capital Improvement budget includes a line item for the project in the amount of \$631,000. The total project expenditures to date (as of November 30) is \$84,255, leaving a balance of \$546,745. Based on the staff recommendation to award the contract to Nor-Cal Pump & Well Drilling, Inc., the Phase 1 cost will be \$236,633, which includes a 10% contingency.

RECOMMENDATION

That the Board:


- 1) Reject the apparent low bid from Maggiora Bros. Drilling, Inc. as non-responsive; and
- 2) Award the construction contract to the second low bidder and authorize the General Manager to execute an agreement with Nor-Cal Pump & Well Drilling, Inc. in the amount of \$215,121 with a contingency reserve of \$21,512 (10%) for Gallagher Well No. 2 Phase 1 construction.

12

MEMORANDUM

To: Board of Directors

January 14, 2022

From: Julie Blue, Auditor/Controller 

Subj: AMI Opt-Out Request – 609 Rowland Blvd

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RECOMMENDED ACTION: Provide Direction to Staff**FINANCIAL IMPACT:** \$170 for materials and staff time to replace the meter.

In October 2020 staff was contacted by David Halleck, the customer at 609 Rowland Blvd. He expressed health concerns related to the Advanced Meter Information (AMI) system as is installed on his water meter. He asked about the District's AMI Opt-Out policy and how customers were notified during the implementation phase of the project. Mr. Halleck was provided a copy of the AMI Opt-Out Policy (Attachment 1) and a copy of the letter provided to each customer prior to installation (Attachment 2).

At the end of December Mr. Halleck emailed a letter (Attachment 3) and asked to bring his request to remove his AMI meter to the Board of Directors at an upcoming meeting.

After reviewing the customer's request, the Board can:

1. Leave the AMI meter installed as is
2. Allow David Halleck an exception to the AMI opt-out policy and have staff reinstall a non-AMI meter and bill him \$10/bimonthly to manually read the meter.

RECOMMENDED ACTION:

Give direction to staff on the Board's preferred option.

NORTH MARIN WATER DISTRICT

POLICY: AMI Opt-Out Policy
POLICY NUMBER: 48

Original Date: April 27, 2018
Last Reviewed: 06/05/18
Last Revised:

A residential customer can opt-out of the installation of an Advanced Metering Information (AMI) meter. The request must be made by the NMWD customer of record (family members, neighbors, or landlords cannot act on behalf of another customer) prior to the installation. To opt-out, the customer must complete and submit an opt-out application for NMWD files.

There will be a bi-monthly meter reading fee of \$10 per opt-out customer. This fee is assessed based on the time it will take to read the meters and the administrative hours to enter the data.

When water service is transferred to a new occupant an AMI meter will be installed by a NMWD Field Service Representative within 48 hours. If an opt-out customer requests the installation of an AMI meter one will be installed at no charge and their participation in the opt-out program will be terminated. Once a meter is installed there is no option to opt-out.

04/27

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NORTH MARIN
WATER DISTRICT

ATTACHMENT 2

Name _____ Account# _____
Address _____
City, State, Zip _____



999 Rush Creek Place
P.O. Box 146
Novato, CA 94948
PHONE
415.897.4133
EMAIL
info@nmwd.com
WEB
www.nmwd.com

Re: NMWD's AMI Project – Address

Dear Customer:

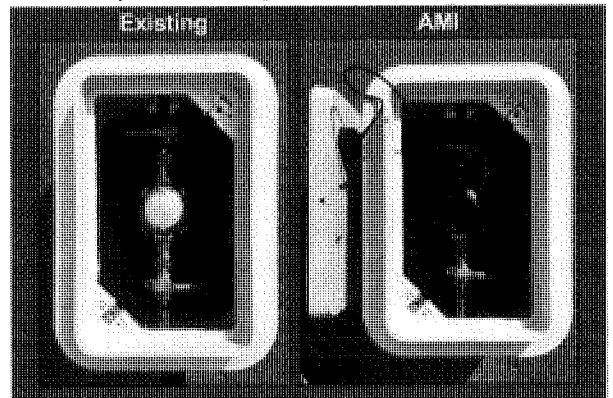
In March 2017 the North Marin Water District (NMWD) upgraded 200 water meters in various locations within NMWD's Novato service territory as a pilot project. The purpose was to assess the feasibility of implementing an Advanced Meter Information (AMI) system within Novato's rolling topography, using digital technology. The pilot project proved successful. We are able to obtain water consumption data remotely from 100% of the meters installed. By early 2019 we plan to have all meters upgraded within NMWD's Novato service territory. The meter upgrades will improve meter reading efficiency, accuracy and customer service.

Your water service is scheduled to be upgraded within the next two weeks. See the image below for a representation of what your new digital meter register will look like. In most cases your existing meter can be retrofit with a new digital register and there will be no interruption to your water service.

About 25% of customers have an older meter that cannot be retrofit. If you have an older meter you will receive a new meter in addition to a digital register. Those of you receiving a new meter will experience approximately 15-minutes of interruption to your water service. A door-hanger will be placed on your door 1-2 days prior to the meter replacement. A service representative will knock on your door and confirm that no water is running prior to replacing your meter.

Your new AMI digital meter register will transmit water use data securely to NMWD headquarters for billing purposes. Hourly water consumption data will be compiled and analyzed to aid in customer service. Once approximately two months of data is collected you will receive instruction on how you can access your consumption data online, which can assist you in monitoring your water use patterns. The AMI system will also provide leak detection and timely and reliable meter reading information.

Should you have questions or desire more information, visit our website at www.nmwd.com/AMI.php, or contact the District at (415) 897-4133.



Sincerely,

Julie Blue
Auditor-Controller

Directors: Jack Baker • Rick Frates • James Grossi • Michael Joly • Stephen Petterle
Officers: Drew McIntyre, General Manager • Terrie Kehoe, District Secretary
Julie Blue, Auditor-Controller • Rocky Voelker, Chief Engineer

12/29/2021

Dear North Marin Water District Board of Directors,

I am writing this letter to request that our water usage meter be switched back to the older non-ami meter. My family is electromagnetically sensitive and we are asking for your understanding and compassion to make this adjustment. We understand the need to charge an extra fee to cover the cost of manually reading the meter each billing cycle.

Thank You,
David Halleck

609 Rowland Blvd
Novato, CA 94947

NMWD Account #459806

13

MEMORANDUM

To: Board of Directors

January 14, 2022

From: Ryan Grisso, Water Conservation Coordinator *RG*
Drew McIntyre, General Manager

Subject: West Marin 2021 Dry Year Water Conditions Report – Initial Review
v:\memos to board\west marin 2021 dry year water conditions report bod memo.doc

RECOMMENDED ACTION: Information Only

FINANCIAL IMPACT: Information Only

As a part of the 2003 Settlement Agreement with Tomales Bay Association, Trout Unlimited – North Bay and the Sierra Club, following a dry year, NMWD is required to prepare a report detailing the dry year summer month water conditions (July through October), including flow conditions as reported at the Gallagher gauge and comparisons with flows at the Samuel P. Taylor Park gauge. The report shall also detail documented conservation and assessments of the strengths and weaknesses of the Water Shortage Contingency Plan and the Salinity Intrusion Plan, and what improvements could be made to either or both. The District is required to hold an initial review to receive comments and recommendations on the draft report prior to a second meeting where the report is submitted to the NMWD Board of Directors for acceptance.

Attached is the draft West Marin 2021 Dry Year Water Conditions Report for review and comment by the Board and public. Please submit comments for incorporation into the final report by Friday, January 21, 2022. After which comments will be incorporated and the final report will be submitted to the Board for acceptance at a subsequent regularly scheduled meeting.

West Marin 2021 Dry Year Conditions Report

(Second Consecutive Dry Year)

North Marin Water District

December 2021



Prepared by: Ryan Grisso
Water Conservation Coordinator

Section 1: Introduction

Water Right Order 95-17, adopted in 1995, defined dry year conditions on Lagunitas Creek and subsequent stream flow reductions based on the amount of rainfall received at Marin Municipal Water District's Kent Lake gauge between the preceding six months from October 1 through April 1. At the April 21, 2020 meeting, the Board was advised that the 2020 water year rainfall through April 1st was 23.6 inches which is less than the required 28-inches for normal year conditions. Dry year conditions trigger enactment of the District's Water Shortage Contingency Plan and adoption of a Water Conservation Ordinance. At the April 21, 2020 meeting the Board set a public hearing for May 5, 2020 to consider declaration of a Water Shortage Emergency, enacting the Water Shortage Contingency Plan (WSCP) and adopting a Water Conservation Ordinance. Since the State Water Resources Control Board (SWRCB) Order 95-17 was issued in 1995, a Dry Year Condition on Lagunitas Creek has only happened once before in 2014.

At the May 5, 2020 meeting the Board held a public hearing and declared a Water Shortage Emergency in West Marin, enacted the Water Shortage Contingency Plan (Attachment 1) and approved an Emergency Water Conservation Ordinance No. 39 (Attachment 2). The Emergency Water Conservation Ordinance No. 39 called for Stage 1, 15% voluntary conservation, beginning May 5th through June 30th, and Stage 2, Mandatory 25% conservation beginning July 1st through November 1st, as compared to water use in 2013⁽¹⁾. Note that the mandatory 25% reduction was intended for the West Marin Service Area as a whole and does not necessarily impose a 25% mandatory reduction for individual residential customers. It is also important to note that customers in the West Marin Service area have achieved considerable conservation since 2002 and continued conservation since 2013. Stage 2 - 25% - Mandatory Reduction Stage gave authority to the Board to trigger enactment of a drought surcharge to be considered simultaneous with, or subsequent to enactment of the mandatory stage at the discretion of the Board, however, the Board elected not to enact a drought surcharge during the 2020 Dry Year Conditions. Stage 3 – up to 50% Mandatory Reduction Stage, triggered if any preceding 30-day period has an average daily use of over 433,000 gallons per day, was not triggered this year during the Dry Year Conditions.

⁽¹⁾ Most recent normal year water use as defined by the state during the most recent three-year drought from 2013-2015.

Due to another year with rainfall well below the 28" inches required for normal year conditions, dry year conditions persisted in 2021 and Emergency Water Conservation Ordinance No. 39 remained in effect, with a series of updates by Board approved resolutions on March 16, 2021, May 18, 2021, August 3, 2021, and October 19, 2021.

As a part of the 2003 Settlement Agreement with Tomales Bay Association, Trout Unlimited – North Bay and the Sierra Club, following the dry year, NMWD is required to prepare a draft report detailing the dry year summer month water conditions (July through October), including flow conditions as reported at the Gallagher Gauge and comparisons with flows at the Samuel P. Taylor Park Gauge (See Map in Attachment 3). The report shall also detail documented conservation and assessments of the strengths and weaknesses of the Water Shortage Contingency Plan and the Salinity Intrusion Plan, and what improvements could be made to either or both. A separate Dry Year Report was completed in 2020 (January 2021). This report fulfills the 2003 Settlement Agreement requirements for Dry Year Conditions 2021.

Section 2: Flow Conditions in West Marin

The flow conditions in West Marin during the months of July through October 2021, as specified in the 2003 Settlement Agreement, were monitored using the “Park Gauge” (USGS 11460400 Lagunitas Creek at Samuel P. Taylor Park and at the “Gallagher Gauge” (USGS 11460600 Lagunitas Creek NR Pt Reyes Station). Table 2-1 below contains the average daily flow conditions for the 2021 summer months of July through October. The flow conditions were monitored to make sure that 6cfs was being maintained on Lagunitas Creek at the Park Gauge as required by WR Order 95-17. On three occasions during this dry summer month period, the USGS made calibration adjustments to the gauge instrumentation which resulted in a drop in reported flow. In each case, MMWD responded in a timely manner and made adjustments to the releases to maintain the flow above 6cfs. Staff also monitored the flow in San Geronimo Creek, a tributary to Lagunitas Creek (as noted Table 2-1) as reported by the Balancehydrologics.com San Geronimo Creek Gage. Flow measurements at San Geronimo Creek documented that other sources of water were flowing into Lagunitas Creek as well. However, out of an abundance of caution due to low tributary flows, NMWD paid MMWD ~\$15,300 for releasing an extra 0.27 cfs of Kent Lake water from July 1 through October 25, 2021. This increased flow rate in Lagunitas Creek represented at least 120% of the flow pumped from MMWD's Gallagher Ranch well.

Table 2-1: West Marin Flow Conditions - July through August 2021

Month	Park Gage (cfs)	Gallagher Gage (cfs)	San Geronimo Creek (cfs)
July	5.84	5.47	0.23*
August	6.69	6.58	0.04*
September	6.52	6.39	0.01*
October	74.84	114.85	41.75

*Due to low tributary flows NMWD requested Kent Lake Releases from MMWD during the period from July 1- October 25, 2021.

Section 3: Documented Conservation

The Water Shortage Contingency Plan and subsequently approved Water Conservation Ordinance No. 39 (approved by the Board at the May 5th, 2021 meeting) called for a 15% voluntary reduction in water use from May through June and a mandatory 25% reduction in water use from July through October, as compared to 2013. Staff monitored both production and billed consumption in 2021 as compared to 2013. Table 3-1 below shows the monthly production comparisons from 2021 to 2013 for the mandatory reduction months.

Table 3-1: Monthly Production in the West Marin Service Area (July through October)

Month	2013 Production (MG)	2021 Production (MG)	Percent Reduction
July	9.56	6.04	-37%
August	9.41	5.73	-39%
September	8.69	5.85	-33%
October	8.18	5.06	-38%

Table 3-2 contains the consumption comparison of 2021 to 2013 for the period of April through October due to the consumption billing periods not accurately lining up with the reduction months.

Table 3-2: Billing Consumption in 2021 Compared to 2013

Billing Period Consumption	2013 Consumption (MG)	2021 Consumption (MG)	Percent Reduction
June (Apr./May)	15.02	11.55	-23%
August (Jun./Jul.)	16.90	11.39	-33%
October (Aug./Sept.)	17.14	10.75	-37%

Although only Stage 2 was triggered in the WSCP, Stage 3 triggers in the WSCP were monitored this spring and summer. Most notably, Stage 3 is triggered if any preceding 30-day period has an average daily use of over 433,000 gallons per day. Table 3-3 shows the daily demand average by month during the Dry Year Conditions summer period. Average daily demand stayed well below the 433,000 gallons per day trigger.

Table 3-3: Average Daily Demand by Month

Month	Average Gallons Per Day	Stage 3 Trigger (Gallons Per Day)	% Variance
July	194,940	433,000	-55%
August	184,910	433,000	-57%
September	195,150	433,000	-55%
October	163,250	433,000	-62%

Section 4: Water Shortage Emergency Public Outreach

To help communicate the information to the customers and stakeholders regarding the Water Shortage Emergency, NMWD embarked on a comprehensive campaign of public outreach activities. A list of actions by month is provided below in Table 4-1 and sample outreach material are included in Attachment 4.

Table 4-1: Public Outreach Tracking - 2021 Water Shortage Emergency

Outreach/Communication Action	Month
Pt Reyes Light Public Hearing Notice	March
Pt Reyes Light Public Notice Summary of Ordinance	March
Pt Reyes Light Article	March
Website News Story on Approved WC Ordinances	March
Website News Story on West Marin Rate Study	March
Multiple "Drought Is Here. Save Water" Social Media Posts	March
Website News Story on Revised Ordinances	April
Multiple "Drought Is Here. Save Water" Social Media Posts	April
Website News Story on Final Water Use Prohibitions for 2021	May
KWMR Radio Spot with Dennis Rodoni and Pablo Ramudo	May
Multiple "Drought Is Here. Save Water" Social Media Posts	May
Public Presentation to Marin Coalition	May

Website News Story on Drought Drop-By Event	June
Public Presentation West Marin Climate Action	June
KWMR Radio Spot with Dennis Rodoni	June
Multiple "Drought Is Here. Save Water" Social Media Posts	June
Spring West Marin Waterline Newsletter	June
West Marin Drought Guide on Website	July
West Marin Drought FAQs	July
Weekly Social Media Posts on Drought Prohibitions	July
Marin Master Gardeners Presentation	August
West Marin Drought Summer Mailer	August
Weekly Social Media Posts on Drought Prohibitions	August
Weekly Social Media Posts on Drought Prohibitions	September
Fall West Marin Waterline Newsletter	October
Ordinance 39 Summary Published in Pt Reyes Light	October

Section 5: Water Shortage Contingency Plan

During the first year of the current two-year drought, the Water Shortage Contingency Plan (WSCP) was adopted and Ordinance No. 39 was approved at the May 5, 2020 Board meeting, declaring a Water Shortage Emergency in the West Marin Service Area (Attachments 1 and 2). The WSCP was updated in 2016 and contains many flexible measures for enforcement base on the State's past mandates and also NMWD's water waste regulations (in Regulation 17). However, the flexibility that was built in 2016 WSCP update to allow NMWD to adapt to varying water shortage situations, was negated during the 2020 and 2021 Dry Year Conditions due to the 2003 Settlement Agreement, which specifically calls out set percentage reductions in the dry year summer months of July through October.

The WSCP has a comprehensive list of water waster prohibitions and both voluntary and mandatory reduction requirements (both being measured on the entire service area performance), restricts new connections to the system and allows the Board the ability to enact a drought surcharge if deemed necessary. The strength of the WSCP is that it contains these measures and triggers that allow for fairly straightforward transition to an official Ordinance approval for implementation. It is notably a rare situation for a service area of this size to have a comprehensive WSCP in effect.

One of the issues with the WSCP is that enforcement of the prohibitions is difficult due to the remote and more rural landscape of the West Marin Service area. In addition, the continuing COVID-19 shelter in place period has further constrained enforcement feasibility. For enforcement, NMWD is somewhat reliant on other customer alerts to violating situations, and NMWD received a minimal amount of reports from the public on violators in the service area during the water use prohibitions period.

Another issue with the WSCP is that a normal base year is not clearly defined. NMWD chose 2013 as the last year of normal use (preceding the three-year 2013-2015 drought). However, 2013 is 10 years after the 2003 Settlement Agreement and a substantial amount of conservation and customer water use reductions have occurred between 2003 and 2013. If the true intent of the WSCP was to reduce post 2003 Settlement Agreement water use, NMWD has already proven to have reduced demand even more than the mandated 25% consistent on a yearly basis. Demand (production) in both 2020 and 2021 compared to water use from the 2002 and 2003 years, during the settlement agreement negotiations, is substantially lower. Table 5-1 shows the water production numbers in 2021 compared to that of both 2002 and 2003.

Table 5-1: Water Use Comparison (2021 to 2002/2003)

Month	2002 (MG)	2003 (MG)	2021 (MG)	2021 % Reduction from 2002	2021 % Reduction from 2003
July	15.09	14.47	6.04	-60%	-58%
August	12.95	13.94	5.73	-56%	-59%
September	12.36	12.29	5.85	-53%	-52%
October	10.61	11.44	5.06	-52%	-56%

The WSCP has fulfilled the objectives to date and no changes are recommended as a result of the 2021 Dry Year Conditions, however due to 2018 legislation in regards to WSCP requirements, there could be some notable changes to the West Marin Service Area WSCP in the future.

Section 6: Salinity Intrusion

As documented in the District Emergency Operations Plan, to the extent possible, without risking putting the water system out of water, pump operation is modified and other measures are taken to prevent salt water intrusion into the wells as follows: At any time during the year the conductivity is less than 500 $\mu\text{S}/\text{cm}$ no special plant operating measures are required. With conductivity above 500 $\mu\text{S}/\text{cm}$, utilize Gallagher well to meet as much of the demand as possible

and to minimize the bromide levels in the treated water supply. The District has adopted the policy that if sodium in the Pt. Reyes water supply system exceed 50 mg/L, customers are notified by means of a public notice placed in the "Pt. Reyes Light" newspaper each week that sodium is present at or above that level. The drastically reduced customer demand in 2021 during the July through October period resulted in exceedance of NMWD's voluntary sodium notification level for a shorter period and with a lower peak in 2021 than in 2020. In 2021 sodium exceeded 50 mg/L from 8/1 to 11/22 while the highest value in the distribution system was 149mg/L and occurred for only one week at that level. By contrast, the highest value in 2020 was 264mg/L and there were several weeks above 200 mg/L.

