



**NORTH MARIN
WATER DISTRICT**

**NORTH MARIN WATER DISTRICT
AGENDA - REGULAR MEETING
October 4, 2022 – 6:00 p.m.
Location: Virtual Meeting
Novato, California**

NOTE: REVISED INFORMATION HAS BEEN PROVIDED FOR ITEM 7, PAGE 1 OF ATTACHMENT 1

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 pursuant to the authorizations provided by Government Code section 54953(e)."

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.

Est. Time	Item	Subject
6:00 p.m.		CALL TO ORDER
	1.	APPROVE MINUTES FROM REGULAR MEETING , September 20, 2022
	2.	GENERAL MANAGER'S REPORT
	3.	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.
	4.	STAFF/DIRECTORS REPORTS
		<div> 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. </div>
	5.	Consent – Approve: Text for Fall 2022 Novato “Waterline”, Issue 49
	6.	Consent - Approve: Re-Authorizing Meetings by Teleconference of Legislative Bodies of North Marin Water District Resolution
	7.	Consent - Approve: Base Salary Schedule Revision NOTE: PAGE 1 OF ATTACHMENT 1 OF THIS ITEM HAS BEEN REVISED
	8.	Consent - Approve: Auditor-Controller’s Statement of Investment Policy
		ACTION CALENDAR
	9.	Approve: Agreement with Sonoma Water for Prop 1 Grant Reimbursement
	10.	Approve: Update to County of Marin Regarding Sewer Service to Dillon Beach Properties
		INFORMATION ITEMS
	11.	Acceptance of Conditional Resolution and Waiver of Right to Hearing Order No. R2-2-22-1007 NPDES Permit CAG140001
	12.	MISCELLANEOUS Disbursements - Dated September 22, 2022 Disbursements – Dated September 29, 2022 Point Reyes Light – Salinity Notice September 29, 2022 Three-Month Outlook Temperature and Precipitation Probability <u>News Articles:</u> Marin IJ – Not MMWD’s place to critique Civil Grand Jury’s concerns – DICK SPOTSWOOD Marin IJ – Broad-based buy-in is key to helping Bay-delta water plan become success- CALIFORNIA VOICE Marin IJ – Marin gets dose of rain as storm crosses region – WEATHER Marin IJ – Summer rainfall bolsters supply, eases risk of fire – MARIN DROUGHT
7:30 p.m.	13.	ADJOURNMENT

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DRAFT
NORTH MARIN WATER DISTRICT
MINUTES OF REGULAR MEETING
OF THE BOARD OF DIRECTORS
September 20, 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. Williams performed a roll call of staff, participating remotely were, Tony Williams (General Manager), Terrie Kehoe (District Secretary), Eric Miller (Assistant GM/Chief Engineer), Robert Clark (Operations/Maintenance Superintendent), and Pete Castellucci (Interim Construction/Maintenance Superintendent). Additionally, District employee Connie Filippi joined the meeting and later during Item #5, Pablo Ramudo (Water Quality Supervisor) joined. 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 and there was no response.

MINUTES

On motion of Director Baker seconded by Director Joly, the Board approved the minutes with minor edits from the September 20, 2022 Regular Board Meeting by the following vote:

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

NOES: None

ABSTAIN: None

ABSENT: None

GENERAL MANAGER'S REPORT

Mr. Williams announced that he met with Ben Horenstein, the General Manager at MMWD on September 7th. He stated that they had a very high-level discussion and discussed some of the strategies they are currently looking at which include a regional inter-connection of reservoirs between Nicasio, Stafford and Soulajule. Mr. Williams added that Mr. Horenstein is interested in backfeeding their reservoirs, and they will be more to come as their study unfolds. Mr. Williams noted that they also discussed the idea of creating a Marin water agency group, which would include all water districts in Marin to meet and discuss common interests and future collaborations.

Mr. Williams reported that on September 15th, he and Mr. Miller met with the Point Reyes National Seashore Superintendent, Craig Kenkel, Deputy Superintendent, Anne Altman and Brannon Ketcham, Executive Assistant. He noted that they discussed water supply and workforce housing plans. He stated that much of the property they own is not in our district, however there is one served by us in which the ranch houses could be modified. Mr. Williams added that they also discussed potentially teaming up on a regional water supply study, since there are many small water systems in the Seashore and there may be other options they are not considering.

Mr. Williams informed the Board that last Tuesday, September 13th there was a 4.4 earthquake in Santa Rosa followed by a second 4.3 earthquake a minute later. He stated that NMWD's emergency procedures sets a threshold of a 4.5 magnitude quake and an associated shaking level before we respond. Mr. Williams apprised the Board that NMWD is conducting a joint exercise with the City of Novato next month for a dam failure scenario. He added that there will be more details to follow. Mr. Williams noted that as part of the District's Novato Master Plan update for 2023, staff is including a pipeline assessment for larger diameter pipes that cross creeks or other infrastructure that is vulnerable to seismic forces.

Mr. Williams reported that Novato received between 0.76 and 0.83 inches of rainfall in the last few days, mostly on Sunday, September 18th. He added that Point Reyes Station received

slightly less at 0.68 inches. Mr. Williams noted that, overall this amount of rainfall is very unusual for September.

Mr. Williams announced that tonight is Pete Castellucci's last Board of Director's Meeting. He stated that on October 3rd, Chris Kehoe will transition to the Interim Construction/Maintenance Superintendent role starting October 1, 2022 through February. Mr. Williams commended Mr. Castellucci for the great job he did in the last five months.

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

Director Joly asked if staff were aware of any well depletions, or any push towards connecting to our water supply. Mr. Williams replied that he has not. He noted that he participates in the Marin and Sonoma Drought Working Group and they would notify us if there were a concern in our area. Additionally, he stated that there has been no notification from the County of Marin.

Director Fraites asked about the residential recycle water program that we provide to the community and asked why that program ended. Mr. Williams replied that the program is still ongoing and has had good response. He noted that the location relocated for convenience reasons to Wood Hollow Drive and it is available to our customers three days a week, adding it has been very successful all summer. Director Fraites stated that he will let the customer know that asked him. Mr. Williams replied that they can call the office and sign up for the program.

Director Petterle asked how MMWD is proposing to connect the pipeline in order to backfeed Nicasio or Soulajule Dams. Mr. Williams replied that from what he gathered from Mr. Horenstein and Mr. Sellier, they would connect via the same route to Stafford Lake, then extend the pipe to Nicasio, then to Soulajule. He noted that they believe it would be a cheaper option that going across the San Rafael Bridge. Director Petterle stated that it would require intertie protection from Nicasio or Soulajule, but would be a simpler option.

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 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.

INFORMATION ITEMS

STAFFORD LAKE PARK PUMP TRACK PROJECT PRESENTATION – MARIN COUNTY PARKS

101 Tara McIntire from Marin County Parks gave a project presentation on the Stafford Lake
102 Park Pump Track. She discussed; the goals, the location of the project, the typical pump track
103 versus an all-season pump track, the key stakeholders, project scope, initial concept design,
104 funding sources, planning, and next steps. Ms. McIntire pointed out where runoff water would
105 flow, noting it would be captured and treated onsite. She reported the completion of the project
106 is estimated to be by winter of 2024, and thanked those who contributed in public engagement
107 which included; Friends of Stafford Lake Bike Park, Federated Indians of Graton Rancheria,
108 Environmental Roundtable, Dominic Grossi, Novato Fire and North Marin Water District.

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

110 Director Grossi stated that the property years ago was subject to trades and it was
111 discussed as part of an agreement to move the grazing road back off the park property, noting
112 there was another gate up the road. Ms. McIntire replied that the parcel in question is an overflow
113 parking lot, and the goal was to retain as much overflow parking as they could and still be mindful
114 of the buffers and sensitive areas. She stated that they nudged the road a hair, and the location
115 has worked out well, noting she spoke with Dominic Grossi about this several times.

116 Director Joly thanked Ms. McIntire for the presentation. He stated that his grandchildren
117 enjoy the park and he wondering if the viewing spaces were situated so he could view both
118 venues, the big track and the kid's track at the same time. Ms. McIntire confirmed, adding there
119 is also another seating area intended to view the kid's track. She also stated that the length of
120 the kid's track was 285 feet after Director Joly inquired. Director Joly asked if there would be any
121 contaminants from the asphalt that could leach into our water supply. Ms. McIntire replied that
122 any runoff water would be captured and treated, which would be more than any other runoff from
123 asphalt in the park right now. Director Joly asked Mr. Ramudo his opinion. Mr. Ramudo replied
124 that there could be potential issues with increasing impervious areas, but it would not be much in
125 this case. He stated that letting the water infiltrate rather than runoff, looks like a good design
126 and he looks forward to reviewing the project so he can make comments on whether there are
127 any effects on the water quality. Director Fraites stated that he is also concerned about the
128 stormwater basins, if there is rain runoff over the asphalt material to the point where it overflows,
129 would they shut down the track. Ms. McIntire confirmed, replying that water collected on the track
130 would also be unsafe. She noted that the asphalt track will be easier to maintain than the dirt
131 track they have now and they will be able to have the park open more often. Director Grossi
132 stated that it is better designed than the previous track where cars are parked on the asphalt with
133 no catchment or treatment.

134 Director Fraites asked why the new track was not placed in the existing bike park area.

135 Ms. McIntire replied that it needs a flat area, also when they explored other sites there were more
136 constraints and from an environmental standpoint they would have to clear away trees, which it
137 why they ended up where they are at. She noted that she met with Environmental Roundtable,
138 Graton Rancheria and NMWD to make sure this was a more suitable location, and also give space
139 to separate the use of the park. Director Joly asked if there will be enough parking, as he has
140 noticed it is always very crowded due to the popularity of the park. Ms. McIntire replied that they
141 can still use the backup area for overflow, and other areas used for events could also be utilized.
142 She added that they are also exploring the potential of having some days only for skaters and
143 others for just bikes.

144 Director Baker asked what the involvement the Graton Rancheria had in the project. Ms.
145 McIntire replied that the tribe was very supportive of the previous bike park and asking their input
146 and feedback is standard procedure for a project like this.

147 Mr. Clark reported the watershed in this area over the years, with the help of students and
148 teachers, have been restored. He added that we have improved the programs over time, and the
149 catchment basin is maintained and catches sedimentation and this water will be treated before
150 reaching our reservoirs. Mr. Clark stated that it is a good plan for NMWD as well as the park.
151 Director Joly thanked Mr. Clark for his input.

152 Director Petterle stated that when he had originally worked on the skate park, they had
153 planted blue oak, which was not common in Marin. Ms. McIntire stated that this project has an
154 opportunity to integrate not just native oak, but try some southerly oaks native to California where
155 the weather gets warmer temperatures. She added that there will be a wide range of oaks,
156 including the blue oaks.

157 Director Petterle stated that it has been part of NMWD's history to support recreation at
158 Stafford Lake. He added that although swimming or boating is not allowed, the District realized
159 the park was being under-utilized. Director Petterle noted that the bike park had some issues at
160 first, but transformed the largest regional park owned in Marin County and it was good to see all
161 the people enjoying it. Director Petterle stated that at the beginning of the pandemic it was hard
162 to find places to hike, because of the restrictions in open space and he provided a summary of a
163 previous encounter with a family that was using the bike park and the impact it had. He
164 acknowledged the benefit of the bike park, and noted to be able to design it in a way that it was
165 so close to the drinking water supply, but at the same time safeguard that supply was quite an
166 accomplishment. Director Petterle thanked Ms. McIntire for wonderful presentation.

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

169 **FY 2021/22 FOURTH QUARTER PROGRESS REPORT – WATER QUALITY**

170 Mr. Ramudo reported on the fourth quarter Water Quality Report. He reported on the
171 Novato, Point Reyes and Novato Recycled Systems. Mr. Ramudo informed the Board that
172 Stafford Lake was not used as source water this quarter, however staff has been monitoring the
173 lake quality. He stated that the alae in the samples have not been numerous, nor has there been
174 any big blooms; which is unusual for this time of year. In West Marin he reported there was not
175 a lot of salinity intrusion, however demand was low and since they were using Gallagher Well
176 most of the time it did not impact the drinking water. Mr. Ramudo reported the Deer Island
177 Recycled Water Facility was used from May 9th through the 22nd, noting the bulk of our recycled
178 water comes from Novato Sanitary and Las Gallinas Valley Sanitary District. Mr. Ramudo also
179 apprised that the Board that during this quarter the lab moved from the Rush Creek Place location
180 to the Buck Center. He added that they had a site visit from an environmental lab accreditation
181 program and received their certificate.

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

183 Director Grossi asked with the salt water intrusion issues in Point Reyes, if when Gallagher
184 Well No. 2 is online, would we stop using the Coast Guard Wells. He also wanted to know if
185 having both of the Gallagher Wells online will have solved our salinity problem. Mr. Ramudo
186 confirmed that the Gallagher Wells have good quality water, however it is still important to keep
187 the Coast Guard Wells in production, to use in case of an emergency, or in the event of damage
188 to the Gallagher Pipeline could break, or when the Gallagher Wells need to go offline for
189 maintenance. Director Grossi stated that when Gallagher Well 2 is completed the District should
190 hold a community event for the public. Mr. Ramudo reported he was waiting for the final
191 information for the permit, which was for radium contaminants, of which none were found;
192 therefore, he can now sign and send the permit application to the Division of Drinking Water
193 (DDW). Director Joly asked when Gallagher Well No. 2 is estimated to be online. Mr. Ramudo
194 replied that it depends on the California Department of Drinking Water when they review the
195 application. He stated that he expects it could be a week up to a month. Director Joly asked if
196 we are in the position to accept and settle the \$12,000 fine. Mr. Ramudo replied that there was
197 no public comment revealed to staff. Mr. Williams confirmed, adding that the District expects to
198 get the invoice from the Regional Board soon.

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

201 **ADMINISTRATIVE & LABORATORY UPGRADE PROJECT – CONSTRUCTION UPDATE**

202 Mr. Miller gave a construction update and presentation on the Administration and

Laboratory Upgrade Project. He apprised that the Board of the schedule, presented progress photos, discussed unforeseen issues, and reported on the budget status. Mr. Miller stated that he expects the completion of the project could be as early as September of next year. He added that there was a couple of set backs on the project which included some additional hazmat material removal of lead paint. Additionally, Mr. Miller informed the Board of a fire that broke out near the District office that was caused by a Caltrans crane that hit it a powerline. Mr. Miller expressed gratitude to the Construction and Maintenance staff who were still in the yard and commended them for working together to help contain the fire along with emergency personnel.

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

Director Joly stated that he was near the area when the electricity went out, noting it was smoky and the fire was wild.

Director Baker stated that he appreciated the pictures and suggested Mr. Miller might want to show the pictures earlier in the presentation next time.

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

Director Petterle stated that he would like to visit the building site, noting other Directors may also be interested. Mr. Miller replied that he could get something scheduled.

MISCELLANEOUS

The Board received the following miscellaneous items: Disbursements – Dated September 8, 2022, Disbursements – Dated September 15, 2022, Monthly Progress Report and Point Reyes Light – Salinity Notice September 8, 2022.

The Board received the following news articles: Marin IJ – Newsom's water strategy must go further – CALIFORNIA VOICE; Marin IJ – Record for heat falls in county – WEATHER; Marin IJ – Is COVID-19 winding down at long last? Scientists say no – EXPLAINER; Marin IJ – MALT hires new leader after period of upheaval – WEST MARIN; Marin IJ – MMWD criticizes report on its drought response – UTILITY REACTS and Marin IJ – Search for firm supply starts with recycled water plan – MARIN VOICE.

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

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

Director Joly noted Ms. Blue's section in the Monthly Progress Report. He commended the Customer Service staff for doing a fabulous job at reducing delinquencies. Ms. Blue replied that she is working with the Billing Supervisor to create new procedures, noting they now do a ten day drop off for letters and it has cut down the numbers on the shut off list by one third.

237 Director Joly asked Mr. Williams if staff are now settled in to the Wood Hollow building,
238 and how the Construction Crew is dealing with the separation. Mr. Castellucci replied that it is
239 not much different for the crew, they still go out to the field each day as usual. He stated that he
240 has to make a trip to the Wood Hollow office each day, but overall it has been a smooth transition.
241 Mr. Williams stated that the NMWD staff are the only tenants on the third floor and everything
242 seems to be working out just fine. Director Joly asked if the lab staff are well accommodated at
243 the Buck Center. Mr. Ramudo replied that there is enough space to do the work and there are
244 also two office cubicles for lab staff at the Wood Hollow office. Mr. Clark stated that senior staff
245 drop in every day at the Rush Creek office, and Mr. Castellucci has done a great job in keeping
246 everyone involved so that no one feels left out.

247 Director Joly congratulated Mr. Castellucci on a great job in fulfilling his interim
248 Construction Maintenance Superintendent position, noting the crew was well represented.

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

251 **ADJOURNMENT**

252 President Petterle adjourned the meeting at 7:28 p.m.

253 Submitted by

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255 Theresa Kehoe
256 District Secretary
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MEMORANDUM

October 4, 2022

To: Board of Directors
 From: Ryan Grisso, Water Conservation Coordinator *RG*
 Subject: Approve Text for Fall 2022 Novato "Waterline", Issue 49
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RECOMMENDED ACTION: Approve Fall 2022 Novato "Waterline" Text
FINANCIAL IMPACT: \$9,000 (Included in FY 2022/2023 Budget)

Draft text and design for the Fall 2022 Novato "Waterline", Issue 49 is attached for your review (Attachment 1). This issue focuses on the continuing drought and includes a General Manager message on the current situation, and also includes a summary of the continuing water-use prohibitions, information on the water supply enhancement studies, water conservation program offerings to the customers, the Watersmart AMI Portal access, the Low-Income Rate Assistance Program and the Cash for Grass Program. Should any Board member have individual comments please provide them to the General Manager at the Board meeting on October 4, 2022. It is expected the Novato "Waterline" will be mailed in mid-October 2022.

RECOMMENDATION

Board authorize General Manager to approve final text and design of Fall 2022 Novato "Waterline", Issue 49.

ATTACHMENTS: 1 – Draft Fall 2022 Waterline

Approved by GM *[Signature]*

Date *9/29/22*

Cash for Grass Rebate

Increased incentive!

Get cash for removing irrigated and maintained lawn and replacing it with low water use plants.

Up to \$1.00 per square foot now available.

Pre-qualification is required.

PRSR STD
US POSTAGE
PAID
UNICORN GROUP
ECRWSS

POSTAL CUSTOMER

Access Your Water Use

A WaterSmart portal was developed as a part of the new AMI (Advanced Metering Infrastructure) system, and we encourage you to sign up and log in to get acquainted with the system and learn more about your water use. The portal gives customers access to hourly water use data and the ability to set up alerts for high use and leak events.

Please visit the District's website at nmwd.com to learn more about accessing the WaterSmart portal (and online bill pay). If you experience any issues registering or logging in to the WaterSmart portal, please call 415-897-4133, and a staff member can guide you through the process.



For more info visit nmwd.com/drought



Drought Is Here. Save Water.



NORTH MARIN
WATER DISTRICT

The Waterline

Novato Service Area Newsletter | Issue 49



Drought Is Here. Save Water.

Tony Williams, General Manager

The ongoing drought, including the likelihood of a third straight year of La Niña climate conditions, continues to both present challenges for our community and emphasize the importance of water as a vital resource to the community.

Water Supply Studies

This year marked the completion of two important water supply studies: The 2021-22 Regional Drought Resiliency Analysis, led by Sonoma Water, and our own Local Water Supply Enhancement Study. Further information and a link to both studies are included overleaf. We are already implementing several alternatives identified in the two studies, including new groundwater supplies in the Santa Rosa basin and the diversion of excess Russian River flows in the winter.

Water Supply Improvements

Earlier this year, North Marin Water District collaborated with Marin Municipal Water District on a project that improves transmission of Russian River water to Marin County. Additionally, as part of the current fiscal year's Capital Improvement Program, we are progressing the top two alternatives from the Local Water Supply Enhancement Study that will improve efficiency of the Stafford Treatment Plant and potentially add over 700 acre-feet of storage in Stafford Lake.

Conservation Still Critical

Regardless of the upcoming winter's rainfall levels, conservation and

continued efficiency remains critical to creating water supply resiliency for Novato, and customers are urged to participate in the water conservation programs offered by the District.

