

**NORTH MARIN WATER DISTRICT  
MINUTES OF REGULAR MEETING  
OF THE BOARD OF DIRECTORS  
November 15, 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 Fraitess, 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), Julie Blue (Auditor Controller), Robert Clark (Operations/Maintenance Superintendent), Chris Kehoe (Interim Construction/Maintenance Superintendent), Ryan Grisso (Water Conservation Coordinator) and Rebecca Sylvester (Receptionist/Customer Service Assistant). Pablo Ramudo (Water Quality Supervisor) joined the meeting at 6:30 p.m. Additionally, District employees Connie Filippi, Lia Solar and Eileen Mulliner joined the meeting. Also participating remotely were Sharon Nagle (BPMNJ, Legal Counsel), consultant Chris Brown (Fedak & Brown LLP) and Mark Hildebrand (Hildebrand Consulting).

President Petterle requested that for those joining the virtual meeting from the public to

identify themselves. Participating remotely were Ken Levin (Point Reyes Station Village Association) and Camille.

### **MINUTES**

On motion of Director Joly seconded by Director Fraites, the Board approved the minutes with minor edits from the November 1, 2022 Regular Board Meeting by the following vote:

AYES: Director Baker, Fraites, Joly and Petterle

NOES: None

ABSTAIN: None

ABSENT: None

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

Mr. Williams announced that in light of a very full agenda, he did not have anything to report at this time other than he is working on a Resolution of Appreciation for Director Grossi with the help of Drew McIntyre and anticipates bringing it the Board at the December 6, 2022 meeting.

President Petterle asked if there were any comments or questions from the Directors and there were none.

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.

Mr. Clark reported that staff plans on shutting down the Stafford Treatment Plant before Thanksgiving, because they are running out of chemicals.

President Petterle stated that he wished to make a motion to move to adjourn tonight's meeting in memory of Director Grossi.

On the motion of Director Petterle, and seconded by Director Fraites the Board approved adjourning the North Marin Water District's November 15, 2022 meeting in the memory of Director Grossi by the following vote:

AYES: Director Baker, Fraites, Joly and Petterle

NOES: None

ABSTAIN: None

ABSENT: None

**CONSENT CALENDAR**

President Petterle asked if there were any questions or comments from the Directors and there were none.

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

On the motion of Director Joly and seconded by Director Baker the Board approved the consent calendar by the following vote:

AYES: Director Baker, Fraites, Joly and Petterle

NOES: None

ABSTAIN: None

ABSENT: None

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

The Board approved Re-Authorizing Meetings by Teleconference of Legislative Bodies of North Marin Water District. Resolution 22-30 will extend the continuation of teleconference meetings effective November 15, 2022 through December 15, 2022 pursuant to Brown Act provisions.

**NOTICE OF COMPLETION FOR NEW GALLAGHER WELL NO. 2 PROJECT (MAGGIORA BROS. DRILLING, INC.)**

The Board approved the Notice of Completion with Maggiora Bros. Drilling, Inc. for the New Gallagher Well No. 2 Project. Pursuant to and in conformance with contract requirements for the New Gallagher Well No. 2 project, the contractor, Maggiora Bros. Drilling Inc., has fulfilled their obligations under the contract.

**ACTION CALENDAR**

**FILING BOARD VACANCY – DIRECTOR GROSSI**

Mr. Williams notified the Board on November 6, 2022 that due to the death of Director Grossi on November 4, 2022, a vacancy exists on the Board. He provided an outline of statutory requirements and process based on legal guidance regarding an appointment by the Board to fill the vacancy, which included an alternate option to hold a Special Election.

President Petterle stated that this was a difficult time for everyone and it seems like only yesterday that Director Grossi was participating with us in a meeting. He added that he did not want to in any manner diminish the role or the memory of who Director Grossi was as a person,

but the Board is required to continue to conduct business per state law.

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

Director Joly asked why staff would not want to do a special election. He noted that if an appointment is made that would mean four members of the Board would be up for re-election in 2024. Mr. Williams replied that the election code stated that the Board of Supervisors has acknowledged the start of Director Grossi's term since the position was unopposed as of October 25<sup>th</sup>. Mr. Williams stated that the main reason for not holding a special election is the cost, it is expensive, and the timing is not good since the Marin County Elections Department is still counting votes from the general election. He added that the appointment term would be two of the four years of his upcoming term. Director Petterle stated that it could happen again next year if one of the Board Members were to decide to leave. Director Joly stated that the explanation was very helpful and he would like the discussion reflected in the minutes. Director Fraites stated that it would be nice to have a detailed map included with the notice so people can get a visual. Mr. Williams responded that that it is tough to do a detailed map, but the vacancy will be noticed on our website where there is an interactive map available. Director Joly stated that his preference would be to hold the Special Meeting on December 13<sup>th</sup>, because he would hate to appoint someone one date before the deadline (January 4, 2023) and the earlier date gives the Board almost a month to complete the process. Director Petterle agreed, stating he would prefer the extra window of time. Mr. Williams asked the Board for clarification to change the notice to include a December 13<sup>th</sup> appointment date. Director Petterle confirmed, stating that is the direction of the Board.

