

**NORTH MARIN WATER DISTRICT  
MINUTES OF REGULAR MEETING  
OF THE BOARD OF DIRECTORS  
April 19, 2022**

**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 that 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 that 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), Ryan Grisso (Water Conservation Coordinator) and Pablo Ramudo (Water Quality Supervisor). Also participating remotely was IT consultant Clay Smedshammer (Core Utilities).

President Petterle requested that for those joining the virtual meeting from the public to identify themselves. Also participating remotely were John Norwood (California Pool and Spa Association), Point Reyes Station resident Ken Levin (Point Reyes Station Village Association) and Will Houston (Marin Independent Journal).

**MINUTES**

On motion of Director Joly seconded by Director Fraites, the Board approved the minutes with minor edits from the April 5, 2022 Regular Board Meeting by the following vote:

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

NOES: None

ABSTAIN: None

ABSENT: None

On motion of Director Fraites seconded by Director Baker, the Board approved the minutes from the April 12, 2022 Special Board Meeting by the following vote:

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

NOES: None

ABSTAIN: None

ABSENT: None

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

#### **Water Supply Workshop #2**

Mr. McIntyre reminded the Board of the upcoming Local Water Supply Enhancement Workshop #2, scheduled as a virtual Special Meeting on April 26, 2022 at 6:00 p.m.

#### **KWMR Radio Spot**

Mr. McIntyre apprised that the Board that on April 13, 2022 he and Mr. Williams had the opportunity to discuss several District topics on the local West Marin KWMR Radio Station. He provided an update on water supply conditions and the proposed 6% rate increase and Mr. Williams provided an update on the Gallagher Well No. 2 Project.

#### **SCWA FY 23 Water Transmission System (WTS) Budget Approval**

Mr. McIntyre informed the Board that he had the opportunity to speak as the Technical Advisory Committee (TAC) Chair in support of the FY23 WTS budget, which was approved unanimously by the SCWA Directors at their April 19, 2022 regular meeting.

President Petterle asked if the Directors had any questions or comments and there was no response.

President Petterle asked if there were any comments or questions from the public and there was no response.

### **OPEN TIME**

President Petterle asked if anyone from the public would like to speak 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 the following were discussed.

Ms. Kehoe reminded the Board that there will be a patio gathering on April 20, 2022, rain or shine.

Ms. Blue announced the District will be reinstating water shut offs for non-payment. She reported on April 15<sup>th</sup> the first ten-day notices went out to sixteen customers. Ms. Blue noted that staff have made good progress as they have already reduced the list from 500 to 230 delinquent bills. Director Joly congratulated Ms. Blue and her staff for their team effort in bringing the water bill impacts down.

Director Fraites requested that a future agenda item address the messaging to our customers about housing demands and how it will impact our water supply. He added that he would like to see a stronger message from the District to inform the public that there is enough water supply for the proposed housing demand. Director Joly agreed, and asked for confirmation that the ABAG requirements were included in our 2020 Urban Water Management Plan. Mr. Williams replied that they were included in all projections and noted that some numbers are coming down. Director Petterle stated that we must be cautious in our messaging. He stated that if we say there is no problem with supply it is misleading, noting even though there may be no water impact now, ten years from now there could definitely be an impact to the water supply. Director Joly added that planning is key.

Director Grossi stated that the message is complicated, noting some entitlement, like in the example of the Fireman's Fund property, has already be allotted. He added that our mission is to provide water and not land use planning.

Director Petterle stated that the District needs to look at additional supply as our job is to continue to provide water. Director Fraites added that the District does not control who we can provide water to.

Mr. McIntyre stated that there is already related information on our website and more can be added regarding how new regional housing numbers will impact water supply. Mr. McIntyre noted that the projected 2045 water demands which include the proposed regional housing numbers, have declined compared to water use fifteen years ago.