Recycled Water and Local Sources

Heading into the fall, we will continue to utilize treated water from Stafford Lake to reduce our reliance on potable water from the Russian River by 20%. In cooperation with Novato Sanitary and Las Gallinas Valley Sanitary Districts we have significantly expanded our distribution of recycled water to large landscape irrigation customers and various commercial car washes in Novato. Even with future planned development in Novato, recycled water use is projected to offset potable demand by 2030.

Infrastructure and Improvements

In addition to water supply projects, in fiscal year 2022/23 the District continues to invest in significant infrastructure projects, with emphasis on replacing and improving aging pipelines and facilities, including construction of a new water quality laboratory to ensure the reliable delivery of good quality water.

Good Water, Good Service, Good Value

The current cost of water service for a typical Novato customer — at the median of 16 comparable urban area retail water agencies — continues to offer good value. I'd like to thank our customers for their conservation efforts, which remain critical through the fall and winter months.

Summary of Prohibitions Remaining in Effect Into 2023

- Gutter flooding (unreasonable irrigation overspray or irrigation run-off onto pavement, down a gutter, ditch or other drain).
- Failure to repair a controllable leak of water within a reasonable time.
- Washing privately-owned motor vehicles, trailers and boats except from a bucket and hose equipped with an automatic shut-off nozzle for a quick rinse.
- Washing down exterior paved areas.
- Refilling an existing pool drained after July 1, 2021 or initial filling of a new pool after July 1, 2021.
- Overhead/above ground irrigation is only allowed 3 days/week:
 - Odd-numbered addresses can irrigate on: Monday, Wednesday and Friday
 - Even-numbered addresses can irrigate on: Tuesday, Thursday and Saturday

- Overhead/above ground irrigation is only allowed during the hours of 7pm to 9am.

This list serves only a summary of the water use prohibitions in Emergency Water Conservation Ordinance 41. For the full list of prohibitions, please visit nmwd.com. For questions on the water use prohibitions or to report a violation, call 415-761-8944 or email waterconserve@nmwd.com



Water Smart Savings Program

North Marin Water District wants to help customers use water efficiently. The Water Smart Savings Program encompasses all you need to get started on saving water and saving money. Call 415-761-8944 for program participation details or visit nmwd.com

Water Smart Mulch Rebate

Mulch purchase and installation can be rebated at 50% of the cost of approved mulch materials, up to \$200 (increased during this drought period).

Cash for Grass Rebate - Increased Incentive!

Get cash for removing irrigated and maintained lawn and replacing it with low water use plants - up to \$100 per 100 square feet now available. Pre-qualification is required.

Water Smart Home Survey

This free service includes thorough indoor and outdoor water efficiency checks. Virtual surveys or phone guidance offered at this time.

Water Smart Landscape Rebate

Rebates available for water-efficient landscape equipment, such as a new drip irrigation system replacing a spray system, or a rain shut-off device.

Pool Cover Rebate

Rebates available for replacement pool covers.

High-Efficiency Clothes Washer Rebate

A rebate is offered when purchasing a qualifying high-efficiency clothes washer.

Rainwater Catchment Rebate

Rebate for collection and storage of rainwater.

High-Efficiency Toilet Rebate

Customers replacing an old water-guzzling toilet with a high-efficiency one may be eligible for a rebate.

Weather-Based Irrigation Controller Rebate

Rebate for weather-based irrigation controllers that use weather data and site information to automatically adjust watering times and frequency.

Greywater Rebate

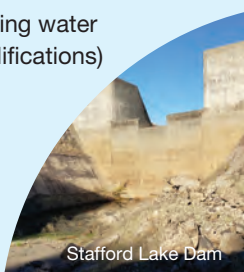
Rebate available for installation of qualified greywater systems.

Local Water Supply Enhancement Survey Update

Earlier this year, the District conducted a Local Water Supply Enhancement Study to evaluate water supply alternatives for the Novato area. The goal is to ensure the District has a resilient strategy for sustainable water supply to minimize the impacts of future droughts. The study was accepted by the Board of Directors in July after receiving public input in January and April, 2022 and the District is now moving forward with the three highest scoring solutions identified by the study.

- Improve Stafford Treatment Plant efficiency (including water recapture, pretreatment, and raw water intake modifications)
- Increase Stafford Lake's storage capacity
- Divert captured stormwater into Stafford Lake

For more information, visit nmwd.com/save-water/new-water-supplies



Stafford Lake Dam

Low Income Rate Assistance (LIRA) Program

Julie Blue, Auditor/Controller

Save up to
\$90 a year.

This program is available to eligible low-income customers and provides a credit on a two-month billing cycle of \$15 per bill or \$90 per year.

A direct water customer who has a single-family residential account and is eligible for PG&E's income-based CARE program is eligible for the District's LIRA Program. Once approved the discount would apply to your next billing cycle.

To request an application or for further information call our billing department at 415-897-4133 or visit the website at nmwd.com/lira

Pay your bills online. Visit onlinebiller.com/nmwd



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MEMORANDUM

To: Board of Directors October 4, 2022
 From: Tony Williams, General Manager *TW*
 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 October 4, 2022 through November 3, 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.

Approved by GM *TW*

Date 9/29/22

The Governor's March 4, 2021 declaration of a State of Emergency remains in effect. On December 15, 2021, the State reinstated a universal masking requirement for all individuals while indoors to help combat the surge in COVID-19 cases due to the Omicron variant. On December 30, 2021, Marin County Health and Human Services issued new guidance changing the local rules on masking to align with the State mandate. On February 7, 2022, the State issued a new health order, effective February 16, 2022, which limits indoor masking requirements to specified indoor settings and unvaccinated individuals. However, both the State and Marin County Health and Human Services continue to recommend wearing masks while indoors. CDC, OSHA, and Cal/OSHA continue to recommend mask wearing and physical distancing of at least six feet while indoors to protect 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, December 21, 2021, January 18, 2022, February 15, 2022, March 15, 2022, April 5, 2022, May 3, 2022, May 17, 2022, June 7, 2022, June 21, 2022, July 19, 2022, August 16, 2022 and September 6, 2022 the Board adopted Resolutions 21-26, -27, -28, -30, 22-01, -04, -05, -06, -12, -15, -17, -20, -24, -26, -27 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 October 4, 2022 through November 3, 2022 Pursuant to Brown Act Provisions".

ATTACHMENTS: 1 – Resolution 22-XX

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 OCTOBER 4, 2022 THROUGH NOVEMBER 3, 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 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, on January 18, 2022, the Board of Directors previously adopted Resolution No. 22-01, 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 February 15, 2022, the Board of Directors previously adopted Resolution No. 22-04, 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 March 15, 2022, the Board of Directors previously adopted Resolution No. 22-05, 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 April 5, 2022, the Board of Directors previously adopted Resolution No. 22-06, 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 May 3, 2022, the Board of Directors previously adopted Resolution No. 22-12, 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 May 17, 2022, the Board of Directors previously adopted Resolution No. 22-15, 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 June 7, 2022, the Board of Directors previously adopted Resolution No. 22-17, 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 June 21, 2022, the Board of Directors previously adopted Resolution No. 22-20, 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 July 19, 2022, the Board of Directors previously adopted Resolution No. 22-24, 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 August 16, 2022, the Board of Directors previously adopted Resolution No. 22-26, 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 September 6, 2022, the Board of Directors previously adopted Resolution No. 22-27, 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, 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) recommends physical distancing of at least six feet from unvaccinated individuals while indoors; 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 Omicron 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 October 4, 2022 through November 3, 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 4th day of October 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

Theresa Kehoe, Secretary
North Marin Water District

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MEMORANDUM

To: Board of Directors

October 4, 2022

From: Julie Blue, Auditor-Controller *JB*
Karen Clyde, HR & Safety Manager *KRC*

Subj: Base Salary Schedule Revision

T:\AC\Board Reports\Board Memos\2022\Base Salary Schedule Revision\Board Approve Salary Ranges Effective 10.01.22.docx

RECOMMENDED ACTION: Approve**FINANCIAL IMPACT:** 4.0% Base Salary Increase Effective October 1, 2022
FY22/23 Labor/Benefit Cost Increase - \$193,000

In accordance with the Memorandum of Understanding with the North Marin Water District Employee Association (MOU), effective each October 1 and through 2022, as approved by the Board on January 15, 2019, employees will receive a cost of living adjustment equal to the percentage change in the CPI-U. The San Francisco Bay Area All Urban Consumers Price Index (CPI-U) increased 5.7%¹ over the twelve months ending August 31, 2022. Since this is higher than the maximum increase per the MOU, the salary increase effective October 1, 2022 is 4%.

Title 2 of the California Code of Regulations, section 570.5, requires that the pay schedule of every CalPERS agency be approved and adopted by the agency's governing body pursuant to public meeting law. The District's Salary Schedule (Attachment 1), revised per the MOU, is included for the Board's review and approval. Also included with this memo is Attachment 2 which is a 10-year history of the CPI-U.

Salaries for Unrepresented Employees, which include the Auditor-Controller, Assistant General Manager/Chief Engineer, Human Resources/Safety Manager and District Secretary, but excluding the General Manager, are also proposed to be increased consistent with the terms of the Employee Association MOU by the same 4.0% rate to base wages. This is consistent with the action of the Board on March 5, 2019, when the Salary and Terms and Conditions of Employment for Unrepresented Employees was approved. These proposed increases are incorporated in the attached base salary schedule.

¹ Specifically, Section 22 of the 2018-2023 MOU provides for a cost of living adjustment (COLA) equal to the percentage change in the CPI as measured by the CPI-U San Francisco Bay Area (September 1 of the previous year through August 31 of the current year), with a minimum (Floor) of 2.0% and a maximum (Ceiling) of 4.0%. The SF Bay Area All Urban Consumers Index at 08/30/22 – 328.871; 08/30/21 – 311.167 = 328.871/311.167 = 5.7%; More info can be found at the below link to the US Bureau of Labor Statistics:
https://www.bls.gov/regions/west/newsrelease/consumerpriceindex_sanfrancisco.htm

Approved by GM *ADL*Date *9/29/22*

The total labor cost increase includes the cost of benefits, some of which are a percentage of salary (e.g., CalPERS, Social Security, Medicare, etc.). The October 1 salary increase will result in a FY 22/23 labor cost increase of \$193,000 which is an increase of 1.9% of Districtwide total salary and benefits costs, and it is within the assumptions provided in the FY 22/23 adopted budget. Once the attached wage schedule is approved by the Board, it will be posted on the District's website as a publicly available document, and it will also be available for public inspection at the District office during regular business hours.

RECOMMENDATION:

Approve the updated District Salary Schedule to be effective October 1, 2022.

ATTACHMENTS:

1. Updated District-wide Salary Schedule
2. Consumer Price Index – 10 Year History

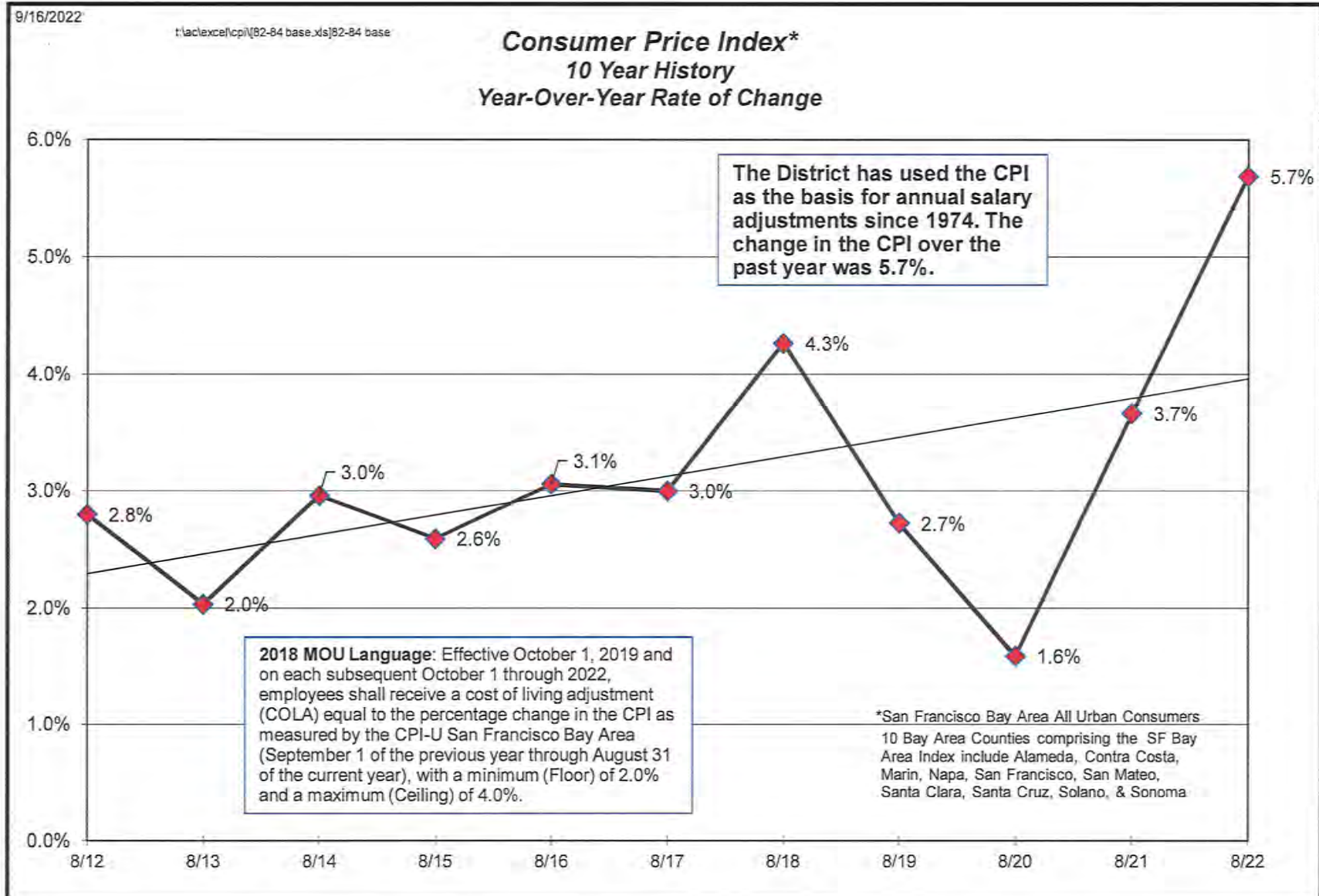
NORTH MARIN WATER DISTRICT
Employee Salary Ranges and Job Classifications - Effective 10/01/2022

DRAFT

JOB CLASSIFICATION	Beg Monthly	6 Mo Monthly	18 Mo Monthly	24 Mo Monthly	Merit Monthly
<u>ADMINISTRATION DEPARTMENT</u>					
Receptionist/Customer Service Assistant	5,244	5,506	5,781	6,070	6,374
Account/Credit Clerk II	5,790	6,080	6,384	6,703	7,038
Accounting Clerk II	5,790	6,080	6,384	6,703	7,038
Field Service Representative I	5,833	6,125	6,431	6,753	7,091
Field Service Representative II	6,242	6,554	6,882	7,226	7,587
Field Service Representative Lead	6,876	7,220	7,581	7,960	8,358
Storekeeper/Safety Coordinator	6,454	6,777	7,116	7,472	7,846
Consumer Services Supervisor	8,184	8,593	9,023	9,474	9,948
Senior Accountant	8,544	8,971	9,420	9,891	10,386
District Secretary	8,900	9,345	9,812	10,303	10,818
Human Resource/Safety Manager	9,051	9,504	9,979	10,478	11,002
Accounting Supervisor	9,201	9,661	10,144	10,651	11,184
Auditor-Controller	14,150	14,858	15,601	16,381	17,200
General Manager	19,679	19,679	19,679	19,679	19,679
<u>CONSTRUCTION / MAINTENANCE DEPARTMENT</u>					
Utility Worker I (Laborer)	5,194	5,454	5,727	6,013	6,314
Utility Worker II (Pipe Worker Assistant)	5,572	5,851	6,144	6,451	6,774
Utility Worker III (Pipe Worker)	6,454	6,777	7,116	7,472	7,846
Heavy Equipment Operator	6,700	7,035	7,387	7,756	8,144
Distribution Maintenance Foreman	7,835	8,227	8,638	9,070	9,524
Pipeline Foreman	7,835	8,227	8,638	9,070	9,524
Construction/Maintenance Superintendent	10,823	11,364	11,932	12,529	13,155
<u>ENGINEERING DEPARTMENT</u>					
Engineering Secretary	6,028	6,329	6,645	6,977	7,326
Engineering Services Rep	6,596	6,926	7,272	7,636	8,018
Engineering Technician IV	7,851	8,244	8,656	9,089	9,543
Junior Engineer	8,197	8,607	9,037	9,489	9,963
Assistant Civil Engineer	8,961	9,409	9,879	10,373	10,892
Water Conservation Coordinator	10,212	10,723	11,259	11,822	12,413
Associate Civil Engineer	10,535	11,062	11,615	12,196	12,806
Senior Engineer	11,588	12,167	12,775	13,414	14,085
Chief Engineer	13,055	13,708	14,393	15,113	15,869
Assistant General Manager/Chief Engineer	14,931	15,678	16,462	17,285	18,149

T:\AC\EXCEL\Personnel\Salary Schedule\[Salary Schedule All Employees10.01.22.xlsx]sal schd 10.01.22

JOB CLASSIFICATION	Beg Monthly	6 Mo Monthly	18 Mo Monthly	24 Mo Monthly	Merit Monthly
<u>OPERATIONS / MAINTENANCE DEPARTMENT</u>					
Building & Grounds Maint Assistant	4,902	5,147	5,404	5,674	5,958
Lab Tech	5,140	5,410	5,681	5,965	6,263
Program Assistant I	5,292	5,557	5,835	6,127	6,433
Cross Connection Control Tech I	5,676	5,960	6,258	6,571	6,900
Assistant Water Distrib & TP Operator	6,504	6,829	7,170	7,529	7,905
Apprentice Electrical/Mechanical Tech	6,192	6,502	6,827	7,168	7,526
Program Assistant II	6,432	6,754	7,092	7,447	7,819
Auto/Equipment Mechanic	6,454	6,777	7,116	7,472	7,846
Chemist I	7,053	7,406	7,776	8,165	8,573
Cross Connection Control Tech II	6,899	7,244	7,606	7,986	8,385
Electrical/Mechanical Technician	7,268	7,631	8,013	8,414	8,835
Water Distrib & TP Operator	8,098	8,503	8,928	9,374	9,843
Senior Electrical/Mechanical Tech	7,874	8,268	8,681	9,115	9,571
Senior Water Distrib & TP Operator	9,012	9,463	9,936	10,433	10,955
Chemist II	8,401	8,821	9,262	9,725	10,211
Senior Chemist	9,194	9,654	10,137	10,644	11,176
Maintenance Supervisor	9,140	9,597	10,077	10,581	11,110
Distrib & Treatment Plant Supervisor	10,902	11,447	12,019	12,620	13,251
Water Quality Supervisor	10,763	11,301	11,866	12,459	13,082
Operations/Maintenance Superintendent	12,104	12,709	13,344	14,011	14,712



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MEMORANDUM

To: Board of Director
 From: Julie Blue, Auditor-Controller *JB*
 Subject: Approve Auditor-Controller's Statement of Investment Policy

Date: October 4, 2022

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RECOMMENDED ACTION: Approve the Investment Policy as Presented.

FINANCIAL IMPACT: None

Following is the District's Statement of Investment Policy which is presented to the Board annually for review. There was one minor change, proposed in the Investment Policy from that approved by the Board last year, shown below in italics in red. The change is proposed to clarify the role of Auditor/Controller.