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

Mr. Levin stated that Director Grossi was a really good guy and he is already missed. He agreed that it is a sad time to discuss his replacement. Mr. Levin added that he had inquired among interested people in West Marin and he felt it would be important to have a voice from the western part of the service area if possible. Director Petterle stated that he already spoke to Supervisor Rodoni about the same topic.

On the motion of Director Baker and seconded by Director Joly the Board approved: declaring a vacancy on the Board effective November 6, 2022; authorizing staff to notify the County of Marin and County of Sonoma of the Board's intent to appoint a replacement to fill the vacancy; set a special meeting for 6:00 p.m. on December 13, 2022 to conduct candidate interviews; approve the tentative timeline shown above to fill the vacancy; and authorize the notice be placed in the designated places soliciting letters of interest and resumes from residents residing in Division 1 of the District who are interested in service on the Board, by the following

vote:

AYES: Director Baker, Fraites, Joly and Petterle

NOES: None

ABSTAIN: None

ABSENT: None

President Petterle stated that in order to clarify the question presented by Mr. Williams and the comment by Director Joly, the Board is requesting a Special Meeting on December 13, 2022. Director Baker stated that he appreciated the comments from Mr. Levin. He stated that Director Grossi had a mix of urban knowledge with a rural agricultural background. Director Baker added that it is good that Mr. Levin is spreading the word, and it would be effective to have someone with a mixed background and knowledge of West Marin.

**ACCEPT OUTSIDE AUDITOR'S FY 21/22 FINANCIAL REPORT AND MANAGEMENT REPORT**

Ms. Blue introduced Chris Brown of Fedak and Brown, LLP and stated that he will present an overview of the comprehensive annual financial report. Ms. Blue stated that the District worked with Fedak and Brown LLP this year and had a successful audit. She stated that the memo outlined the end of year account adjustments including Pension and Other Post-Employment Benefits. Ms. Blue reported all work by Fedak and Brown LLP was done remotely and she commended the District's accounting staff for all their hard work and dedicated service.

The FY 21/22 comprehensive annual financial report was presented by Chris Brown of Fedak & Brown LLP. Mr. Brown reported the audit was performed following proper audit and accounting standards. In addition, internal controls, methodologies and best practices were assessed. Mr. Brown noted that the audit approach is to review supporting documents to make sure they support the balances in the financial statements. Mr. Brown added that due to GASB 87, leases, which previously were not on the books, are now required to be recorded as the value of obligation on the financial report, noting the result was minimal. He reported they did not identify any weaknesses and District staff has done an excellent job and gave them the highest rating with no deficiencies. Mr. Brown recognized the District applied for the GFOA award last year and won. He added that this year the report will be submitted again and he expects with District will win again for 2022.

President Petterle asked if there were any comments or questions from the Directors and there were none.

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

On the motion of Director Joly and seconded by Director Fraites the Board approved acceptance of the Outside Auditor's FY 21/22 Financial Report and Management Report by the following vote:

AYES: Director Baker, Fraites, Joly and Petterle

NOES: None

ABSTAIN: None

ABSENT: None

President Petterle thanked Mr. Brown for his detailed report and for explaining everything quickly and relatively simply. Director Joly thanked Ms. Blue and her staff and stated that all reports were written extremely well. Ms. Blue also thanked Mr. Brown, Nancy Holton and Nancy Williamson for all their hard work. Mr. Brown said he would also like to thank Nancy Holton and Nancy Williamson.

**ACCEPT FACILITY RESERVE CHARGE STUDY – SET PUBLIC HEARING FOR DECEMBER 6, 2022**

Mr. Williams introduced Mr. Hildebrand who worked closely with staff and noted that Mr. McIntyre was also brought in early on to work on the history and baseline of the study. He requested the Board accept this report, noting any changes to the report that may come up tonight can still be made and ultimately incorporated into Regulation 1. Additionally, Mr. Williams apprised the Board that the Public Hearing is being requested for December 6, 2022.

