

1 **NORTH MARIN WATER DISTRICT**  
2 **MINUTES OF REGULAR MEETING**  
3 **OF THE BOARD OF DIRECTORS**  
4 July 18, 2023

5 **CALL TO ORDER**

6 President Fraites called the regular meeting of the Board of Directors of North Marin Water  
7 District to order at 4:00 p.m. at the District Headquarters and the agenda was accepted as  
8 presented. Present were Directors Jack Baker, Ken Eichstaedt, Rick Fraites, Michael Joly, and  
9 Stephen Petterle. Also present were General Manager Tony Williams, District Secretary Eileen  
10 Mulliner, Auditor-Controller Julie Blue and AGM/Chief Engineer Eric Miller.

11 District employees Robert Clark (Operations and Maintenance Superintendent) Chris Kehoe  
12 (Construction Superintendent) were also in attendance. Carl Nelson, of Bold, Polisner, Maddow,  
13 Nelson and Judson, District legal counsel, attended via phone for an item on the agenda.

14 **MINUTES**

15 On motion of Director Joly, seconded by Director Baker, the Board approved the minutes  
16 from the June 20, 2023 meeting as presented by the following vote:

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

18 NOES: None

19 ABSENT: None

20 ABSTAIN: None

21 **GENERAL MANAGER'S REPORT**

22 Tony Williams gave an update on the Potter Valley Project (PVP). He said that several  
23 meetings have occurred since the June 20, 2023 Board meeting, all related to the Russian River  
24 Water Forum which was formed to discuss the PVP's future. PG&E has established a deadline in  
25 November 2023 for any "entity" that may have interest in taking over the facilities. He said he will  
26 bring more details at a later Board meeting once the details are better known. Director Joly asked  
27 who controls PG&E's ability to decommission the dam, Mr. Williams responded that it is the Federal  
28 Energy Regulatory Commission (FERC).

29 Mr. Williams said that on June 27, 2023, Sonoma Water hosted the Danish consulate at a  
30 water innovation summit that focused on how Denmark deals with water which is very different from  
31 the U.S. The cost of potable water is much higher than in the U.S. He said that they are very astute  
32 to climate change. They do not use chemicals for treatment, it is all filtration of groundwater  
33 sources.

34 Mr. Williams said that the Marin Civil Grand Jury issued a second report on dam safety. He  
35 will bring back the District's response at the August 15 Board meeting.

36 Mr. Williams said that the Novato Fourth of July parade was successful. He acknowledged  
37 and thanked Ryan Grisso and the District parade committee and all the District employees that

1 participated in the parade. The employees who were in the parade were Eric Miller, Eileen Mulliner,  
2 Lia Solar, Rebecca Sylvester, Haylee DeMartini and her daughter, Jeff Watkins, Brian Northen,  
3 Adam Breit, his wife, and their two children.

4 Mr. Williams said that labor negotiations with the Employee Association have begun. He  
5 said that Eric Miller and Karen Clyde, District HR Manager, are participating in the negotiations.

6 Mr. Williams mentioned that several District Regulations are in this meeting's agenda packet  
7 and that he, Ryan Grisso and Robert Clark are working on additional regulation updates that will be  
8 on a future agenda, most likely in September, 2023.

9 **OPEN TIME**

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

12 **STAFF/DIRECTORS REPORTS**

13 President Fraites asked if staff or Directors wished to bring up an item not on the agenda.

14 Robert Clark said that the GAC (granular activated carbon) had been replaced at the  
15 Stafford Treatment Plant. The cylinders had been purchased last fiscal year and replaced the week  
16 of July 17, 2023. They hadn't been replaced for 2 years prior due to the drought. We relied on the  
17 storage and aqueduct while the plant was down for 3 days for the replacement. Director Eichstaedt  
18 asked if the carbon was recycled. Mr. Clark said that it either goes to the dump or given to a sludge  
19 vendor who uses it for soil amendment.

20 Chris Kehoe informed the Board that no potable water was available at Stafford Park due to  
21 a water line break on July 2nd. The break is somewhere in the line that runs under the lake and not  
22 repairable due to the location. The water line was installed in 1979 with an agreement noting that  
23 any repairs needed when the lake has water is the responsibility of the County. The break affects  
24 the Park as well as the Dominic Grossi property. The Park has one residential unit for a park  
25 employee rental. Alternatives are being looked at and more information will come at a future  
26 meeting.

27 Director Fraites said that he will not be able attend the next North Bay Watershed  
28 Association meeting in August and that Director Baker will attend for him.