Director Petterle stated that we are still in a drought. He noted that MMWD was blessed with more rain to fill their reservoirs, and that is not the case with NMWD. Director Petterle stated

that we need to be sure everyone understands the circumstance.

**MONTHLY PROGRESS REPORT**

The Monthly Progress Report for March was reviewed. Mr. McIntyre reported on key areas such as water production, local and regional lake/reservoir capacity, Oceana Marin effluent, safety, COVID financial impact and delinquent bill impacts, and customer complaints and service orders. Ms. Blue reported on the March 2022 Investments.

President Petterle asked if there were any comments or questions from the Directors.

Director Petterle recognized staff for a job well done. He stated that he enjoyed reading the customer comments and noted that it aligns with the phone calls and comments he gets from customers. Director Petterle stated that it is heartwarming and applauded staff for their efforts. President Petterle asked if anyone from the public would like to speak and there was no response.

**CONSENT CALENDAR**

Director Baker had a question about Item 8 and therefore it was removed from the consent calendar for additional discussion.

**ITEM 7 -NMWD ADMINISTRATION AND LABORATORY UPGRADE PROJECT – ARCHITECTURAL AND CONSTRUCTION MANAGEMENT SERVICES**

On the Consent Calendar, the Board approved contract amendments for architectural and construction management services by Noll & Tam Architects and Consolidated CM in the amounts of \$47,738 and \$47,726.

On the motion of Director Baker, and seconded by Director Grossi the Board approved the, NMWD Administration and Laboratory Upgrade Project – Architectural and Construction Management Services by the following vote:

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

NOES: None

ABSTAIN: None

ABSENT: None

**ITEM 8 -QUITCLAIM PORTION OF EXISTING 10-FOOT WIDTH WATER LINE EASEMENT APN 157-332-16 & -19**

The property owner, BioMarin, plans to develop APN 157-332-16 & -19. It was discovered a portion of the water line easement was incorrectly described for the parcels and therefore a new easement 15-feet in width in the correct location was prepared in exchange for the District's 10-foot width existing easement.

Director Baker stated that he had no problem with the concept of getting rid of what we don't need. He added that he was curious if there were any other facilities within the easement

to be abandoned. Mr. Williams replied that the easement is parallel to the railroad tracks. Director Baker stated that it was not clear to him on the facilities map, and asked if the actual location of the pipe is where the easement needs to be. Mr. Williams confirmed, stating the waterline easement is to remain and join with an existing easement.

On the motion of Director Baker, and seconded by Director Fraites the Board approved the quitclaim portion of an existing 10-foot width water line easement, APN 157-332-16 and -19 in exchange for a new easement by the following vote:

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

NOES: None

ABSTAIN: None

ABSENT: None

### **ACTION CALENDAR**

#### **RATE INCREASE LETTER TO NOVATO WATER AND RECYCLED WATER CUSTOMERS**

In keeping with Proposition 218, Ms. Blue provided the Board with a proposed 6% rate increase and rate structure changes letter to Novato Water and Recycled Water customers. She noted that the proposed commodity and bimonthly service charge rate increase for Recycled Water customers will be at the same rate.

President Petterle asked if there were any comments or questions from the Directors.

Director Joly noted that the drought surcharge text should say that Stage 2 drought surcharges are currently in effect. Director Joly added that the reasons for the proposed rate increase should also be stated. He noted that fire protection could also be mentioned so people understand we supply water for the hydrants. Additionally, Director Joly stated that the building renovation should also be mentioned.

President Petterle asked if anyone from the public would like to speak and there was no response.

On the motion of Director Baker, and seconded by Director Joly the Board approved the mailing notifying Novato Water and Recycled Water customers of the proposed rate increase and upcoming public hearing by the following vote:

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

NOES: None

ABSTAIN: None

ABSENT: None

#### **RATE INCREASE LETTER TO WEST MARIN WATER AND OCEANA MARIN SEWER CUSTOMERS**

In keeping with Proposition 218, Ms. Blue provided the Board with a proposed rate increase letter to West Marin Water and Oceana Marin customers. She stated that in addition to the drought surcharge rate structure changes, the proposed commodity and bimonthly service charge rate increase for West Marin Water customers will be 6% and the median single-family residential customer will see a \$8.90 increase on their typical bi-monthly bill. Ms. Blue added that, a 5% rate increase, or \$5 increase per month, was proposed for Oceana Marin sewer customers.