The plan takes in to account the multiple challenges presented by salinity intrusion- dietary sodium, increased disinfection byproduct formation potential, objectionable salt taste. The plan also uses objective criteria as trigger points for several actions such as well water conductivity and sodium concentration, tide height and duration, etc. In addition, the plan takes advantage of every operational "tool" we have to minimize the effects of salinity intrusion.

Even with careful planning in effect, the District has no real control of the magnitude of salinity intrusion in the Coast Guard Wells and as higher and higher concentrations of salts are noted in well water, the actions and "tools" in the plan are less effective. In addition, customer summertime use plays a large role in determining how much water must be sourced from the Coast Guard wells to meet demand. To address this issue the District is moving forward with construction of the New Gallagher Well No. 2 Project to increase production of low saline water. Once completed and fully operational the Salinity Intrusion Plan will be reviewed and revised to incorporate new information concerning worsening salinity intrusion and any possible new operational procedures and controls. Revisions will be presented to the Board at a future date as part of the next Emergency Operations Plan update.

14

MEMORANDUM

To: Board of Directors

January 14, 2022

From: Robert Clark Operations / Maintenance Superintendent 

Subj: San Marin Pump Station Battery Backup System

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RECOMMENDED ACTION: Information**FINANCIAL IMPACT:** None at this time**Project Overview:**

North Marin Water District's San Marin Pump Station currently has no onsite power backup system, and is therefore subjected to public safety power shutdowns issued by PG&E. Additionally, San Marin Pump Station is under strict guidance by the Operations group to not operate the facility during daily peak energy rate periods.

Ventura Energy identified that NMWD's San Marin Pump Station is located in the Self Generation Incentive Program's (SGIP) Equity and Resiliency geographic boundaries, and thus qualifies for the incentive to provide power backup for critical infrastructure facilities.

Ventura Energy, a project owner and developer of energy storage projects in California, approached Drew McIntyre and Robert Clark with a late-stage opportunity to receive the project for no cost to the district due to the aforementioned incentive. NMWD has since been allocated the incentive funds pending submission of the Energy Services Agreement by the 3rd week of February.

The proposed project will be provided to North Marin Water District free of charge, so that Ventura Energy can receive the SGIP incentive on their behalf and realize a project margin, typically around 10% of the estimated \$1,071,800 project costs.

As determined through review of the proposed project the potential liabilities include construction work that could be a nuisance for neighborhood, short term shutdown requirements for the pump station and lease rights to Ventura Energy for duration of contract. Staff has received the draft copy of the proposed agreement and has forwarded to District legal counsel for review.

Timeline Milestones:


- Finalize system configuration and budget.
- Review agreement make any necessary changes and have board approve on February 1, 2022.
- Provide SGIP with proof of progress milestone by 3rd week of February 2022
- Project design commences upon approval.
- Project installation will commence once interconnection and building approval is received from PG&E and NMWD, respectively.
- Plan and execute Communication campaign.
- Estimated online date: November 2022.

Costs/Benefits:

- No cost to District for 10 year project life.
- 10-year warranty provided by battery and inverter manufacturer (Tesla)
- Ongoing preventative maintenance provided by manufacturer (Tesla)
 - Annual maintenance consists of generally keeping area clear of debris and any observational issues documented
- 10-year \$100,000 savings to North Marin Water District operations (based on 2021 pump run time including back feeding STP)
- Streamlined operations schedule of San Marin Pump Station – no longer bound to the lower energy cost periods
- Power backup for 14 hours of typical operations during public safety power shutdowns, winter storm and periodic PG&E maintenance outages.
-

15

MEMORANDUM

To: Board of Directors
From: Terrie Kehoe, District Secretary 
Subject: Ethics Training for Board of Directors and District Officers
c:\gm\2022 misc\ethics training memo 22.doc

January 14, 2022

RECOMMENDED ACTION: Information

FINANCIAL IMPACT: None

Effective January 1, 2006, state law (Assembly Bill No. 1234) requires that all local agencies that provide compensation, salary or stipend to, or reimburses the expenses of, members of a legislative body must provide ethics training to local agency officials by January 1, 2007 and every two years after. You are required to complete the training this year.

NMWD's Directors have traditionally completed AB 1234 Compliance Training for Special Districts using the Fair Political Practices Commission (FPPC) free online Ethics Training Course which is available again this year. The FPPC website is <http://localethics.fppc.ca.gov/login.aspx>. If you do not already have an account, you will need to create a new account and complete the course. At the end of the course, you will be instructed to print out a Proof of Participation Certificate. It is the Directors' obligation to provide the original certificate to the District Secretary for recordkeeping. Please do so by April 1, 2022.

Please note that to satisfy AB 1234 requirement; the Proof of Participation Certificate must reflect that the public official spent two hours or more reviewing the materials presented in the online course. If the certificate reflects less than two hours, the participant should have on file additional certificates demonstrating that the official has satisfied the entire two-hour requirement. The Training Time is recorded on the Proof of Participation Certificate that is kept on file.

This year, District officers (General Manager, District Secretary, Assistant GM/Chief Engineer and Auditor-Controller) will also take the aforementioned ethics training.

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*DRAFT Minutes of Technical Advisory Committee
Virtual Meeting – No Physical Location
December 6, 2021

Attendees: Craig Scott, City of Cotati
Mike Ielmorini, City of Petaluma
Mary Grace Pawson, City of Rohnert Park
Peter Martin, City of Santa Rosa
Colleen Ferguson, City of Sonoma
Drew McIntyre, North Marin Water District
Cristina Goulart, Town of Windsor
Matt Fullner, Valley of The Moon Water District
Paul Sellier, Marin Municipal Water District
Roberta Atha, City of Santa Rosa
Easter Ledesma, City of Santa Rosa

Staff/Alternates: Grant Davis, SCWA
Jake Spaulding, SCWA
Lynne Rosselli, SCWA
Don Seymour, SCWA
Jay Jasperse, SCWA
Barry Dugan, SCWA
Paul Piazza, SCWA
Pam Jeane, SCWA
Steven Hancock, SCWA
Michael Thompson, SCWA
David Manning, SCWA
Kimberly Zunino, City of Santa Rosa
Colin Close, City of Santa Rosa
Claire Nordlie, City of Santa Rosa
Elise Howard, City of Santa Rosa
Shannon Cotulla, Town of Windsor
Chelsea Thompson, City of Petaluma
Tony Williams, North Marin Water District
Larry Russell, Marin Municipal Water District Director
Gary Andersen, Marin Municipal Water District

Public: Paul Selsky, Brown & Caldwell
David Keller, FOER
Brenda Adelman, RRWPC
Bob Anderson, United Wine Growers
Matt Wargula, GHD
Armin Munevar, Jacobs Engineering
K A

1. Check-in
Drew McIntyre, TAC Chair, called the meeting to order at 9:03 a.m.

2. Adopt Resolution Finding Proclaimed State of Emergency and that Meeting in Person Would Present Imminent Risks to the Health or Safety of Attendees; and Authorizing Meetings by Teleconference of Legislative Bodies

Drew McIntyre, TAC Chair. (*Refer to handouts.*) The Governor's Executive Order N-29-20 regarding modifications to the Brown Act related to virtual meetings expired on September

30th. The Governor signed AB361 on September 16th which allows legislative bodies to continue virtual meetings when a proclaimed State of Emergency is in effect. AB361 requires findings be made every 30 days that in-person meetings would present risk to the health and safety of attendees. A Resolution was presented to the TAC for consideration and adoption.

Moved by Craig Scott, City of Cotati, seconded by Mary Grace Pawson, City of Rohnert Park, to adopt the Resolution; unanimously approved by seven water contractors (Valley of the Moon Water District absent). No public comments.

3. Public Comments

Brenda Adelman, RRWPC, referenced a recent Marin IJ article regarding North Marin Water District purchasing extra water from the Water Agency in order to store more water in their reservoir during the winter season and asked about the impact to water supply in Lake Mendocino. Drew McIntyre, North Marin Water District, replied that NMWD is only purchasing excess natural Russian River flows which reduces purchases in the summer when natural flows are lower. Don Seymour, SCWA, added the purchase will not include stored water from either reservoir. Jay Jasperse, SCWA, added the State Water Resources Control Board suspended curtailments in order to allow all water users to use this natural flow. Brenda Adelman, RRWPC, said river water level is dropping quickly and asked when considerations are made regarding impacts to the Lower Russian River. Don Seymour, SCWA, said the current TUCO requires a minimum stream flow of 35 cubic feet per second (cfs) until December 11, 2021 and a water quality monitoring plan to identify any impacts.

Drew McIntyre, NMWD, announced that Colleen Ferguson, City of Sonoma, is retiring at the end of December and expressed appreciation for her work with the Technical Advisory Committee.

4. FY 2020/21 SCWA Water Transmission System Budget Year-End Review

Lynne Rosselli, SCWA. (*Refer to handout.*) Water deliveries are the backbone of the Water Transmission System budget and FY 2020/21 deliveries were 8,100 AF more than the budgeted amount based on twelve months of deliveries ending December 31, 2019. The next budget cycle will likely be based on a three-year average (approximately 46,000 AF). Expenditures were 23% less than budgeted due in part to the pandemic and fires with resources being shifted away from the Water Transmission System Budget, then shifted back related to the drought. Details were provided on expenditures related to operations and maintenance, capital projects, biological opinion compliance and debt service. Drew McIntyre, NMWD, asked if any changes to the budget review process are anticipated for this year and if there is a SCWA policy regarding adherence to a minimum debt service coverage ratio. Lynne Rosselli, SCWA, replied no budget review process changes are anticipated and she is not aware of a maximum debt service amount. Sonoma Water maintains a AAA bond rating and the amount is consistent with rating company expectations. No public comments.

5. Water Supply Conditions and Temporary Urgency Change Order

Don Seymour, SCWA. Storage at Lake Mendocino is currently 21,000 acre-feet (AF) and is gaining approximately 50 AF per day primarily due to imports from the Potter Valley Project. The current release is the absolute minimum of 30 cubic feet per second (cfs). Storage at Lake Sonoma is currently 120,600 AF and the current release is the absolute minimum of 75 cfs. The current decline is 100 AF per day. Some precipitation events are expected in the next several weeks. The Temporary Urgency Change Order (TUCO) expires on December 11, 2021. A Temporary Urgency Change Petition (TUCP) was filed on November 16th and SCWA staff hope to have a new TUCO in place by or before December 11th to allow the system to be managed based on actual hydrologic conditions at Lake Mendocino. Peter

Martin, City of Santa Rosa, asked for current inflows from the Potter Valley Project. Don Seymour, SCWA, said current inflow is 45 cfs, and approximately 50 cfs is coming into the reservoir indicating additional natural flow. No public comments.

6. Regional Water Supply Resiliency Study – Drought Management Options Update
Jay Jasperse, SCWA. Work continues to focus on the drought evaluation. The regional model from Potter Valley to Marin Municipal Water District, including all of the systems collectively, has been developed and calibrated. The worst-case drought scenario was identified as 1976 through 1980 utilizing statistical information from 1912 to 2017 and 20 climate futures modeled and accepted in California. Baseline drought impacts have been modeled for that scenario and several drought mitigation projects and measures have been identified. The study will focus on seismic scenarios when the drought modeling and calculations are complete. No public comments.

7. Sonoma Marin Saving Water Partnership

a. 2021 Water Production Relative to 2013 Benchmark and 2021 River Diversion Reductions Relative to 2020 Benchmark

Drew McIntyre, North Marin Water District. *(Refer to handout.)* October water usage was 32% below the 2013 benchmark year and year-to-date usage was 21% below the 2013 benchmark year. Cumulative Russian River diversions are down 22.7% compared to 2020. Contractors continue to work diligently to ensure diversions are below 20% even though the order has been suspended. Public Comment: Brenda Adelman, RRWPC, asked for a statement explaining how the percentages are calculated. Drew McIntyre, TAC Chair, replied that the conservation tracking numbers in the first two pages of the attachment represent total retail water contractor deliveries, including both local supply and Sonoma Water deliveries. No other public comments.

b. Drought Outreach Messaging

Barry Dugan and Paul Piazza, SCWA. *(Refer to handout.)* Bilingual drought messaging continues with a focus on “Fix Your Flush,” encouraging customers to repair or replace their toilets. Bill inserts topics include installation of gray water systems, lawn replacement and the use of mulch and rainwater capture systems. The March 2022 “Fix a Leak Week” campaign is being rolled out regionally. No public comments.

c. FY 2021 Annual Report

Paul Piazza, SCWA. *(Refer to handout.)* The Partnership’s report covers activities from July 2020 through June 2021. It includes a letter from Sonoma County Supervisor Lynda Hopkins, and WAC Chair, Susan Harvey, identifying some of the challenges faced during the year, achievements “by the numbers,” and Partnership highlights. Colleen Ferguson, City of Sonoma, gave kudos to Paul, Barry and the Partnership for the accomplishments – especially during a drought and pandemic. Drew McIntyre, TAC Chair, asked how participation in the online Garden Tour compared to previous years. Paul Piazza, SCWA, replied prior years’ participation is based on sign-ups, but they are not mandatory, so actual attendance is difficult to track. No public comments.

8. Biological Opinion Status Update

Pam Jeane, SCWA. (*Refer to handout.*)

Fish Flow Project- No changes since the November report. Staff hopes to have a recirculated Draft EIR for the Fish Flow Habitat and Water Rights Project in 2022.

Fish Monitoring- The underwater video monitoring system was removed due to the large storm event at the end of October. Staff will rely on spawner surveys in the mainstem Russian River and Dry Creek for the annual count.

Dry Creek Habitat Enhancement Project

Construction- Hanford ARC completed construction on Phase III project elements in late September. The site had minor damage from the October storm and the contractor returned to make some repairs.

Habitat Monitoring and Maintenance- Environmental Staff continue physical and biological surveys on constructed projects to ensure they are meeting requirements of the Biological Opinion and to identify any maintenance needs.

Phases IV-VI- Bid documents for Phase IV and construction is planned for Summer 2022. Construction on Phase V is anticipated to begin in 2023 and construction on Phase VI is anticipated to begin in 2024. The additional Phase V site in Reach 5B is in the 30% design Phase.

Russian River Estuary Management- The mouth of the Russian River Estuary closed on November 26 and self-breached on November 28. It also closed and self-breached during the first week of December. The Estuary management season ended on October 15th.

Interim Flow Changes- Reported on earlier in the meeting by Don Seymour, SCWA. Drew McIntyre, TAC Chair, commented on the erosion that occurred during the October storm and asked if the 3,000 cfs flow was expected? David Manning, SCWA, responded the flow was significant, but on the lower end of anticipated high flows. The area that eroded was vulnerable since it was new and didn't have vegetation to stabilize it; however, the area should have been more durable.

No public comments.

9. Potter Valley Project Update

Pam Jeane, SCWA. (*Refer to handout.*) Thanked the Water Contractors and Marin Municipal Water District for signing the November 16th letter of support for the Russian River Watershed Water Supply Resiliency Project. The Water Agency submitted an application in mid-November under the Drought Grant Relief Program in hopes of receiving approximately \$2 million for a water supply reliability study for the Russian River watershed. CalTrout, one of the members of the Two Basin Solution partnership, is also seeking \$750,000 in grant funds from the California Department of Fish & Wildlife for Eel River fishery enhancement. Regarding FERC PVP relicensing, the Partnership hasn't received a response from FERC on the status update submitted in mid-November and the next update is due at the end of January. A license application is due in April. PG&E isn't generating power at the Potter Valley Project. The agency is diverting water from the Eel River to the Russian river at a rate of 45 cfs in accordance with regulatory requirements and its contract with Potter Valley Irrigation District. The Water Agency be requesting PG&E to exercise its full authority to increase bypass flows through the facility to 135 cfs. Drew McIntyre, TAC Chair, asked if the request to PG&E will be made in December. Grant Davis, SCWA, responded an initial inquiry has been made and a formal request is expected soon. Public Comment: David Keller, FOER, asked if the Mendocino County Water Agency has potential use as a funding vehicle for future operation and maintenance of a water transfer project after the Potter Valley Project is decommissioned. Pam Jeane, SCWA, said the agency is funded by the Mendocino County General Fund and she isn't aware of a mechanism for the agency to generate additional revenues. Grant Davis, SCWA, added Sonoma Water is looking for a vehicle to monetize supply coming from the diversion. David Keller, FOER, asked if

Sonoma Water has made any progress in creating an irrigation district in the middle and upper Russian River as a potential funding vehicle. Grant Davis, SCWA, replied efforts are underway, but he is not sure of the status. Pam Jeane, SCWA, said a component of the grant application is creation of a Russian River Water Users Forum for education, identifying interests, identifying beneficiaries and determine whether there is support for such an option. Brenda Adelman, RRWPC, asked what concept projects are included to increase water supply reliability in the river and is anything related to impacts to the Lower Russian River. Jay Jasperse, SCWA, replied there is a portfolio of options which will benefit the entire river system. No other public comments.

10. Items for Next Agenda

- Drought Resiliency Technical Memorandum from Jacobs Engineering
- No public comments.

11. Check Out

Meeting adjourned at 10:28 a.m.

