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3 **NORTH MARIN WATER DISTRICT**
4 **MINUTES OF REGULAR MEETING**
5 **OF THE BOARD OF DIRECTORS**
6 February 21, 2023

7 **CALL TO ORDER**

8 President Fraites announced that due to the Coronavirus outbreak and pursuant to the
9 Brown Act as modified by Assembly Bill 361, this was a virtual meeting. President Fraites called the
10 regular meeting of the Board of Directors of North Marin Water District to order at 6:00 p.m. and the
11 agenda was accepted as presented. President Fraites added that there was not a public location for
12 participating in this meeting, but any interested members of the public could participate remotely by
13 utilizing the video or phone conference dial-in method using information printed on the agenda.
14 President Fraites announced that in the event of technical difficulties during the meeting, the District
15 Secretary will adjourn the meeting and the remainder of the agenda will be rescheduled for a future
16 special meeting which shall be open to the public and noticed pursuant to the Brown Act.

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

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

25 Mr. Williams performed a roll call of staff, participating remotely were; Tony Williams
26 (General Manager), Eileen Mulliner (District Secretary), Eric Miller (Assistant GM/Chief Engineer),
27 Julie Blue (Auditor Controller), Chris Kehoe (Interim Construction/Maintenance Superintendent), ,
28 and Rebecca Sylvester (Engineering Secretary). Craig Judson and Sharon Nagle (legal counsel)
29 also joined the meeting

30 President Fraites requested that for those joining the virtual meeting from the public to
31 identify themselves and there was no response.

32 President Fraites called the regular meeting of the Board of Directors of North Marin Water
33 District to order at 6:00 p.m. at the District Headquarters and the agenda was accepted as
34 presented.

1 **MINUTES**

2 On motion of Director Joly seconded by Director Petterle the Board approved the minutes
3 from the February 7, 2023 meeting as presented by the following vote:

4 AYES: Director(s) Baker, Eichstaedt, Fraites, Joly and Petterle

5 NOES: None

6 ABSENT: None

7 ABSTAIN: None

8 **GENERAL MANAGER'S REPORT**

9 During the General Manager's report, Mr. Williams updated the Board that on February 8,
10 2023, he, Eric Miller, and Pablo Ramudo met with the Region 1 representative and the Executive
11 Director from the Association of California Water Agencies (ACWA). Pablo discussed the numerous
12 and different types of reports NMWD submits to different state agencies. The discussion also
13 included new regulations coming up, aging infrastructure and staff provided a fact sheet on funding
14 needs for Stafford Dam (which is included in the Miscellaneous portion of this meeting's agenda).
15 The rep shared proposed Senate Bill SB23, which is about streamlining the permitting process for
16 water projects (a fact sheet included in Miscellaneous).

17 Director Joly asked if there was any feedback on our funding for infrastructure or dam issues.
18 Mr. Williams responded that he believes ACWA is aware of the need and looks for opportunities for
19 their members.

20 **OPEN TIME**

21 President Fraites asked if anyone in the audience wished to bring up an item not on the
22 agenda and there was no response.

23 **STAFF/DIRECTORS REPORTS**

24 President Fraites asked if staff or Directors wished to bring up an item not on the agenda
25 and the following items were discussed:

26 Chris Kehoe gave an update on the boring contractors that have been in town doing work for
27 telecommunications. Because there have been several water mains damaged from their work, Mr.
28 Kehoe stated that he has been working with both the City of Novato and County of Marin regarding
29 their permitting process. There are no requirements in their permit language other than general
30 USA (Underground Services Alert) law but both agencies are very aware of the District's concern
31 and the work is impacting other agencies as well. He has met with several of the contractors to ask
32 that they put more effort into potholing and communicate with the District before starting work to
33 avoid damage and has even provided as-built information for their use. Director Baker asked if any

1 of the damage locations were due to any mis-markings of our line and Mr. Kehoe responded that the
2 lines were marked per the information the District had but they were actually in a slightly different
3 location.

4 **CONSENT CALENDAR**

5 On the motion of Director Baker and seconded by Director Petterle the Board approved the
6 following items on the consent calendar by the following vote:

7 AYES: Director(s) Baker, Eichstaedt, Fraites, Joly and Petterle

8 NOES: None

9 ABSENT: None

10 ABSTAIN: None

11 **GHD – CONSULTING SERVICES AGREEMENT (GIS CONVERSION TO ESRI AND MAPPING**
12 **SUPPORT)**

13 Use of GIS technology allows staff to access detailed as-built information for assets and
14 while the current program continues to meet the District's basic GIS needs, a number of limitations
15 have become apparent that could be addressed by changing to a different software. By transitioning
16 our GIS database to programs developed by ESRI, the District will be able to leverage the
17 integration capabilities between the asset management and work order features within the asset
18 management program currently is use. Staff recommends GHD to provide consulting services to
19 convert the District's GIS data onto the ESRI platform, as well as the preparation of a new large-
20 format system distribution map for District use.

21 The Board approved the Consulting Services Agreement with GHD for GIS Conversion to
22 ESRI and Mapping Support in the amount of \$31,915.