Mark Hildebrand presented the Facility Reserve Charge Study (FRC Study) in which the findings will be considered for amendments to Regulation 1 for new or expanded service connections. During the presentation, he noted that the objective of the FRC Study was to ensure that the charges collected reflect the estimated reasonable cost of providing access to the water systems capacity for new developments or expanded service, based on the estimated cost and value of the system capacity in both Novato and West Marin.

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

Director Joly asked if relative water usage was used in the calculation of the proposed fees. Mr. Williams replied that the calculation is based on the actual water use and proportional to the baseline of a single-family dwelling. Mr. Hildebrand added that the proposed fees would replace the current fees. Director Joly stated that it was a wonderful report and a very definitive study. Mr. Williams noted that Carl Nelson, NMWD legal counsel, reviewed Mr. Hildebrand's report. He informed the Board that no legal flaws were found, and Mr. Nelson will also come to the December 6<sup>th</sup> hearing in the event any of the public had questions.

Mr. Clark, referring to one of Mr. Hildebrand's presentation slides, suggested that comparisons to other small water systems such as Inverness PUD or Bolinas would be prudent. Mr. Hildebrand stated that he did not look at those smaller systems, but would be happy to include them in the next presentation. Mr. Williams noted that Bolinas currently does not allow any new connections, and suggested maybe Stinson Beach Water District should be compared in lieu of Bolinas. Director Joly asked why NMWD's fees were higher than MMWD. Mr. Hildebrand replied that that it is because the District's calculation includes cost of water resources. He added that this is a big component of capacity calculations which also includes the cost of infrastructure, pipes, pumps, tanks, etc. Mr. Hildebrand noted that the methodology he used included the cost of water supply and infrastructure. He added that this requirement was necessary since an increase in water supply is required to serve customers, noting he wouldn't be surprised with the drought that other districts will do the same. Director Joly thanked Mr. Hildebrand for the presentation.

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

On the motion of Director Joly and seconded by Director Baker the Board approved acceptance of the Facility Reserve Charge Study and set a Public Hearing for the December 6, 2022 Regular Board Meeting to Consider Amendments to Regulation 1: New Service Connections, by the following vote:

AYES: Director Baker, Fraites, Joly and Petterle

NOES: None

ABSTAIN: None

ABSENT: None

Director Joly left the meeting for another obligation.

### **REVISED DISTRICT SECRETARY JOB DESCRIPTION**

Mr. Williams stated that District management is proposing that the Board adopt the updated job description reflecting certain changes to the District Secretary position, as well as to change the job title from District Secretary to Executive Assistant/District Secretary to more accurately reflect the dual purpose of the position in providing executive support to both the General Manger and the Board of Directors. He noted that upon approval there will be an immediate internal recruitment and posting of the position.

President Petterle asked if there were any comments or questions from the Directors and there were none.

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

response.

On the motion of Director Fraites and seconded by Director Baker the Board approved the revised Executive Assistant/District Secretary Job Description and classified the position as exempt (salaried) under the FLSA by the following vote:

AYES: Director Baker, Fraites and Petterle

NOES: None

ABSTAIN: None

ABSENT: Director Joly

**SIDE LETTER AGREEMENT TO THE 2018-2023 NMWD/EMPLOYEE ASSOCIATION  
MOU CONCERNING OPERATIONS/MAINTENANCE SUPERINTENDENT AND  
CONSTRUCTION/ MAINTENANCE SUPERINTENDENT CLASSIFICATIONS**

Mr. Williams stated that the Operations/Maintenance Superintendent and Construction/Maintenance Superintendent positions historically were classified as members of the NMWD Employee Association (EA), even though these positions are considered managers and heads of their departments and duties include hiring, disciplinary and firing decisions. He added that the management functions of these classifications have prompted the need to consider moving them out of the EA and into the Unrepresented Employees unit. Mr. Williams also thanked Ms. Blue and Ms. Clyde for spearheading this side letter agreement.

President Petterle asked if there were any comments or questions from the Directors and there were none.

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

On the motion of Director Baker and seconded by Director Fraites the Board authorized the General Manager to execute a Side Letter Agreement with the NMWD EA, titled, Classifications of Operations/Maintenance Superintendent and Construction/Maintenance Superintendent by the following vote:

AYES: Director Baker, Fraites and Petterle

NOES: None

ABSTAIN: None

ABSENT: Director Joly

**MANAGEMENT LEAVE POLICY & SIDE LETTER AGREEMENT TO THE 2018-2023  
NMWD/EMPLOYEE ASSOCIATION MOU CONCERNING MANAGEMENT LEAVE**

Mr. Williams stated that the District managers are expected to provide 24/7 support to the District's operations. He noted that given that District management positions are exempt from the



Fair Labor Standards Act, and they do not receive additional compensation (i.e. overtime pay) for any hours worked beyond an eight-hour work day or 40-hour work week. Mr. Williams added that as compensation, a recommendation by the District Labor Counsel is for the Board to consider granting 80-hours of management leave for the unrepresented staff positions. He noted that, in regards to Mr. Ramudo's position, he would still be a member of the Employee Association, but is being included as part of this policy, because he is often asked to work after hours.