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DISBURSEMENTS - DATED DECEMBER 23, 2021

Date Prepared 12/20/21

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:

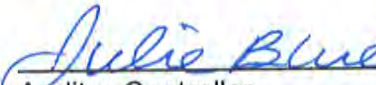

Seq	Payable To	For	Amount
P/R*	Employees	Net Payroll PPE 12/15/21	\$154,883.66
90443*	Internal Revenue Service	Federal & FICA Taxes PPE 12/15/21	60,830.94
90444*	State of California	State Taxes & SDI PPE 12/15/21	14,790.42
90445*	CalPERS	Pension Contribution PPE 11/30/21	40,258.58
EFT*	US Bank	November Bank Analysis Charge (Lockbox \$966 & Other \$457 Less Interest \$63)	1,359.99
60142*	County of Sonoma	CDFW Filing Fee-Notice of Exemption for Kastania P/S Project	50.00
1	Allied Mechanical	Front Office HVAC Repairs	620.00
2	All Star Rents	Space Heater (STP) (\$117) & Propane (STP HSPS Line Break)	174.61
3	Arrow Benefits Group	April Dental Admin Fee (Past Due Invoice)	265.55
4	AT&T	Leased Lines	66.68
5	California Water Service	Water Service (OM) (10/30/21 - 12/1/21)	28.35
6	Clark, Robert E.	Exp Reimb: Rotary of West Marin Dues	380.00
7	Clipper Direct	January Commuter Benefit Program	162.00
8	Clyde, Karen	Exp Reimb: Safety Supplies	30.33
9	Comcast	December Internet Connection	157.83
10	Core & Main	PVC Pipe (41') (\$3,197), Flanges (2), Elbows (8) (\$660), Hydrant Extensions (24) (\$3,984), Nipples (2), Meter Boxes (8) (\$375), Couplings (6) (\$1,497), Plugs (20) (\$75), Meter Spuds (39) (\$647) & Tube Nuts (3)	10,616.03
11	Eurofins Eaton Analytical, Inc	Algal Toxin Monitoring for Harmful Algae Bloom in Stafford Lake	1,500.00

Seq	Payable To	For	Amount
12	Fedak & Brown LLP	November Progress Billing (FY21 Financial Audit) (Balance Remaining on Contract \$3,050)	1,729.00
13	Ferguson Waterworks	Copper Pipe (2,400')	19,530.00
14	Fishman Supply Co	Lens Wipes (400), Safety Glasses, Black Nitrile Gloves (1,000) (\$276)	313.37
15	Friedman's Home Improvement	Parts for STP Door	107.83
16		Emp Reimb: Safety Supplies	160.00
17	Grainger	Miscellaneous Maintenance Tools & Supplies	1,261.51
18	Hach Co.	Annual Maintenance on Hach Instruments (STP)	953.69
19	Harrington Industrial Plastics	STP Pump Rebuild	444.23
20		Vision Reimbursement	368.00
21	Hopkins Technical Products	Maintenance Parts for Prominent Chemical Pumps (STP)	2,289.64
22		Vision Reimbursements	368.00
23	Kiosk Creative LLC	2021/2022 Marketing Communication & Outreach Support Services (Balance Remaining on Contract \$37,306)	2,718.50
24		Emp Reimb: Safety Supplies	129.00
25	LGVSD	Recycled Water Deliveries (7/1/21-9/30/21)	2,146.18
26	Lincoln Life Employer Serv	Deferred Compensation PPE 12/15/21	10,692.87
27	Maggiora & Ghilotti	Prog Pymt#3: Old Ranch Road Tank No. 2 Construction Services (Balance Remaining on Contract \$689,770)	120,922.65
28	Marin County Tax Collector	Annual Hazardous Material Inventory Permit (STP-\$3,852, Yard-\$2,116, Point Reyes TP \$376 & Oceana Marin TP-\$347)	6,691.00
29	Marin Independent Journal	Water Supply Advertisements (2)	1,060.00
30	McGee, Barbara	Novato "Cash for Grass" Rebate Program	560.00
31	McPhail Fuel Company	Propane for Tahiti Way Lift Station Generator	606.93

Seq	Payable To	For	Amount
32	Nationwide Retirement Solution	Deferred Compensation PPE 12/15/21	995.00
33	North Bay Gas	Nitrogen (\$798) (STP), Carbon Dioxide (\$70) & November Cylinder Rental	913.40
34	Novato, City of	Street Excavation Moratorium Fees (804 Albatross Drive, 809 Albatross Drive & 710 Arthur St)	1,500.00
35	Oberkamper & Associates	Prog Pymt#2: Topo Survey for the Leveroni Creek Embankment Repair Project (Balance Remaining on Contract \$1,980)	830.00
36	Office Depot	Desktop Scanner (\$434) & Misc Office Supplies (\$234)	667.94
37	Parkinson Accounting Systems	November Accounting Software Support & Quarterly Tech Support (\$1,500)	2,085.00
38	Peterson Trucks	Service Parts ('15 Int'l 5 yd Dump Truck-\$668 & '06 Int'l Crew Truck-\$36)	704.80
39	Point Reyes Light	Legal Notice: 12/2 & 12/9 Salinity Intrusion Pt Reyes Station	300.00
40	Point Reyes Prop Mgmt Assn	December HOA Fee (25 Giacomini Rd)	75.05
41	Quadient, Inc.	January Postage Meter Rental	143.09
42	Six Robblees' Inc.	Hubs (5) ('13 Vac Excavator & Trailer)	148.08
43	Soiland Co., Inc.	Rock (47 yds)	1,477.43
44	Sonoma County Water Agency	November Contract Water	302,534.95
45	SPG Solar Facility XII, LLC	November Energy Delivered Under Solar Services Agreement	8,340.08
46	State Water Resources Control	Annual Permit Fee Waste Discharge Requirement (Oceana Marin) (2)	27,109.00
47	Township Building Services	November Janitorial Services	2,035.48
48	US Bank	November Safekeeping Treasury Securities	55.75
49	Veolia Water Technologies	Specialty Pumps Parts (STP)	9,305.05

Seq	Payable To	For	Amount
50	VWR International LLC	Pipet Tip Racks, Indicator (\$174), Phosphate Buffer, Detergent (\$99), Potassium Chromate, Dehydrated Alcohol (\$70) & Brilliant Green Broth, Agar (\$248)	727.60
51	White & Prescott	Prog Pymt#7: AEEP Easement Support B2 Reach A (\$135), Prog Pymt#8: Redwood CU Water Line Easement (\$225) & Prog Pymt#8: PRE Tank 4A Easement Agreement (\$270) (Balance Remaining on Contract \$55,505)	630.00
52	Wilson Bohannon Company	Brass Locks (80)	773.81
53	WIN-911 Software	Software for SCADA Alarm	660.00
54	Young, Alton	Novato "Water Smart Landscape Efficiency" Program Residential	200.00
55	ZORO	Tools for E/M	335.23
		TOTAL DISBURSEMENTS	<u>\$821,774.11</u>

The foregoing payroll and accounts payable vouchers totaling \$821,774.11 are hereby approved and authorized for payment.

	<u>12/21/2021</u>
Auditor-Controller	Date
	<u>12/21/2021</u>
General Manager	Date

DISBURSEMENTS - DATED DECEMBER 30, 2021

Date Prepared 12/28/21

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:

<u>Seq</u>	<u>Payable To</u>	<u>For</u>	<u>Amount</u>
1	Alpha Analytical Labs	Lab Testing (Novato)	\$55.00
2	Amazon/Genuine-Hardware	Service Awards (4 Employees) (\$361), Miscellaneous Office Supplies (\$140), Maintenance Supplies (\$650) Bravo Gift Cards (6) (\$200), Computer Supplies (\$276), & Safety Equipment (\$393)	2,019.56
3	AT&T	December Internet Service	94.24
4	Bay Alarm Company	Quarterly Fire Alarm Monitoring Fee (STP) (1/01/22-4/1/22)	338.19
5	Bold & Polisner	November Legal Fees-General (\$10,080) & Potter Valley FERC-NMWD Portion (\$923)	11,002.50
6	CDW-Government, Inc.	Battery Back-ups (North Street PLC)	232.94
7	Consolidated CM	Prog Pymt#6: Construction Management Services for NMWD Building Renovation Project (Balance Remaining on Contract \$71,162)	23,422.00
8	Core Utilities, Inc	Consulting Services: November IT Support (\$6,075), Website Maintenance (\$425), Core Billing Maintenance (\$400) & Board Assistance (\$475)	7,375.00
9	CWEA	Lab Analyst Certification Renewal Grade 2 (1/22- 12/22) (Budget \$100) (Reischmann)	96.00
10	Dell Computers	Replacement PC's (2-Construction)	2,132.06
11	Diesel Direct West	Diesel (250 gal) (\$1,129) & Gasoline (1,500 gal) (\$6,491)	7,619.29
12	Fishman Supply Co	First Aid & Safety Supplies (\$140)	187.77
13	Fisher Scientific	Biohit Tips (150) (\$59) & Agar (\$191) (Lab)	250.42
14	Frontier Communications	STP Emergency Phone Lines	374.21

Seq	Payable To	For	Amount
15	GHD Inc.	Prog Pymt#23: Oceana Marin Treatment & Storage Pond Repair (Balance Remaining on Contract \$17,880)	146.25
16	Grainger	Reciprocrating Saw Blades (\$494), Eye Wash Station for Auto Shop (\$328) & Miscellaneous Maintenance Tools & Supplies (\$1,923)	2,745.21
17	InfoSend, Inc.	November Processing Fee for Water Bills (\$1,264), Postage (\$3,732) & November Support Fee (\$866)	5,861.44
18		Vision Reimbursement	106.00
19	Ken Grady Company, Inc	Membranes (STP)	157.20
20	Lunny Grading and Paving Inc.	Base Rock (10 yds) (Replacement Pre Tank 4A)	299.26
21	Marin Reprographics	Color Scan to File (30" X 42") (Office/Yard Refurbish)	152.99
22	McLellan Co, WK	Misc Paving	6,986.92
23	NSI Solutions, Inc.	QC Sample (Lab)	161.00
24	Office Depot	Misc Office Supplies	174.15
25	Pace Supply	Price Correction Butterfly Valves (2)	159.49
26	Pacific Coast Petroleum, Inc	Grease & Oil for STP Maintenance Pumps	323.65
27	Pape Machinery Inc.	Sensor ('09 JD Backhoe)	163.37
28	Pipette.com	Service on Pipette Equipment (Lab)	64.34
29	Rauch Communication Consultant	Prog Pymt#13: Consulting Services Outreach Support (Balance Remaining on Contract \$17,047)	7,062.50
30	Snap-On Industrial	Fleet Repair Program	5,314.19
31	Syar Industries Inc	Sand (15 yds)	909.70
32	Tamagno Green Products	Sludge Removal from STP (75 yds)	2,625.00
33	USA BlueBook	Hydrant "Out of Service" Markers (10)	119.19
34	Vote, Gary	Novato "Toilet Rebate" UTET Program	600.00

Seq	Payable To	For	Amount
35	VWR International LLC	Buffer Solution (\$48) & Conductivity Standard (\$90) (Lab)	138.40
36	Waste Management	Green Waste Disposal	102.44
37		Exp Reimb: Safety Supplies	26.21
38	West Coast Footings	Refund Security Deposit on Hydrant Meter Less Final Bill	752.64
39	West Yost Associates	Prog Pymt#3: Provide Local Water Enhancement Study (Balance Remaining on Contract \$127,063)	40,774.75
		TOTAL DISBURSEMENTS	<u>\$131,125.47</u>

The foregoing payroll and accounts payable vouchers totaling \$131,125.47 are hereby approved and authorized for payment.

Julie Blue 12/29/21
Auditor-Controller Date

[Signature] 12/29/21
General Manager Date

DISBURSEMENTS - DATED JANUARY 6, 2022

Date Prepared 1/4/22

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:

<u>Seq</u>	<u>Payable To</u>	<u>For</u>	<u>Amount</u>
90446*	US Bank Card	Office Supplies (\$215), Safety Supplies (\$2,386), GFOA Certificate of Achievement Review Fee FY2021 (\$460), Microsoft 365 Licenses (\$270), Trailer Hitch (\$305) ('20 F250), Zoom for Board Meetings (\$47) & Costco-Beverages for Holiday Lunch (\$40)	\$3,723.61
90447*	CalPERS	January Insurance Premium (Employer \$42,266, Retirees \$11,711 & Employee Contribution \$8,445)	62,421.40
1	ADTS, Inc.	Annual Random Testing Compliance Program (12)	912.00
2	All Star Rents	Propane (28 gals) (STP)	151.60
3	American Family Life Ins	December AFLAC Employee Paid Benefit	3,025.08
4	AT&T	Telephone (\$68), Fax (\$87), Leased Lines (\$142) & Data (\$284)	580.47
5	Bay Area Barricade Service	Red Striping Paint (24) (\$130), Green Marking Paint (24) (\$102) & 18" Cones (10) (\$146)	378.45
6	Bjerke, Gary and/or Joyce	Novato "Cash for Grass" Rebate Program	800.00
7	Boucher Law	November Labor & Law Employment Matters	9,067.50
8	Calpico, Inc.	Zinc Anodes (200)	5,425.00
9	The Climate Registry	Annual Membership (Clark) (1/22-12/22) (Budget \$900)	785.00
10	Core & Main	Clamps (2) (\$871), Meter Spud & Couplings (3) (\$127)	1,014.80
11	California Sanitation Risk Mgmt	2022 Oceana Marin Sewer Liability Insurance (12/31/21-12/31/22)	2,524.09
12	Environmental Express	Standards (Lab)	162.64

Seq	Payable To	For	Amount
13	Evoqua Water Technologies LLC	Service on Lab Deionization System	375.41
14	Grainger	Sump Pumps (2) (\$558), Masks (100) (\$260), Toilet Valve (Maint Office) (\$183) & Miscellaneous Maintenance Tools & Supplies (\$478)	1,479.23
15	Hopkins Technical Products	Pump Parts (STP)	21.49
16	International Fire Inc.	Annual Fire Extinguisher Inspection (80)	1,920.00
17	Kaiser Foundation Health Plan	DMV/DOT Physicals (Watkins & M. Williamson)	230.00
18	Kennedy Jenks	Prog Pymt#2: NMWD On-call Hydraulic Modeling Project (Balance Remaining on Contract \$32,575)	10,387.18
19	McPhail Fuel Company	Propane for Tahiti Way Lift Station Generator	631.79
20	Marin Wood Restoration	Refund Deposit Less 3 Recycled Water Loads	85.00
21	Nerviani's Backflow	Backflow Testing (66)	3,960.00
22	Noll & Tam Architects	Prog Pymt#9: Provide NMWD Headquarters Upgrade A/E Services (Balance Remaining on Contract \$286,724)	142,479.72
23	NMWD Employee Association	Dues (7/31/21-12/15/21)	2,300.00
24	Novato Sanitary District	October 2021 RW Operating Expense	25,320.21
25	Nygren, Charles	Novato "Toilet Rebate" Program	125.00
26	Oak Knoll Cooperative	Return Payment-Not Our Customer	491.99
27	Pace Supply	Meter Stops (22)	994.19
28	PES Environmental, Inc.	Prog Pymt#11: NMWD Pre Renovation Building Survey Headquarters Building (Balance Remaining on Contract \$8,265)	14,318.00
29	Peterson Trucks	Annual Smoke Tests (2)	291.83
30	NMWD Petty Cash	Safety Bucks (4) (\$4), Holiday Lunch Tip & Decorations (\$41), Mileage Reimbursement (\$20), Drinks for Crew (\$25) & Frames for Service Awards (\$11)	100.51

Seq	Payable To	For	Amount
31	Point Reyes Light	Legal Notice on 12/16 & 12/23/21-Salinity Intrusion into Pt. Reyes Well Supply	291.00
32	Quadient, Inc.	Replacement Ink Cartridges for Postal Meter (2)	303.21
33	R & B Company	Hydrant Buries (5)	2,414.12
34	Scott Technology Group	Monthly Maintenance on Engineering Copier (12/21-1/20/22) (\$201) & Contract Overage Amount	224.47
35	Thatcher Company	Ferric Sulfate (23 tons) (STP)	6,655.90
36	Verizon Wireless	Cellular Charges: Data (\$1,170), Airtime (\$79) & iPads for Asset Management (\$200)	1,449.59
37	ZORO	Manual Pipe Threader (\$822), Tape Measure (4) & Sawzall Blades (35) (\$140)	994.51
TOTAL DISBURSEMENTS			<u>\$308,815.99</u>

The foregoing payroll and accounts payable vouchers totaling \$308,815.99 are hereby approved and authorized for payment.


Auditor-Controller

01/04/22
Date

acting 
General Manager

1/04/2022
Date

DISBURSEMENTS - DATED JANUARY 13, 2022

Date Prepared 1/10/22



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 12/31/21	\$155,243.53
90450*	Internal Revenue Service	Federal & FICA Taxes PPE 12/31/21	69,759.44
90451*	State of California	State Taxes & SDI PPE 12/31/21	15,549.27
90449*	CalPERS	Pension Contribution PPE 12/31/21	40,707.02
90448*	NMWD-FSA Payment	Fund Flexible Spending Bank Account	23,500.00
60218*	City of Novato	Application Review Permit Deposit (Office/Yard Building Refurbish)	10,000.00
1	Able Tire & Brake	Spare Tire Disposal (\$24) & Tire Repair (\$33) ('16 Nissan Frontier)	56.50
2	Allied Mechanical	Quarterly Office HVAC Maintenance	429.51
3	Arrow Benefits Group	December Dental Claims Expense	4,477.35
4	Asbury Environmental Services	Used Oil Disposal	95.00
5	Automation Direct	Optical Isolator (\$168) & Press Sensors & Cables (\$411) (Telemetry Equipment)	579.40
6	Bjerke, Gary and Joyce	Novato "Water Smart Landscape Efficiency" Program Residential	200.00
7	Branstetter, Heather	Novato "Hot Water Recirculation System" Program	100.00
8	Buck's Saw Service	Chain Saw Bar & Blade	79.18
9	Building Supply Center	Parts for PRTP Chloride Tank	134.85
10	Cinquini & Passarino Inc.	Prog Pymt#3: Old Ranch Road Tank Replacement (Balance Remaining on Contract \$21,938)	5,298.75

Seq	Payable To	For	Amount
11	Core & Main	Elbows (4), Meter Boxes (8) (\$365), Reducer (\$201), Tapping Sleeve (\$1,182), Spool (\$201), Valves (15) (\$684), Water Sample Station (\$624), Anodes (9) (\$1,514), 5" Bolts (20) (\$252), Nuts (20), Hydrants (3) (\$6,432), Clamp (\$445) & Gaskets (55) (\$373)	12,375.92
12	DataTree	December Subscription to Parcel Data Info	100.00
13	Direct Line Inc	January Telephone Answering Service	169.00
14	Enterprise FM Trust	Monthly Leases for Chevy Colorado, Ford Ranger, F250's (2), Nissan Rogues (3), Nissan Frontiers (2) & F150's (6)	7,146.17
15	Friedman's Home Improvement	Parts for STP Door (\$414) & Grout/Parts for STP Wall (\$130)	544.00
16	Grainger	Building Wire (500') (\$168), Fire Extinguisher Chemical (\$147) & Light for Maint Office (\$121)	435.31
17	Harrington Industrial Plastics	Pump Parts for STP Backflow Preventer	440.15
18	Harrington, Ken	Refund Overpayment on Closed Account	22.63
19	Kehoe, Chris	Exp Reimb: D3 Test	100.00
20	Kiosk Creative LLC	Develop Website Form - Update Customer Account Details	1,837.50
21	Department of Labor and Industries Washington	Quarterly Fee for WA Worker's Comp Insurance for Employee Working Remotely	33.08
22	Lincoln Life Employer Serv	Deferred Compensation PPE 12/31/21	11,132.96
23	MacArthur	Aquatapoxy (2 gal) (STP)	308.96
24	McLellan Co, WK	Misc. Paving	18,628.78
25	Meter, Valve, & Control	Replacement Antenna for Radio Read Meters (W.M.)	199.60
26	Nationwide Retirement Solution	Deferred Compensation PPE 12/31/21	995.00
27	North Marin Auto Parts	Rotor Hone (\$187), Wipers for Fleet (8) (\$163) & Miscellaneous Maintenance Tools & Supplies (\$381)	731.30

Seq	Payable To	For	Amount
28	North Bay Gas	Nitrogen & Breathing Air (\$68) (STP) & December Cylinder Rental (\$45)	113.00
29	Northbay Nissan	Service Parts ('16 Nissan Frontier)	38.49
30	Novato Builders Supply	Parts & Supplies STP Door	168.14
31	Peterson Trucks	Smoke Tests ('15 Int'l, '09 Peterbilt, '02 Int'l & '07 Int'l) (\$595) & Dome Light ('06 Int'l Crew Truck) (\$130)	724.85
32	Pacific Gas & Electric Co	Power: Bldgs./Yard (\$4,495), Other (\$186), Pumping (\$28,501), Recto/Controls (\$544) & Treatment (\$126)	33,852.75
33	Recology Sonoma Marin	December Trash Removal	541.78
34	State Water Resources Control Board	FY22 Large (\$65,153) & Small (\$6,372) Water System Fees	71,525.24
35	Tamagno Green Products	Sludge Removal (15 yds) (STP)	525.00
36	United Parcel Service	Delivery Services: Chlorine Parts Sent for Repairs	20.43
37	Univar	Sodium Hypochlorite (200 gal) (STP)	498.82
38	Verizon Wireless	December SCADA & AMI Collectors (\$650)	810.72
39	VWR International LLC	Buffered Dilution (Lab)	86.75
40	ZORO	Parts for STP Chemical Tank (\$158), Label Machine for E/M (\$149) & Roof Seal (\$98)	404.57
TOTAL DISBURSEMENTS			<u>\$490,720.70</u>

The foregoing payroll and accounts payable vouchers totaling \$490,720.70 are hereby approved and authorized for payment.