NORTH MARIN WATER DISTRICT STATEMENT OF INVESTMENT POLICY

- 1) Investment of sinking fund or reserve money of the North Marin Water District shall be made in securities in which North Marin Water District is legally empowered to invest such funds in accordance with Section 53601 of the Government Code, taking into consideration the probable income as well as the probable safety of said funds, exercising the judgment and care, under the circumstances then prevailing, which individuals of prudence, discretion and intelligence exercise in the management of their own affairs, not in regard to speculation, but in regard to the permanent disposition of said funds.
- 2) As far as possible, all money shall be deposited for safekeeping in financial institutions insured by the Federal Deposit Insurance Corporation or may be invested as provided in Section 53635 of the Government Code, pertaining to local agency pooled money investments.
- 3) Money may be invested in the Local Agency Investment Fund in accordance with Section 16429.1 of the Government Code.
- 4) A minimum of 20% of the District's investment portfolio shall remain liquid (i.e., in demand deposit accounts or equivalent) at all times. In addition, the weighted average life of the portfolio shall not exceed 2½ years.
- 5) No investments shall be made in financial futures or financial option contracts that are otherwise allowed pursuant to Section 53601.1 of the Government Code.
- 6) Interest earned through investment of the pooled District treasury shall be credited to the various water, sewer, and reserve account funds in direct proportion to their percentage of the total District treasury.
- 7) Accounts shall be maintained in North Marin Water District accounting records to record the reserve and inactive funds invested at all times in accordance with the State Controller's chart of accounts as authorized by Section 53891 of the Government Code.
- 8) Reserve fund account balances shall be maintained separately and shall reflect at all times the balance in each reserve fund in a manner consistent with generally accepted accounting practices.
- 9) Depositories having custody of North Marin Water District funds shall be directed to forward copies of all correspondence concerning North Marin Water District funds to the Auditor-Controller of North Marin Water District, *serving as Treasurer*. In the Auditor-Controller's absence, the General Manager of the District shall serve as Treasurer. In addition to the Auditor-Controller, the General Manager, the

Approved by GM *JB*

Date *9/29/22*

Assistant General Manager/Chief Engineer, and the Accounting Supervisor shall be signatories on all investment accounts maintained by the District. Banking Institutions shall require authorization from two signatories to execute any non-recurring wire transfer.

10) Verification that moneys have been on deposit at all times and collateralized in amounts equal to or in excess of funds designated by the Board of Directors as reserve funds shall be made in the annual audit of records.

11) The Auditor-Controller shall render a monthly investment report to the Board.

12) Criteria for selecting investments and the absolute order of priority shall be: (a) safety, (b) liquidity, (c) yield.

13) No more than two-thirds of District deposits in a depository shall be collateralized by non-government guaranteed mortgage backed securities, with the remainder to be backed by government guaranteed mortgage backed securities or non-mortgage backed securities.

14) The Auditor-Controller shall maintain a list of authorized broker/dealers who are approved for investment purposes. All authorized broker/dealers must certify that they have received and read the District's Investment Policy and will follow the guidelines therein, and must submit a copy of their firm's most recent audited financial statement annually. Staff shall investigate broker/dealers who wish to do business with the District to verify their experience with California public sector agencies, verify that they are licensed and in good standing with the California Department of Securities, the Securities and Exchange Commission or other applicable self-regulatory organizations.

RECOMMENDATION

Approve the Investment Policy as presented.

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MEMORANDUM

To: Board of Directors October 4, 2022
 From: Ryan Grisso, Water Conservation Coordinator *RG*
 Subject: Approve – Agreement with Sonoma Water for Prop 1 Grant Reimbursement
v:\memos to board\sonoma water prop 1 agreement 2022.doc

RECOMMENDED ACTION: Authorize the General Manager to execute the Agreement with Sonoma Water

FINANCIAL IMPACT: Up to \$141,202 (Included in FY21, FY22, FY23 and FY24 Budgets)

Proposition 1 (Prop 1), the Water Quality, Supply, and Infrastructure Improvement Act of 2014, administered by the State of California Department of Water Resources (State), provides funding for projects that help meet the long-term water needs of the state. In 2020, a Prop 1 Grant was awarded to eleven partner agencies in the Bay Area Regional Water Conservation Program (administered by EBMUD), including Sonoma Water. As a member agency of Sonoma Water, North Marin Water District (NMWD) was earmarked for \$141,202 in grant funding.

The programs approved for this grant include the 50% match for Cash for Grass Turf Replacement Program (~\$60,000), AMI/Flume meter installations (~\$60,000), Residential Weather Based Irrigation Controller Rebates (~\$10,000) and Component Analysis, which is a comprehensive study to improve water loss (~\$10,000), going back to an effective beginning date of June 1, 2020. All of these programs are currently approved and budgeted by NMWD this current fiscal year in grant compliance amounts, and all past fiscal expenditures for these programs are eligible for reimbursement through this back to program expenditures after June 1, 2020.

A draft grant agreement between Sonoma Water and NMWD is included for your reference (Attachment 1). This agreement has already been approved, in its current form, by the Sonoma Water Board.

RECOMMENDATION

Board authorize the General Manager to execute the grant agreement with Sonoma Water for reimbursed grant funding in an amount not to exceed \$141,202.

ATTACHMENTS: 1 – Draft Agreement (Minus 2 Exhibits)

DRAFT Agreement for Northern Sonoma County Water Conservation Program (Proposition 1 Round 1)

This agreement ("Agreement") is by and between **Sonoma County Water Agency** a body corporate and politic of the State of California ("Sonoma Water") and **North Marin Water District**, a government agency ("NMWD"). 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 8 (Term of Agreement).

RECITALS

- A. Proposition 1, the Water Quality, Supply, and Infrastructure Improvement Act of 2014, Integrated Regional Water Management (IRWM) Grant Program, administered by the State of California Department of Water Resources (State), provides funding for projects that help meet the long-term water needs of the state, including assisting water infrastructure systems adapt to climate change; providing incentives throughout each watershed to collaborate in managing the region's water resources, setting regional priorities for water infrastructure and, improving regional water self-reliance.
- B. On April 22, 2019, State released the Final Proposition 1 - Round 1 IRWM Implementation Grant Proposal Solicitation seeking applications from all State of California IRWM regions. East Bay Municipal Utilities District (EBMUD) applied on behalf of itself and 10 partners (including Sonoma Water), to implement a series of water conservation projects in the region. The Association of Bay Area Governments (ABAG), acting as lead applicant to the State, was tasked to work with sub-applicants to complete the final regional application.
- C. On June 2, 2020, ABAG was notified that its Proposition 1, Round 1, grant application was awarded by State for a suite of projects, including the Bay Area Regional Water Conservation Program Proposition 1 Round 1 Integrated Regional Water Management Implementation Grant (Program) administered by EBMUD in partnership with multiple organizations. Under a Memorandum of Understanding with EBMUD, Sonoma Water will receive \$622,886 from State for administering and implementing the Program with local municipal partners.
- D. Sonoma Water was allocated \$622,887 by the State for administering and implementing the Program for Participating Agencies. Participating Agencies and Sonoma Water have committed to provide an additional \$622,887 in non-State matching funds, for a total Program cost of \$1,245,773.
- E. Participating Agencies include, but are not limited to: City of Petaluma, City of Sonoma, Valley of the Moon Water District, and North Marin Water District.

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

AGREEMENT

1. RECITALS

- 1.1. The above recitals are true and correct.

2. LIST OF EXHIBITS

- 2.1. The following exhibits are attached hereto and incorporated herein:
- a. Exhibit A: Program Scope.
 - b. Exhibit B: Schedule of Costs.
 - c. Exhibit B-1: Amended Schedule of Costs.
 - d. Exhibit C: Insurance Requirements.
 - e. Exhibit D: Grant Award Documents for FP-263 (Memorandum of Understanding with EBMUD, Grant Agreement No. 4600013831 from the State of California).
 - f. Exhibit E: Quarterly Reports.
 - g. Exhibit F: Component Analysis.

3. DEFINITIONS:

- 3.1. For the purposes of this Agreement the following terms and definitions shall be used:
- a. Participants. NMWD-approved water customers who apply to participate in Grant-Funded Measures as described in Exhibit A.
 - b. Grant-Funded Measures. Water conservation incentives described in Exhibit A that are funded by Department of Water Resources Proposition 1 grant.

4. NMWD'S RESPONSIBILITIES

- 4.1. *NMWD's Specified Scope of Work:* Perform the tasks in Exhibit A (Program Scope), within the times or by the dates provided for in Exhibit A. In the event of a conflict between the body of this Agreement and Exhibit A, the provisions in the body of this Agreement shall control.
- 4.2. *Match Funds:* Grant terms require NMWD to provide match funding in the amount listed in Exhibit B, with the limitations specified in Exhibit A. Rebates, equipment, and other program costs incurred between June 3, 2020, and September 30, 2024, can be applied to match or reimbursable program costs.
- 4.3. *Acknowledgement of Credit:* Grant terms require NMWD to include appropriate acknowledgement of credit to the State for its support when promoting the Project or using any data and/or information developed under the Program.

Recognition shall include the Department of Water Resources color logo, Prop 1 color logo, and the following disclosure statement: "Funding for this project has been provided in part from the Water Quality, Supply, and Infrastructure Improvement Act of 2014 and through an agreement with the State Department of Water Resources." Retain documentation of satisfying the acknowledgement of credit, as stated in Exhibit A Deliverables.

- 4.4. *Marketing:* Conduct marketing to promote awareness of NMWD-run Programs. Retain copies of all marketing materials and examples of rebate applications, as stated in Exhibit A Deliverables.
- 4.5. *Quarterly Reports:* Provide quarterly reports of services performed and other data required under grant programs, in a format provided by Sonoma Water, (attached as Exhibit E). Reports for activity through the 15th of the reporting month shall be submitted to Sonoma Water on or before the 21st of March, June, September, and December each year. An additional closeout report may be required prior to agreement termination, date to be determined.
- 4.6. *Post-Performance Reports:* For up to three years after expiration of this agreement, provide data or other records to Sonoma Water as needed to fulfill post-performance reporting requirements for the State.
- 4.7. *Communication:* Provide regular communication monthly via email or phone with Sonoma Water representative on budget tracking and other issues as required.
- 4.8. *Monitoring:* Provide access to work sites, records, programs, or procedures in order to ensure compliance with terms and conditions of the Grant agreement.
- 4.9. *State or Grant Funding:* NMWD is informed and aware that this Agreement is funded by a grant from the California Department of Water Resources Proposition 1 Integrated Regional Water Management Implementation Grant Agreement No. 4600013831, which grant is conditioned upon various terms that apply to NMWD. NMWD has reviewed the grant award documents attached hereto as Exhibit D (Grant Award Documents) and hereby agrees to comply with them to the extent they apply to a subrecipient.

5. SONOMA WATER'S RESPONSIBILITIES

- 5.1. *Coordination and Grant Administration:* Coordinate, document, invoice, and report as required by the grant terms, including the Programs described in Exhibit A.
- 5.2. *Quarterly Reports:* Prepare required quarterly reporting data and invoices and submit to EBMUD according to the terms of the Memorandum of Understanding with EBMUD.
- 5.3. *Disbursement of Grant Funds:* Disburse funds per grant guidelines.

6. **COORDINATION**

- 6.1. *Coordination:* NMWD shall cooperate with Sonoma Water in the performance of all work hereunder. NMWD shall coordinate the work with Sonoma Water's Project Manager. Contact information and mailing addresses:

Sonoma Water	NMWD
Project Manager: Kris Loomis Phone: (707) 524-1165 Email: Kris.Loomis@scwa.ca.gov Grant Manager: Joan Hultberg Phone: 707-547-1902 Email: joan.hultberg@scwa.ca.gov 404 Aviation Boulevard Santa Rosa, CA 95403-9019	Contact: Ryan Grisso 999 Rush Creek Drive Novato, CA 94945 Phone: (415) 761-8933 Email: rgrisso@nmwd.com
Remit progress report and cost documentation to:	Remit payments to:
Kris Loomis Same address as above	Same address as above

7. **PAYMENT TO NMWD**

- 7.1. *Program Maximum Obligations:* NMWD's obligation under this Agreement shall not exceed the amounts listed in Exhibit B, or an amendment to that Exhibit. Sonoma Water anticipates receiving a maximum of \$622,886 in grant funding for all Participating Agencies and must collect and invoice for an additional \$622,887 in non-State matching funds from Participating Agencies, for a total program cost of \$1,245,673.
- NMWD-run Programs:* Estimated amount for NMWD-run Programs is detailed in Exhibit B.
 - Modification.* Estimated amounts in Exhibit B may be adjusted, as mutually agreed in writing by the parties using the Amended Schedule of Costs (Exhibit B-1), provided total cost does not exceed \$622,836 for all Participating Agencies.
 - Retention.* State retains 10 percent of funds requested until the project is complete and all reporting requirements are met and approved by the State. NMWD understands and agrees that these retained funds will be distributed when they are made available to Sonoma Water, which may be after the expiration date of this agreement.

- 7.2. *Method of Payment:* NMWD shall be paid in accordance with the following terms:
- a. NMWD shall be paid in accordance with Exhibit B (Schedule of Costs). Expenses not expressly authorized by the Agreement shall not be reimbursed.
 - b. NMWD shall not be entitled to any additional payment for any expenses incurred in completion of the services.
 - c. NMWD will be reimbursed for Program expenditures when grant funds become available. Sonoma Water will distribute payments to NMWD according to grant guidelines.
 - d. NMWD shall be responsible for providing match funding in accordance with 4.2 above. If any Participating Agency does not meet its match obligation before the expiration date of this agreement, reimbursement amounts may be reduced.
- 7.3. *Quarterly Reports:* Payment is subject to receipt of the quarterly reports; format provided in Exhibit E.
- 7.4. *Ineligible Costs:* Pursuant to the grant terms and conditions, costs that are not eligible for reimbursement include, but are not limited to overhead and indirect costs. "Indirect Costs" means those costs that are incurred for a common or joint purpose benefiting more than one cost objective and are not readily assignable to the Project (i.e., costs that are not directly related to the grant funded project). Examples of Indirect Costs include but are not limited to: central service costs; general administration of VMWD; non-project-specific accounting and personnel services performed within VMWD's organization; depreciation or use allowances on buildings and equipment; the costs of operating and maintaining non-project-specific facilities; tuition and conference fees; forums, trainings, and seminars; and, generic overhead or markup. This prohibition applies to VMWD and any subcontract or sub-agreement for work on the Project that will be reimbursed pursuant to this Agreement.
- 7.5. *Excess Costs:* If the Program costs exceed the total amount described in this Agreement for NMWD-run Programs, NMWD shall pay for materials and services. Excess costs will be reported as additional matching funds for the grant and are not eligible for additional grant reimbursement.

8. TERM OF AGREEMENT

- 8.1. The term of this Agreement shall be from June 3, 2020, ("Effective Date") to November 31, 2024, unless terminated earlier in accordance with the provisions of Article 9 (Termination).
- 8.2. After the expiration of this agreement, NMWD may be requested to provide data or other records to Sonoma Water as needed to fulfill post-performance

reporting requirements for the State. Sonoma Water will be required to conduct post-performance reporting for three years after the grant period ends.

9. TERMINATION

- 9.1. *Authority to Terminate:* Sonoma Water's right to terminate may be exercised by Sonoma Water's General Manager.
- 9.2. *Termination for Cause:* Notwithstanding any other provision of this Agreement, should NMWD fail to perform any of its obligations hereunder, within the time and in the manner herein provided, or otherwise violate any of the terms of this Agreement, Sonoma Water may immediately terminate this Agreement by giving NMWD written notice of such termination, stating the reason for termination.
- 9.3. *Payment Upon Termination:* Upon termination of this Agreement by Sonoma Water, NMWD shall be entitled to receive as full payment for all services satisfactorily rendered and reimbursable expenses properly incurred hereunder, a pursuant to Paragraph 7 (Payment to NMWD).
- 9.4. *Termination for Non-Appropriation:* Sonoma Water may terminate this Agreement at any time, upon giving NMWD thirty (30) days written notice, for any of the following reasons:
 - a. Sonoma Water has exhausted all funds legally available for payments to become due under this Agreement;
 - b. Funds which have been appropriated for purposes of this Agreement are withheld and are not made available to Sonoma Water;
- 9.5. *Change in Funding:* NMWD understands and agrees that Sonoma Water shall have the right to terminate this Agreement immediately upon written notice to NMWD in the event that (1) any state or federal agency or other funder reduces, withholds or terminates funding that Sonoma Water anticipated using to pay NMWD for services provided under this Agreement or (2) Sonoma Water has exhausted all funds legally available for payments due under this Agreement.

10. MUTUAL INDEMNIFICATION

- 10.1. Each party to this Agreement (the "Indemnifying Party") agrees to accept all responsibility for loss or damage to any person or entity, and to defend, indemnify, hold harmless and release the other party (the "Indemnified Party"), and the Indemnified Party's supervisors, officers, agents, and employees, from and against any and all liabilities, actions, claims, damages, disabilities, or expenses that may be asserted by any person or entity, including the Indemnifying Party, to the extent resulting from the Indemnifying Party's breach of any material term of this Agreement, or Indemnifying Party's negligence or willful misconduct in connection with the performance of this Agreement, but excluding liabilities, actions, claims, damages, disabilities, or expenses to the extent arising from Indemnified Party's breach of any material term of this

Agreement, or Indemnified Party's negligence or willful misconduct in connection with the performance of this Agreement. The Indemnified Party shall have the right to select its legal counsel at the Indemnifying Party's expense, subject to the Indemnifying Party's approval, which shall not be unreasonably withheld. This indemnification obligation is not limited in any way by any limitation on the amount or type of damages or compensation payable to or for the parties hereto or their agents under workers' compensation acts, disability benefit acts, or other employee benefit acts.

11. INSURANCE

- 11.1. With respect to performance of work under this Agreement, NMWD shall maintain and shall require all of its subcontractors, consultants, and other agents to maintain, insurance as described in Exhibit C (Insurance Requirements).

12. EXTRA OR CHANGED WORK

- 12.1. Except as provided in 7.1.b (Modification), extra or changed work or other changes to the Agreement may be authorized only by written amendment to this Agreement, signed by both 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. The parties expressly recognize that Sonoma Water personnel are without authorization to order all other extra or changed work or waive Agreement requirements. Failure of NMWD to secure such written authorization for extra or changed work shall constitute a waiver of any and all right to adjustment in the Agreement price or Agreement time due to such unauthorized work and thereafter NMWD shall be entitled to no compensation whatsoever for the performance of such work. NMWD further expressly waives any and all right or remedy by way of restitution and quantum meruit for any and all extra work performed without such express and prior written authorization of Sonoma Water.

13. REPRESENTATIONS OF NMWD

- 13.1. *Labor Code Compliance:* NMWD shall keep informed of and take all measures necessary to ensure compliance with applicable Labor Code requirements, including, but not limited to, §1720 et seq. of the Labor Code regarding public works, limitations on use of volunteer labor (Labor Code §1720.4), labor compliance programs (Labor Code §1771.5) and payment of prevailing wages for work done and funded pursuant to these Guidelines, including any payments to the Department of Industrial Relations under Labor Code §1771.3.
- 13.2. *Nondiscrimination:* During the performance of this Agreement, NMWD and its contractors or subcontractors shall not unlawfully discriminate, harass, or allow harassment against any employee or applicant for employment because of sex (gender), sexual orientation, gender identity, race, color, ancestry, religion,

creed, national origin (including language use restriction), pregnancy, physical disability (including HIV and AIDS), mental disability, medical condition (cancer/genetic characteristics), age (over 40), marital/domestic partner status, and denial of medical and family care leave or pregnancy disability leave. NMWD and its contractors or subcontractors shall ensure that the evaluation and treatment of their employees and applicants for employment are free from such discrimination and harassment. NMWD and its contractors or subcontractors shall comply with the provisions of the California Fair Employment and Housing Act (Government Code §12990 (a-f) *et seq.*) and the applicable regulations promulgated there under (California Code of Regulations, Title 2, §11000 *et seq.*). The applicable regulations of the Fair Employment and Housing are incorporated into this Agreement by reference. NMWD and its contractors or subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreement. NMWD shall include the nondiscrimination and compliance provisions of this clause in all subcontracts to perform work under the Agreement.