President Petterle asked if there were any comments or questions from the Directors and there were none.

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

Director Fraites made the motion to include the General Manager position in the Management Leave Policy.

On the motion of Director Fraites and seconded by Director Baker the Board approved the Management Leave Policy and approved the Side Letter Agreement to the 2018-2023 NMWD/Employee Association Memorandum of Understanding Concerning Management Leave and included the General Manger position by the following vote:

AYES: Director Baker, Fraites and Petterle

NOES: None

ABSTAIN: None

ABSENT: Director Joly

### **INFORMATION ITEMS**

#### **WAC/TAC MEETING – AUGUST 1, 2022**

Mr. Williams reported on the WAC/TAC Meeting held on August 1, 2022. He stated that the minutes are self-explanatory, however he did want to discuss Item 11, the Integrated Regional Water Management Plan Update. He noted that there is a regional grant for Advanced Quantitative Precipitation Information System in which Sonoma Water is the lead agency. Mr. Williams added that this program will develop forecast models, especially during periods of extreme weather to aid Bay Area government decision makers to prepare for and mitigate future weather damages. Additionally, Mr. Williams stated that he and Mr. Miller had a meeting with Marin County Flood Control District about an update for the radar system in Marin County that could provide flood warnings, but also could benefit us from a water management standpoint.

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

Director Baker asked if Mr. Williams was at liberty to share of the name of the person he was working with at the Flood District. He replied that Roger Leventhal has been working on the

project for the last five years. Director Baker stated that he has heard many good things about Mr. Leventhal.

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

#### **TAC MEETING – OCTOBER 3, 2022**

Mr. Williams reported on the TAC meeting held on October 3, 2022. He stated that these minutes were also well done, however, he would like to focus on Item #7, the Sonoma Water Tank Maintenance Project. Mr. Williams stated that he and Director Baker saw a video at the most recent meeting which will be reflected in the next TAC Meeting minutes. He added that Engineering and Operations staff are already in discussion with Sonoma Water on their plan to recoat the Kastania Tank, and there has been good coordination and outreach.

President Petterle asked if there were any comments or questions from the Directors and there were none.

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

#### **NBWA MEETING – NOVEMBER 4, 2022**

Director Fraites announced this was the second to last meeting with Jack Gibson as the NBWA Chair. Director Fraites reported on the NBWA meeting that was held on November 4, 2022. He stated that the main topic was the Petaluma River Greenway – Fostering Enhancement of a Downtown Watershed Resource. A presentation was given by Stephanie Bastianon, Executive Director of the Friends of the Petaluma River. Director Fraites stated that Ms. Bastianon gave an overview of plans to progress the multi-benefit river corridor project in an undeveloped and tidally influenced area near downtown Petaluma that would provide public access, mitigate for sea level rise, protect sensitive habitat, and serve as a model for riparian corridor protection in the watershed.

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

Director Baker stated that he drives by that area frequently and wondered if it was in a floodplain. Director Fraites replied that it is 35% of the area is in a 100-year floodplain and 47% of the area is in a 500-year floodplain. He noted there were only 5 out of 15 parcels that were out of the floodplain, noting a lot of improvements will be necessary for this project.

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

#### **MISCELLANEOUS**

The Board received the following miscellaneous items: Disbursements – Dated November 3, 2022, Disbursements – Dated November 10, 2022, Monthly Progress Report, Point Reyes Light -Salinity Notice – October 27, 2022, Point Reyes Light - Salinity Notice – November 3, 2022 and Point Reyes Light - Salinity Notice – November 10, 2022.

The Board received the following news articles: Marin IJ – Desalination process must improve as state’s reliance increases – CALIFORNIA VOICE; Marin IJ – District finishes new water well to cut salt influx – WEST MARIN; Marin IJ – Doctors warn of viral risk in Marin – RESPIRATORY DISEASE; Marin IJ – COVID, flu-season of respiratory infections – SEASONAL SICKNESS; and Press Democrat – Lake Sonoma’s level at lowest point in history, Experts say reservoir as enough water to last another year – SONOMA COUNTY DROUGHT CONCERNS.

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

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

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

**ADJOURNMENT**

President Petterle adjourned the meeting in the memory of Director Grossi at 7:31 p.m.

Submitted by



Theresa Kehoe  
District Secretary