	<u>01/11/2022</u>
Auditor-Controller	Date
	<u>01/11/2022</u>
General Manager	Date

Notice:

Seasonal salinity intrusion has occurred into two of North Marin Water District's wells serving the West Marin communities of Point Reyes Station, Olema, Inverness Park, and Paradise Ranch Estates.

The table below lists the most recent concentrations for sodium in the West Marin water supply. While there is no direct health concern from salt for most people at this concentration, customers that are on sodium restricted diets should consult their physicians to see if additional sodium is a concern for them.

Now that sodium concentrations have been below 50 mg/L for four consecutive weeks, North Marin Water District will stop publishing this weekly notice. More information about NMWD's water quality programs including the annual report summarizing the high quality of the drinking water we serve to your tap can be found at www.nmwd.com/wq.

Date	Sodium	Chloride	Units
12/20/21	11.8 - 17.4*	13.8 - 20.2*	mg/L*
12/13/21	11.5 - 30.6*	16.4 - 62.0*	mg/L*
12/6/21	11.5 - 41.9*	13.1 - 82.2*	mg/L*
11/29/21	11.4 - 48.1*	13.4 - 102*	mg/L*

mg/L= milligrams per liter

* This is a range from four different sample sites across the span of NMWD's distribution system.

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North Marin Water District Community Workshop

Join us at a community workshop on potential new water supply solutions.

Tuesday
January 25
6pm to 7:30pm

Continue to conserve.
For more info visit:
nmwd.com/workshop

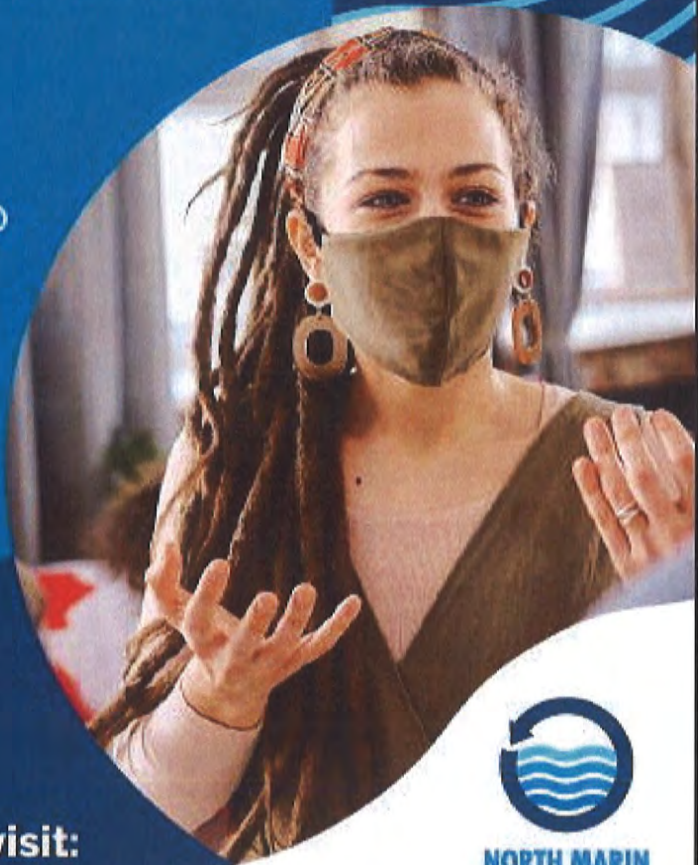


North Marin Water District Virtual Community Workshop

Join us online for
a community workshop
on potential new
water solutions.

Tuesday
January 25
6pm to 7:30pm

**For more info and
instructions on how to
join the meeting online, visit:**
nmwd.com/workshop





**NORTH MARIN
WATER DISTRICT**

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

PHONE
415-897-4133

EMAIL
info@nmwd.com

WEB
www.nmwd.com

December 31, 2021

Mr. Michael Hayes
145 Silver Hills Rd
Point Reyes Station, CA 94956

RE: Proposed Accessory Dwelling Unit (ADU)

Dear Mr. Hayes:

The North Marin Water District (District) is in receipt of your letter dated December 21, 2021 regarding the construction of a new Accessory Dwelling Unit (ADU) at 145 Silver Hills Road in West Marin. The concerns you expressed are not new to the District Board of Directors (Board) which formally reviewed a similar situation at the May 4, 2021 regular Board meeting. This letter is in response to your letter and is based on our knowledge of your project, relying primarily on prior discussions with you and our Engineering Services Representative.

We understand that you are planning to construct a new ADU on the property, separate of the existing space of your single-family dwelling. Current state legislation allows the District to require a separate service connection provided that the fee does not exceed the reasonable cost of providing the service and to impose a Facility Reserve Charge (see below) that is proportionate to the burden of the proposed ADU. These requirements are codified in District Regulation 1 (<https://nmwd.com/wp-content/uploads/2021/08/Reg-01.pdf>) and are generally in line with numerous other water providers in the San Francisco Bay Area as described in the attached Board item for the May 4, 2021 meeting (Attachment 1). The Facilities Reserve Charge (in this case \$8,000 – see below) is based on the costs needed to provide capacity for new connections through the District's existing or future water facilities in order to remain in a position to reliably serve those new connections.

Based on current District Regulations and policy, there are two options for your project: 1) a new water meter and service line dedicated to the proposed ADU structure; or 2) a dual service using the existing service line to the property and a new meter for the proposed ADU. **Option 2 is only available because the existing service line is of sufficient size (currently 3/4-inch) and assuming that no upsizing will be required by the Marin County Fire Department for fire sprinkling of the ADU.** If the Fire Department requires fire sprinkling, then a new service line or a large diameter would likely be needed at an additional cost. The approximate costs for these two options available are summarized below:

Option 1: New Connection

- Meter Charge = \$610
- Service Line Charge = \$3,960
- Reimbursement Fund Charge = \$1,950
- Facilities Reserve Charge (ADU) = \$8,000
- Water Conservation Fee = \$1,000
- **Total Cost = \$15,520***

Option 2: Dual Service Connection

- Relocation Fee = \$425**
- New Meter Charge = \$610

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

OFFICERS: DREW McINTYRE, General Manager · TERRIE KEHOE, District Secretary · JULIE BLUE, Auditor-Controller · TONY WILLIAMS, Asst. GM/Chief Engineer

- Facilities Reserve Charge = \$8,000
- Water Conservation Fee = \$1,000
- **Total Cost = \$10,035***

**these costs are based on limited information available regarding the project. Once a complete application for service is submitted, actual costs can be determined.*

***required to adjust the existing meter box.*

If you have any questions regarding this letter, please contact me at 415-761-8945 or twilliams@nmwd.com.

Sincerely,



Anthony Williams
Assistant GM/Chief Engineer

Enclosure(s)

TW:ls

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MEMORANDUM

To: Board of Directors

April 30, 2021

From: Tony Williams, Assistant GM/Chief Engineer 

Subj: Accessory Dwelling Units (ADUs)

R:\CHIEF ENG\Misc. BOD Memo\5-4-2021\ADUs-4-21 BOD Memo ADU Issues_Final.docx

RECOMMENDED ACTION: Receive the report and direct staff to respond to customer inquiries

FINANCIAL IMPACT: None at this time.

Background

Recently, a few District customers have expressed the need for the District to "follow MMWD's lead" and not collect any fees or charges for accessory dwelling units (ADUs) smaller than 1,200 square feet, with the requirement that the applicant/owner occupy either structure. In general, Engineering staff receive regular inquiries regarding ADUs and associated District regulations. The purpose of this item is to provide the Board and the general public with some information on state legislation related to ADUs, comparison of other water providers, and to present usage data obtained from actual meter readings.

Legislation and Code

Over the last several years the California Legislature, apparently motivated by the housing crisis, has enacted multiple pieces of legislation intended to facilitate the process by which local agencies with land use powers approve ADUs and junior ADUs (JADUs) and, by restricting the amounts that special districts providing water and service can charge for connecting ADUs and JDUs to their respective systems, to make them less expensive to construct. ADUs are governed by Government Code section 65852.2 and JADUs are governed by Government Code section 65852.22 (which defines a JADU as "unit that is no more than 500 square feet in size and contained entirely within a single-family residence"). In all, sixteen versions of section 65852.2 were enacted into law in 2019, one of which became operative on January 1, 2020, and another which would have become operative in 2025. Four versions of section 65852.2 were enacted by AB 3182 in 2020, one of which became operative on January 1, 2020, and another will by its terms become operative in 2025.

Subdivision (f) of section 65852.2 prohibits the District from imposing "capacity charges" (i.e., the FRC) and "connection fees" (as these two terms are defined in Government Code Section 66013) for certain ADUs in certain circumstances. Unfortunately, inconsistencies within subdivision (f) – specifically between subdivisions (f)(2) and (f)(4) and (f)(5) – have led to

confusion among many potential applicants for water service trying to determine the circumstances in which capacity charges and connection fees may be imposed on an ADU.

Section 65852.2 contemplates that ADUs can be "attached to" or within an existing or proposed "structure" such as a primary dwelling, including an attached garage, a storage area, or an accessory structure; or in a detached structure separate from the primary dwelling but on the same lot as a primary dwelling. Section 65852.2 authorizes land use agencies to adopt a zoning ordinance permitting ADUs that do not exceed 50% of the floor area of the primary dwelling (attached) and do not exceed 1,200 square feet (SF) in total floor area (if detached). If no such ordinance is adopted, the agency has no discretionary review over such ADUs.

After approval of an ADU by the local land use agency (City of Novato or County of Marin, as appropriate), section 65852.2 prohibits the District from imposing a capacity charge (i.e., an FRC) or a connection fee (including the cost for a new service lateral and meter) for the types of ADUs listed below unless the applicant has requested a separate service line or meter:

- An ADU within the existing space of a single-family dwelling.
- An ADU within the existing space of an accessory structure (which may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure, provided that the expansion shall be limited to accommodating ingress and egress).
- An ADU within the proposed space of a single-family dwelling.

For ADUs other than those described in the bullets above, in accordance with Regulation 1, the District is allowed to require a separate service connection and to impose the FRC and any associated new connection fees on the ADU, although subdivision (f)(5) restricts the amount of the connection fee or capacity charge that can be imposed in two respects:

- The fee or charge must "be proportionate to the burden of the proposed accessory dwelling unit, based upon either its square feet or the number of its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system"; and
- The fee or charge must "not exceed the reasonable cost of providing this service."

These requirements are codified in District Regulation 1. The District, with the assistance of legal counsel, previously prepared a flowchart (Attachment 1) that describes the different scenarios and whether a fee is charged as an aid to potential applicants.

Comparison with Other Agencies

District staff examined how other water providers in the Bay Area handle ADU applications. The table below provides a summary of the amounts of capacity charges imposed on ADUs by various special districts providing water service.

Agency	ADU Water Service Capacity Charges*		
	Attached (<50% of residence)	Detached (within exist. structure)	New Construction
<i>North Marin WD</i>	\$10,000	\$10,000	\$10,000
Mid-Peninsula WD	\$10,000	\$10,000	\$10,000
Alameda County WD	\$6,862	\$6,862	\$6,862
Contra Costa WD	\$10,669	\$10,669	\$10,669
City of Santa Rosa	\$7,545	\$7,545	\$7,545
Valley of the Moon WD	\$11,697	\$11,697	\$11,697
Marin Municipal WD	\$7,040	\$7,040	\$7,040

*table only shows FRCs or related capacity charges imposed for ADUs that don't meet the conditions for exemption described above (the first three bullets above) and represents FRCs or related capacity charges.

In 2020, MMWD adopted Ordinance No. 446 providing applicants a "pass" on fees and charges for ADUs that are entirely new construction (but not constructed with a new single family home) and that are either (a) attached to an existing single family residence and less than 50% of the square footage of the primary dwelling, or (b) detached from an existing single family residence and less than 1200 SF in size, provided that the following additional conditions are met:

1. The applicant is a current MMWD customer of at least 1-year of continuous service;
and
2. The applicant/property owner will occupy either the primary residence or the new ADU.

Consistent with section 65852.2, current District regulations, specifically District Regulation No. 1, provide two options to an applicant seeking service from the District to an ADU that is *not* within the existing space of a single-family dwelling, the proposed space of a new single family dwelling, or the existing space of an accessory structure (allowing for an additional 150 square feet for access) has two options: 1) obtain a new meter and separate service line to the proposed ADU structure; or 2) if the existing meter and service line have capacity to provide adequate service to the primary dwelling and the ADU, obtain "dual service" using the existing service line to the property but installing a new meter for the proposed ADU.

Water Usage for Existing ADUs

One important element that the Board should keep in mind regarding ADUs in general is water usage. The Engineering Department has been tracking water usage for ADU projects going back to 2004 in the Novato Service Area. The average water usage for the 13 ADUs that were analyzed was 101 gallons per day (gpd), with usage ranging from a high value of 296 gpd to a low value of 24 gpd. The purpose of the District's FRC is to obtain revenue commensurate with the costs to provide capacity for new customers through existing and future water facilities in order to remain in a position to reliably serve those new connections. The tracked data indicates that ADUs do measurably impact the overall demand and resulting capacity needs of District's water system, and that this impact will only grow as more and more are constructed over time. As noted above, section 65852.2 recognizes that an ADU will place a "burden" upon "the water or sewer system."

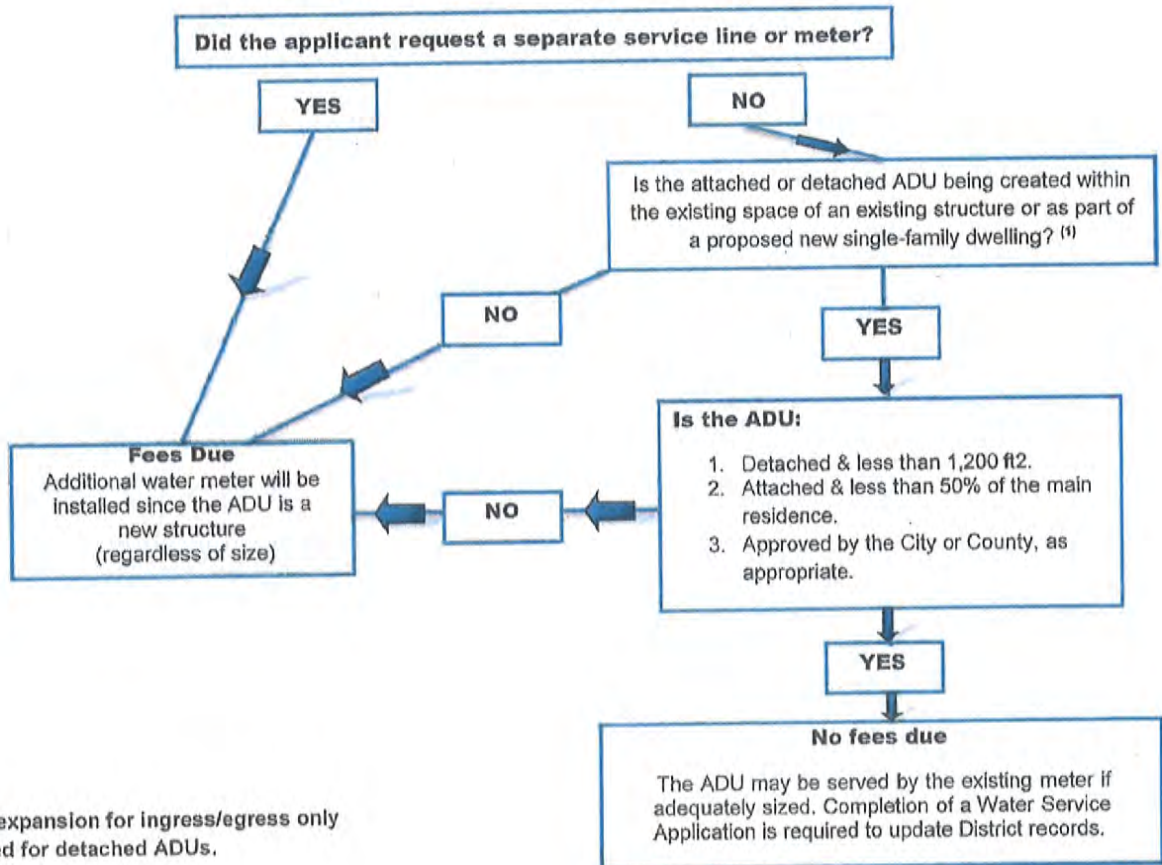
RECOMMENDATION

The Board direct staff to respond to inquiries about the application of the District's regulations to applications for service to newly created ADUs.



Accessory Dwelling Unit (ADU) Requirements

Attached or Detached from Main Residence



⁽¹⁾ 150 ft² expansion for ingress/egress only allowed for detached ADUs.

Correspondence
from Resident

Michael and Anne Hayes
145 Silver Hills Rd
Point Reyes Station

December 21, 2021

North Marine Water District (INFO@NMWD.COM)

Attention: General Manager and Members of the Board of Directors

Members,

This letter is in response to recent conversations and correspondence with Rosalia Solar of your office. My wife and I, Anne Hayes and Michael Hayes are requesting both a reconsideration of your policy, and in our case a waiver of your policy, that requires the installation of a new water service and an \$8000 fee for kitchen facilities with the construction of a new Additional Dwelling Unit (ADU). The reasons for our request are based upon the following facts and observations that I hope you will carefully consider. This information is first presented from our point of view, and particular needs; and then continues to question the reasonableness and time appropriate basis for these policies: that is, installing a water meter that encourages water use and creates ownership problems to control and monitor; and a policy that places a significant burden on a homeowner attempting to provide low-income housing.

I. Our Story

We purchased our home with 8 acres at 145 Silver Hills Rd in Point Reyes Station 5 ½ years ago. Two years into our ownership the residence suffered catastrophic damage with two tree falls (One Douglas Fir and One Bay Laurel), during a heavy rainstorm. Since that time, we have been contending with a large and leaking temporary roof. Because of this damage, we had decided to take the opportunity to remodel. During this time, and while working with our architect, Marin County established a policy that would provide a \$35,000 no interest loan to homeowners who would build an ADU for rent to a low-income family. It was for this reason, the need for low-income housing, that we decided to include the ADU as part of our remodel project. With time lost to a slow architect, and the almost nonfunctioning Marin County Building Department, we are just now preparing to begin construction.

Why Appeal

1. Site Conditions and Property Needs

- We are very aware of the water crisis. We monitor use with a Flume device purchased from your agency. We shower with buckets that are then used for toilets and have ceased watering all but essential vegetation.
- The property currently has an 8000-gallon cement storage tank that is also equipped with a 3" fire emergency valve.
- Our new construction documents includes the placement of four (4) 5000 gallons water storage tanks (20,000) for capture from roof run off. We

intend to expand with an additional 2 tanks to achieve 30,000 gallons, in new storage, that will result in 38,000 gallons of water in storage.

- The tanks will be located 200 feet from the ADU.
- This water storage will also include a filtration system for potable use.

2. Unnecessary Cost Burden

- In fact, we will be spending approximately \$90,000 for the ADU construction, and the \$35,000 no interest loan was a major incentive to move forward to provide low-income housing. The \$5,000 - \$6,000 (±) water meter placement charge and the \$8,000 kitchen fee creates an excessive burden, which brings the entire effort to move forward with the ADU in question.

3. The intent of our storage infrastructure is to allow us to use only the most minimal amount of water from the North Marin Water District. We prefer to monitor tenant water use from one Flume monitor in one meter for best control and over site.