President Petterle asked if there were any comments or questions from the Directors and there was no response.

President Petterle asked if anyone from the public would like to speak and there was no response.

On the motion of Director Joly, and seconded by Director Fraites the Board approved mailing a letter notifying West Marin Water and Oceana Marin Sewer customers of a proposed rate increase and upcoming public hearing by the following vote:

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

NOES: None

ABSTAIN: None

ABSENT: None

### **GENERAL MANAGER APPOINTMENT, CONDITIONS OF EMPLOYMENT AND PAY SCALE**

Mr. McIntyre announced that in keeping with current succession planning, it is recommended that the Board appoint Tony Williams as General Manager of the North Marin Water District effective May 4, 2022. He also noted the condition of employment and pay scale for the General Manager. Mr. McIntyre added that on a personal note, he is happy to know upon his retirement that there is a good succession plan, and with Mr. Williams taking charge he knows the District will be in good hands.

President Petterle asked if there were any comments or questions from the Directors.

Director Joly asked if the conditions of employment was reviewed by legal counsel and Mr. McIntyre confirmed. Director Grossi stated that this is something we should celebrate. He stated that the District will have a very smooth transition from one General Manager to another and as a Board member he expressed his appreciation. Director Grossi thanked Mr. McIntyre and Mr. Williams for meeting all expectations. Director Baker stated that he could not agree more. He added that the District has been very fortunate to have seen many similar seamless transitions in the past; from Mr. Nelson to Mr. DeGabriele, to Mr. McIntyre and now to Mr. Williams. Director Baker noted that the District has had a succession of great leaders. Director Petterle thanked Mr. McIntyre and Mr. Williams. He noted that Mr. Williams has arranged with Mr. McIntyre to be able

to contact him at times when it is necessary. Director Petterle added that he knows Mr. Williams has the ability and an excellent staff to support him. Director Fraites stated that there is no doubt that Mr. McIntyre was an excellent General Manager. He stated that the customers of NMWD were lucky to have his leadership, and wished him the best of luck. He also stated that he was glad that he was staying in the community.

President Petterle asked if anyone from the public would like to speak.

Ken Levin stated that he wanted to express gratitude on behalf of the Point Reyes community, and stated that he has enjoyed working with Mr. McIntyre. He congratulated Mr. McIntyre on his transition and wished him the best of luck. Mr. Levin added that he is looking forward to working with Mr. Williams and was sure it will be equally fruitful. He also congratulated the Board for running a smooth ship.

President Petterle read an oral summary of the recommended action to approve employment for Mr. Williams and appoint him to the General Manager position effective May 4, 2022 in accordance with Government Code section 54953 (c)(3).

President Petterle stated that the item before the Board was to approve the Employment Agreement and set the salary and terms and conditions of employment for Mr. Anthony Bruce Williams and appoint him to the General Manager position, effective May 4, 2022. The recommended action was to approve the corresponding Board Resolution No. 22-09, which included the following:

- Annual salary of \$236,151 per year;
- Vacation and sick leave, holidays, and other paid leaves are the same as those for the District's Unrepresented Employees, with the exception that for vacation eligibility purposes, the General Manager will be credited with five additional vacation days annually until such time the maximum accrual rate is achieved;
- Vehicle stipend of \$338 per month for use of private vehicle plus reimbursement for actual mileage at the normal rate per mile authorized by the District;
- Participation in CalPERS retirement plan and the District's medical, dental, and vision insurance.