- 13.3. *Workers' Compensation:* NMWD affirms that it is aware of the provisions of §3700 of the Labor Code, which requires every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and NMWD affirms that it will comply with such provisions before commencing the performance of the work under this Agreement and will make its contractors and subcontractors aware of this provision.
- 13.4. *No Suspension or Debarment:* NMWD warrants that it is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in covered transactions by any federal department or agency. NMWD also warrants that it is not suspended or debarred from receiving federal funds as listed in the List of Parties Excluded from Federal Procurement or Non-procurement Programs issued by the General Services Administration.
- 13.5. *Accounting, Audits, and Records Maintenance:* NMWD and its contractors and subcontractors shall maintain books, records, and other documents pertinent to their work under this Agreement in accordance with generally accepted accounting principles and practices. Records are subject to inspection by Sonoma Water and State at any and all reasonable times. All records of NMWD or its contractor or subcontractor shall be preserved for the purpose of State audits for at least three (3) years after project completion or final billing, whichever comes later.
- 13.6. *Inspections:* Sonoma Water and State shall have the right to inspect the work being performed at any and all reasonable times, providing a minimum of 24-hour notice, during the term of this Agreement. NMWD acknowledges that Program documents may be subject to the Public Records Act (California

Government Code Section 6250 et. seq.). Sonoma Water and State shall have the right to inspect and make copies of these documents at any and all reasonable times during the term of this Agreement to ensure compliance with the terms and conditions of this Agreement. During regular office hours, Sonoma Water and State shall have the right to inspect and to make copies of any books, records, or reports of the NMWD relating to this Grant Agreement. NMWD shall maintain and shall make available at all times for such inspection accurate records of its costs, disbursements, and receipts with respect to its activities under this Agreement. Failure or refusal by NMWD to comply with this provision shall be considered a breach of this Grant Agreement, and Sonoma Water may withhold disbursements to NMWD or take any other action it deems necessary to protect its interests. VMWD shall include provisions ensuring such access in all its contracts or subcontracts entered into for this Agreement.

- 13.7. *Drug-Free Workplace Certification (Certification of Compliance)*: By signing this Agreement, NMWD, its contractors or subcontractors hereby certify, under penalty of perjury under the laws of State of California, compliance with the requirements of the Drug-Free Workplace Act of 1990 (Government Code §8350 et seq.) and have or will provide a drug-free workplace by taking the following actions:
- a. Publish a statement notifying employees, contractors, and subcontractors that unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited and specifying actions to be taken against employees, contractors, or subcontractors for violations, as required by Government Code section 8355(a)(1).
 - b. Establish a Drug-Free Awareness Program, as required by Government Code section 8355(a)(2) to inform employees, contractors, or subcontractors about all of the following:
 - i. The dangers of drug abuse in the workplace,
 - ii. NMWD's policy of maintaining a drug-free workplace,
 - iii. Any available counseling, rehabilitation, and employee assistance programs, and
 - iv. Penalties that may be imposed upon employees, contractors, and subcontractors for drug abuse violations.
 - c. Provide, as required by Government Code section 8355(a)(3), that every employee, contractor, and/or subcontractor who works under this Agreement:
 - i. Will receive a copy of NMWD's drug-free policy statement, and
 - ii. Will agree to abide by terms of NMWD's condition of employment, contract or subcontract.
- 13.8. *Ownership of Work Product*: All reports, drawings, graphics, plans, and studies, in their final form and format, assembled or prepared by NMWD or NMWD's subcontractors, consultants, and other agents in connection with this

Agreement, shall be the property of Sonoma Water. NMWD shall deliver such materials to Sonoma Water upon request in their final form and format. Such materials shall be and will remain the property of Sonoma Water without restriction or limitation. Document drafts, notes, and emails of NMWD and NMWD's subcontractors, consultants, and other agents shall remain the property of those persons or entities.

14. **DEMAND FOR ASSURANCE**

- 14.1. Each party to this Agreement undertakes the obligation that the other's expectation of receiving due performance will not be impaired. When reasonable grounds for insecurity arise with respect to the performance of either party, the other may in writing demand adequate assurance of due performance and until such assurance is received may, if commercially reasonable, suspend any performance for which the agreed return has not been received. "Commercially reasonable" includes not only the conduct of a party with respect to performance under this Agreement, but also conduct with respect to other agreements with parties to this Agreement or others. After receipt of a justified demand, failure to provide within a reasonable time, but not exceeding thirty (30) days, such assurance of due performance as is adequate under the circumstances of the particular case is a repudiation of this Agreement. Acceptance of any improper delivery, service, or payment does not prejudice the aggrieved party's right to demand adequate assurance of future performance. Nothing in this Article 14 limits Sonoma Water's right to terminate this Agreement pursuant to Article 9 (Termination).

15. **ASSIGNMENT AND DELEGATION**

- 15.1. *Consent:* Neither party hereto shall assign, delegate, sublet, or transfer any interest in or duty under this Agreement without the prior written consent of the other, and no such transfer shall be of any force or effect whatsoever unless and until the other party shall have so consented.
- 15.2. *Subcontracts:* [JC1] Notwithstanding the foregoing, NMWD may enter into subcontracts with the subconsultants specifically identified herein. If no subconsultants are listed, then no subconsultants will be utilized in the performance of the work specified in this Agreement. Approved subconsultants are as follows:

Name	Type of Services	Prevailing Wages Apply? Y/N

- 15.3. *Change of Subcontractors or Subconsultants:* If, after execution of the Agreement, parties agree that subconsultants not listed in Paragraph 15.2 will be utilized, NMWD may enter into subcontracts with subconsultants to perform

other specific duties pursuant to the provisions of this Paragraph 15.3. The following provisions apply to any subcontract entered into by NMWD other than those listed in Paragraph 15.2 above:

- a. Prior to entering into any contract with subconsultant, NMWD shall obtain Sonoma Water approval of subconsultant. All agreements with subconsultants shall (a) contain indemnity requirements in favor of Sonoma Water and the State of California in substantially the same form as that contained in Article 10, (b) contain language that the subconsultant may be terminated with or without cause upon reasonable written notice, and (c) prohibit the assignment or delegation of work under the agreement to any third party.

- 15.4. *Summary of Subconsultants' Work:* NMWD shall provide Sonoma Water with a copy of subconsultant contract and summary of work performed by subconsultants with each invoice submitted under Paragraph 7.2.d. Such summary shall identify the individuals performing work on behalf of subconsultants and the total amount paid to subconsultant, broken down by the tasks listed in the Scope of Work.

16. MISCELLANEOUS PROVISIONS

- 16.1. *No Bottled Water:* In accordance with Sonoma Water Board of Directors Resolution No. 09-0920, dated September 29, 2009, no Sonoma Water funding shall be used to purchase single-serving, disposable water bottles for use in Sonoma Water facilities or at Sonoma Water-sponsored events. This restriction shall not apply when potable water is not available.
- 16.2. *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.
- 16.3. *Construction:* 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. NMWD 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. NMWD and Sonoma Water acknowledge that they have each had an adequate opportunity to consult with counsel in the negotiation and preparation of this Agreement.

- 16.4. *Consent:* Wherever in this Agreement the consent or approval of one party is required to an act of the other party, such consent or approval shall not be unreasonably withheld or delayed.
- 16.5. *No Third-Party Beneficiaries:* Except as provided in Article 10 (MUTUAL Indemnification), nothing contained in this Agreement shall be construed to create and the parties do not intend to create any rights in third parties.
- 16.6. *Applicable Law and Forum:* This Agreement shall be construed and interpreted according to the substantive law of California, regardless of the law of conflicts to the contrary in any jurisdiction. Any action to enforce the terms of this Agreement or for the breach thereof shall be brought and tried in Santa Rosa or in the forum nearest to the city of Santa Rosa, in the County of Sonoma.
- 16.7. *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.
- 16.8. *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.
- 16.9. *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.
- 16.10. *Time of Essence:* Time is and shall be of the essence of this Agreement and every provision hereof.
- 16.11. *Signature(s):* NMWD 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), NMWD 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.

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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 20/21-098

Reviewed as to funds:

By: _____
Sonoma County Water Agency
Division Manager - Administrative
Services

Approved as to form:

By: _____
Adam Brand, Deputy County Counsel

Insurance Documentation is on file with
Sonoma Water

Date/TW Initials: _____

Sonoma County Water Agency

By: _____
Grant Davis
General Manager
Authorized per Sonoma County Water
Agency's Board of Directors Action June
8, 2021

Date: _____

North Marin Water District

By: _____

(Please print name here)

Title: _____

Date: _____

Exhibit A

Program Scope

GRANT FUNDED MEASURES

- A. *The Water Efficient Landscape Rebate Program (Turf Replacement)*: NMWD may implement a turf conversion program providing rebates or incentives for converting turf to low water use plant material. Implementation activities include marketing, processing, and issuance of rebates. The program will follow the guidelines below:
- 1) Grant will fund 50 percent of rebate amounts, with a maximum reimbursement of \$0.50 per square foot for converting high water use turf to water-wise landscaping. NMWD will fund at least 50 percent in match.
 - 2) As an alternative to rebates, NMWD may offer Participants materials for turf conversion (including but not limited to compost, mulch, plants). Grant will fund materials up to 50 percent of the cost per square foot, with a maximum reimbursement of \$0.50 per square foot for converting high water use turf to water-wise landscaping. NMWD will fund at least 50 percent in match.
- B. *Smart Metering Device Project*: NMWD may implement a Smart Metering Device Project through processing and issuance of rebates. These devices provide customers detailed information on water use and provide leak alerts:
- 1) *Utility-Owned Device*: NMWD may implement a Smart Metering Device Project by installing utility-owned smart water meters via Advanced Metering Infrastructure (AMI).
 - a. Grant will fund 50 percent of the device cost, with a maximum reimbursement of \$75.00 per device. NMWD will fund at least 50 percent in match.
 - 2) *Customer-Owned Smart Metering Device*: NMWD may implement a Smart Metering Device Project and incentivize the cost to Participants for the purchase of a smart meter (to be installed by customer/Participant).
 - a. Grant will fund 50 percent of the device cost, with a maximum reimbursement of \$75.00 per device. NMWD will fund at least 50 percent in match.
- C. *The Commercial Weather Based Irrigation Controller Rebate Program*:
- 1) NMWD will pay or incentivize commercial Participants for the purchase of a Weather Based Irrigation Controller. Implementation activities include marketing, processing, and issuance of rebates.
 - 2) Grant will fund 50 percent of the device cost, with a maximum reimbursement of \$150.00 per device. NMWD will fund at least 50 percent in match.

D. *The Single-Family Weather Based Irrigation Controller Rebate Program (Residential)*

- 1) NMWD will pay or incentivize residential Participants for the purchase of a self-adjusting Weather Based Irrigation Controller. Implementation activities include marketing, processing, and issuance of rebates.
- 2) Grant will fund 50 percent of the device cost, with a maximum reimbursement of \$50.00 per device. NMWD will fund at least 50 percent in match.

E. *Component Analysis Project:*

- 1) NMWD will implement water loss analyses on their distribution systems to help identify leaks in their system.
- 2) Grant will fund 50 percent of the component analysis cost, with a maximum reimbursement of \$10,227.27 per analysis. NMWD will fund at least 50 percent in match.

F. *Optional Program Task:*

- 1) As mutually agreed between NMWD and Sonoma Water, Program funds may be re-allocated to an optional water-saving program component in support of Program objectives, to be determined at a later date. Optional task must be described in writing and attached to an executed Exhibit B-1.

G. *Deliverables*

- 1) Quarterly reports to Sonoma Water project manager as specified in Section 4.5 (Quarterly Reports) and Exhibit E (Reporting Template) of this agreement.
- 2) Copies of public outreach, marketing, project photos, and promotional/web link materials.
- 3) Documentation of acknowledgement of credit, as specified in Section 4.3.
- 4) Examples of rebate applications.
- 5) Copy of RFP for Component Analysis Consultant, Consultant Contract, and Proof of Payment.
- 6) Completed Water Loss Analyses Report (Component Analysis Project).
- 7) Post-performance report:
 - a. Provide post-performance data requested by Sonoma Water as needed to fulfill post-performance reporting requirements for the State. This may include costs and/or benefits deriving from the project since completion, among other information.

Exhibit B

Schedule of Program Costs

Grant-Funded Measure	Grant rebate maximum	Grant Funds available	NMWD's minimum Match Obligation
Turf Replacement Program	Up to \$0.50/sq ft	\$60,000.00	\$60,000.00
Smart metering devices (utility or customer owned)	Up to \$75 each	\$60,975.00	\$60,975.00
Commercial Weather Based Irrigation Controller	Up to \$150 each	\$0	\$0
Residential Weather Based Irrigation Controller	Up to \$50 each	\$10,000.00	\$10,000.00
Component analysis	Up to \$10,227	\$10,227.27	\$10,227.27
Total Available Funding		\$141,202.27	\$141,202.27

Note: Additional funds may become available if other entities do not use allocated amounts. Amount of funding and eligible quantities may be modified by using Exhibit B-1- Amended Schedule of Costs

Exhibit B-1

Amended Schedule of Program Costs for Agreement

[Add letter A,B,C for each amendment, then delete this text. Track in TW database]

[Blue shaded boxes and signature lines in B-1 should be blank unless using to amend]

Grant-Funded Measure	Grant rebate maximum	Grant Funds available	NMWD's minimum Match Obligation
Turf Replacement Program	Up to \$0.50/sq ft		
Smart metering devices (utility or customer owned)	Up to \$75 each		
Commercial Weather Based Irrigation Controller	Up to \$150 each		
Residential Weather Based Irrigation Controller	Up to \$50 each		
Component analysis	\$10,227		
<u><i>[Optional task: if used, replace this text with name of task and attach description OR delete this line if not used]</i></u>			
Total Available Funding		XXXX.XX	XXXX.XX

Sonoma Water and NMWD mutually agree that quantities and dollar amounts listed above will replace any earlier version of Exhibit B. All conditions of the Agreement other than those specifically changed by this amended Exhibit shall remain in effect.

North Marin Water District

☐ **Sonoma County Water Agency**

By: _____

Reviewed by Paul Piazza, Program Manager:

Title: _____

By: _____

Date: _____

By: _____

Joan Hultberg, Grant Manager

Sonoma Water copies to:
Accounting and Records
Joan Hultberg
Brad Elliott
Paul Piazza
[technical writer name]

Date: _____

Exhibit C

Insurance Requirements

1. **INSURANCE TO BE MAINTAINED BY NORTH MARIN WATER DISTRICT**

North Marin Water District shall maintain insurance, pooled risk, and/or self-insurance as described below and shall require all of its subcontractors, consultants, and other agents to maintain insurance as described below unless such insurance has been expressly waived by the attachment of a *Waiver of Insurance Requirements*. The insurance shall be maintained for the entire term of the Agreement after all funds have been disbursed.

Sonoma Water reserves the right to review any and all of the required insurance policies and/or endorsements but has no obligation to do so. Sonoma Water's failure to demand evidence of full compliance with the insurance requirements set forth in this Agreement or Sonoma Water's failure to identify any insurance deficiency shall not relieve North Marin Water District from, nor be construed or deemed a waiver of, its obligation to maintain the required insurance at all times during the performance of this Agreement.

1.1. Workers Compensation and Employers Liability Insurance

- a. Required if North Marin Water District has employees as defined by the Labor Code of the State of California.
- b. Workers Compensation insurance with statutory limits as required by the Labor Code of the State of California.
- c. Employers' Liability with minimum limits of \$1,000,000 per Accident; \$1,000,000 Disease per employee; \$1,000,000 Disease per policy.
- d. Required Evidence of Insurance: Certificate of Insurance
- e. If North Marin Water District currently has no employees as defined by the Labor Code of the State of California, North Marin Water District agrees to obtain the above-specified Workers' Compensation and Employers' Liability insurance should employees be engaged during the term of this Agreement or any extensions of the term.

1.2. General Liability Insurance

- a. Commercial General Liability Insurance on a standard occurrence form, no less broad than Insurance Services Office (ISO) form CG 00 01.
- b. Minimum Limits: \$1,000,000 per Occurrence; \$2,000,000 General Aggregate; \$2,000,000 Products/Completed Operations Aggregate. The required limits may be provided by a combination of General Liability Insurance and either Commercial Excess or Commercial Umbrella Liability Insurance. If North Marin Water District maintains higher limits than the specified minimum

limits, Sonoma Water requires and shall be entitled to coverage for the higher limits maintained by North Marin Water District.

- c. Any deductible or self-insured retention shall be shown on the Certificate of Insurance. If the deductible or self-insured retention exceeds \$25,000 it must be approved in advance by Sonoma Water. North Marin Water District is responsible for any deductible or self-insured retention and shall fund it upon Sonoma Water's written request, regardless of whether North Marin Water District has a claim against the insurance or is named as a party in any action involving Sonoma Water.
- d. Sonoma County Water Agency, the State of California, East Bay Municipal Utility District (EBMUD), Metropolitan Transportation Commission (MTC), Association of Bay Area Governments (ABAG), their officers, agents, and employees, shall be endorsed as additional insureds or additional covered parties for liability arising out of North Marin Water District's ongoing operations. (ISO endorsement CG 20 26 or equivalent).
- e. The insurance provided to the additional insureds/additional covered parties shall be primary to, and non-contributory with, any insurance or self-insurance program maintained by them.
- f. The policy definition of "insured contract" shall include assumptions of liability arising out of both ongoing operations and the products-completed operations hazard (broad form contractual liability coverage including the "f" definition of insured contract in ISO form CG 00 01, or equivalent).
- g. The policy shall cover inter-insured suits between Sonoma Water and North Marin Water District and include a "separation of insureds" or "severability" clause which treats each insured separately.
- h. Required Evidence of Insurance:
 - i. Copy of the additional insured endorsement or policy language granting additional insured status; and
 - ii. Certificate of Insurance.

1.3. Automobile Liability Insurance

- a. Minimum Limit: \$1,000,000 combined single limit per accident. The required limit may be satisfied by a combination of Automobile Liability Insurance and either Commercial Excess or Commercial Umbrella Liability Insurance.
- b. Insurance shall cover all owned vehicles if North Marin Water District owns vehicles.
- c. Insurance shall cover hired and non-owned vehicles.
- d. Required Evidence of Insurance: Certificate of Insurance.

1.4. Standards for Insurance Companies

- a. Insurers, other than the California State Compensation Insurance Fund, shall have an A.M. Best's rating of at least A:VII.

1.5. Documentation

- a. The Certificate of Insurance must include the following reference: TW 20/21-098.
- b. North Marin Water District shall submit required Evidence of Insurance prior to the execution of this Agreement. North Marin Water District agrees to maintain current Evidence of Insurance on file with Sonoma Water for the required period of insurance.
- c. The name and address for mailing Additional Insured endorsements and Certificates of Insurance is: Sonoma County Water Agency, 404 Aviation Boulevard, Santa Rosa, CA 95403-9019.
- d. Required Evidence of Insurance shall be submitted for any renewal or replacement of a policy that already exists, at least ten (10) days before expiration or other termination of the existing policy.
- e. North Marin Water District shall provide immediate written notice if: (1) any of the required insurance policies are terminated; (2) the limits of any of the required policies are reduced; or (3) the deductible or self-insured retention is increased.
- f. Upon written request, certified copies of required insurance policies must be provided within thirty (30) days.

1.6. Policy Obligations

- a. North Marin Water District's indemnity and other obligations shall not be limited by the foregoing insurance requirements.

Exhibit D

Grant Award Documents

[add PDF to final for signature; provide other party with PDF docs for review]

Exhibit E

Quarterly Reports

[Add PDF to final for signature]

Exhibit F

Real Loss (Leakage) Component Analysis Overview

A real loss component analysis (RLCA) aims to summarize the rate of leakage quantified through an AWWA water audit in meaningful categories (components) that help identify optimum strategies to reduce loss. The financial value of recovered water can be balanced with the cost of recovery to highlight opportunities for leakage management.

To achieve the outcomes described above a component analysis should include the following:

- 1.** Review current leakage management strategies to understand what data is available and to develop recommendations for refinement opportunities.
- 2.** Analyze relevant data sources to model the components of real loss.
- 3.** Estimate the potential to recover each component of loss to identify optimum real loss management strategies by balancing the cost of recovery with the value of savings.
- 4.** Deliver final reports with recommendations for future loss recovery and data management activities.

The figure on the following page defines the three components of leakage, the data sources used to model each, and potential recovery strategies.