II. District Policy Issues

1. Questions worth considering

- What is the rational and justification for the charges for these two policies?
 - \$8000 fee for ADU kitchen
 - \$6000± for new meter placement
- Especially, with a new meter placement, is the policy appropriate when facing a future of frequent drought cycles?
- Is either policy appropriate when trying to create a low income housing unit?
- Are there Fire District concerns that need to be addressed?
- Are these policies in line with the North Marin Water District mission to manage and provide water during drought?
- In conversations with Rosalia, she inquired, if we had a well on the property. Can 38,000 gallons of onsite water storage be considered equal to a well?

2. Comments

- From a customer's point of view, it appears as if these policies are in place for the purpose of revenue generation.
- Is it appropriate that a revenue generation policy to install a meter be in conflict with the mandate to use less water?

Conclusion

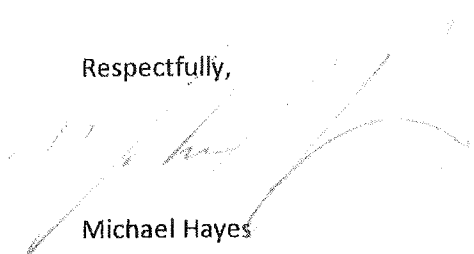
I do not believe that similar policies exist in other California Water Districts. The North Marin Water District has been requesting that its consumers radically conserve; and all California cities and counties are also encouraging the creation of Additional Dwelling Units.

I believe these fees and services are not easily defensible within the current climate and social context.

If there is a Fire District concern, I will be happy to request their analysis and opinion.

Your attention is appreciated. Please call me if you have any questions or would like to review documents at (650)766-7031. I look forward to your earliest response.

Respectfully,



Michael Hayes

P.S. If you review our recent water usage, please note that we experienced a loss of 1500 gallons in late November when a deer broke a PVC standpipe by rubbing its head against the brass faucet during the night, and not discovered until we checked our FLUME around 6 AM.

January 6, 2022 POINT REYES LIGHT

North Marin Water District

District Secretary
999 Rush Creek Place
Novato, CA 94945

**NORTH MARIN WATER DISTRICT
NOTICE OF PUBLIC HEARINGS ON REDISTRICTING**

The North Marin Water District (District) transitioned from an "at-large" to a "by-division" voting system in 2019. Five unique voting divisions (Divisions 1, 2, 3, 4, and 5) were established within the District's service areas. Voters residing in each division select one representative to serve on the Board of Directors (Board), and that representative must live in the division from which they are elected.

Following the federal census that occurs every ten years, California Elections Code Section 22000 *et seq.* requires the Board to review its electoral division boundaries, identify any significant demographic changes, and adjust the boundaries as necessary consistent with the US Constitution, Federal and State laws. The results from the 2020 Census were recently released, enabling the District to begin its redistricting process. . On December 7, 2021, the Board received a report regarding the 2020 Census data and directed staff and legal counsel to prepare materials and invite the public to provide input on the possibility of re-adopting the current electoral divisions map. The District intends to hold two (2) public hearings where the Board will receive and respond to public comments, and subsequently consider adoption of a final electoral divisions map.

Residents are welcome to submit comments by email to info@nmwd.com or via mail to North Marin Water District, District Secretary, Terrie Kehoe, P O Box 146, Novato CA 94948. For more information, visit the District's website at <https://nmwd.com/about/2021-redistricting-using-2020-census-data/>.

***NORTH MARIN WATER DISTRICT
Redistricting Process Timeline***

DATE	EVENT	COMMENT
Tuesday, January 18, 2022* at 6:00 p.m.	1st Public Hearing (Regular Meeting).	Show proposed map; receive public comments.
Tuesday, February 15, 2022* at 6:00 p.m.	2nd Public Hearing (Regular Meeting).	Respond to public comments (if any); Board vote to adopt final map of electoral divisions.


*Virtual meeting, unless otherwise noted in the agenda packet for the meeting.

Legal Notice	Legal Notice	Legal Notice									
<p>North Marin Water District District Secretary 999 Rush Creek Place Novato, CA 94945</p> <p>NORTH MARIN WATER DISTRICT NOTICE OF PUBLIC HEARINGS ON REDISTRICTING</p> <p>The North Marin Water District (District) transitioned from an "at-large" to a "by-division" voting system in 2019. Five unique voting divisions (Divisions 1, 2, 3, 4, and 5) were established within the District's service areas. Voters residing in each division select one representative to serve on the Board of Directors (Board), and that representative must live in the division from which they are elected.</p> <p>Following the federal census that occurs every ten years, California Elections Code Section 22000 et seq. requires the Board to review its electoral division boundaries, identify any significant demographic changes, and adjust the boundaries as necessary consistent with the US Constitution, Federal and State laws. The results from the 2020 Census were recently released, enabling the District to begin its redistricting process. On December 7, 2021, the Board received a report regarding the 2020 Census data and directed staff and legal counsel to prepare materials and invite the public to provide input on the possibility of re-adopting the current electoral divisions map. The District intends to hold two (2) public hearings where the Board will receive and respond to public comments, and subsequently consider adoption of a final electoral divisions map.</p> <p>Residents are welcome to submit comments by email to info@nmwd.com or via mail to North Marin Water District, District Secretary, Terrie Kehoe, P O Box 146, Novato CA 94948. For more information, visit the District's website at https://nmwd.com/about/2021-redistricting-using-2020-census-data/.</p> <p>NORTH MARIN WATER DISTRICT Redistricting Process Timeline</p> <table> <tr> <th>DATE</th><th>EVENT</th><th>COMMENT</th></tr> <tr> <td>Tuesday, January 18, 2022* at 6:00 p.m.</td><td>1st Public Hearing (Regular Meeting)</td><td>Show proposed map; receive public comments</td></tr> <tr> <td>Tuesday, February 15, 2022* at 6:00 p.m.</td><td>2nd Public Hearing (Regular Meeting)</td><td>Respond to public comments (if any); Board vote to adopt final map of electoral divisions.</td></tr> </table> <p>*Virtual meeting, unless otherwise noted in the agenda packet for the meeting.</p> <p>January 7, 2022</p>			DATE	EVENT	COMMENT	Tuesday, January 18, 2022* at 6:00 p.m.	1st Public Hearing (Regular Meeting)	Show proposed map; receive public comments	Tuesday, February 15, 2022* at 6:00 p.m.	2nd Public Hearing (Regular Meeting)	Respond to public comments (if any); Board vote to adopt final map of electoral divisions.
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MEMORANDUM

To: Board of Directors

January 14, 2022

From: Julie Blue, Auditor-Controller 

Subj: Increase in Director's Compensation

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RECOMMENDED ACTION: None - Information Only

FINANCIAL IMPACT: \$1,750 Annually

In accordance with Board Policy 13 and Ordinance No. 27 pertaining to Director's Compensation, said compensation amount shall be escalated annually on each January 1st based upon the change in the San Francisco Bay Area Consumer Price Index for the prior 12 month period, but by no greater than 5% per year, pursuant to California Water Code section 20200 et seq. The change in the SF Bay Area CPI in 2021 was 4.2%. Therefore, effective January 1, 2022, each director shall receive compensation of two hundred and fifty-six dollars (\$256) per day ⁽¹⁾ for each day's attendance at meetings of the Board, or for each day's service rendered as a director with prior approval of the Board.

Director's compensation for the five-member Board is budgeted at \$42,000 annually, which includes payroll taxes. A 4.2% increase will add approximately \$1,750 in cost to the District annually.

(1) Note: This is a maximum daily limit. If a director attends two meetings in one day the compensation is capped at reimbursement for only one meeting with a maximum of six days reimbursed in a calendar month.

MEMORANDUM

To: Board of Directors

January 14, 2022

From: Julie Blue, Auditor/Controller *JB*

Subj: Annual Report on Board Compensation

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RECOMMENDED ACTION: Information Only

FINANCIAL IMPACT: \$41,765 Expense - Calendar Year 2021

To comply with the requirements of Assembly Bill No. 2040 and Assembly Bill 1234, the District prepares a yearly report of the annual compensation and expense reimbursements paid to each board member. This report is a summary of compensation and expense reimbursements paid in calendar year 2021. Assembly Bill No. 2040 requires special districts to annually report, and post on its website, the annual compensation of its elected officials. Assembly Bill No. 1234 requires special districts to disclose the reimbursements made to its elected officials. There were no expense reimbursements made to the Board of Directors in calendar year 2021. Within this memo compensation is categorized in the following manner:

1. Regular and Special Board Meetings
2. Advisory Committees, Councils, and Forums
 - a. North Bay Water Reuse Authority
 - b. North Bay Watershed Association
 - c. Sonoma County Water Agency (SCWA) – Water Advisory/Technical Advisory
 - d. SCWA Public Policy Facilitating Committee
 - e. Water Strategy Meeting with Congressman Jared Huffman
 - f. Marin Sonoma Drought Collaboration Meeting
3. Ad-hoc Committee Meetings – West Marin Water Rate Study

The following compensation and reimbursements meet the guidelines established by District policy and have been paid to, or on behalf of, the individual board members.

Compensation Type		Jack Baker	Rick Fraites	James Grossi	Michael Joly	Stephen Petterle
Meeting Attendance:						
1	Regular/Special Board Meetings	\$ 6,632	\$ 6,632	\$ 6,632	\$ 6,632	\$ 6,632
2	Advisory Committees and Councils	\$ 3,444	\$ 2,209	\$ 1,722	\$ -	\$ 246
3	West Marin Water Rate Study Adhoc Committee Meeting	\$ -	\$ -	\$ 492	\$ 492	\$ -
4	Total	\$ 10,076	\$ 8,841	\$ 8,846	\$ 7,124	\$ 6,878

BAY AREA

Californians have a lot of ideas for how to get more water. Most of them are really bad

San Francisco Chronicle

Kurtis Alexander

Dec. 17, 2021 Updated: Dec. 17, 2021 6:28 p.m.

[Comments](#)



Vehicles travel across the Richmond-San Rafael Bridge in Richmond, Calif. on Dec. 31, 2019. Water managers are looking to build an eight-mile pipeline atop the structure.



Paul Chinn/The Chronicle



When it comes to water, Californians have a lot of big ideas for how to get more of it.

One of the latest is in Marin County, where water managers are looking to build an eight-mile pipeline atop the towering Richmond-San Rafael Bridge. The line would allow water to be moved across San Francisco Bay from other parts of the state, to prop up sagging local supplies.

But for every grand plan pushing forward like this one, a dozen others - often more ambitious and sometimes outright wacky - get only eye rolls and a quick thumbs-down. Many of these questionable ideas have been surfacing over the past two years as California has spiraled into one its worst droughts in modern times.

This year, one of the candidates vying to replace Gov. Gavin Newsom in the recall election called for a pipeline to the Mississippi River. Residents along the Mendocino Coast explored the possibility of importing water from the Bay Area on barges. In some places, there was even talk of - if only in passing - a longtime proposal to tow an iceberg to California.

"I used to get a lot of cold calls with these ideas," said Heather Cooley, director of research at the Pacific Institute, a think tank in Oakland where she works on the state's most vexing water problems. "On the one hand, I think it's useful that people recognize there's a problem and are thinking about solutions. On the other hand, there's usually a lot more practical things that we should be doing."



In a disastrous drought, a grim milestone: California could see its first big reservoir run dry

Perhaps because they're in widespread use, water pipelines have been particularly ripe for California's collective imagination.

Before Democratic gubernatorial candidate and real estate agent Kevin Paffrath proposed the Mississippi River intertie in August, there were calls to build conduits to other big water sources, from the Great Lakes to freshwater supplies in British Columbia and the Arctic.

In 2015, during the heart of last decade's drought, actor William Shatner launched a \$30 billion Kickstarter campaign to finance a pipeline between California and Washington.

"It's simple," the "Star Trek" star told Yahoo News at the time. "They did it in Alaska. Why can't they do it along (Interstate) 5?"

The federal government, in the early 1990s, went as far as studying the possibility of constructing a 2,100-mile aqueduct beneath the ocean from Alaska's Prince William Sound to California's Lake Shasta.

Needless to say, none of these proposals makes sense financially, said Jay Lund, a professor of civil and environmental engineering at UC Davis and one of the state's top experts on water.

"The problem is they would cost you more to build and operate than what people would be willing to pay for the water," he said.

During the drought last decade, when a record snowstorm hit New England, Lund penciled out the price of an internet-fueled idea of bringing snow from the Northeast to California by train. The cost was about \$10,000 for an acre foot of water, more than 10 times what most water agencies currently pay.

Another proposal put forth in previous droughts, filling up large plastic bags with water from Oregon's Columbia River and lugging them by tugboat to California, was similarly cost prohibitive.

"Water is just really heavy, and it takes a lot of energy to move," Lund said. "Technologically, a lot of things are possible. That doesn't mean they're worthwhile."

California's state and federal water projects, famous for moving supplies over great distances, introduced big thinking to the world of water. The two projects, built more than a half century ago, fueled the state's unparalleled growth by nourishing cities and farms with reservoir water piped from mountains hundreds of miles away.

In recent years, the systems have seen little expansion, however. The infrastructure has gotten more expensive to construct and there just isn't enough new water to make collection and conveyance worth the investment.

"We have built almost all or probably all of the big traditional capital projects that make sense," Lund said.

This week, a campaign to build California's first major reservoir in decades, in the Sacramento Valley, with the intent to move more water south, became eligible for state money. The California Water Commission, which advises the state Department of Water Resources, decided the proposed Sites Reservoir qualified for about \$800 million of voter-approved bonds. The \$4 billion project, however, still faces numerous financial, environmental and logistical hurdles.

Others are turning to a newer frontier for water: the sea.

"We have a very long coastline, so people are always pointing to desalination as a solution," said Cooley, with the Pacific Institute.

While the technology of making ocean water drinkable is proven and deployed across California, it's also expensive. Water agencies can expect to pay two to three times more for desalinated supplies than what they pay for other sources of water, experts say. The high cost is largely because of the high energy demand.

Communities adopting desal have done so primarily for back-up supplies, not to meet all of their water needs. Most prefer other options because of the expense as well as the environmental challenge that comes with disposing of the brine. As for farmers, who use about 80% of California's water and generally pay a lot less for it, desal doesn't come close to working out financially.

The sky is another place where some are looking for new supplies. Scientists have had success unlocking water from fog and plain air, and small atmospheric water generators can now be purchased on Amazon.

Experts, however, say the amount of water produced by these means is minuscule.

“They may have their place and point for meeting some demand in some remote circumstances,” said Darrin Polhemus, a deputy director for the State Water Resources Control Board, who works to make sure communities have drinking water. “But they’re not going to produce enough water to even water your lawn.”

He also noted, “Our air (in California) has virtually no humidity it in the summer.”

The alternative water supplies that remain realistic and viable for California, experts say, are perhaps the least exciting: capturing stormwater and recycling water, to name two.

Getting water from traditional sources, rivers and aquifers, is still generally least expensive, and water agencies without these options can buy water from those that have them. Of course, using less water in the first place, often by increasing the efficiency of homes and businesses, remains the cheapest way to shore up supplies.

“I don’t know what the magic bullet is,” Polhemus said.

A targeted pipeline, like the one proposed in Marin County, may be as far as Californians want to dream.

The \$100 million plan of the Marin Municipal Water District calls for a 24 inch-wide water line to be mounted beneath the upper deck of the Richmond-San Rafael Bridge and run to new pump stations on both sides. The line would connect to the East Bay Municipal Utility District’s water system. The East Bay district wouldn’t necessarily provide supplies to Marin County but could be a conduit for water purchased from agencies elsewhere.

The 191,000 people served by the Marin Municipal Water District have long relied on local reservoirs, and rain to fill them, instead of importing water from suppliers across the state, like most big water agencies do.

“This is not an outlandish idea,” said Cynthia Koehler, president of the district’s governing board, noting the prevalence of interties between suppliers. “It’s an idea that has been kicking around for a long time.”

In the late 1970s, when Marin County’s reservoirs dropped to alarmingly low levels like they have this year, the district did a temporary version of what it’s now pursuing. A pipe was laid across the upper deck of the Richmond-San Rafael Bridge. Unlike the one under consideration today, the original line took up space on the freeway. It also was removed after the drought.

To date, the Marin Municipal Water District has ponied up more than \$20 million for its permanent pipeline, for planning and materials. It will have to commit to the rest of the bill — the total of which is almost equal to the agency’s entire annual budget - within the next month or two. The goal is to have the pipeline operating by summer.

“The question really is about timing and cost,” Koehler said. “It’s a big project. It’s a decision we want to make with a lot of deliberation.”

*Kurtis Alexander is a San Francisco Chronicle staff writer.
Email: kalexander@sfchronicle.com Twitter: [@kurtisalexander](https://twitter.com/kurtisalexander)*

Water-supply roller coaster needs to end

Editorial

Marin Independent Journal

The drenching Marin's been getting has lifted our water supply above its yearly average level, providing us with a little breathing room from the crisis we were facing just a couple of months ago.

If we had gotten another dry year, even with strict conservation measures, we could have faced running out of water.

That's why we need to adopt a proactive strategy aimed at expanding our supply to be a lot more drought-proof. That means increasing our supply, expanding our capacity and investing more in the use of treated reclaimed water.

Conservation has to be included in that strategy, but it cannot be solely relied upon, as we've found out from this close call.

Fortunately, since July, Marin has recorded about 34 inches of rain, more than twice the normal rate for this time of year, the Marin Municipal Water District reported earlier this month. Most of that rain came in late October and recent rainfall is raising reservoir levels.

Those levels, which had been at a precarious 32% of capacity, were at nearly 77% and rising just last week, according to MMWD statistics. That's higher than the average for this time of year.

Recent days' rainfall is expected to raise the reservoirs to 85%.

While offering a measure of comfort, MMWD leaders are right to be concerned about the roller coaster we've been riding in recent years. It has felt like rags to riches and back to rags.

They are right to continue work on installing a pipeline across the Richmond-San Rafael Bridge that could import water from Yuba County. It is a \$100 million insurance policy needed at a time when climate change is creating weather patterns that aren't reliable in keeping Marin's and Sonoma County's reservoirs at sufficient levels to sustain local needs, even beyond MMWD's needs to help meet supply needs of neighboring North Bay water agencies.

While MMWD has offered customers discounted Flume monitors to make it easier to track water consumption, it needs to do more. Reading your own meter isn't always that easy and learning that you are failing to meet MMWD's conservation goals from your bi-monthly bill is getting that information two months too late.

In addition, MMWD should continue to monitor the short and long-term cost and feasibility of desalination. There may be technological advancements that drive down the costs and boost capacity.

North Marin Water District, which serves Novato customers and parts of West Marin, has also seen recent rainfall bolster its supply, reversing the receding levels of Stafford Lake reservoir to now 48% full, as of last week's report.

MMWD is looking at relaxing the strict water-use restrictions imposed when the threat of prolonged drought looked more ominous.

It should. But the turn of local water fortunes is no excuse for wasting water or ignoring opportunities to use potable water more wisely in the future.

Conserving voluntarily is the best way to avoid having rationing, higher prices and, possibly, penalties and fines.

With the return of wet weather, MMWD leaders are at a point where they can shift gears, from ramping up tougher restrictions.

They need to take a look at long-term supply issues as a way to avoid the district — and its customers — finding themselves facing possible perilous measures, as they were before October's downpours.

They need to do more to involve customers in developing strategies as a way to dispel the appearance that the MMWD's primary focus is regulatory conservation.

It's hard to determine whether these wetter months are a temporary reprieve and a return to normal weather patterns. The wet/drought ride that we and most of California has been on in recent years should be a lesson and cause for not only due concern, but diligence in developing better plans for maintaining sustainable supply.