23 **ACTION CALENDAR**

24 **CONSIDER A 4:00 P.M. CONVENING TIME FOR BOARD MEETINGS**

25 Tony Williams discussed the idea of convening for Board meetings at 4:00 p.m. He stated
26 that several other agencies in the county have earlier start times than NMWD current time of 6:00
27 p.m. The directors acknowledged that staff has to stay late when the meetings start at 6:00 but
28 were concerned the public may not be able to attend if the meeting begin at 4:00. However, they did
29 acknowledge that very few of the public attend the meetings and agreed that the time change would
30 probably not affect whether the public would attend or not. It was noted that Board meetings used to
31 convene at 8:00 p.m., then the time changed to 7:00 p.m., then again to 6:00 p.m. which was

1 partially driven by an earlier recommendation to start at 4p.m. The Directors also agreed that
2 starting at 4:00 p.m. would allow them to attend some meetings of other agencies that previously
3 they were unable to attend because NMWD's Board meeting time was in conflict. Director Joly said
4 he is in favor, but would like the time change to commence with the first meeting in April so there is
5 ample time for public notice.

6 On the motion of Director Petterle and seconded by Director Joly the Board approved
7 convening at 4:00 p.m. starting with the April 4, 2023 Board meeting by the following vote:

8 AYES: Director(s) Baker, Eichstaedt, Frites, Joly and Petterle

9 NOES: None

10 ABSENT: None

11 ABSTAIN: None

12 **INFORMATION ITEMS**

13 **QUARTERLY FINANCIAL STATEMENT**

14 Julie Blue provided highlights to the Board from the December 2022 Quarterly Financial
15 Statement. Ms. Blue reported that the Operating Revenue was at 52% of the budget and 21% of the
16 Capital Improvement Projects have been completed. She explained that the financial statements
17 show an increase in consumption but that unbilled water consumption was overestimated and it will
18 be adjusted in the subsequent month. Novato operating expenses were \$10.6M, 3% higher than
19 last year, and net revenue was \$1.3M year to date. She reported that, year to date, the Stafford
20 Plant produced 266 million gallons and there were 132M gallons consumed by recycled water
21 customers. West Marin's revenue was 7% higher and consumption was up 16% from the prior year.
22 In Oceana Marin, there are 235 active accounts and the operating revenues are 5% higher than the
23 prior fiscal year. Director Joly said it was an excellent report and asked if the recycled water
24 accounts were at their max. Mr. Williams responded that there will be some additional larger
25 development projects in the future and that should modestly increase the number of recycled water
26 customers. Director Joly thanked Ms. Blue and Mr. Williams.

27 **BROWN ACT TRAINING**

28 Craig Judson and Sharon Nagle of the District's legal counsel, Bold, Polisner, Maddow,
29 Nelson and Judson, joined the meeting.

30 Mr. Judson gave a presentation of the Brown Act (Act) to the Board of Directors and staff
31 that included an overview of the Act itself, meetings, noticing and agendas, rights of the public,
32 closed sessions and new legislation. He noted that the Directors should not meet in a group larger

1 than 2 outside of a Board meeting in order to not violate the Brown Act because if there were more
2 than 2, it would constitute a quorum. Exceptions are conferences where they could all be expected
3 to attend but it should be announced prior to the conference that all are going to attend. It was
4 stressed that they should always think carefully about where they go and what they say as there is a
5 possibility of a public perception of what is actually occurring. If there is any doubt if something
6 could be a violation then legal counsel should be consulted. Mr. Judson also noted that email can
7 be construed as a meeting if there is a serial or daisy chain email in which multiple board members
8 participate in.

9 Mr. Judson explained that in order to give ample notice to the public, agendas need to be
10 posted a minimum of 72 hours in advance for regular meetings, 24 hours in advance for special
11 meetings. The agenda should clearly describe the item to be discussed. Mr. Williams asked about
12 the District's typical agenda items, staff/directors and general manager reports, at meetings and Mr.
13 Judson responded that because there is no action taken it is allowed for these reports to be
14 discussed at a meeting. It was noted that extending the discussion during a report out and taking
15 any action must be avoided. If a closed session is held, the members can discuss what is on that
16 agenda, but no action can be taken and that they must reconvene afterwards into open session and
17 state that no action was taken. If an action were taken during a closed session it would be void and
18 penalties could be assessed if actions were taken when not allowed. Director Fraites asked if the
19 entire Board needs to reconvene or could just the Board President and General Manager reconvene
20 and Mr. Judson said that would be acceptable and the President should simply note that no action
21 was taken.

22 Mr. Judson said that there has been new legislation that recognizes hybrid meetings and Ms.
23 Nagle provided an overview of unique cases when a Board member could participate remotely Ms.
24 Nagle also discussed the new procedures to deal with a disruptive member attending a meeting.

25 Mr. Judson concluded the presentation with a discussion regarding public records. He
26 stressed that personal computers/devices should not be used for District emails since they would be
27 subject to the Public Records Act. Director Joly asked about if a member of the public emailed a
28 Board member at their personal email and Mr. Judson said they should forward that email to their
29 District email in order to keep personal and business emails separate. Mr. Judson noted that use of
30 a personal computer to use Zoom or other virtual platforms to participate in a meeting was
31 acceptable in response to a question from Director Joly.

32 The Board thanked Mr. Judson and Ms. Nagle.

33

1 **MISCELLANEOUS**

2 The Board received the following miscellaneous items: Disbursements - Dated February 9,
3 2023 and February 16, 2023, Monthly Progress Report, SB23 Streamlining Delivery of Critical Water
4 Projects While Protecting the Environment to Meet Challenges of Climate Change – ACWA,
5 Factsheet - Enhancement of Stafford Dam safety and security with advanced instrumentation and
6 monitoring, U.S. Seasonal Drought Outlook - February 16, 2023.

7 The Board also received the following news articles: Marin IJ: MMWD details plan for rate
8 hike.

9 The Board also received the NMWD Web and Social Media Report – January 2023.

10 **ADJOURNMENT**

11 President Fraites adjourned the meeting at 7:48 p.m.

12 Submitted by

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14 Eileen Mulliner
15 District Secretary
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