The Components of Real Loss

<div>Surfaced Leak</div>		
Background	Unreported	Reported
<div>Definition</div> <p>Leaks of low flow rates, continuously running, and not discoverable by traditional acoustic leak detection.</p>	<div>Definition</div> <p> moderate flow rate leaks reported by the public or utility staff but either discovered or potentially discoverable through leak detection.</p>	<div>Definition</div> <p>Leaks reported by the public or utility staff. Generally high flow rate and of relatively short duration.</p>
<div>Data Sources</div> <ul style="list-style-type: none">• Industry standard coefficients• Infrastructure characteristics• Water audit results• Past leak detection results (if available)	<div>Data Sources</div> <ul style="list-style-type: none">• Past leak detection results (if available)• Water audit results	<div>Data Sources</div> <ul style="list-style-type: none">• Leak repair records• System pressure data• Industry standard assumptions where necessary
<div>Recovery Strategies</div> <ul style="list-style-type: none">• Pressure reduction• Main & service replacement• Reduce # of joints and fittings	<div>Recovery Strategies</div> <ul style="list-style-type: none">• Pressure reduction• Main & service replacement• Reduce # of joints and fittings• Proactive leak detection	<div>Recovery Strategies</div> <ul style="list-style-type: none">• Pressure reduction• Main & service replacement• Optimized repair time

10



MEMORANDUM

To: Board of Directors Date: October 4, 2022
From: Tony Williams, General Manager *SPW*
Subject: Update to County of Marin Regarding Sewer Service to Dillon Beach Properties
t:\gm\bod misc 2022\10-4-22 dillon beach_om\10-4-22 bod memo dillon beach.docx

RECOMMENDED ACTION: Authorize Sending the Updated Letter to County of Marin
FINANCIAL IMPACT: ~\$1,000 to date (staff time for reviewing report)

In 1995 and again in 2013, the District sent formal letters to the Director of the Marin County Community Development Agency (CDA; formerly known by other titles) regarding new sewer connections to the Oceana Marin system. A copy of those letters are included as Attachments 1 and 2 for reference. In August 2021, CDA received a state grant to conduct a wastewater feasibility study of the Dillon Beach Village area. In late July 2022, District staff received a draft study report from the County's consultant, Questa Engineering Corporation. The properties in the Dillon Beach Village area are dependent on individual onsite septic systems, many predating modern codes and practices, and the study report evaluated alternatives for improving wastewater treatment and disposal for the area. It is important to note that potable water is supplied by the California Water Services Company (Cal Water) within the Dillon Beach area and further north in Oceana Marin (OM), the Estero Mutual Water Company provides water services. The District has been providing sewer collection and treatment to OM since 1973.

The draft study report identifies four main alternatives for improving the existing conditions at Dillon Beach Village as summarized below:

- Alternative 1 Maintain Status Quo
- Alternative 2 Upgrades to Existing Systems and Creation of a Maintenance District
- Alternative 3 Connection to Oceana Marin
- Alternative 4 Hybrid Solution

Alternatives 2 and 3 each have two sub-alternatives, and Alternative 3 is associated with the OM system. Specifically, Alternative 3a is connection of the entire study area to OM (178 equivalent single-family dwellings), while Alternative 3b consists of connecting only the "Village Area" to OM for a total of 146 equivalent single-family dwellings. Alternative 4, the Hybrid solution, includes connection of 75 developed parcels, the Dillon Beach Resort café, rental cottages and beach

restroom to OM. A copy of the report's executive summary is provided as Attachment 3. More information regarding the study is provided on the County's website:

<https://www.marincounty.org/depts/cd/divisions/environmental-health-services/dillon-beach-study>

As indicated in the report's Executive Summary, Alternatives 3b and 4 are the overall highest ranking alternatives. Key District staff reviewed the draft study report and provided comments to CDA and Questa on August 19th. A subsequent meeting was facilitated by the County on September 14 to review and discuss the District's comments with Questa. Staff doesn't anticipate that the review comments will change the overall ranking of the alternatives, however, the study presents an opportunity to evaluate other governance structures for the community's sewer system as an option to the District's current role of providing sewer services. Staff feels that this is a unique situation and is requesting the Board's input in this matter.

In light of the previous practice of submitting formal letters to the CDA Director stating the District's position and policies, a draft letter has been prepared for the Board's consideration and input (Attachment 4).

RECOMMENDATION

That the Board provide any feedback or edits to the draft letter and authorize the General Manager to send a final version to the County of Marin.

ATTACHMENTS:

1. Letter to Marin County Planning Department dated September 20, 1995.
2. Letter to Marin County Community Development Department dated July 17, 2013
3. Executive Summary - Dillon Beach Village Wastewater Feasibility Study (Draft)
4. Draft 2022 letter to CDA



NORTH MARIN WA

999 RUSH CREEK PLACE • POST OFFICE BOX 148 • NOVATO, CALIFORNIA 94948 • (415) 897-4133 • FAX (415) 892-8043

September 20, 1995

Mr. Mark Riesenfeld, Director
Marin County Planning Department
Civic Center, Room 308
San Rafael, CA 94903

Re: Sewer Service to Individual Properties in Old Dillon Beach Village
NMWD File: Miscellaneous Old Dillon Beach File

Dear Mr. Riesenfeld:

Pursuant to our meeting on August 9, 1995, this letter is intended to improve the efficiency of our respective staffs in responding to requests for sewer service in the community of Old Dillon Beach Village (Village). North Marin's staff spends considerable time responding to requests for sewer service to lots in the Village which are outside of the District's sewer improvement district and territorial boundaries. These requests are often generated by your staff in response to Marin County Code, Section 1806, which requires that a lot within 400 feet of the public sewer must connect to the public sewer. Your staff has indicated they do not perceive there is a widespread problem with on-site sewer service in the Village and, as you are aware, the County cannot compel the District to provide sewer service to lots outside of the District's boundaries.

The District's Board has generally denied all requests for sewer service to lots outside the District's existing Oceana Marin improvement district boundaries in Old Dillon Beach since the cost of providing public sewer service for the Village community on a piece-meal basis is very expensive and will result in an unreliable and expensive, difficult to operate mixture of private and public sewer facilities. Thus, to make efficient use of staff time, both at the District and County, and to provide improved customer service to property owners in the community, the District is hereby identifying those lots in the Village which have an existing District gravity sewer fronting the property and which may be considered for annexation by the District Board of Directors in the future in accordance with District regulations.

As shown on Attachment 1, there is an existing District gravity sewer main in Ocean View Avenue south of North Street. Eight properties fronting this sewer have previously been annexed into the District's sewer improvement district and are eligible to receive sewer service from the District using this public sewer. There are nine additional properties which front this existing gravity sewer main in Ocean View Avenue (also shown on Attachment 1). These additional properties are not now within the District's Oceana Marin improvement district but no additional District sewage collection facility need be constructed to serve same and they may be considered for annexation by the District's Board of Directors in the future. Property owners whose parcels would require private pump systems to discharge into this existing gravity sewer main must comply with District regulations for said systems. The Assessor Parcel Numbers of these parcels are as follows:

- | | |
|--------------|--------------|
| • 100-133-10 | • 100-152-06 |
| • 100-133-12 | • 100-152-07 |
| • 100-152-01 | • 100-152-08 |
| • 100-152-04 | • 100-152-09 |
| • 100-152-05 | |

ATTACHMENT 1

Mr. Mark Riesenfeld
September 20, 1995
page 2

Other existing lots in the Village will not be considered for annexation and sewer service by the District's Board of Directors until such time as there is support and funding available from the Village property owners for a community-wide public sewer system.

Sincerely,



Chris DeGabriele
General Manager/Chief Engineer

CD:edw

Attachment

cc: Dawn Mittleman
Marin County LAFCO
Civic Center
San Rafael, CA 94903

Gary Giacomini
Supervisor
County of Marin
Civic Center
San Rafael, CA 94903



**NORTH MARIN
WATER DISTRICT**

999 Kusch Creek Place
P.O. Box 146
Novato, CA 94948

PHONE
415.897.4133

FAX
415.892.8043

EMAIL
info@nmwd.com

WEB
www.nmwd.com

July 17, 2013

Mr. Brian Crawford, Director
Marin County Community Development Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903

Re: Sewer Service to Individual Properties in Old Dillon Beach Village

Dear Mr. Crawford:

As a result of recent interest from Old Dillon Beach property owners, the North Marin Water District Board of Directors has requested this update of the September 20, 1995 letter to the County of Marin regarding sewer service to individual properties in Old Dillon Beach Village.

North Marin Water District (NMWD) provides sewer service to properties in the Oceana Marin development adjacent to Old Dillon Beach in West Marin County. The NMWD Board has generally denied all requests for sewer service to lots outside the existing NMWD Oceana Marin Sewer Improvement District boundaries including those in Old Dillon Beach since the cost of providing public sewer service for the Old Dillon Beach community on a piece-meal basis is very expensive and will result in an unreliable, expensive and difficult to operate mixture of private and public sewer facilities. Thus, to make efficient use of staff time, both at NMWD and the County, and to provide improved customer service to property owners in the community, NMWD is hereby identifying those lots in Old Dillon Beach which have an existing NMWD gravity sewer pipeline fronting the property and which may be considered for annexation by the NMWD Board of Directors in the future in accordance with NMWD regulations.

As shown on Attachment 1, there is an existing NMWD gravity sewer main in Ocean View Avenue south of North Street. This existing NMWD gravity sewer main was constructed in 1990 and eleven properties fronting this sewer have previously been annexed into the NMWD Oceana Marin Sewer Improvement District and are eligible to receive sewer service from NMWD using this public sewer. There are six existing additional properties which front this gravity sewer main in Oceana View Avenue (also shown on Attachment 1). These additional properties are not now within the NMWD

Mr. Brian Crawford
Marin County Community Development
July 17, 2013
Page 2

Oceana Marin Sewer Improvement District but no additional NMWD sewage collection facility need be constructed to service same and they may be considered for annexation by the NMWD Board of Directors in the future. (Property owners whose parcels would require private pump systems to discharge into this existing gravity sewer main must comply with NMWD regulations for said systems). The Assessor Parcel Numbers of these six existing additional properties are as follows:

- 100-133-10
- 100-133-12
- 100-152-01
- 100-152-04
- 100-152-06
- 100-152-27

Other existing lots in Old Dillon Beach, including those on Park Avenue with existing dwellings, and which potentially could be combined with an Ocean View Avenue lot noted above, will not be considered for annexation and sewer service by the NMWD Board of Directors.

Sincerely,



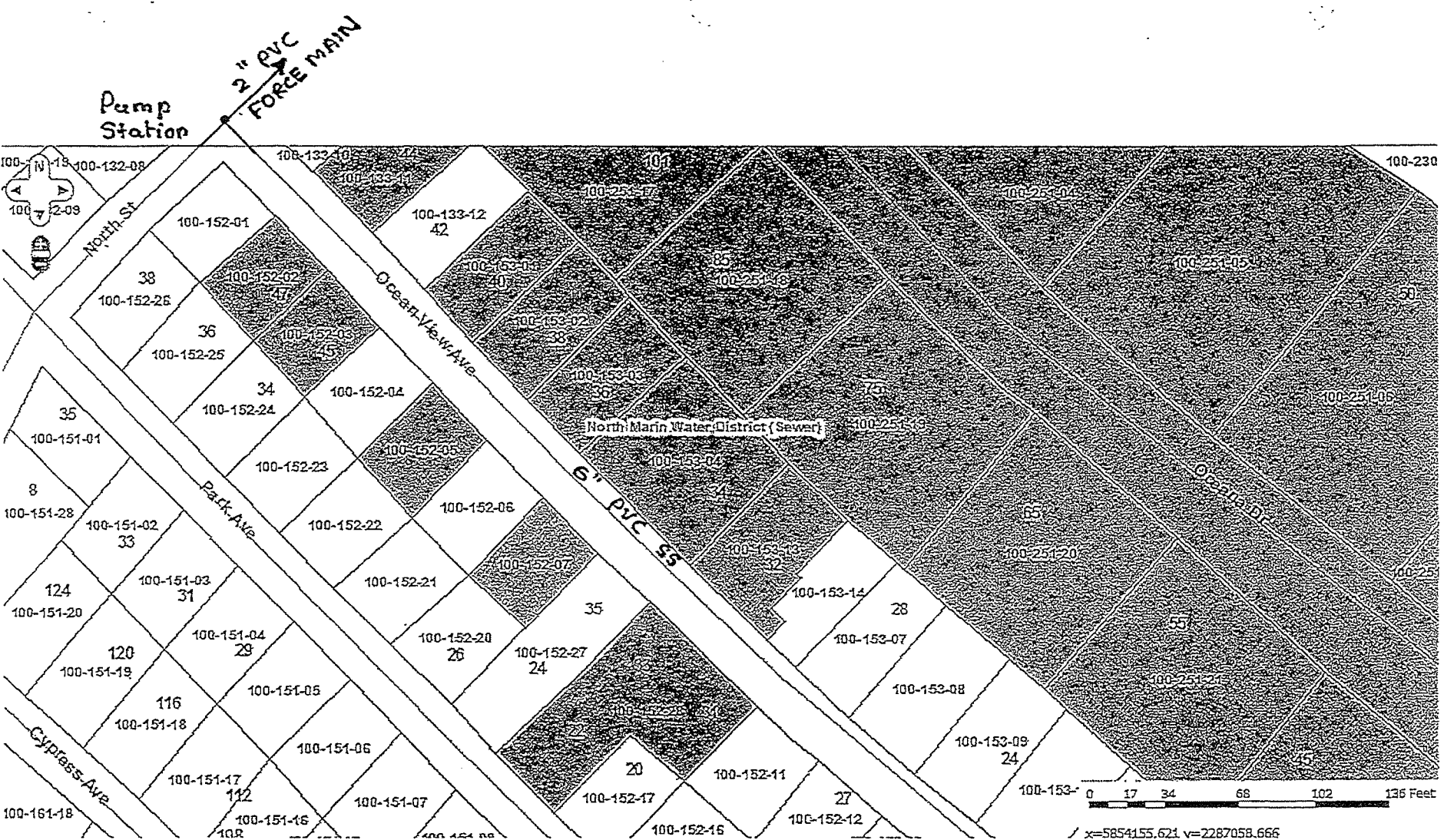
Chris DeGabriele
General Manager

Enclosure

CC:
Peter Banning
Marin County LAFCO
555 Northgate Drive, Suite 230
San Rafael, CA 94903

Steve Kinsey
Supervisor, County of Marin
3501 Civic Center Drive, Room 329
San Rafael, CA 94903

CD/kly
t:\gm\west marin\2013\annexation ltr to county.doc



SECTION 2: EXECUTIVE SUMMARY

In October 2021 the County of Marin contracted with Questa Engineering Corporation to conduct a wastewater feasibility study for the Dillon Beach Village area. This followed a community outreach and engagement process organized by Marin County Community Development Agency (CDA), in which participating residents identified aging septic systems and domestic wastewater management as an issue of significant local concern. The Village encompasses approximately 150 parcels, primarily single family residences with a small number of commercial occupancies. Properties in the Village are dependent on individual onsite septic systems for sewage disposal, many pre-dating modern codes and practices. The purpose of the feasibility study was to identify, evaluate and compare various alternatives for improving wastewater treatment and disposal in the community, including options ranging from onsite septic system upgrades to community sewerage facilities.

Study Area Characteristics

Dillon Beach is located in northwest Marin County adjacent to Bodega Bay, approximately four miles west of Highway 1 and the town of Tomales. The community is comprised of a Village core with small-scale commercial uses and a neighborhood of tightly clustered beach cottages and homes. The Village is bordered on the east and north by the Oceana Marin development, which consists of about 225 larger, modern homes served by a community wastewater treatment system. Lawson's Landing campground and expansive dune lands lie to the south.

For the purposes of this study, the Dillon Beach Village Study Area encompasses the following properties, all of which are served by onsite wastewater treatment systems (OWTS): (a) Village area which includes 130 residences and several commercial properties; (b) Bay Road-Cliff Street Extension which includes a separate cluster of 16 houses located south of Dillon Creek; and (c) Oceana Drive which includes a group of six (6) larger lot, residential properties within the Oceana Marin development.

Watershed. Dillon Beach Village lies at the base of the Dillon Creek watershed, which encompasses an area of approximately 430 acres, including: (a) grazing lands; (b) a portion of the developed Village area; and (c) a small area of undeveloped, well-vegetated sand dunes on the south side of the creek. There is a freshwater aquifer at the mouth of Dillon Creek formed from an accumulation of beach sands and alluvial stream deposits, overlain and bounded by aeolian (dune) sands. This aquifer is estimated to have a storage capacity of approximately 10 million gallons.

Water Supply. The community water supply is provided by the Coast Springs Water System (owned and operated by California Water Services Company). The system include a series of bedrock wells and springs located in the northeastern portion of the Dillon Creek watershed and a shallow well (Well No. 4") that draws from alluvial deposits adjacent to Dillon Creek. Well No. 4 has historically provided the majority of the water supply for the Coast Springs Water System. Coast Springs is required to treat all raw water in compliance with surface water treatment standards.

Geology, Soils and Groundwater. Regional geologic maps indicate the Dillon Beach Village area is underlain by Pleistocene-aged marine terrace deposits (dune sands) with sandstone of the Franciscan Complex mapped in the surrounding areas to the north and east, and beach sand and a large expanse of dune deposits to the west and south. According to the Soil Survey of

Marin County, the soils in the Dillon Beach Village region, including properties along Oceana Drive, are very deep, sands of the Sirdrak Series. Sand and loamy sand are the most common soil textures in the top 4 to 5 feet, while sands predominate below that level. Several dozen soil borings completed in conjunction with septic system upgrade projects confirm unsaturated sandy soil depths ranging from about 10 to 30 feet throughout the Village area, with groundwater generally observed near the contact with underlying clay and sandstone bedrock.

Groundwater depths and flow directions determined from numerous soil borings indicate a little over half of the Village area (east side) drains toward Dillon Creek and the alluvial aquifer, and the remainder drains westerly and northwesterly toward the beach and ocean.

Water Quality. Water quality issues of primary interest and concern in Dillon Beach are those affecting recreational activities, drinking water supplies and public health in general. This includes: (a) ocean water; (b) Dillon Creek; and (c) Dillon Creek groundwater basin.

Routine bacteriological testing of ocean waters at Dillon Beach conducted by Marin County EHS over the past 20 years shows a consistent record of compliance with State standards.

The outflow from Dillon Creek creates surface water flow across the beach during normal winter rainfall conditions. With declining outflow during spring and summer, the stream is reduced to a semi-stagnant "pond" or pooling area just west of the box culvert on Cliff Street. Limited (once or twice a year) spot sampling of the "pond" in the past few years has shown high bacteriological readings (total coliform and fecal indicator bacteria), in excess of water contact recreation standards. The source appears most likely (although not confirmed) to be related to dogs and other animal activity.

Groundwater quality in the Dillon Creek alluvial aquifer Water quality is monitored regularly at Coast Springs Well No. 4 and occasionally at a second well ("Cline"/Dillon Beach well). The sampling data indicate conformance with primary drinking water quality standards, i.e., constituents that can have health effects. Although not found in excess of the drinking water maximum contaminant level, the one principal groundwater quality constituent of potential concern is nitrate. Monitoring data for Well No. 4 shows seasonal fluctuations in nitrate concentrations, commonly reaching elevated levels significantly above background during the dry season. This is indicative of influence from land use activities in the Dillon Creek watershed, the likely sources being septic systems in the adjacent Village area and possibly animal grazing in the upper watershed area.

Existing Onsite Wastewater Practices

Dillon Beach Village was developed in the early 1900s, long before there were any codes or regulations pertaining to onsite sewage disposal systems. Cesspools and seepage pits formed by redwood boxes were a common practice. Given the state of knowledge regarding sewage treatment and disposal at the time, the presence of deep well drained sandy soils, and the limited seasonal occupancy the homes, redwood cesspools and seepage boxes served their purpose adequately for many years.

Since the 1950s, new construction, as well as replacement of many of the original cesspools and seepage boxes, has included more modern septic tanks and separate drainfields of some type. An unknown number of redwood cesspools are believed to still exist, as they are discovered from time-to-time in connection with septic system and building improvements documented in County files.

Parcel information on file with Marin County Environmental Health Services (EHS) indicates about 60 to 70 septic system upgrades have been completed in Dillon Beach Village over the past 35 to 40 years, most of them for replacement of cesspools and other older, non-conforming installations. The replacement systems commonly include new 1,200-gallon septic tanks, documentation of soils and groundwater depth, and gravity or pump-up leachfields, in accordance with requirements for Class II Repairs under the EHS "Residential Improvement Policy for Septic Systems". Nearly all OWTS upgrades include waivers or variances to standard setback distances, e.g., from property lines, buildings, utilities, driveways, etc. Based on review of EHS files, the current status of OWTS in Dillon Beach Village can be categorized approximately as follows:

- Class I and II (new and repair permits): 45%
- Class III (permitted under former code, prior to 1984): 10%
- Class IV (undocumented, no permit records on file): 45%

Suitability, Siting Constraints and Water Quality Impacts

Soils and Groundwater. Deep well drained sand and loamy sand soils underlie nearly the full extent of Dillon Beach Village area, providing generally 10 to 20 feet or more of unsaturated soil depth for absorption and dispersal of septic tank effluent. Percolation rates are fast, which is helpful for drainfield operation, but limiting from the standpoint of filtering and removing contaminants contained in percolating effluent.