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Hopeful signs amid historic drought

CONDITIONS EASING

Weeks of snow, rain in state called 'remarkable turnaround'

Marin Independent Journal

By Jakob Rodgers

Bay Area News Group

A series of record-setting blizzards in recent weeks that buried roads, snarled holiday traffic and even temporarily shut down ski resorts have combined to offer California a glimpse of hope after two years of historic and punishing drought.

Snowpack across the Sierra Nevada appears far ahead of historical averages — an unexpected respite from years of bone-dry forecasts, leaving climatologists cautiously optimistic about drought conditions improving across the state.

Plunging a massive pole into the snow-covered landscape along U.S. 50 near Echo Summit, officials with the California Department of Water Resources on Thursday measured 78.5 inches of snow and about 20 inches of water within that snow — a total that's 202% of average for this time of year.



Anthony Burdock, left, and Sean de Guzman of the California Department of Water Resources check the depth of the snow pack near Echo Summit on Thursday.

RANDALL BENTON — THE ASSOCIATED PRESS

That's about 82% of the way to what water managers would expect that location to receive by April 1.

Thursday's largely symbolic snow measurement aligns with readings from about 100 electronic sensors across the state, which show Mother Nature finally appearing to restock the state's water coolers.

The statewide snowpack measured 160% of its historical average for Dec. 30 – a bountiful total that, a few weeks ago, appeared all but impossible. Almost all of that snow fell after Dec. 8, when the state's snowpack levels sat at a paltry 15% of historical averages.

“Those are really good numbers for this time of year, especially given how the season started, and especially given recent years,” said Daniel Swain, a climate scientist at UCLA and the Nature Conservancy. “In fact, it's actually a remarkable turnaround relative to the extreme snow drought across the entire American West.”

The snowpack was aided by several recent storms that left Bay Area holiday travelers stranded at Tahoe area ski resorts earlier this week while CalTrans crews worked 24-hour shifts to clear mountain highways of several feet of snow. Countless drought-weakened trees buckled under strong winds and thick, wet snowfall.

More than 75 miles of Interstate 80 were closed for several days, along with nearly every other highway connecting the Tahoe area with Sacramento and the Bay Area.

Thursday's snow-measuring event, held next door to the shuttered Sierra-at-Tahoe ski resort, offered a study in extremes — conducted amid a wintry wonderland, yet set a mere two miles from a ski resort ravaged by flames last summer amid one of the state's worst fire seasons on record.

And it came as drought conditions finally appeared to be easing across California. Weeks of snow and rain have helped push the state almost completely out of the “exceptional” drought category. The portion of the state still in extreme drought also shrank from nearly 80% to 33%.

Still, nearly the entire state remains mired in severe drought; it will take sustained precipitation over the next few months for the state to finally get back to normal, experts said.

The state's reservoirs also need more help.

Shasta, Trinity and San Luis reservoirs remain at half their historical average for this time of year, while Oroville Reservoir is only three-quarters of the way to where it should be this time of year.

“It’s a great way to start the season,” said Andrew Schwartz, station manager and lead scientist at UC Berkeley’s Central Sierra Snow Lab. “But we haven’t been able to determine yet whether or not it’s really going to have any impacts on the drought, or even fire danger.”

The powder appears fairly well distributed across the Sierra, with the northern part of the state at 145% of average snowfall, and the central and southern portions of California at 164% and 173% of average, respectively.

It’s all thanks to a surprise atmospheric shift over the Pacific Ocean that ran counter to forecasts for a dry winter. Still, that unexpected shift could easily reverse itself in the coming months and once again leave California aching for water, climatologists and water storage experts said.

“I’d say that this is a very, very promising to this water year,” said Jay Lund, professor of civil and environmental engineering at UC Davis. “But we’re still in the first half of the water year. This is California – it could decide to get dry.”

The atmospheric forces at work above the suddenly snowy Sierra are the same ones causing record-setting heat in Alaska, snow in the Pacific Northwest and heat waves across the Midwest and East Coast.

A ridge of high pressure parked over the Pacific Ocean has funneled storms into northern California at a ferocious rate, Swain said.

The location of that high-pressure ridge has been key. It unexpectedly moved just a few hundred miles west of where forecasters originally expected it to be this winter — a razor- thin change that has made all the difference for California.

Had it been where meteorologists initially feared, the state would still be bone-dry and with little hope for relief from the drought.

“So, if this pattern were to shift a few hundred miles to the east, California would dramatically dry out and warm up,” Swain said. “In fact, that was the expectation that might happen for much of this winter.

“And that could still happen in the back half of winter, if this thing shifts just by a few hundred miles further east. But up to this point, we’ve gotten really lucky.”



A truck delivering food to Reno, Nev., heads east on I-80 as traffic heading west gets backed up as it approaches a chain control checkpoint near Verdi, Nev., on Wednesday.

JASON BEAN — THE RENO GAZETTE-JOURNAL

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Friday, 12/31/2021 Page .A01Copyright Terms and T

California adopts new water rules

OUTDOOR USE

Marin Independent Journal

By Kathleen Ronayne

The Associated Press

For the second time in a decade, Californians will face mandatory restrictions governing their outdoor water use as the state endures another drought and voluntary conservation efforts have fallen short.

The rules adopted Tuesday by the State Water Resources Control Board are fairly mild — no watering lawns for 48 hours after a rainstorm or letting sprinklers run onto the sidewalk— and could take effect as soon as the end of the month. Scofflaws could face \$500 daily fines, though regulators say they expect such fines will be rare, as they were in the last drought.

The action comes as Californians have failed to meet Gov. Gavin Newsom's call for a voluntary 15% reduction in water use compared to last year. Between July and November, the state's water usage went down just 6%.

The new restrictions follow an extremely wet December that state officials warned may not continue during the winter months that normally are the state's wettest. Weather patterns have become more unpredictable due to climate change and state climatologist Michael Anderson said forecasts show January, February and March could be drier than average.

Earlier forecasts didn't predict such a wet December, which saw record amounts of rain and snow in many areas. In mid-December, about 80% of the state was in extreme or exceptional drought conditions. By the end of the month only about a third was experiencing those conditions, according to the U.S. Drought Monitor that tabulates conditions.

Meanwhile, the state Department of Water Resources announced Tuesday that recent storms will allow the resumption of hydropower generation at the Oroville Dam, which was halted in early August due to historically low lake levels.



Water flows down a sidewalk from water sprinklers running at a home in Rancho Cordova.

RICH PEDRONCELLI — AP PHOTO, FILE

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Wednesday, 01/05/2022 Page .A04

January 6, 2022 POINT REYES LIGHT

Nature smiles on us

It seems that mother nature has smiled upon us and decided to provide enough water for the people, fish and critters at least for another year—if we use it intelligently. Thanks are in order to those at North Marin Water District for juggling the competing demands for this limited resource, and for responding to our primary well's increasing salinity during the heart of the drought by providing a temporary alternative source.

Ken Levin, President

Point Reyes Station Village Association

Water district delays pipeline across bridge

MARIN MUNICIPAL

Marin Independent Journal

By Will Houston

whouston@marinij.com

With its reservoirs refilling from abundant rain, the Marin Municipal Water District is delaying plans for a \$100 million water pipeline across the Richmond-San Rafael Bridge.

The district had been scrambling for months to plan and design the 8-mile pipeline in order to begin construction in February or March. Last year the district projected it could deplete its main reservoir supplies as soon as mid-2022 should it experience a third consecutive dry winter.

But after receiving more than 200% of its normal rainfall from October through December, the district's seven reservoirs refilled from 32% of capacity in mid-October to now nearly 93%. In response, the district board voted unanimously on Tuesday to delay the pipeline project in order to conduct a full environmental analysis and consider other designs.

Board members and staff said the project should not be taken off the table because the drought has again revealed the vulnerabilities of the water supplies.

"Circumstances have changed and we have to adapt our management to reflect those changes," board member Larry Bragman said on Tuesday. "In spite of our supply situation, we're not out of the woods on long-term supply."

The environmental review could cost up to \$1.5 million and could take more than a year to complete, according to staff.

The district did not conduct an environmental review of the project and claimed an exemption from doing so because of the drought emergency.

The Fairfax-based North Coast Rivers Alliance filed a lawsuit in December that challenged the exemption. The suit alleged the project would harm endangered fish in the Sacramento-San Joaquin River Delta and lead to more housing development.

While the district said the lawsuit had no influence on its decision to conduct a full environmental review, North Coast Rivers Alliance director Frank Egger claimed otherwise.

“Without our lawsuit, there would not be an (environmental impact report),” Egger wrote in a statement on Wednesday.

The district has an agreement with the Yuba Water Agency through June 2024 to purchase its water if the pipeline is built. The water would travel more than 100 miles through a network of rivers, canals, pump stations and reservoirs before being pumped over the Richmond-San Rafael Bridge into Marin.

The pipeline would be able to pump in as much as 9,000 acre-feet of water per year, about one-third of the district’s yearly potable water demand.

The district had previously built a pipeline across the bridge in during the 1976-77 drought, when it last faced running out of water. The pipeline was removed in 1982 after the district constructed the Soulagule Reservoir and began work to double the capacity of Kent Lake, now its largest reservoir. Caltrans also requested the pipeline removal in order to restore a third traffic lane on the top deck of the bridge.

But despite nearly doubling its water supply with the Soulagule Reservoir and Kent Lake projects, the district once again found itself at risk of running out of water decades later.

Unlike the 1970s pipeline, the new pipeline proposal would make it a permanent fixture of the bridge. The pipeline would hang on the underside of the top deck of the bridge.

The pipeline is one of several strategies the district has considered to increase its water supplies.

The district’s seven reservoirs in the Mount Tamalpais watershed contain about two years’ worth of water and rely entirely on rainfall. Larry Russell, president of the district board, said most agencies have at least four years’ worth of supplies, making Marin vulnerable to other droughts that will likely worsen with the impacts of climate change.

District staff noted that the pipeline would complete the final intertie in a plan, known as Bay Area Regional Reliability, to connect water supplies to weather droughts. The plan was drafted in response to the drought in 2012-2016.

“The pipeline is also a connection to reservoirs outside of Marin,” Russell said on Tuesday. “The key point here is to increase the available storage and sustainable yield from those sources. Where they particularly lie is far less important than having them available.”

How and when the pipeline could be used has been a topic of debate and will likely be a focus of the new review.

The East Bay Municipal Utility District, which would be the agency that would ultimately pump the water into Marin, drafted a series of principles last year on how Marin could use the water. It stated it would only support the project if Marin Municipal Water District limited use of the water for vital indoor purposes only and only during drought emergencies.

Ben Horenstein, the district’s general manager, said Tuesday that the principles proposed by East Bay Municipal Water District have not been adopted yet and indicated there is room for changes.

“I am absolutely convinced that moving this project forward we will be able to work at a slower pace with East Bay MUD and develop a concept that works much better than the optics of that quick-developed set of principles,” Horenstein said.

Last year, Bragman and board member Cynthia Koehler voiced concern about using the water beyond the need to protect the health and safety of residents. In November, Koehler said the “danger” to connecting to the larger state water supply network would be the county abandoning efforts to reduce its water use.

On Wednesday, Koehler said that, should the pipeline be constructed, “its use and specifically Marin Water’s decision on when and how to seek water transfers will be determined by the opportunity we now have to engage with both our ratepayers here in Marin as well as with our partners in the East Bay.”

Bragman raised concerns about further impacting the Sacramento-San Joaquin River Delta and its wildlife.

On Tuesday, Bragman said the proposed pipeline constraints were rushed due to the emergency nature of the project.

“I think we’re going to end up in a better place,” he said.

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Thursday, 01/06/2022 Page .A03

Water officials consider rolling back restrictions

MARIN MUNICIPAL

Board cautious because of uncertainty of future rainfall

Marin Independent Journal

By Will Houston

whouston@marinij.com

Steady rains and refilled reservoirs are prompting the Marin Municipal Water District to consider rolling back water use restrictions and penalties adopted during the worst of the drought last year.

The district board signaled this week that it would prefer a gradual lifting of its drought rules rather than a complete repeal.

“I think repealing them or rolling them back uniformly is kind of sending a bit of a false message of confidence,” board director Larry Bragman said Tuesday. “Our district is unique. We run out before other districts and we fill up quicker than other districts do because of our supply, because of our surface reservoirs.”

“Our current water supply situation allows rolling back restrictions,” said board director Monty Schmitt on Tuesday, “but it does not take us out of that sense of urgency and need to address the situation we now understand better than ever that we are in.”

District staff plan to bring options to the board Jan. 18.

Newsha Ajami, an urban water policy specialist at Stanford University, agreed that the district should take a more cautious approach on how its water is used, considering the emergency it faced just months ago.

While the rains and snowpack have helped ease drought conditions, Ajami said there is no guarantee the rainfall will continue and the district will be able to weather other droughts.

“These uncertainties are definitely hanging over us and we should be very mindful that every drop of water we save is a drop of water that we can use later,” Ajami said. “I think some of these restrictions should become actually routine.”

Meanwhile, statewide conservation rules were tightened this week in response to poor conservation efforts and ongoing drought conditions. The restrictions, such as prohibiting hosing down sidewalks and watering lawns 48 hours after significant rainfall, have already been in place in Marin. Violations could result in fines as high as \$500.



Water rushes down the spillway at Peters Dam at Kent Lake near Lagunitas on Thursday. Recent winter rains have filled the reservoir to its limit.

PHOTOS BY DOUGLAS ZIMMERMAN — SPECIAL TO THE MARIN INDEPENDENT JOURNAL



A sign at Kent Lake reminds people that the reservoir supplies drinking water to Marin County residents near Lagunitas/

Last year, the district adopted increasingly stricter conservation rules over several months for the 191,000 residents it serves as the drought worsened and reservoir levels plunged to alarmingly low levels.

After initially asking ratepayers to voluntarily conserve in February, the district moved to a 40% conservation mandate in late April as water supply projections worsened. For most of the year, residents fell far short of the target but were conserving significantly more on average compared to the rest of the state. Ratepayers only reached the target during a few weeks at the end of the year after heavy storms.

Other rules were implemented throughout the year, including limiting landscape irrigation to certain days; a ban on planting most new landscaping; a ban on filling new swimming pools; household water use allotments and penalties; and, more recently, a ban on outdoor watering using sprinklers and drip irrigation from Dec. 1 through May 31. Violations can result in fines of up to \$250.

The district also began offering incentives such as rebates to replace turf lawns and install devices at homes to monitor water use, among others.

These measures were meant to buy more time for the district to prepare for a potential third dry winter and to implement projects such as the proposed \$100 million, 8-mile water pipeline across the Richmond-San Rafael Bridge.

But a series of major storms from October through December boosted reservoir supplies from 32% of capacity in mid-October to more than 93% as of Thursday. The district has received more than 210% of its normal rainfall from the start of July through Thursday.

It remains unclear what rules the district plans to repeal. The board seemed to agree on Tuesday that it should repeal all penalties.

“I think those seem unwarranted,” Schmitt said.

The district faces a balancing act with above-average reservoir levels and a two-year water supply vulnerable to future droughts amid climate change.

Board member Jack Gibson said the district’s approach should be less about conservation and more about eliminating water waste.

“I’m also a little worried that if we don’t do it right we lose credibility with our ratepayers,” Gibson said on Tuesday.

Koehler said the most important message to send to the public is that water use will not return to the status quo prior to the drought.

“We’re not going back to the way it used to be because the climate is not the way it used to be,” Koehler said on Tuesday.

Some measures are already in the works. The district is considering implementing a permanent rule that would require all new developments to have a net-zero impact on its potable water supplies. Developers would either need to pay a fee for the district’s water conservation projects, use recycled water, implement water-saving upgrades or plant only drought-tolerant landscaping, for example.

Some residents have called for a moratorium on all new water connections to new developments, but such a proposal has not been brought before the board. District staff said water savings from such a move would be minimal compared to landscaping restrictions, and housing advocates say it could prevent development of much needed affordable homes.

Members of the public who attended Tuesday’s meeting had varying opinions, with some favoring a gradual rollback of the rules and others calling for rescinding all drought measures.

Corte Madera resident James Krajieski said the board must be wary of its credibility with the public and not be “willy-nilly micromanaging things” that ultimately would not save much water.

“You want the public to buy in on this so each thing should be backed up with data or some reasoning that the public can accept,” Krajieski said.

Marin Conservation League board member Roger Roberts favored a case-by-case repeal of rules to provide more time to plan new water supply projects.

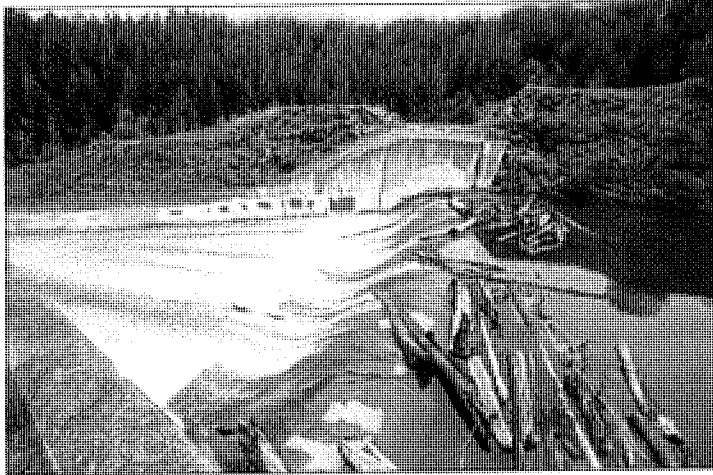
“That means that you should be very selective in terms of what you roll back and reinforce, if you will, at every step of the way that these things are still needed in terms of the long-term water supply issues that you face,” Roberts told the board.

The board is considering new sources of water, including connections to the larger Bay Area supply network and storing Russian River water in wells for droughts.

The district’s main strategy to prevent running out of water was the proposed cross-bay pipeline to pump in purchased water from the Sacramento Valley.

The board voted this week to delay the project by possibly more than a year in order to conduct a full review.

The North Marin Water District, which serves the greater Novato area and West Marin, has not scheduled a discussion yet on whether to repeal some of its own water use restrictions, according to district board member Mike Joly.



Water rushes down the spillway at Peters Dam at Kent Lake near Lagunitas on Thursday.

DOUGLAS ZIMMERMAN — SPECIAL TO THE MARIN INDEPENDENT JOURNAL

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Friday, 01/07/2022 Page .A01

Slowing water pipeline plan best for MMWD board incumbents

Marin Independent Journal

Dick Spotswood

Marin Municipal Water District's Board of Directors unanimously decided not to proceed with final planning and constrictions to restore a water pipeline across the Richmond- San Rafael Bridge. Instead, they'll spend the next year preparing and analyzing a full environmental impact report on the potential pipeline and its alternatives.

Their excuse is the water emergency is over. An "emergency" creates a statutory exemption for the need to prepare an impact report. I think MMWD directors are very much relieved to have an excuse to defer consideration of new water sources.

The impact report process will continue past the November election when a majority of the five-member board will face an angry electorate. Up are four-term Southern Marin veteran director Cynthia Koehler, seven-term director Jack Gibson from the Sleepy Hollow-northern San Rafael division and Fairfax's Larry Bragman, representing most of Ross Valley and southern San Rafael.

I believe the incumbents' unstated hope is that the public will lose its enthusiasm for additional water sources in the midst of a "normal" wet year. That would give MMWD leaders a pass for their decades long failure to develop reliable adequate water for all purposes in central and southern Marin. "All purposes" includes water for landscaping and gardens.

No director thought it necessary to ask basic questions about the environmental impact report. How long will it take to complete? How much will the paperwork cost? What impact will inflation resulting from the years long delay ultimately have on its construction expense? After the meeting, staff revealed the report will cost \$1.5 million and take a year. That's plus inevitable litigation claiming the environmental review is "inadequate."