President Petterle reported that the total annual compensation, which is reflective of the above, is estimated to be \$284,936. He added that the additional details regarding the General Manager's Employment Agreement were shown in the corresponding agenda report for this item.

President Petterle asked if there were any questions from the Board or members of the public regarding this item and there was no response.

On the motion of Director Grossi, and seconded by Director Joly, the Board approved adoption of Resolution 22-09 for North Marin Water District Conditions of Employment for the General Manager and associated pay scale by the following vote:

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

NOES: None

ABSTAIN: None

ABSENT: None

**AMENDING REGULATION 26 TO INCREASE GENERAL MANAGER'S EXPENSE AUTHORITY FOR MINOR EXTENSIONS OR MODIFICATIONS TO THE WATER DISTRIBUTION SYSTEM AND MAKE OTHER CLARIFICATIONS**

Mr. Williams stated that the purpose of the amendment is to update the current Regulation 26 to raise the authorization limit to meet the needs of the District and to be in alignment with other local government agencies. He recommended the expense authority should be raised to \$100,000.

President Petterle asked if there were any comments or questions from the Directors.

Director Grossi stated that the previous \$5,000 limit was low, noting there is not much anyone can get with that amount. Director Petterle asked if the District considered participation with the California Uniform Construction Cost Program. Mr. Williams expressed caution with that program as there is a limitation on what can be done with your own work force, noting it would eliminate what our crew can do legally as part of that program.

President Petterle asked if anyone from the public would like to speak and there was no response.

On the motion of Director Grossi, and seconded by Director Baker the Board approved amending Regulation 26 to increase the General Manger's Expense Authority with additional clarifications by the following vote:

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

NOES: None

ABSTAIN: None

ABSENT: None

**CALIFORNIA POOL AND SPA ASSOCIATION (CPSA) RESPONSE**

Mr. Grisso apprised that the Board of a letter received from the California Pool and Spa Association (CPSA) requesting the Board reconsider its Stage 2 prohibition on filling new swimming pools contained in Section 6 of NMWD's Novato Service Area Emergency Conservation Ordinance No. 41. Mr. Grisso reported upon review from staff and legal counsel



no substantive changes to the current water use restrictions were needed, which included prohibition on filling new or existing swimming pools.

President Petterle asked if there were any comments or questions from the Directors and there was no response.

President Petterle asked if anyone from the public would like to speak.

John Norwood stated that in all of Marin County in 2021 there were forty-six new pools constructed. In Novato alone, there were eight permits and two pool demos. Mr. Norwood noted that the pool business is local and by targeting one industry it can put their members out of business. He continued by summarizing issues raised in his March 28, 2022 letter.

President Petterle thanked Mr. Norwood for his comments and asked if there were any questions for Mr. Grisso. Mr. Grisso responded that he will have to agree to disagree with Mr. Norwood. He added that he has had discussion with Mr. Norwood since 2014, noting it is hard to defend allowing a new pool when you are telling everyone during a drought to cut back.

President Petterle again thanked Mr. Norwood for his participation in the discussion.

On the motion of Director Joly and seconded by Director Fraites the Board approved the response letter for the California Pool and Spa Association by the following vote:

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

NOES: None

ABSTAIN: None

ABSENT: None

### **INFORMATION ITEMS**

#### **PLANNING FOR TRANSITION TO IN-PERSON BOARD MEETINGS**

Mr. McIntyre discussed options for transition to in-person Board Meetings. He presented two options: 1) continue to hold remote meetings through June, 2022 and then implement hybrid meetings and 2) transition to hybrid meetings starting June 7, 2022.

President Petterle asked if there were any comments or questions from the Directors.

Director Grossi stated that he feels the hybrid option is a lot of staff work and is difficult to run, it is hard to deal with cameras. He stated he would lean towards holding off until the end of June before considering a hybrid option. Director Grossi stated that everyone has been doing virtual meetings for two years now, it would be best not to try something new until after the hearings.