Proximity to Water Courses and Wells. All septic systems meet the standard minimum 100-foot lateral setback requirement from Dillon Creek and 150-foot setback from the Coast Springs public water supply well (No. 4) located on the south side of the Village. However, there is a potential question as to whether or not a 400-foot setback to Dillon Creek may be required under the 2012 State Water Board OWTS Policy. This is because Dillon Creek is the main source of recharge for Well No. 4, which is classified as "under the direct influence of surface water" and consequently could be considered a "surface water intake" for purposes of applying setback requirements.

Site Limitations and Setbacks. A major constraint for OWTS is the extremely limited space on individual parcels (averaging less than 2,500 ft² in size) to accommodate code-compliant septic tanks and disposal fields. This results in encroachment within standard setback distances from buildings, property lines, paved areas and utilities on nearly every site.

Cumulative Impacts on Groundwater. Separate from standard siting and design criteria, another consideration is the cumulative effect of the large number of septic systems in a relatively small area. This is an issue especially on the eastern side of the Village, where septic system discharges contribute to the local recharge of groundwater affecting the Coast Springs water supply wells and alluvial aquifer of Dillon Creek. Water sampling data, along with nitrate loading calculations, indicate the high density of septic systems combined with the rapidly permeable sandy soils results in elevated concentrations of nitrate in the groundwater adjacent to Dillon Creek. Although monitoring data shows that drinking water nitrate limits have not yet been exceeded at the wells, future increases in occupancy and wastewater generation in the Village could pose a threat to the community drinking water supply.

Homeowner Questionnaire Survey

An anonymous and voluntary homeowner questionnaire survey was conducted in spring of 2022 to solicit community knowledge, concerns and opinions on existing wastewater practices in Dillon Beach Village and potential long-term management options. Survey forms were distributed by mail to approximately 160 property owners, with completed forms returned from about one-third of the community (52 responses). The following highlight some of the key information from the survey.

- **OWTS Status.** Of those completing the survey about 80% were owners of properties having a relatively “modern” septic system including a septic tank and leachfield, indicating the responses were mostly from those having documented Class II or Class III systems.
- **Septic Tank Pumping.** Reported septic tank maintenance pumping frequency was fairly typical, with the majority indicating pump-outs every 2 to 10 years, a few indicating annual or greater frequency, and a few indicating “never”.
- **Graywater.** There is currently very little diversion of graywater (laundry, showers, hand sinks) for irrigation or separate dispersal; about 20% of respondents indicated an interest in pursuing this option.
- **OWTS Operational Concerns.** A very high percentage of respondents (85% to 90%) indicated low level of concern about the functioning, code compliance or impacts of their OWTS.
- **Water Quality Impact Concerns.** Regarding septic system impacts on local surface water and groundwater quality, about half of the respondents indicated a low level of concern, one-third a moderate level of concern, and about 10% to 20% a moderately-high to high level of concern. The indicated level of concern about other water quality factors in the Dillon Creek watershed (agriculture and street runoff) and other septic systems in general was similar.
- **Wastewater Management Approach.** Preferences among the various wastewater management approaches is summarized below, showing the percentage of respondents indicating a particular approach as their highest level of interest:

○ No preference indicated:	35%
○ Status Quo:	13%
○ OWTS Upgrade & Management	6%
○ Community Sewerage	21%
○ Hybrid – Combination of Above	25%
- **Comments.** Other comments added at the end of the questionnaire included more specific information regarding OWTS components (e.g., tank/leach field size), emphasis on how well their system has operated for many years, caution against trying to fix what isn't broken, concerns about impacts from rentals and commercial properties, uncertainties about the functioning of the Oceana Marin wastewater system, cost impacts to homeowners, and appreciation for the survey and overall effort to study OWTS issues.

Project Alternatives

Based on review of existing wastewater practices, environmental conditions, and potential opportunities and means for community sewerage, the following community wastewater alternatives for Dillon Beach Village were formulated and evaluated in this study.

Alternative 1 - No project: The "No Project" alternative would maintain the status quo, where individual property owners would remain responsible for ongoing maintenance, repair, upgrading and replacement of existing OWTS in accordance with current practices and Marin County onsite sewage disposal regulations and policies. There would be no set schedule for upgrading any existing septic systems, and no mandatory inspection or maintenance work.

Alternative 2 – OWTS Upgrades and Management Program: This alternative would provide for systematic evaluation and as needed upgrade of onsite systems to be done in conjunction with the formation of an OWTS maintenance/management “zone” or district. The program would be operated under the authority of a wastewater maintenance district, County Service Area or similar public entity covering the boundaries of the selected service area. Financing of individual septic system improvements would be accomplished with grant assistance to bring all currently developed properties into conformance with minimum acceptable “repair” standards. Two options were identified under this alternative, which differ according to the target level of OWTS upgrade and treatment requirements to be achieved as follows:

- **Alternative 2a:** The objective of this alternative would be to evaluate and upgrade all OWTS to meet Marin County Class II septic system repair criteria in a manner generally consistent with the repair and replacement practices that have been followed over the past 25 to 30 years.
- **Alternative 2b:** This alternative would follow the same approach as **Alternative 2a**, but with the additional step of designating the east side of the Village as an advanced water quality protection management sub-area, due to its close proximity and recharge contribution to the Dillon Creek water supply aquifer. It would include requirements for supplemental treatment for nitrogen removal to be incorporated for existing and replacement OWTS in the designated management area.

Alternative 3 – Community Sewerage Connection to Oceana Marin: This alternative provides for the installation of sanitary sewers and connection to the neighboring Oceana Marin Wastewater System, which is operated by North Marin Water District (NMWD). Based on a review of alternative wastewater collection methods, it was determined that conventional gravity sewers would be the preferred and least cost option. Two variations of this alternative were defined and evaluated:

- **Alternative 3a** would extend sewer service to all developed residential and commercial properties in the Study Area, including the Village, Bay Dr/Cliff St Extension, and properties using OWTS on Oceana Dr.
- **Alternative 3b** would extend sewer service to the Village area only, including all residential and commercial properties with the exception of the RV Park, which is in the process of implementing an advanced OWTS. Areas not included in the sewer service area would remain under the status quo.

In **Alternatives 3a** and **3b**, the collection system would consist of conventional gravity sewers leading to a central sanitary lift station, tentatively proposed to be located adjacent to the beach restroom at the foot of Beach Avenue. A sewer force main would convey the sewage back uphill through the Village for connection to the existing Oceana Marin sewer system at the manhole located near the intersection of Oceana Dr and North Street. From there, the sewage would flow by gravity via existing sewers to the Oceana Marin main lift station at the end of Tahiti Way. It would combine at that point with all other sewage flows in the Oceana Marin system, to be pumped uphill to the two wastewater treatment ponds on the hilltop area above the Oceana Marin development. Final disposal of secondary treated water would be to the existing Oceana Marin leachfield located on the hillside north of the ponds. Expansion of leaching trench capacity within the existing leachfield area is proposed as part of **Alternatives 3a** and **3b** in order to accommodate the increased wastewater flows from Dillon Beach Village service area. No other required expansion of the Oceana Marin Wastewater System is anticipated based on review and assessment of system information and engineering recommendations contained in the 2015 Master Plan Update by Nute Engineering.

Alternative 4 – Hybrid - Prioritized Village Sewerage and OWTS Upgrades/Management:

This alternative consists of a combination of Alternatives 1, 2a and 3b. It would: (a) prioritize the east side of the Village (plus the beach restroom) for community sewerage and connection to the Oceana Marin Wastewater System; (b) establish an OWTS upgrade and management program for the west side of the Village; and (c) leave Bay Dr, Cliff St Extension, and Oceana Drive areas under the status quo.

Table 2-1 summarizes how the each of the different neighborhoods in the Study Area would be addressed under each alternative.

Table 2-1. Summary of Project Alternatives

Alternative	Service Sub-Areas			
	Village		Bay Dr & Cliff St Ext.	Oceana Dr
	East	West		
Alternative 1: No Project	Status Quo	Status Quo	Status Quo	Status Quo
Alternative 2a: OWTS Mgt	OWTS Mgt	OWTS Mgt	OWTS Mgt	OWTS Mgt
Alternative 2b: OWTS Mgt w/N Mitigation	OWTS Mgt w/N Mitigation	OWTS Mgt	OWTS Mgt	OWTS Mgt w/N Mitigation
Alternative 3a Full Sewerage	Sewerage	Sewerage	Sewerage	Sewerage
Alternative 3b: Village Sewerage	Sewerage	Sewerage	Status Quo	Status Quo
Alternative 4: Hybrid: Village-East Sewerage Village-West OWTS Mgt	Sewerage	OWTS Mgt	Status Quo	Status Quo

Estimated Wastewater Flows

Estimated wastewater flows were developed for the community sewerage alternatives (3a, 3b and 4) to evaluate capacity and potential impacts on the Oceana Marin wastewater collection, transmission, treatment and disposal facilities. Factors considered in estimating flows for the Dillon Beach Village area included the following:

- **Existing Oceana Marin wastewater system flows and projections.** The 2015 Master Plan Update report the Oceana Marin Wastewater System by Nute Engineering recommended an average dry weather daily flow per residence of 70 gpd for future build-out of the Oceana Marin service area.
- **Infiltration and Inflow.** Due to the deep well drained sands and lack of shallow groundwater, infiltration and inflow of extraneous water into a gravity sewer system in the Village area can be considered negligible.
- **Historical water use information for Dillon Beach Village residences.** Water use data for Dillon Beach Village properties for the 5-year period (2016-2020) indicates average residential water usage of less than 40 gpd during the winter season, increasing to 45 to 55 gpd/residence during the peak summer season.
- **Design flows and historical water use for commercial facilities.** Water use data for 2016-2020 for commercial wastewater facilities (Dillon Beach Resort) were reviewed to develop preliminary estimates of average dry weather flows for the Store-deli-café, RV Park, rental cabins and Beach Restrooms.
- **Marshall Community Wastewater System.** Recent wastewater flow data for the Marshall Community Wastewater System (~ 60 connections) were reviewed to provide a nearby point of comparison; data indicate an average dry weather and wet flows of 94 gpd and 87 gpd, respectively.

Using the above information, **Table 2-2** presents the estimated wastewater flows for the different levels of community sewerage in **Alternatives 3a, 3b** and **4**.

Table 5-3. Wastewater Flow Estimates – Community Sewerage
(gallons per day, average dry weather flow)

Wastewater Source	Unit Flow (gpd)	Alternative 3a Entire Study Area		Alternative 3b Village Only		Alternative 4 Hybrid – East Village	
		No. of Units	Total Flow to Sewers	No. of Units	Total Flow to Sewers	No. of Units	Total Flow to Sewers
Village Residential - East	75	74	5,550	74	5,550	74	5,550
Village Residential - West	75	56	4,200	56	4,200	56	0
Bay Rd-Cliff St Extension	75	16	1,200	16	0	16	0
Oceana Dr	75	6	450	6	0	6	0
Commercial							
Beach Restroom (per use)	2	500	1,000	500	1,000	500	1,000
Rental Cottages	50	3	150	3	150	3	150
RV Park	50	25	1,250	25	0	25	0
Store-Deli-Café	650	1	650	1	650	1	650
Post Office	50	1	50	1	50		50
Total Estimated Flow, gpd			14,500		11,600		7,400

Cost Estimates

Estimated capital cost and annual operation and maintenance (O&M) cost for the various wastewater project alternatives are summarized in **Table 2-3**. Total project costs are not estimated for the No Project Alternative; however, the costs for an individual property requiring OWTS upgrade can be approximated by the costs indicated for **Alternatives 2a** and **2b**.

- Capital Costs.** Capital costs include estimates for construction, 15% contingency allowance, and 30% allowance for planning, engineering, permitting and project administration. Costs for OWTS upgrades were based on a range of costs for each category of OWTS (Class I through IV) combined with the estimated number of systems in each category. Costs for community sewerage were based on preliminary layout of sewers, pump stations and other facilities, and engineering estimates of unit costs for each item. The average cost per residential parcel or “ESD” (which stands for “equivalent single-family dwelling”) is calculated and shown for each alternative. The cost for commercial connections would be a multiple number of ESDs based on wastewater flow comparison with that from a single family residence.
- Operation and Maintenance.** Estimated costs for OWTS upgrades and management were estimated based on equivalence to the typical annual costs incurred by properties in Marin County for OWTS under an EHS-issued operating permit. This includes an annual administrative fee, system inspection/servicing, and septic tank pump-outs. For community sewerage alternatives, estimated annual costs were based on the existing annual NMWD sewer fee for properties connected to the Oceana Marin Wastewater System. This cost is subject to adjustment by NMWD from year-to-year, and a detailed fee study would be conducted to determine whether or not sewer extension to serve Dillon Beach Village would result in an increase or decrease in annual fees.

Table 2-3. Summary of Estimated Project Costs (\$)

Project Alternative	Capital Costs		Annual O&M Costs
	Total Cost	Cost Per Parcel – ESD*	Per Parcel – ESD*
1 - No Project	N/A	N/A	0 - \$1,000+
2a - OWTS Upgrades & Management Program	\$ 6,071,150	\$ 34,108	\$900
2b - OWTS Upgrades & Management Program w/Nitrogen Removal	\$ 7,963,400	\$ 44,738	\$900 - \$1,200
3a - Community Sewerage to Oceana Marin Entire Study Area	\$ 10,091,025	\$ 52,285	\$1,296
3b - Community Sewerage to Oceana Marin Village Area	\$ 7,644,300	\$ 49,318	\$1,296
4 - Hybrid – Partial Village Sewerage, Partial OWTS Management Program	\$ 7,210,875	\$ 46,522	\$900 - \$1,296

* ESD = equivalent single family dwelling

Comparative Analysis of Alternatives

A comparative analysis was made of the various alternatives for the Dillon Beach Village study area considering such factors as regulatory compliance, environmental impacts, reliability, energy demand, land use, and costs. Some of the factors are represented by objective data (e.g., cost), while others required exercise of professional judgment and more subjective information.

The results are displayed in **Table 2-3**, showing **Alternatives 3b** and **4** to have the highest ranking and are identified as the “apparent best” alternatives. These two alternatives both include sewerage for a majority of the Village area, with differing number of properties retaining their use of OWTS.

This evaluation includes some degree of subjective professional judgment on the part of the consultant team. Community members or others may place different weight on the various evaluation factors, or add other factors, which could alter the ranking and outcome.

Table 2-4. Ranking of Project Alternatives

Comparison Factor	Alternative 1	Alternative 2 OWTS Upgrade and Management Program		Alternative 3 Community Sewerage to Oceana Marin		Alternative 4
	No Project Status Quo	2a Class II Repairs	2b w/ Nitrogen Removal Systems	3a Entire Study Area	3b Village Area Only	-- Hybrid-- East Village Sewer; Remainder OWTS
Regulatory Compliance	1	2	3	6	5	4
Environmental Impacts	1	2	3	5	6	4
Reliability	1	2	3	5	6	4
Energy Demand	6	5	4	1	2	3
Land Use	3	2	1	4	6	5
Capital Cost	5*	6	3	1	2	4
O&M Costs	5*	6	4	1	2	3
TOTAL	22	25	21	23	29	27
RANKING	4	3	6	5	1	2

*Costs for Alternative 1 are not known, but are estimated to be generally similar to Alternative 2 on average, but with larger uncertainty; costs for individual property owners would vary widely depending on individual circumstances.

Public Management Alternatives

The implementation of a community wastewater project in Dillon Beach will require the formation of or annexation to a public district that has suitable powers and authority for operation and management of public sewers or oversight of onsite wastewater treatment systems. This would be required as a matter of public policy and also to enable the community to obtain and utilize various forms of public financial assistance available from the State and Federal government.

The following briefly summarizes the apparent best or logical management/organizational options for each alternative.

Alternative 1 - Status Quo. No change or action required. Onsite wastewater treatment systems continue to be managed individually and regulated by Marin County Environmental Health Services.

Alternative 2a – OWTS Upgrades and Management Program. Formation of an OWTS Zone under the governance of the Marin County Board of Supervisors, administered through Environmental Health Services.

Alternative 2b – OWTS Upgrade Program with Supplemental Nitrogen Removal Systems. Formation of an OWTS Zone under the governance of the Marin County Board of Supervisors, administered through Environmental Health Services.

Alternative 3a – Community Sewerage and Connection to Oceana Marin Wastewater System. Annexation of the entire Study Area to NMWD for design, construction and management of sewer collection, treatment and disposal.

Alternative 3b – Community Sewerage and Connection to Oceana Marin Wastewater System. Annexation of the entire Village area to NMWD for design, construction and management of sewer collection, treatment and disposal.

Alternative 4 – Hybrid: Village Eastside Sewerage, Village Westside OWTS Upgrade Program
Two options:

- Annexation of the Village east side for sewerage by NMWD, and formation of a County-governed OWTS Zone for the remaining portion (per Alternative 2a).
or
- Formation of an OWTS Zone under the governance of the Marin County Board of Supervisors for the entire Village, with management authority over both sewer collection and onsite systems. Outside service agreement with NMWD for wastewater conveyance, treatment and disposal for the east side (sewered) portion of the Village.

October XX, 2022

Marin County Community Development Agency
3501 Civic Center Drive
San Rafael, CA 94903
Attention: Thomas Lai, Director

RE: Sewer Service to Dillon Beach Village by North Marin Water District Water

Dear Mr. Lai:

In conjunction with the County's 2022 wastewater feasibility study of the Dillon Beach Village (DBV), the North Marin Water District Board of Directors has requested this update of the previous July 17, 2013 letter to the Community Development Agency regarding sewer service to properties in the DBV. A copy of the previous 2013 letter is attached for reference.

The North Marin Water District (NMWD) provides sewer services (collection and treatment) to properties in the Oceana Marin development adjacent to DBV community in West Marin County. Only properties located within the established boundary of the Oceana Marin Improvement District are eligible for sewer services by NMWD. Previously in 1995 and again in 2013, NMWD has stated its position regarding new connections from the DBV area to the Oceana Marin system. Other than select parcels located on Ocean View Avenue which front an existing sewer main, NMWD has indicated that it would not consider any new annexations to the Improvement District.

NMWD Staff have reviewed the draft wastewater feasibility study prepared by Questa Engineering and provided review comments in late August. A subsequent meeting was held with County Staff and Questa in September to review the comments and potential responses. It appears that the two high ranking alternatives described in the study include various new sewer collection improvements and subsequent connection of up to 160 homes and businesses to the existing OM system, including a potential expansion of the treatment leach fields.

Chapter 8 of the feasibility study provides a very thorough summary of the allowable governance structures for the management and oversight of a community wastewater system that could be implemented for the DBV area if a community-wide project was to move forward. NMWD feels this study and the associated potential project provides an opportunity to reevaluate NMWD's role in this area and to review opportunities for more local control and governance. NMWD requests that the County carefully reviews the management options available for DBV separately as well as DBV and OM combined; or perhaps a broader regional entity that considers and potentially consolidates the surrounding communities of Tomales and Marshall, before moving forward with any action in this matter.

If you have any questions please contact me at 415-897-4133 or twilliams@nmwd.com.

Sincerely,

Anthony Williams, P.E., QSD
General Manager

Attachment: Copy of NMWD Letter to County of Marin dated July 17, 2013

cc:


Dennis Rodoni, Marin County Supervisor, District 4, Room 329 Civic Center, 3501
Civic Center Drive, San Rafael, CA 94903

Jason Fried, Executive Office, Marin County LAFCo
1401 Los Gatos Drive, Suite 220, San Rafael CA 94903

11



MEMORANDUM

To: Board of Directors Date: October 4, 2022
From: Tony Williams, General Manager 
Subject: Acceptance of Conditional Resolution and Waiver of Right to Hearing Order No. R2-2-22-1007 NPDES Permit CAG140001
t:\gm\bod misc 2022\10-4-22 rwqcb final settlement\10-4-22 bod memo rwqcb npdes.docx

RECOMMENDED ACTION: Information Only

FINANCIAL IMPACT: \$12,000 payment

As presented at the September 6, 2022 Board meeting, the District received an official correspondence from the San Francisco Bay Regional Water Quality Control Board (SFBRWQCB) in late July regarding an alleged violation of the state-wide NPDES permit for potable water discharges, and an associated offer to pay a settlement penalty in the amount of \$12,000. This was regarding a 4-day period during Stafford Lake backfeeding operations in early 2021. The SFBRWQCB posted a public notification of the tentative settlement on their website for a 30-day public comment period, which ended at 5:00pm on September 12, 2022. As stated at the September 6th meeting, staff is reporting back to the Board since public comments were received by SFBRWQCB during the comment period. The SFBRWQCB has formally responded to the comments, which were all submitted by the same person, Gordon Bennett of Save our Seashore (Attachment 1). Subsequently, the District received the executed settlement (Attachment 2) and an invoice for the expected amount of \$12,000 on September 28, 2022.