Marin is enjoying a wet winter with 41 inches of rain so far. Reservoirs are 92% of capacity. They'll likely be full next month. At Kent Lake, water is pouring over the spillway. That's the excuse why the pipeline's "emergency initiative" was put on hiatus.

Oddly, this good fortune wasn't sufficient to end the "emergency" when it comes to repealing draconian restrictions enacted when the potential drought loomed. Directors didn't want to "send the wrong message" about the evaporating need to conserve. When the topic returns to the board, it's a good bet ordinances banning most garden irrigation will continue.

Novato-area residents are in better shape. The more practical directors at the North Marin Water

District have done their duty to see all water source options are explored and implemented.

One of the environmental report's touted benefits is that it'll "give adequate time" for directors to examine new supplies. Gibson was elected as a water commissioner in 1994. He's had 28 years to devise additional water sources. Ditto for Koehler. She's been on the board for 16 years and her only idea is more conservation. If there ever was a Marin governmental agency in need of term limits, it's MMWD.

I'm an agnostic as to what method is best. The alternatives include a transbay pipe to access Upper Sacramento Valley water, desalination, recycling and increasing storage.

MMWD now has enough storage for two years of water. Directors say that's insufficient; it should be four years. While true, the district doesn't have the capacity to achieve that goal.

Job one is increasing storage. MMWD can do it by raising the Souajale reservoir dam, dredging silt from Phoenix Lake and locating another reservoir site.

Incumbent directors haven't accomplished those options as there's always some environmental impact. Life is full of impacts. Lack of sufficient water has negative impacts.

What's needed is a slate of water board candidates willing to tolerate relatively benign impacts so as to provide adequate water. They'll face a well-contested election against the three incumbents who contend that conservation — aka limiting water use — is the only "green" route forward. *Columnist Dick Spotswood of Mill Valley writes on local issues Sundays and Wednesdays. Email him at spotswood@comcast.net*

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Sunday, 01/09/2022 Page .A15

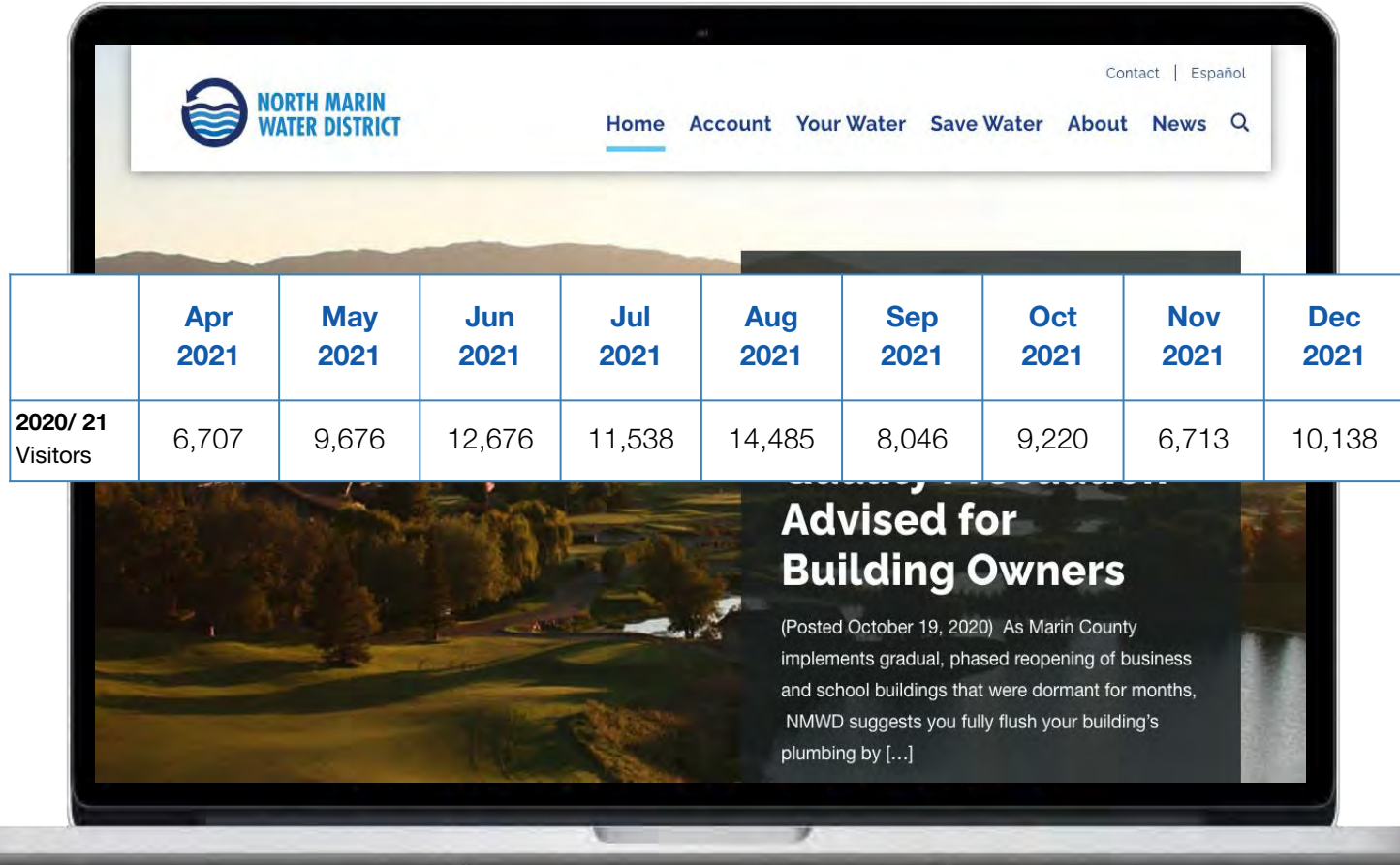


**NORTH MARIN
WATER DISTRICT**




Web & Social Media Report

December 2021

Website Statistics



Social Media Followers

	Apr-2021	May-2021	Jun-2021	Jul-2021	Aug-2021	Sep-2021	Oct-2021	Nov-2021	Dec-2021
 Facebook Followers	1,183	1,181	1,178	1,181	1,191	1,291	1,313	1,338	1,376
 Twitter Followers	28	35	42	44	52	57	61	63	65
 Instagram Followers	482	497	516	536	549	573	593	599	611



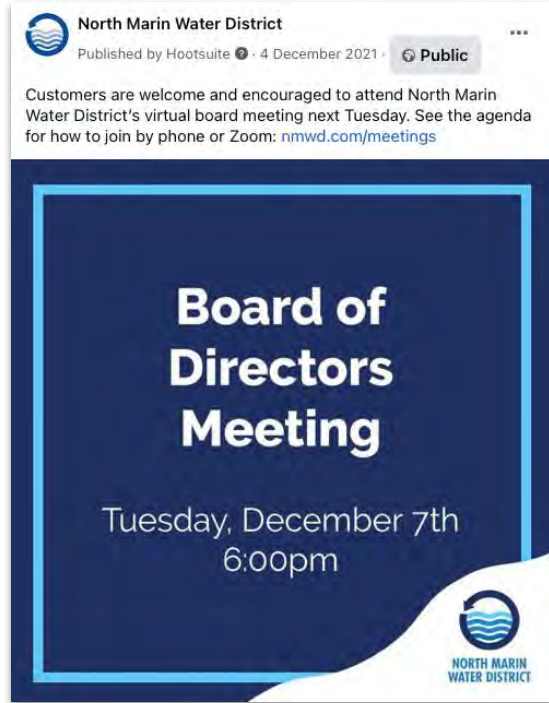
NMWD Most Visited Pages

Pages	Unique Pageviews	% of Total
Home	5,333	30.89%
Weather & Production Statistics	3,234	18.16%
Online Billing	1,848	11.91%
Watersmart	1,261	7.40%
Novato Water	510	2.78%
Stafford Lake	234	1.26%
West Marin Water	190	1.07%
Contact	184	0.98%
Meetings 2021	183	0.96%
Save water indoors	162	0.93%





December Social Media Highlights | Facebook



85 people reached | 0 engagements

Engagements include likes, reactions, clicks and comments



69 people reached | 2 engagements





December Social Media Highlights | Facebook



1,402 people reached | 88 engagements

Engagements include likes, reactions, clicks and comments



75 people reached | 1 engagement





December Social Media Highlights | Facebook



78 people reached | 4 engagements

Engagements include likes, reactions, clicks and comments

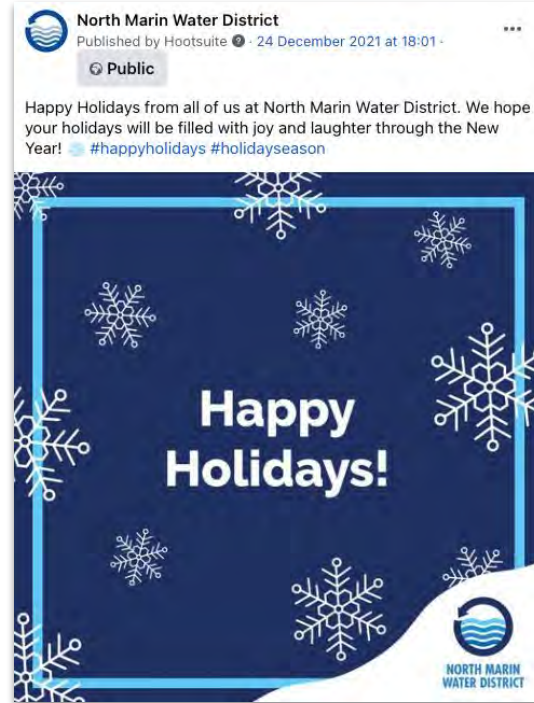


89 people reached | 0 engagements





December Social Media Highlights | Facebook



131 people reached | 6 engagements

Engagements include likes, reactions, clicks and comments






December Social Media Highlights | Twitter

 **North Marin Water District** @NorthMarinWater · Dec 4, 2021 ...

Customers are welcome and encouraged to attend North Marin Water District's virtual board meeting next Tuesday. See the agenda for how to join by phone or Zoom: nmwd.com/meetings

Board of Directors Meeting

Tuesday, December 7th
6:00pm


NORTH MARIN WATER DISTRICT

 **North Marin Water District** @NorthMarinWater · Dec 8, 2021 ...

We are delivering high quality recycled water to large landscapes and car washes with our partners Novato Sanitary District and Las Gallinas Valley Sanitation District.

Each gallon of recycled water used saves a gallon of potable water for all other customers. 💧

Did you know?

Recycled water is helping keep our community green.

Continue to conserve.
For more info visit:
nmwd.com/drought




NORTH MARIN WATER DISTRICT






December Social Media Highlights | Twitter

 **North Marin Water District** @NorthMarinWater · Dec 11, 2021 ...

#Freeze warning issued for North Bay interior valleys, including #Novato, from tonight - (Friday 12/10) at midnight until tomorrow (Saturday 12/11) at 8am. Temps as low as 28°F. Ensure exposed outdoor water pipes are wrapped with insulation to avoid damage. #Freezing #FreezeAlert


Freeze Alert!
Tonight - Friday 12/10 at midnight through Saturday 12/11 at 8am


NORTH MARIN
WATER DISTRICT

 **North Marin Water District** @NorthMarinWater · Dec 18, 2021 ...

Join us at a community workshop on potential new water solutions January 25, 2022! Share your ideas and get answers to your questions about how to make our community more drought resistant. Visit nmwd.com/workshop for more information.

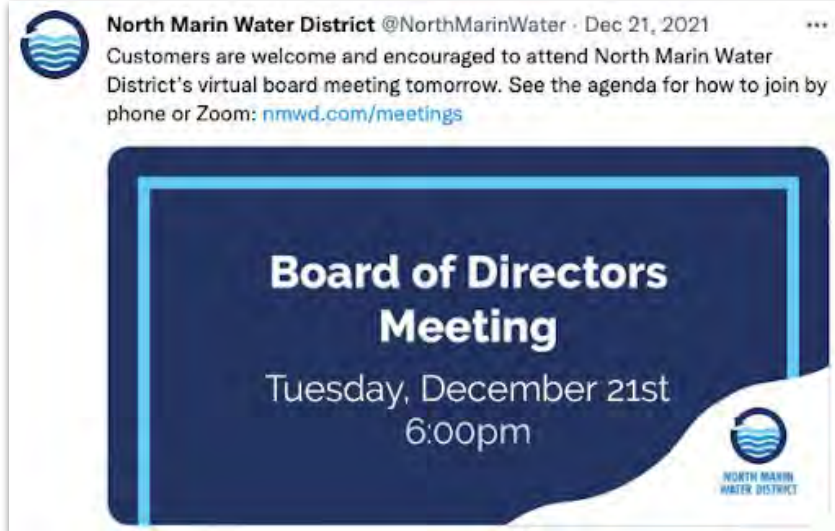
Community Workshop
Tuesday
January 25
6pm to 7:30pm


NORTH MARIN
WATER DISTRICT





December Social Media Highlights | Twitter

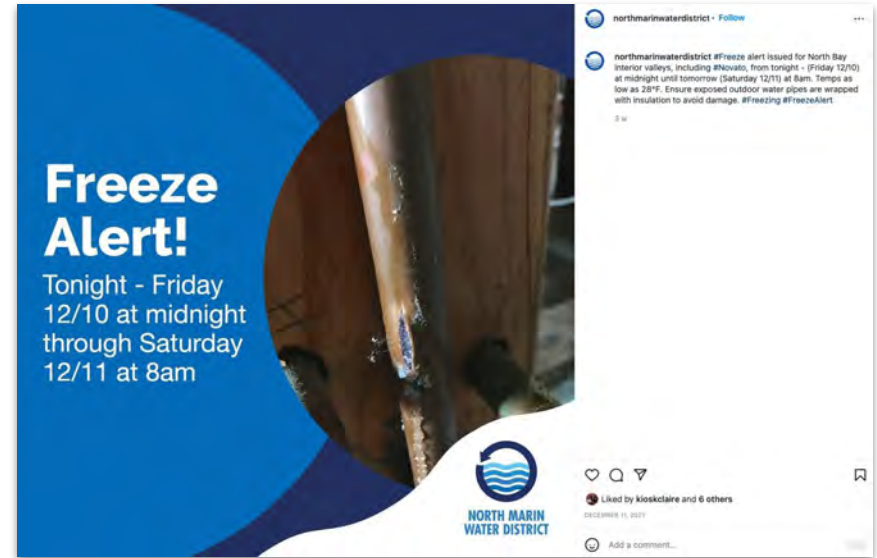




December Social Media Highlights | Instagram



4 likes

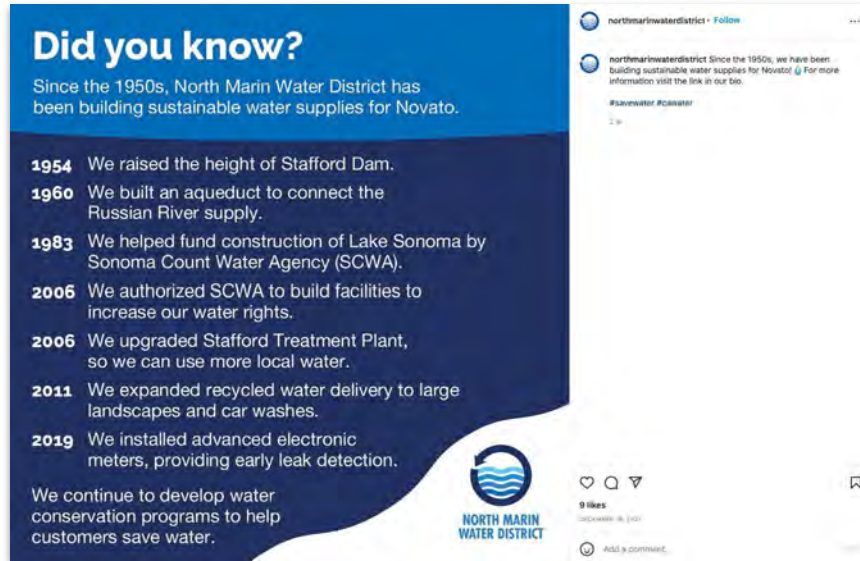


7 likes





December Social Media Highlights | Instagram



9 likes



8 likes





December Social Media Highlights | Instagram



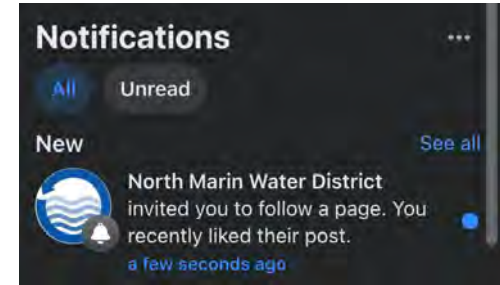
3 likes



Facebook Likes Campaign - December Report



We are running an evergreen ad which encourages residents in the NMWD service areas to 'like' (follow) the NMWD Facebook page.



Spend in December 2022	Reach (Number of people who saw the ad)	Impressions	Results (New Page Likes)	Cost Per New Page Like
\$49.78	2,763	5,625	44	\$1.13

This month, we were able to reach nearly 3K people with the Likes Campaign



News Stories - December

[Contact](#) | [Español](#)[Home](#) [Account](#) [Your Water](#) [Save Water](#) [About](#) [News](#) [Q](#)

Freeze Alert Issued for Novato for Friday December 10th

(Posted December 10, 2021) The National Weather Service for the San Francisco Bay Area issued a freeze warning for the North Bay interior valleys, which includes the cities of Santa Rosa, South Santa Rosa, Napa, San Rafael, Petaluma, Novato, and Rohnert Park. The freeze warning goes into effect Friday (12/10/21) night at midnight and continues overnight until 8 a.m. Saturday (12/11/21). During this time, residents can expect a few to several hours of sub-freezing temperatures as low as 28 degrees. These freezing conditions can damage and break unprotected outdoor plumbing.

Now is the time to protect your outdoor water pipes from winter freeze. Wrap exposed pipe with insulation and avoid inconvenient and costly breaks. Measure the pipe diameter and determine the total length of insulation needed, to purchase the correct size and quantity. Copper wire or plastic wire ties work best to keep the insulation in place. You will be able to get all the supplies you may need at your local hardware store.

Latest News

North Marin Water District secures
Stafford Lake water supplies for 2022

Freeze Alert Issued for Novato for
Friday December 10th

Water Conservation Ordinance
Extended Past November 1, 2021

[Read all News](#)[Contact](#) | [Español](#)[Home](#) [Account](#) [Your Water](#) [Save Water](#) [About](#) [News](#) [Q](#)

North Marin Water District secures Stafford Lake water supplies for 2022

(Posted December 15, 2021) This winter North Marin Water District will replenish water supplies held at Stafford Lake with water imported from the Russian River. This move is a central element of efforts designed to meet projected 2022 water demands from North Marin residents and businesses.

This action follows a similar strategy to one successfully executed in 2021, to increase local water supply during severe drought conditions. Water purchased and imported from the Russian River refilled Stafford Lake from about one-quarter to over one-half capacity, averting the possibility that Stafford Lake would have gone dry during summer, when water demand is at its highest.

In 2021, we invested over \$400,000 to raise lake levels. This year we may commit to similar spending levels, depending on actual winter rainfall. While North Marin experienced substantial rainfall in October 2021, due to ongoing drought conditions, the parched ground soaked it up. As a result, very little additional water reached Stafford Lake.