Director Baker stated that he did not see a problem with waiting, it has been two years of virtual meetings, although recognizing it is awkward for some people and not very welcoming for the public. Additionally, he noted that the social distancing requirement is not a perfect situation

and we need to find a larger more suitable space, even though it may be awkward for staff to bring everything over to another facility.

Director Joly stated that he liked Option 2. He recognized that it will get everyone moving towards an idea of resolving what has been a difficult situation. Director Joly noted that at the in-person Closed Session Meeting on April 12<sup>th</sup> it was a pleasure to be able to interact with the other Directors.

Director Fraites stated that he supported Option 1, considering what is currently going on in the country. He added he would like to err on the side of caution and wait to see what happens in California and the nation with these variants that are still out there.

Director Grossi stated that one of the issues with the hybrid option is it may be confusing for the public and some may show up in person. He preferred Option 1.

Director Petterle stated that the pandemic has forever changed the dynamic of meetings, noting consultants used to drive quite a distance to attend a meeting and he believes that will no longer be the case. He added that it is also easier for the public to attend the meetings without having to drive down to the District office. Director Petterle stated that if we go the hybrid route we need to establish protocols for the meeting so that there is not a catastrophic environment, without background noise and no disruption of service. He stated that in a hybrid meeting people must understand it is a public meeting and there are expectations on how to conduct oneself.

Mr. McIntyre reiterated that staff prefers Option 1 noting that realistically, changing too soon to hybrid meetings without protocols in place could backfire during the June hearings. He added that it would be best for the Board to review a draft plan at the June 7<sup>th</sup> meeting and consider an implementation date after the end of June. Director Petterle agreed, the implementation date does not necessarily need to be in June. Director Grossi stated that he agreed with Mr. McIntyre, going hybrid will take much planning, agreeing Option 1 will give staff time to report back. Director Petterle noted that whether we continue with virtual or hybrid, additional equipment, including a camera and screen will need to be in the Board Room with someone there to assist us. Mr. McIntyre replied that he is hearing a consensus to have staff work on a protocol of what a hybrid meeting would look like, review at the first meeting in June, with implementation after the rate hearings.

President Petterle asked if anyone from the public would like to speak.

Mr. Levin stated that it took the Point Reyes Station Village Association awhile to get use to the virtual meetings. He added that they developed rules of protocol and assigned someone as host and dealt with anyone speaking out of turn. Mr. Levin noted that although he misses being in person with his neighbors, some people are not feeling comfortable even with the social

distancing, adding there are also some definite benefits from having the meetings virtual. Mr. Levin stated that it would be difficult for him to be able to drive to Novato to attend the meetings, and he agreed with Director Fraites that the virus is not over yet, urging the Directors to stick with Option 1.

The Board agreed to proceed with Option 1 with the understanding that a hybrid plan would be presented to the Board at the June 7th meeting for discussion and initial review.

### **NBWRA MEETING – MARCH 28, 2022**

Mr. McIntyre updated the Board on the NBWRA Meeting held on March 28, 2022.

President Petterle asked if there were any comments or questions from the Directors and there was no response.

President Petterle asked if anyone from the public would like to speak and there was no response.

### **MISCELLANEOUS**

The Board received the following miscellaneous items: Disbursements – Dated April 7, 2022 and Disbursements – Dated April 14, 2022.

The Board received the following news articles: Marin IJ – NMWD leader to step down after 24 years – Retires May 4.

The Board received the following social media posts: NMWD Web and Social Media Report – March 2022.

President Petterle asked if there were any comments or questions from the Directors.

Director Joly thanked Will Houston of the Marin IJ for the article he wrote about Mr. McIntyre retiring from NMWD. He stated that it was well written and highly complementary.

President Petterle asked if anyone from the public would like to speak and there was no response.

### **ADJOURNMENT**

President Petterle adjourned the meeting at 7:41 p.m.

Submitted by



Theresa Kehoe  
District Secretary