ATTACHMENTS:

1. Response to Written Comments from the SFBRWQCB
2. Acceptance of Conditional Resolution and Waiver of Right to Hearing, Order No. R2-2022-1007

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

RESPONSE TO WRITTEN COMMENTS

on Acceptance of Conditional Resolution and Waiver of Right to Hearing
for

North Marin Water District (NMWD)
North Marin Water District Water System
Novato, Marin County

The Regional Water Board received written comments from Save Our Seashore on a tentative settlement distributed for public comment. We quote the comments verbatim below, in *italics*, and follow each comment with a response.

Comment 1: *"The Board's proposed resolution does not require NMWD to change any of its practices to ensure that these violations will be promptly addressed. There is no point in having 'continuous' (every 15 minutes) chlorine monitoring if the monitoring results are ignored. NMWD likely had over 300 violation notices over 4 days before they took action to correct. Thus, we request that the Board require NMWD to install a fool-proof alarm that would alert the appropriate NMWD staff at the first instance of a violation. Such alarms should be installed at both NMWD's Stafford Lake treatment plant and NMWD's Point Reyes treatment plant."*

Response: This proposed settlement would assess an administrative civil liability for four days of chlorine violations, from February 26 through March 1, 2021, when NMWD imported potable water to the Stafford Lake Reservoir. It does not preclude any administrative action to ensure NMWD's compliance with permit requirements; however, such enforcement appears unnecessary. NMWD states the violations likely occurred because its operators were inexperienced using sodium bisulfite as a new dechlorinating solution.¹ Sodium bisulfite has a slower reaction rate than the calcium thiosulfate the operators had been using. NMWD implemented corrective measures and has avoided subsequent violations.

Comment 2: *"If this incident were simply an 'accident,' then that might warrant a minimum fine, but this is an accident greatly compounded by careless monitoring that warrants a higher fine. Further, if this incident was a minor violation, then that too might warrant a minimum fine, but the violation was 17 times what the Board considers a 'serious' violation (>20% of the allowed), so again this warrants a higher fine."*

Response: In accordance with Water Code section 13385, the proposed settlement would assess a mandatory minimum penalty of \$12,000, which is \$3,000 for each day of violation. If we were to consider a discretionary penalty, it would need to conform to the State Water Resources Control Board's *Water Quality Enforcement Policy* (effective October 5, 2017). Assuming the toxicity of the discharge posed an "above moderate" risk and the harm to beneficial uses was at most "below moderate," a discretionary penalty based on the policy's penalty calculation methodology would be roughly the same or perhaps less than the penalty proposed for four days of violation. The policy does not call for a penalty 17 times the proposed penalty. Nevertheless, the Water Code requires the proposed mandatory minimum penalty.

Comment 3: *"NMWD's biological assessment was conducted after 4 days of violations and dilution of the chlorine through the entire Lake. Consequently, the NMWD assessment could not*

¹ P. Ramudo (personal communication, March 8, 2021)

capture the instantaneous impacts to aquatic life subjected to four days of 1110% over-limit chlorine at the point of violation. The Board describes chlorine as 'extremely toxic to marine life.' Thus, it is more reasonable to conclude that there were indeed adverse (but undetected) impacts. It is not reasonable to conclude 'no adverse impacts,' which appears to be an attempt by NMWD to whitewash the incident. This whitewash attempt again warrants a higher fine."

Response: As explained in our response to Comment 2, a discretionary penalty that accounts for the toxicity of the discharge and the harm to beneficial uses would be roughly the same or perhaps less than the penalty proposed for the four days of violation.

Comment 4: *"Because the violation was 17 times what the Board considers a "serious" violation, we request that the Board impose a fine 17 times the minimum and also require NMWD to install fool-proof chlorine alarms at both NMWD's Stafford Lake treatment plant and NMWD's Point Reyes treatment plant."*

Response: See our responses to Comments 1 and 2.

**ACCEPTANCE OF CONDITIONAL RESOLUTION
AND WAIVER OF RIGHT TO HEARING
ORDER NO. R2-2022-1007**

**North Marin Water District
North Marin Water District Water System
P.O. Box 146, Novato, Marin County
NPDES Permit CAG140001, Regulatory Measure 448307**

By signing below and returning this Acceptance of Conditional Resolution and Waiver of Right to Hearing (Acceptance and Waiver) to the San Francisco Bay Regional Water Quality Control Board (Regional Water Board), North Marin Water District (Discharger) hereby accepts the conditional offer to settle alleged violations through payment of a mandatory minimum penalty and waives the right to a hearing before the Regional Water Board to dispute the alleged violations. The violations are attached to this Acceptance and Waiver as Exhibit A and incorporated by reference.

The Discharger agrees that Exhibit A shall serve as a complaint pursuant to Article 2.5 of the Water Code and that no separate complaint is required for the Regional Water Board to assert jurisdiction over the alleged violations. The Discharger agrees to pay the penalty authorized by Water Code section 13385, which shall be deemed payment in full of any civil liability pursuant to Water Code section 13385 that otherwise might be assessed for the violations described in Exhibit A. The Discharger understands that this Acceptance and Waiver waives its right under Water Code section 13323 to contest the allegations in Exhibit A and the amount of civil liability assessed for the violations.

The Discharger understands that this Acceptance and Waiver does not address or resolve liability for any violation not specifically identified in Exhibit A.

This Acceptance and Waiver may be executed and delivered in any number of counterparts, each of which when executed and delivered shall be deemed to be an original, but such counterparts shall together constitute one document. This Acceptance and Waiver may be executed by wet or electronic signature, and may be transmitted by hand, mail service, facsimile, or email. Any such signature shall be deemed to be an original signature and shall be binding to the same extent as if it were an original signature.

Upon execution, the Discharger shall return the Acceptance and Waiver to the following:

California Regional Water Quality Control Board, San Francisco Bay Region
NPDES Wastewater Enforcement Section
Attention: Marcos De la Cruz
1515 Clay Street, Suite 1400
Oakland, California 94612

or

R2NPDES.MMPS@waterboards.ca.gov

The Discharger understands that federal regulations set forth in Code of Federal Regulations, title 40, section 123.27(d)(2)(iii), require the Regional Water Board to publish notice of, and provide at least 30 days for public comment on, any proposed resolution of an enforcement action. Accordingly, prior to execution by the Regional Water Board's Executive Officer, this Acceptance and Waiver will be published for public comment as required by law.

The Discharger understands that the Executive Officer may execute the Acceptance and Waiver if no comments are received within the public notice period and the Executive Officer agrees that the assessment of the mandatory minimum penalty appropriately resolves the alleged violations. The Regional Water Board's resolution of the violations will preclude State Water Resources Control Board (State Water Board) action for the same violations.

The Discharger understands that the offer may be withdrawn if significant comments are received in opposition to the conditional offer. In that circumstance, Regional Water Board staff will advise the Discharger of the withdrawal and may issue an administrative civil liability complaint and schedule the matter for a hearing before the Regional Water Board or State Water Board.

The Discharger understands that funds collected for violations pursuant to Water Code section 13385 shall be deposited in the State Water Pollution Cleanup and Abatement Account.

The Discharger understands that, in lieu of full payment of the assessed mandatory minimum penalty to the State Water Pollution Cleanup and Abatement Account, it may elect to pay a portion toward a supplemental environment project (SEP). The SEP option is the SEP Fund, which supplements Regional Monitoring Program (RMP) studies that would not otherwise be conducted through the RMP's annually approved RMP cost allocations.

The Discharger understands that once the Regional Water Board's Executive Officer executes this Acceptance and Waiver, payment no later than 30 days after the date of the Executive Officer's signature is a condition of this Acceptance and Waiver. The Discharger shall pay the assessed civil liability to the State Water Pollution Cleanup and Abatement Account and/or San Francisco Estuary Institute (for the SEP Fund) as selected above. The State Water Board will send an invoice for any payment due to the State Water Pollution Cleanup and Abatement Account. The Regional Water Board will send an invoice for any payment due to the SEP Fund.

The Discharger agrees to pay the amounts indicated below to the State Water Pollution Cleanup and Abatement Account and, if chosen, the SEP Fund. The Discharger understands that the Regional Water Board will consider the Discharger to have fulfilled any SEP obligation if and when the San Francisco Estuary Institute receives the Discharger's contribution to the SEP Fund. (Place a "✓" or "x" in one box below and fill in the blanks as appropriate. Electing to pay a portion of the assessed liability to the SEP Fund will not change the total amount to be paid.)

Acceptance of Conditional Resolution and Waiver of Right to Hearing
North Marin Water District
Regulatory Measure: 448307

Payment Options:


- ☒ Option 1: Pay a portion of the assessed liability to the RMP SEP Fund:
- \$ 12,000 Amount to be paid to the SEP Fund (cannot exceed \$12,000)
- \$ _____ Amount to be paid to the State Water Pollution Cleanup and Abatement Account (\$12,000 minus amount inserted above)
- \$ 12,000 Total assessed mandatory minimum penalty (sum of amounts above).

Or

- ☐ Option 2: Pay the total assessed mandatory minimum liability (\$12,000) to the State Water Pollution Cleanup and Abatement Account.

I hereby affirm that I am duly authorized to act on behalf of, and to bind, the Discharger in the making and giving of this Acceptance and Waiver.

North Marin Water District

By: <u>Anthony Williams</u>	<u>General Manager</u>
Printed or typed name	Title
<u></u>	<u>8-4-2022</u>
Signature	Date

Note: Please return the signed Acceptance and Waiver with Exhibit A, together

IT IS SO ORDERED PURSUANT TO WATER CODE SECTION 13323 AND GOVERNMENT CODE SECTION 11415.60

Eileen White Digitally signed by Eileen White
Date: 2022.09.28 11:16:48
-07'00'
Water Boards

By: <u>Eileen White</u>	<u></u>
Executive Officer	Date
California Regional Water Quality Control Board	
San Francisco Bay Region	

EXHIBIT A - Alleged Violations

Discharger: North Marin Water District
North Marin Water District Water System
P.O. Box 146, Novato, Marin County
NPDES Permit CAG140001

The following table lists the alleged violations for which the Discharger is subject to civil liabilities pursuant to Water Code section 13385. The table lists the mandatory minimum penalty (MMP) that applies.

Table 1. List of Alleged Violations

CIWQS Violation ID No.	Violation Date	Parameter (units)	Group	Effluent Limitation	Reported Value	Percent Exceedance^[1]	Violation Type	MMP^[2]
1087444	2/26/2021	Total Residual Chlorine, Instantaneous Maximum (mg/L)	2	0.1	1.2	1,100%	C1, S	\$3,000
1087445	2/27/2021	Total Residual Chlorine, Instantaneous Maximum (mg/L)	2	0.1	1.2	1,100%	C2, S	\$3,000
1087446	2/28/2021	Total Residual Chlorine, Instantaneous Maximum (mg/L)	2	0.1	1.2	1,100%	C3, S	\$3,000
1087447	3/1/2021	Total Residual Chlorine, Instantaneous Maximum (mg/L)	2	0.1	1.2	1,100% ¹	> C3, S	\$3,000

Total Penalty: \$12,000

Legend:

CIWQS = California Integrated Water Quality System database that the Water Boards use to track violations and enforcement.

Violation ID = Identification number assigned to each permit violation within CIWQS.

C = Count – Number of violations within past 180 days, including this violation. A penalty applies under Water Code section 13385(i) when the count is greater than three (> C3).

S = Serious. A penalty applies under Water Code section 13385(h) whenever an effluent limitation is exceeded by 40 percent or more for a Group 1 pollutant or 20 percent or more for a Group 2 pollutant.

Footnotes:

[1] Percent that a discharger's reported value exceeds the effluent limitation for a Group 1 or 2 pollutant.

[2] The MMP required under Water Code section 13385(h) and/or (i).

CW-845588
WDID: 4DW0498

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DISBURSEMENTS - DATED SEPTEMBER 22, 2022

Date Prepared 9/19/22

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
1	Able Tire & Brake	Tire Repair ('15 Ford Escape), Tires & Alignment ('08 F250-\$1,460) & Parts & Labor to Replace Front Tires ('15 JD Skip Loader-\$3,194)	\$4,691.19
2	Alameda Electrical Distributors	Misc Electrical Supplies for Gallagher Well #2	455.60
3	Arrow Benefits Group	August 2022 Dental Claims Expense	2,474.10
4	A.S.T.I.	Backflow Testing (38)	4,425.00
5	Automation Direct	Analog Input Module, Brackets, Wire Duct & Hook-up Wire	552.08
6	Bank of Marin	Bank of Marin Loan Principal & Interest (Pymt# 143 of 240) Aqueduct Energy Efficiency Project	46,066.67
7	Bastogne Inc.	Return Payment-Not Our Customer	163.44
8	Bearings & Hydraulics	Service Parts	39.97
9	Building Supply Center	Spray Paint	18.55
10	Cinquini & Passarino Inc.	Prog Pymt#4: Gallagher Ranch Well No. 2 (Balance Remaining on Contract \$15,988)	5,950.00
11	Clipper Direct	Commuter Benefit Program	128.00
12	Coard, Annette S.	Novato "Toilet Rebate" Program	125.00
13	Comcast	Sept Internet Services (1250 Lynwood & Buck Institute)	551.00
14	Consolidated CM	Prog Pymt#15: Provide Construction Management Services for NMWD Admin Building Renovation (Balance Remaining on Contract \$887,179)	59,542.00
15	Core & Main	Bell Restrainers (4)	757.75

Seq	Payable To	For	Amount
16	Dutra Group	Refund Excess Advance Over Actual Construction Job Costs-Haystack Landing	31,413.66
17	Electrical Equipment Co	Replacement Mixing Gear Reducer With Motor (STP Actifloc System) (\$2,717) & Electrical Supplies (Gallagher Well #2)	2,847.65
18	Engineering Supply Company Inc	Battery Handles	252.00
19	Friedman's Home Improvement	Plywood, Screws & Lumber	347.56
20	GHD Inc.	Prog Pymt#18: STP Corrosion Assessment Project (\$4,993) (Balance Remaining on Contract \$15,783) & Prog Pymt#19: Old Ranch Rd Tank No. 2 Design Services (\$1,498) (Balance Remaining on Contract \$14,285)	6,491.37
21	Grainger	Miscellaneous Maintenance Tools & Supplies	736.48
22	InfoSend, Inc.	August Processing Fee for Water Bills (\$1,344), Postage (\$3,926) & August Monthly Support Fee	6,251.69
23	International Fire Inc.	Service Call & ABC Fire Extinguishers (5)	395.66
24	Lincoln Life Employer Serv	Deferred Compensation 9/15/22	11,386.86
25	Mallory Safety and Supply LLC	Gas Sensor	312.82
26	Marin Property Services	Refund Over Payment on Closed Account	111.73
27	Maselli & Sons	Hardware Supplies	45.08
28	Nationwide Retirement Solution	Deferred Compensation 9/15/22	1,195.00
29	Neff, Sam	Novato "Washer Rebate" Program	100.00
30	Network Adjusters, Inc.	Claim Settlement (Bugeia Lane-Driveway & Concrete Repair due to Water Damage)	36,497.83
31	ODP Business Solutions, LLC	Misc Office Supplies & Desk	1,012.38
32	Open Spatial Americas	Open Spatial Standard Edition Annual Lease (\$10,678) & Support (\$4,250)	14,928.00
33	Pace Supply	Couplings (33) (\$2,979), Copper Pipe (2,400') (\$21,514) & Cast Iron Flange (2)	24,695.53

Seq	Payable To	For	Amount
34	Pape Machinery Inc.	Parts to Repair Seat & Lighting ('09 JD Backhoe)	1,074.22
35	Parkinson Accounting Systems	Accounting Software Support	1,901.25
36	Point Reyes Prop Mgmt Assn	Sept Property Management Fee (25 Giacomini Rd)	75.05
37	Quadient, Inc.	Replacement Sealing Kit for Postal Meter	380.31
38	RH & Sons Water Services	Backflow Testing (248)	16,120.00
39	Sessions Rise Homeowners	Return Payment-Not Our Customer	1,682.27
40	Sonoma County Water Agency	August Contract Water	604,557.06
41	SPG Solar Facility XII, LLC	August Energy Delivered Under Solar Services Agreement	15,543.67
42	State Water Resources Control	D2 Certification Exam Fee (Fike)	60.00
43	Tamagno Green Products	Sludge Removal (135 yds)	4,819.30
44	Township Building Services	August Janitorial Services	367.86
45	TPx Communications	Sept Telephone Charges	739.18
46	USA BlueBook	Orion Sealed Triode (STP)	373.00
47	Vulcan Materials Company	EZ Street (3 yds)	953.01
48	White & Prescott	Prog Pymt#17: Ammo Hill Reservoir (Balance Remaining on Contract \$47,180) & Prog Pymt#18: Attell Water Line Easement (Balance Remaining on Contract \$46,865)	720.00
49	Wilson Bohannon Company	Brass Locks (100)	1,199.85
50	Winzer Corporation	Hardware Supplies	113.15
51	West Yost Associates	Prog Pymt #3: Consulting for Coast Guard Housing (Balance Remaining on Contract \$187,401)	7,235.25

Seq	Payable To	For	Amount
52	ZORO	LED Light	102.92
		TOTAL DISBURSEMENTS	<u>\$922,979.00</u>

The foregoing payroll and accounts payable vouchers totaling \$922,979.00 are hereby approved and authorized for payment.