North Marin Water District will continue to carefully monitor rainfall in the coming months and purchase more or less water as needed. Our goal is to provide greater assurances of drought protection in the coming year. Stafford Lake can hold about 4,300 acre-feet of water. One acre-foot is about 325,000 gallons, the amount roughly three families use in a year. As of

Latest News

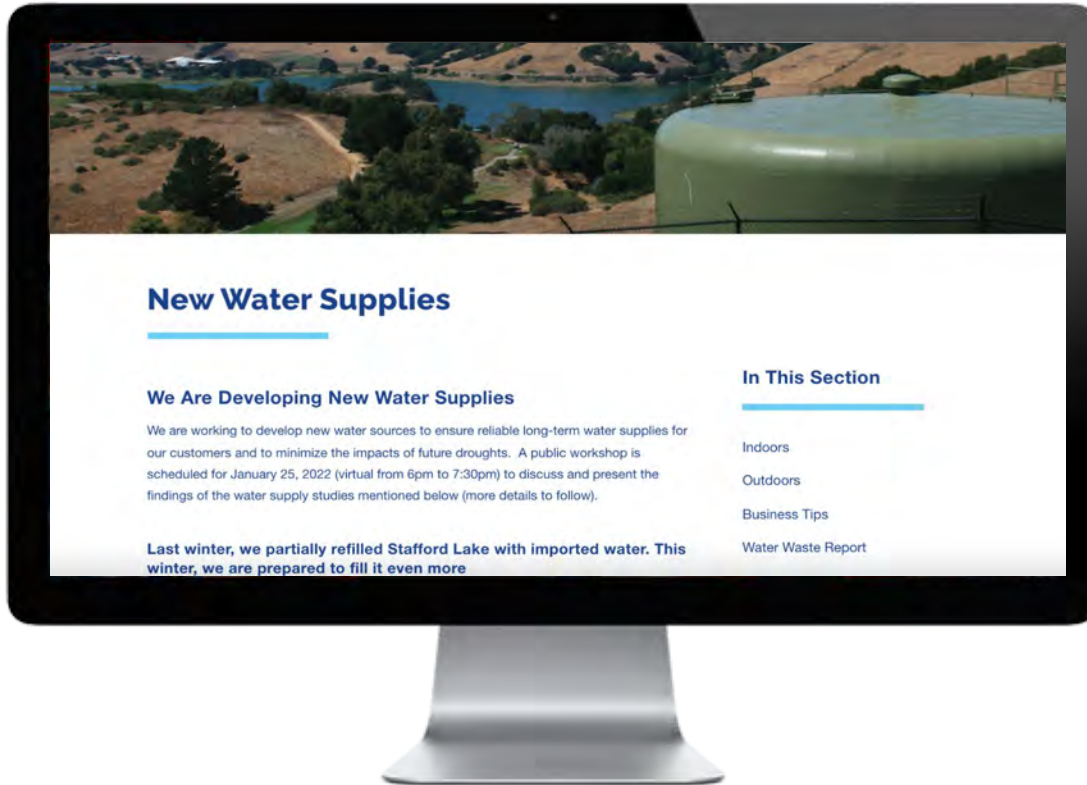
North Marin Water District secures
Stafford Lake water supplies for 2022

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Water Conservation Ordinance
Extended Past November 1, 2021

[Read all News](#)

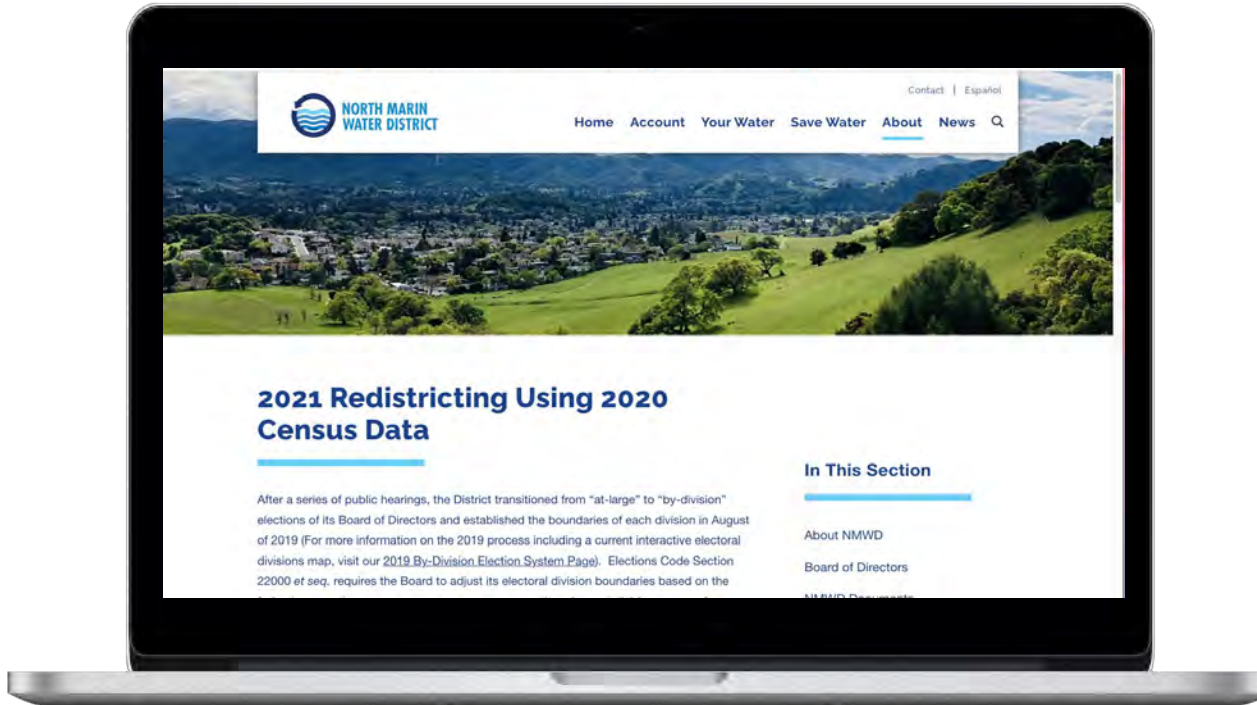
New Water Supplies Page



Kiosk created and published the New Water Supplies page on the website.

[New Water Supplies](#)

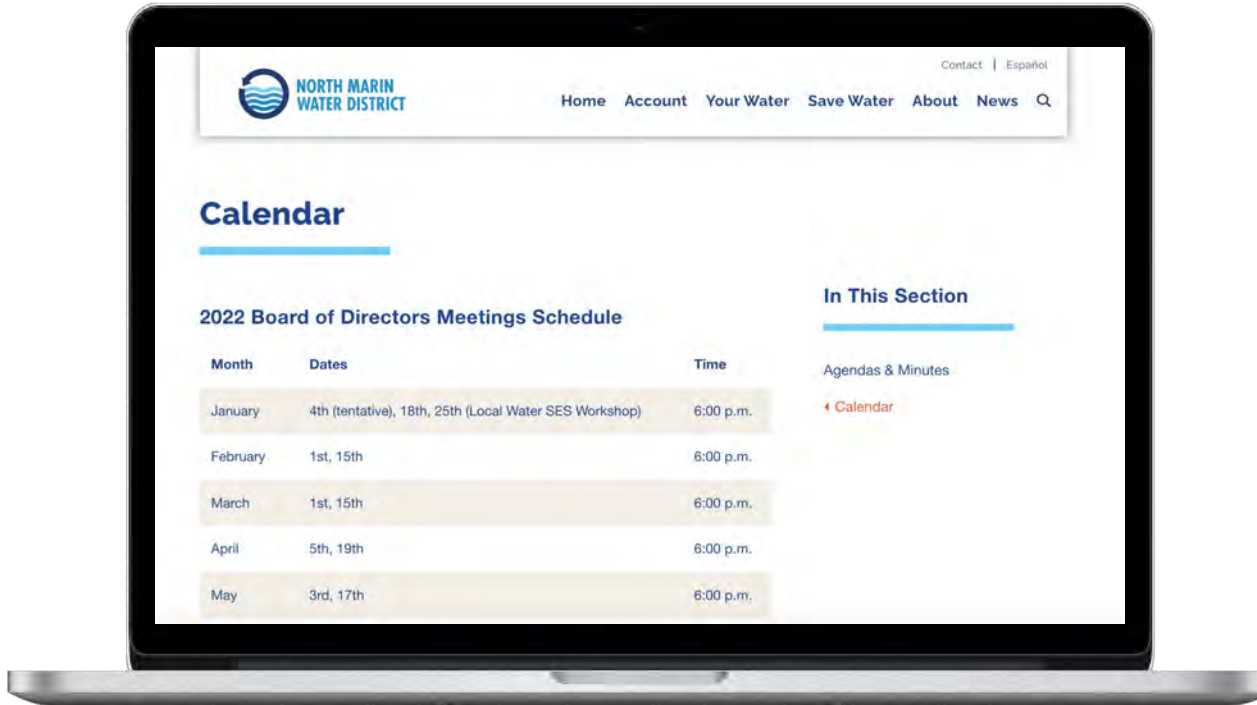
New Redistricting Page



Kiosk published the New Redistricting page on the website.

[New Redistricting](#)

New Meetings/ Calendar Page for 2022



Kiosk worked with Terrie to publish the 2022 Board of Directors Meetings Schedule and the 2022 Agendas & Minutes page.

[Calendar](#)

[Meetings 2022](#)

What's Next?

- Promote the New Water Supplies Community Workshop on 01/25
- Kiosk creating a series of social media posts for the upcoming months
- Kiosk creating an ad for the Novato City Guide 2022
- Kiosk to post social media for the Refilling Stafford Lake in 2022 story
- SMSWP Winter Drought outreach ads/ social posts



Thank You

**REVISED
INFORMATION FOR
ITEM #7**

MEMORANDUM

To: Board of Directors January 14, 2022
From: Drew McIntyre, General Manager
Subject: Re-Authorizing – Meetings by Teleconference of Legislative Bodies of North Marin Water District

[t:\gm\bod misc 2022\board of directors meetings by teleconference 1.14.2022 revised #7.doc](#); [t:\gm\bod misc 2022\board of directors meetings by teleconference 1.14.2022.doc](#)

RECOMMENDED ACTION: Adopt Resolution No. 22-XX: "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 Re-Authorizing Meetings by Teleconference of Legislative Bodies of North Marin Water District from January 2418, 2022 through February 2017, 2022 Pursuant to Brown Act Provisions".

FINANCIAL IMPACT: None

As authorized by the Governor's Executive Order N-29-20, Board meetings have been held virtually since March 17, 2020 to protect attendees, including members of public, District employees, and Board members, from potential exposure to the novel coronavirus disease 2019 ("COVID-19"). On June 11, 2021, the Governor issued Executive Order N-08-21 which rescinded these temporary modifications to the Brown Act, effective September 30, 2021. On September 16, 2021, the Governor signed Assembly Bill 361 (2021) ("AB 361") amending the Brown Act to allow local legislative bodies to continue to conduct meetings virtually under specified conditions and pursuant to special rules on notice, attendance, and other matters. AB 361 took full effect on October 1, 2021.

AB 361 authorizes the Board of Directors to meet virtually during declared states of emergency without noticing the location of individual Board Members or requiring such locations to be open to the public if certain findings are made and certain procedures are followed. Where a virtual meeting is held pursuant to AB 361, the members of the public must be able to observe and participate during the meeting.

The Governor's March 4, 2021 declaration of a State of Emergency remains in effect and the State currently requires masks for all unvaccinated individuals and recommends all vaccinated

individuals wear masks indoors, CDC, Cal/OSHA, and OSHA continue to recommend physical distancing of at least six feet to protect against transmission of COVID-19. Marin County continues to recommend following CDC guidance on physical distancing as a layer of protection against transmission of COVID-19. Therefore, the current circumstances support a determination by the Board that meeting in person would continue to present imminent risks to the health and safety of attendees.

On October 5, 2021, the Board adopted Resolution 21-22, thereby finding a 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 meetings by teleconference of legislative bodies of North Marin Water District from October 5, 2021 through November 4, 2021 pursuant to Brown Act provisions.

On November 2, 2021, November 16, 2021, December 7 and December 21, 2021, the Board adopted Resolutions 21-26, -27, -28 and -30 respectively, thereby finding a 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 re-authorizing meetings by teleconference of legislative bodies of North Marin Water District for 30 days pursuant to the Brown Act provisions.

If adopted, Resolution No. 22-XX will allow the Board to continue to meet virtually for another 30 days, after which the Board will need to reconsider its findings and confirm the need to hold virtual meetings. This reconsideration and confirmation will need to occur every thirty days until the Board determines it is safe to meet in person.

RECOMMENDED ACTION:

Adopt Resolution No. 22-XX: "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 Re-Authorizing Meetings by Teleconference of Legislative Bodies of North Marin Water District from January ~~1821~~, 2022 through February ~~1720~~, 2022 Pursuant to Brown Act Provisions".

RESOLUTION NO. 22-XX

RESOLUTION OF THE BOARD OF DIRECTORS OF NORTH MARIN WATER DISTRICT 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 RE-AUTHORIZING MEETINGS BY TELECONFERENCE OF LEGISLATIVE BODIES OF NORTH MARIN WATER DISTRICT FROM JANUARY ~~1821~~, 2022 THROUGH FEBRUARY ~~1720~~, 2022 PURSUANT TO BROWN ACT PROVISIONS

WHEREAS, all meetings of the legislative bodies of the North Marin Water District (“District”) are open and public, as required by the Ralph M. Brown Act (“Brown Act”), Government Code Section 54950, *et seq*, and any member of the public may observe, attend, and participate in the business of such legislative bodies; and

WHEREAS, on March 4, 2020, Governor Newsom declared a State of Emergency as a result of the rapid spread of the novel coronavirus disease 2019 (“COVID-19”); and

WHEREAS, on March 10, 2020, the Board of Supervisors of the County of Marin ratified proclamations of health and local emergency due to COVID-19; and

WHEREAS, on March 16, 2020, the City Council of the City of Novato ratified and confirmed a proclamation of local emergency due to COVID-19;

WHEREAS, on March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20 suspending certain provisions of the Brown Act in order to allow local legislative bodies to conduct meetings telephonically or by other means, after which District staff implemented virtual meetings for all meetings of legislative bodies within the District; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21, which terminated the provisions of Executive Order N-29-20 that allows local legislative bodies to conduct meetings telephonically or by other means effective September 30, 2021; and

WHEREAS, on September 16, 2021, Governor Newsom signed Assembly Bill 361 (2021) (“AB 361”), which amended the Brown Act to allow local legislative bodies to continue to conduct meetings by teleconference under specified conditions and pursuant to special rules on notice, attendance, and other matters; and

WHEREAS, AB 361, pursuant to Executive Order N-15-21, took full effect on October 1, 2021, and makes provisions under Government Code section 54953(e) for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, it is further required that state or local officials have imposed or, local officials have recommended, measures to promote social distancing, or, the legislative body must find that meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, on October 5, 2021, the Board of Directors previously adopted Resolution No. 21-22, finding that the requisite conditions exist for the legislative bodies of North Marin Water District ("District") to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; and

WHEREAS, on November 2, 2021, the Board of Directors previously adopted Resolution No. 21-26, reaffirming the finding that the requisite conditions exist for the legislative bodies of North Marin Water District to continue to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; and

WHEREAS, on November 16, 2021, the Board of Directors previously adopted Resolution No. 21-27, reaffirming the finding that the requisite conditions exist for the legislative bodies of North Marin Water District to continue to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; and

WHEREAS, on December 7, 2021, the Board of Directors previously adopted Resolution No. 21-28, reaffirming the finding that the requisite conditions exist for the legislative bodies of North Marin Water District to continue to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; and

WHEREAS, on December 21, 2021, the Board of Directors previously adopted Resolution No. 21-30, reaffirming the finding that the requisite conditions exist for the legislative bodies of North Marin Water District to continue to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; and

WHEREAS, as a condition of extending the use of the provisions found in section 54953 (e), the Board of Directors must reconsider the circumstances of the state of emergency that exists in the District, and the Board of Directors has done so; and

WHEREAS, emergency conditions continue to persist in the District, specifically, the State of Emergency for the State of California declared by Governor Newsom as a result of the COVID-19 pandemic remains in effect; and

WHEREAS, the Centers for Disease Control and Prevention ("CDC") and Marin County continue to recommend physical distancing of at least six feet from others outside of the household; and

WHEREAS, "Protecting Workers: Guidance on Mitigating and Preventing the Spread of COVID-19 in the Workplace," promulgated by the Occupational Safety and Health Administration ("OSHA") under the United States Department of Labor, provides that "[m]aintaining physical distancing at the workplace for [unvaccinated and at-risk] workers is an important control to limit the spread of COVID-19" and recommends that employers train employees about the airborne nature of COVID-19 and importance of exercising multiple layers of safety measures, including physical distancing, and that employers implement "physical distancing in all communal work areas for unvaccinated and otherwise at-risk

workers,” including physical distancing from members of the public, as a “key way to protect such workers”; and

WHEREAS, Title 8, Section 3205, subdivision (c)(5)(D) of the California Code of Regulations, promulgated by the Division of Occupational Safety and Health of the California Department of Industrial Relations (“Cal/OSHA”), requires employers to provide instruction to employees on using a combination of “physical distancing, face coverings, increased ventilation indoors, and respiratory protection” to decrease the spread of COVID-19; and

WHEREAS, the Board of Directors recognizes the recommendations by state and local officials to use physical distancing as a layer of protection against COVID-19 and desires to continue to provide a safe workplace for its employees and a safe environment for the open and public meetings of the District’s legislative bodies; and

WHEREAS, due to the continued threat of COVID-19, the District continues to implement multiple layers of protection against COVID-19, including physical distancing, for the safety of employees and members of the public; and

WHEREAS, while the District believes District work-related activities may be conducted safely in person through imposition of various safety protocols, Board meetings continue to present a unique challenge due to their being open to the public generally, with limited space in the boardroom, and no ability to verify vaccination status or to provide contact tracing for potentially exposed individual attendees; and

WHEREAS, the Board of Directors hereby finds that the presence of COVID-19 and the increase of cases due to the Delta variant has caused, and will continue to cause, conditions of concern to the safety of certain persons within the District, including older and immunocompromised individuals that are likely to be beyond the control of the services, personnel, equipment, and facilities of the District, and, therefore, continues to present imminent risks to the health or safety of attendees, including members of the public and District employees, should meetings of the District’s legislative bodies be held in person; and

WHEREAS, as a consequence of the local emergency persisting, the Board of Directors does hereby find that the legislative bodies of North Marin Water District shall continue to conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall continue to comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

WHEREAS, the District will continue to conduct meetings for all meetings of legislative bodies within the District virtually (i.e. through the use of Zoom, or similar virtual meeting provider) and/or telephonically, in conformance with requirements under the Brown Act.

THEREFORE, BE IT RESOLVED by the Board of Directors of the North Marin Water District as follows:

1. The above recitals are true and correct and hereby incorporated into this Resolution.

2. In compliance with the special teleconference rules of Section 54953 of the Government Code, as established by Assembly Bill 361 (2021), the Board of Directors hereby makes the following findings:
 - a. The Board of Directors has considered the circumstances of the state of emergency; and
 - b. The states of emergency, as declared by the Governor, , continue to impact directly the ability of the District's legislative bodies, as well as staff and members of the public, to safely meet in person;
 - c. The CDC, and Cal/OSHA continue to recommend physical distancing of at least six feet to protect against transmission of COVID-19; and
 - d. Meeting in person would continue to present imminent risks to the health and safety of members of the public, members of the District's legislative bodies, and District employees due to the continued presence and threat of COVID-19.
3. The District's legislative bodies may continue to meet remotely from January 1821, 2022 through February 1720, 2022 in compliance with the special teleconference rules of Section 54953 of the Government Code, as amended by Assembly Bill 361 (2021), in order to protect the health and safety of the public.
4. The Board of Directors will review these findings and the need to conduct meetings by teleconference within thirty (30) days of adoption of this resolution.

* * * * *

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 18th day of January 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

Theresa Kehoe, Secretary
North Marin Water District

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