	<u>09/20/22</u>
Auditor-Controller	Date
 FOR TW	<u>9/20/22</u>
General Manager	Date

DISBURSEMENTS - DATED SEPTEMBER 29, 2022

Date Prepared 9/26/22

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 9/15/22	\$168,075.53
90523*	Internal Revenue Service	Federal & FICA Taxes PPE 9/15/22	73,776.24
90522*	State of California	State Taxes & SDI PPE 9/15/22	16,887.82
90524*	CalPERS	Pension Contribution PPE 9/15/22	41,038.67
90525*	CALPERs	October Insurance Premium (Employer \$54,849 Retirees \$10,747 & Employee Contribution \$8,725)	74,321.58
EFT*	US Bank	August Bank Analysis Charge (Lockbox \$912 & Other \$455 Less Interest \$133)	1,233.81
1	100 Wood Hollow Drive Owner	October Wood Hollow Rent	28,294.75
2	Allen, Linda	Novato "Toilet Rebate" Program	109.00
3	Alpha Analytical Labs	Lab Testing for Gallagher Well #2 (\$3,597) & Novato	5,982.00
4	Amazon/Genuine-Hardware	Office Supplies (\$70), ASE Test Preparation Manuals (\$97), Construction Supplies (\$397), Cells for Spectrophotmeter (STP) (\$103) & IT Supplies (\$1,034)	1,701.64
5	Asbury Environmental Services	Used Oil Disposal	95.00
6	AT&T	Sept Internet Services	110.95
7	AT&T	Leased Lines	67.94
8	Backflow Distributors	Check Repair Kit & Test Kit & Equipment Required for FSR Hydrant Backflow Installation (\$1,454)	1,949.47
9	Badger Meter	Meter Registers (3)	48.71
10	Balderama, Paquito	Novato "Pool Cover" Rebate Program	75.00
11	Bay Area Barricade Service	Blue (3), White (2), Spray Paint, Blue Marking Paint (2) & 36" Workers Symbol (2)	644.68

Seq	Payable To	For	Amount
12	Bergstrom, Kyle	Exp Reimb: D1 Certification Fees	122.76
13	Bold & Polisner	August Legal Fees-General (\$1,634) & NMWD Portion-Potter Valley Project FERC	2,533.75
14	Castellucci, Peter	Exp Reimb: Water Dist Exam Review & D3 Exam Fees	470.00
15	Cole-Parmer Instrument	Wireless Logger (Lab)	324.47
16	Core Utilities, Inc	Consulting Fees-August IT Support (\$6,000), PLC Programming for Gallagher Well #2, SCADA, CORE Billing Maintenance & Wood Hollow/STP Phone & Internet Set Up (\$2,035)	8,960.39
17	Cresco Equipment Rentals	Excavator (\$3,940) & Compactor (\$4,150) Rentals (4 Weeks)	8,090.70
18	Environmental Express	Conical Tube (Lab)	196.40
19	D.L. Falk Construction, Inc.	Prog Pymt#2: Perform NMWD Admin & Lab Building Upgrades (Balance Remaining on Contract \$10,936,862)	244,488.56
20	D.L. Falk Construction Escrow Acct	5% Retainer: DL Falk Construction-CA Bank of Commerce-Admin Bldg & Lab Upgrade	12,867.82
21	Fiserv/Bastogne Inc.	Return Payment-Not Our Account	68.74
22	Fishman Supply Co	Contact Cleanser (10) & Cleanser Packets (50)	61.92
23	Fisher Scientific	Safety Gloves (100), EC Broth, Weight for Balance Calibration & Phosphate (Lab)	395.95
24	GHD Inc.	Prog Pymt#6: Hazard Mitigation Grant Program Application (\$9,808) (Balance Remaining on Contract \$55,067) & Prog Pymt#27: Engineering Services for the Oceana Marin Project (\$4,401) (Balance Remaining on Contract \$6,441)	14,208.88
25	Goodpaster, Stacie	Exp Reimb: Algal Toxin Samples Shipping Charges	431.63
26	Grainger	Miscellaneous Maintenance Tools & Supplies	1,573.86
27	Hach Co.	Glycine Reagent (Lab)	52.74
28	HMS Software	Time Control Consulting Services-Phase II of Implementation of New Timekeeping System	7,200.00

Seq	Payable To	For	Amount
29	Intellaprint Systems	Ink for Engineering Canon Copier	835.46
30	Kaiser Foundation Health Plan	DMV/DOT Physicals (Breit, DeMartini & Johnson)	410.00
31	Kemira Water Solutions	Ferric Chloride (10 tons) (STP)	12,068.78
32	Low Voltage Security Systems	Replacement Payment-Original Payment Returned Due to Closed Account	337.72
33	Madruga Iron Works, Inc.	Vault Lid for Novato High	4,461.98
34	Maggiora & Ghilotti	Prog Pymt#9: Old Ranch Road Tank No. 2 Construction Services (Balance Remaining on Contract \$36,233)	208,168.75
35	McLellan Co, WK	Misc Paving	21,944.32
36	Nerviani's Backflow	Backflow Testing (35)	2,300.00
37	Noel Tree & Gardening, Inc.	Mowing Services (Pt Reyes Tank Site, PRTP Rd, Pt Reyes Well, Olema Tank Access Rd/Flat Area & Gallagher Well #1)	2,650.00
38	North Bay Gas	Nitrogen (STP)	733.71
	NSI Solutions, Inc.	QC Samples (Lab)	412.90
39	Nute Engineering	Prog Pymt#1: Engineering Services for Oceana Marin Force Main 1A Project (Balance Remaining on Contract \$97,449)	569.50
40	Pace Supply	Couplings (5) (\$1,877), Pipe Support, Clamps (4), Fords (3), Caps (4) & Valve	3,566.69
41	Pape Machinery Inc.	Parts for '09 Backhoe	83.16
42	Point Reyes Light	Display Ad: Salinity Intrusion into Pt. Reyes Well Supply on 8/11, 8/25, 9/1 & 9/8	510.00
43	Pollard Water	Meter Wrench	129.63
44	Soiland Co., Inc.	Rock (48 yds) (\$1,648) & Asphalt Recycling	2,147.46
45		Vision Reimbursement	368.00
46	Solenis, LLC	Praestoli 2515 (2,000 lbs) (STP)	5,080.00
47	Spaulding, James	Refund Overpayment on Open Account	963.60
48	USA BlueBook	Wide Mouth Bottles (6) (STP)	100.26

Seq	Payable To	For	Amount
49	US Bank	August Safekeeping Treasury Securities	147.50
50	VWR International LLC	Balance Forceps, Pipette, Mediums (2), Standard Magnesium & Sulfuric Acid (6) (Lab)	738.30
51	Winzer Corporation	Hex Bolts (10)	4.89
52	West Yost Associates	Prog Pymt#4: Pipeline Condition Assessment (Balance Remaining on Contract \$176,329)	11,072.00
53	ZORO	Sports Drink Mix (500) & Adjustable Wrench	295.85
		TOTAL DISBURSEMENTS	<u>\$996,561.82</u>

The foregoing payroll and accounts payable vouchers totaling \$996,561.82 are hereby approved and authorized for payment.

Audie Blue 09/27/22
Auditor-Controller Date

[Signature] 9/27/2022
General Manager Date

POINT REYES LIGHT September 29, 2022

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 and chloride 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 may choose to consult their physicians to see if additional sodium is a concern for them.

Date	Sodium	Chloride	Units
8/29/22	12 - 84*	16 - 174*	mg/L*
9/6/22	95 - 110*	190 - 230*	mg/L*
9/12/22	13 - 98	16 - 190*	mg/L*
9/19/22	24 - 116*	31 - 230*	mg/L*

mg/L = milligrams per liter

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

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.

Three-Month Outlooks

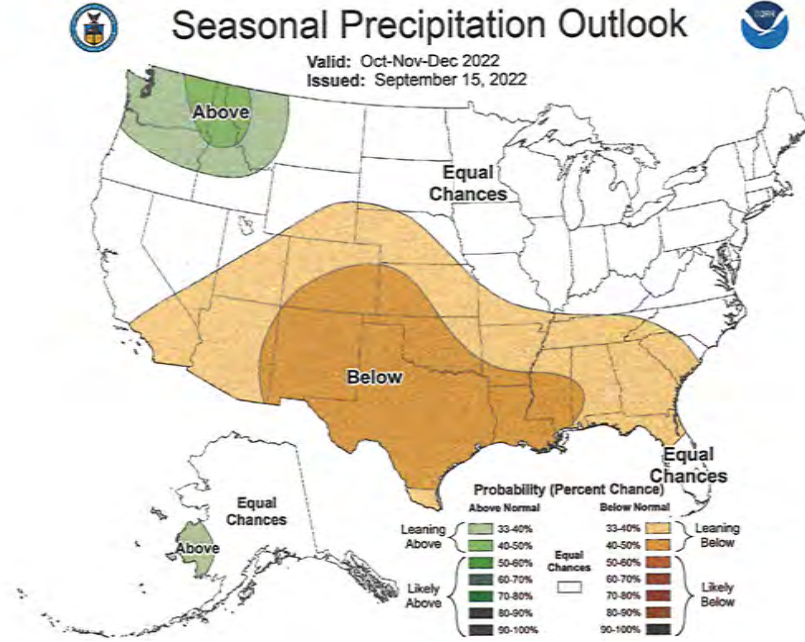
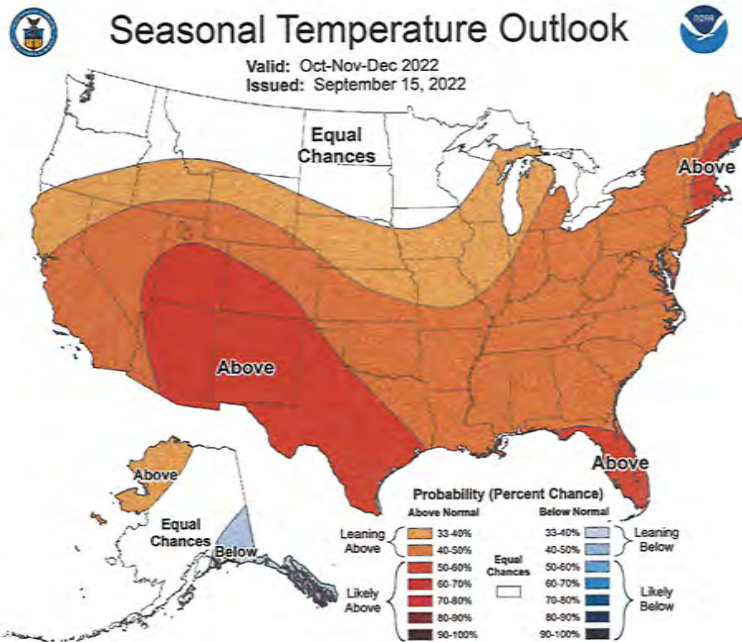
Revised OFFICIAL Forecasts

September 2022

Precipitation Probability

(Oct-Nov-Dec 2022/32)

[Climate Prediction Center - Seasonal Outlook \(noaa.gov\)](https://climatepredictioncenter.noaa.gov)



[UPDATED MONTHLY FORECASTS SERVICE CHANGE NOTICE]

[EXPERIMENTAL TWO-CLASS SEASONAL FORECASTS]

DICK SPOTSWOOD

Not MMWD's place to critique Civil Grand Jury's concerns

One of Marin County's most respected institutions is the Civil Grand Jury.

It's correctly perceived as being above politics. Jurors are volunteers that diligently do their own homework and have no agenda except promoting excellent, honest local government.

That's why it was disappointing to see some Marin Municipal Water District directors blow off the Civil Grand Jury's well-thought June report, "A Roadmap to Water Resilience for Marin Municipal Water District."

Three points from the report explain why MMWD directors weren't smiling when they read the jury's findings.

"For most of 2021, people living within the Marin Municipal Water District (MMWD) anxiously faced the prospect of the District literally running out of water."

"Last year's drought emergency could have been avoided if MMWD had taken sufficient measures to provide for a resilient water supply."

"The Grand Jury calls upon MMWD to commit to securing a four-year supply of water, amounting to an additional 10,000 to 15,000 acre-feet per year. If MMWD is able to publicly share its position regarding this commitment in the near term, it would enable public debate and discussion on this critical issue in advance of upcoming District elections in November 2022."

It's difficult to disagree with any of these points.

One benefit of directly electing special purpose district directors is they'll listen to the public and change course if that's their best route to reelection.

Two directors running again this year, Jack Gibson from Division 1 (North San Rafael and Sleepy Hollow) and Larry Bragman in Division 3 (Ross Valley) seemed to have finally gotten the message that new water sources are essential.

Guaranteeing that there's adequate water to meet reasonable demand is job one. That's the campaign theme of at least three newcomers running for the board: Jed Smith, in Southern Marin's wide open Division 4 race, Ranjiv Khush (Division 3) and Matthew Samson (Division 1).

That most of the candidates are at least talking about developing additional water sources is one reason why this November's election for three posts on the five-member MMWD board is competitive.

One water commissioner that didn't like what she heard from the Civil Grand Jury was Southern Marin's Cynthia Koehler. The water board's 18-year veteran is the sole incumbent not running for reelection.

Her blunt criticism of the report was ironic. She told the IJ, "It certainly was very angry at the district for failing to do something. ... But if you go through it, (the jurors) actually never had the courage or conviction to say what that thing should have been."

If anyone lacked "courage or conviction" to outline and then execute ideas for developing additional water sources, it's Koehler. Eighteen years is more than enough time to secure effective preparation for climate change and the era of droughts.

Koehler might have courage, but she lacks any conviction that new water sources are essential. She was the lead advocate for the

“conservation first” approach that’s dominated board actions in recent years.

“Conservation first” is an appropriate strategy but only if it’s immediately followed by completing plans for new water sources. That essential second step never happened.

Now, it’s up to candidates in the fast-approaching water board election to convince voters that they individually have the “courage and conviction” to make MMWD water resilient for the long term.

That’s a warning for Monty Schmitt and Larry Russell, the MMWD directors whose terms don’t expire until 2024. Immediately after November’s election returns are final, the spotlight shifts to them.

Russell and Schmitt need to be prepared for the key query: What are you doing to guarantee MMWD has finished studying options and is underway to provide new reliable water sources for thirsty Marinites?

Columnist Dick Spotswood of Mill Valley writes on local issues Sundays and Wednesdays. Email him at spotswood@comcast.net.

CALIFORNIA VOICE

Broad-based buy-in is key to helping Bay-Delta water plan become success

California is at a transformational moment when it comes to managing water.

As aridification of the western United States intensifies, we have an opportunity to advance a better approach to flow management in the Sacramento-San Joaquin River Delta and our rivers through a process of voluntary agreements to update the Bay-Delta Water Quality Control Plan.

The agreements, signed by parties from Red Bluff to San Diego, propose a new structure for managing water resources in the Delta and beyond in a way that is collaborative, innovative and foundational for adapting to climate realities while benefiting communities, farms, fish and wildlife.

As representatives of the northern, central and southern corners of our state, we recognize the important and historic nature of the voluntary agreements. Ongoing droughts have underscored the need to invest in healthy rivers and the landscapes that support them, without compromising on important investments in our communities. The framework put forth by Gov. Gavin Newsom relies on the best available science to address our changing climate while preserving adequate water supplies for the 27 million Californians who depend on it to run their homes, farms and businesses.

For decades, the long-term sustainability of the delta and California's fresh water supply has become increasingly threatened by floods, rising sea levels, earthquake damage, aging levees, invasive species and contaminants. A better approach to managing flows is critical to the health of native fish, wildlife and their habitats, and to maintaining reliable water supplies for people.

Today, a broad coalition of interests stand in support of the Newsom administration's call for bold actions that replace contentious, drawn-out regulatory alternatives in favor of a science-based approach that provides more flexible, adaptive operations based on real-time conditions.

Experts at the Public Policy Institute of California recently identified the need to use our infrastructure, including our reservoirs, to better manage water for the environment. The voluntary agreements are an important step forward in doing just that—creating an ecosystem water budget, investing nearly \$3 billion to improve fish and wildlife habitat, setting aside more than 45,000 acres to help recover salmon and other native fish species and dedicating the largest transfer of water to the environment in California's history.

Many of the identified flow and habitat projects can be quickly implemented, putting tens of millions of dollars into the state's economy to jumpstart habitat restoration projects and provide immediate drought resiliency to address aridification.

Funding for the voluntary agreements comes from participating public water agencies, the federal government and the state government over an eight-year term. To ensure effective and coordinated implementation, however, the program will be governed by a diverse coalition, including public water agencies, conservation groups, tribal communities, and local, state and federal representatives. An integrated science program will monitor and report outcomes and serve as the basis for adaptively

managing changing climate conditions and actions to support native fish.

Today's uncertain climate and ongoing drought pose a greater risk than ever—compelling us to move past decades of regulatory stalemates to advance a modern approach to healthy rivers. We must take a more holistic, functional water management approach that applies the best science to meet real-time ecosystem needs while also providing adequate water supplies for the people we serve.

As the voluntary agreements go before the State Water Board for review and consideration in the coming months, we encourage collaboration among diverse parties across the state in actively supporting a new vision for water management in the delta and its rivers.

Jennifer Pierre is the general manager of the State Water Contractors, an association of 27 public water agencies. David Guy is the president of the Northern California Water Association, which represents Sacramento Valley cities, landowners and other water interests. Distributed by [CalMatters.org](https://www.cal-matters.org).

WEATHER

Marin gets dose of rain as storm crosses region

Parts of Marin County received more than an inch of rain on Sunday as a storm from the northwest moved into the Bay Area.

The rain totals through Sunday evening included 1.29 inches in the Fairfax area, 1.07 inches in San Rafael, 1.04 inches on Mount Tamalpais, and 0.64 inches in Mill Valley, said Brooke Bingaman, a meteorologist for the National Weather Service.

On the coast, birds outnumbered beachgoers at Stinson Beach, where a steady drizzle appeared to be keeping people indoors. The scene stood in stark contrast to just a couple weeks ago, when hourslong traffic jams clogged Highway 1 during the state's worst heat wave of the year as residents tried escaping the scorching temperatures.

This time, only a few hardy adventurers made the trek to the coast. With strong winds and rain battering down from above, fishing boat captain Gregg Thomas guided three anglers at the Stinson Beach shoreline. For him, the forecast offered a welcome reprieve from the balmy weather of late.

"It's been sunny for so long," said Thomas, who lives in Santa Rosa and has been guiding fishing tours around the region for 15 years. As he spoke, a member of his party hauled in a striper. "The rain, the wind. It gets you more connected to Mother Nature. This is awesome."

Others at Stinson Beach on Sunday chose to spend the day in the water. Dylan Murphy, who lives nearby, had his wet suit on and a

surfboard cradled on his left arm. The stormy weather wasn't deterring him.

"It's good waves right now," he said, water running down his face. "I think it feels nice with the rain on you."

Air quality improved Sunday as the storm moved into the region, though a few spots in the Bay Area along the coast could again see moderate levels of particulate matter in the air on Monday.

The storm system comes as California continues to grapple with a historic drought that's cranked up the fire danger across the state. Almost the entire state — including the Bay Area — is categorized as being in severe drought by the U.S. Drought Monitor. Nearly 41% of the state, including much of the Sacramento Valley, is labeled as being in extreme drought.

The National Weather Service expects the rain in the Bay Area to start tapering off on Monday, with light showers expected Tuesday and Wednesday. Warming temperatures are expected toward the end of the week.

"Whatever rain we get, we're expected to dry right back out," said Dalton Behringer, a National Weather Service meteorologist.

"While it's definitely not an end to fire season, it helps in the short term. But we would need another one of these storms directly on the horizon — or another couple of them — to really have a major impact, long-term, on the fire season."

The Bay Area News Group contributed to this report.

MARIN DROUGHT

Summer rainfall bolsters supply, eases risk of fire

Reservoirs get boost, dry landscape receives soaking



Stafford Lake in Novato on Wednesday. The lake is the reservoir for the North Marin Water District. PHOTOS BY ALAN DEP — MARIN INDEPENDENT JOURNAL



Bon Tempe Lake in the Mount Tamalpais watershed on Monday. The lake is part of the Marin Municipal Water District reservoir system.

BY WILL HOUSTON

WHOUSTON@MARINIJ.COM

The rain that fell on Marin in recent days has provided a small but welcome boost to local reservoirs and dampened the landscape after a record-breaking heat wave.

Rainfall in September is not unusual, but the amount of rain that fell over the weekend was much more than average for this time of year, according to Marin's two largest water suppliers.

About 1.5 inches of rain fell in areas of the Mount Tamalpais watershed, which is more than three times the average amount the Marin Municipal Water District normally records from the start of July through this time of year.

The rain added a nominal 38 acre-feet of water to the district's reservoirs, which can hold up to nearly 80,000 acre-feet. An acre-

foot is about 326,000 gallons, or about half the volume of an Olympic-sized swimming pool.

The district's seven reservoirs are at about 75% of capacity with 59,600 acre-feet, which is about 5% higher than the average storage the district has around this time of year. The district predicts it will have 55,000 to 60,000 acre-feet stored by the end of the year.

But the real benefit was to provide some much-needed moisture to the fire-prone watershed, said district official Paul Sellier, especially after last week's heat wave that pushed temperatures to about 110 degrees in some areas.

"This rain has done us all a huge favor and dampened the watershed down and hopefully helped firefighters across northern California," Sellier told the district board during a water supply update this week.

Chief Jason Weber of the Marin County Fire Department said the rain wasn't enough to end fire season, but it will provide a few weeks of relief before it dries out again, especially with higher temperatures forecast for October.

"We're really looking for a series of storms," Weber said. "This does slow things down, and that's good. But this moisture will dry out relatively quickly."

The North Marin Water District recorded about three-fourths of an inch of rain at its Stafford Lake reservoir outside Novato. Rainfall records show the district normally receives about one four-hundredth of an inch on average for the entire month of September, according to Robert Clark, a district official.

Stafford Lake provides about 25% of the district's water supply for the nearly 60,000 residents it serves in the greater Novato area. The lake had a small gain of about 3.4 million gallons of water, but Clark said that wasn't expected to last long.

“That amount of rain is about equivalent to about one day of evaporation for this time of year for the lake elevation that it’s at,” Clark said. “We’d lose about 3.4 million gallons on average in a day this time of year.”

For the lake to receive more significant runoff, about 6 to 8 inches of rain over a short period is needed, Clark said. Stafford Lake is at about 52% of capacity, compared to its normal level of about 50% this time of year.