29 **CONSENT CALENDAR**

30 On the motion of Director Petterle, and seconded by Director Baker, the Board approved  
31 the following item on the consent calendar by the following vote:

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

33 NOES: None

34 ABSENT: None

35 ABSTAIN: None

1 **AUTHORIZE JOINT EXERCISE OF POWER AGREEMENT - MARIN GENERAL SERVICES**  
2 **AUTHORITY**

3 The District is not currently a participating member of MarinMap, but following the transition  
4 to ArcGIS the process of integrating into the MarinMap program will be streamlined. Member  
5 agencies have contracted with each other to work together on the common goal of data sharing and  
6 efficiently providing a seamless and unified series of map-based datasets to the public.

7 Upon joining MarinMap, the District would become the 19<sup>th</sup> member agency and one of over  
8 30 represented public agencies within the County including each of the cities and towns in Marin,  
9 the Transportation Authority of Marin, and other special districts including Marin Water.

10 Joining MarinMap would allow District staff an opportunity to view member-only GIS data  
11 from other agencies which will improve project delivery.

12 **ACTION CALENDAR**

13 **NMWD ADMINISTRATION AND LABORATORY UPGRADE PROJECT – CONSTRUCTION**  
14 **MANAGEMENT SERVICES: AMEND CONTRACT WITH CONSOLIDATED CM**

15 The Board approved the original agreement with CCM at the May 18, 2021 Board meeting for  
16 an amount of \$179,000. The first amendment to the CCM agreement was approved at the April 19,  
17 2022 Board meeting in the amount of \$47,426 for CCM to support the District bridge the gap  
18 between final design and project bidding. The Board approved the second amendment with CCM  
19 at the June 7, 2022 Board meeting in the amount of \$952,388 for full-time construction  
20 management and inspections, including building permit-required special testing and inspections for  
21 various materials and components planned for use in the project.

22 Staff is now proposing a third amendment with a not-to-exceed fee of \$319,208 and a scope  
23 that includes continued construction management services through the current estimated project  
24 completion date of February 2024. Several factors have influenced extension of the completion  
25 date, including above-average rainfall during the months of January – March 2023, encountering  
26 unforeseen conditions, and staff inefficiencies from the contractor’s team. In addition, a series of  
27 design changes were initiated by the District to incorporate recent changes to staffing levels.

28 Eric Miller said that a more comprehensive update of the Project will be brought to the Board  
29 later in the year.

30 On the motion of Director Petterle, and seconded by Director Eichstaedt, the Board  
31 approved by the following vote:

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

33 NOES: None

34 ABSENT: None

35 ABSTAIN: None

36

1 **CONSIDER AMENDING REGULATIONS 20-25 AND 27-29**

2 Regulations 20-25 and 27-29 describe the requirements and procedures, including formal  
3 agreements necessary for extensions of, or modifications to, the District’s water distribution system.  
4 These regulations generally apply to new development but can be applicable to a single property  
5 owner requiring new water service where an existing water distribution main is not present nearby.  
6 Many of these regulations have not been updated since the 1990’s and some not since established  
7 in 1970. Regulation 26 was amended in 2019 and did not need any new updating.

8 Director Petterle commended staff that the regulations were being updated. Tony Williams  
9 said that Lia Solar, Engineering Services Representative, had brought up to management that some  
10 of these regulations needed to be re-worded so that she can better communicate with developers  
11 and future and existing customers seeking new service. Director Eichstaedt asked if they had been  
12 reviewed by legal counsel and Mr. Williams said that they had.

13 On the motion of Director Petterle, and seconded by Director Joly, the Board approved by  
14 the following vote:

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

16 NOES: None

17 ABSENT: None

18 ABSTAIN: None

19 **RESPONSE TO MARIN CIVIL GRAND JURY REPORT – BUILD MORE ADUs – AN Rx TO**  
20 **INCREASE MARIN’S HOUSING SUPPLY, JUNE 15, 2023**

21 In June, 2023, the Marin County Civil Grand Jury issued a report entitled: “Build More ADUs  
22 – An RX to Increase Marin’s Housing Supply, June 15, 2023.” One the report’s findings was  
23 directed to the District: “impact, connection, and capacity fees vary considerably throughout the  
24 County and such fees can be a disincentive to homeowners considering ADU development.” The  
25 recommendation from the Grand Jury is “by December 1, 2023, begin a feasibility assessment of  
26 waiving or significantly lowering impact and connection fees for units smaller than 750 square feet.”

27 Tony Williams told the Board that he had Carl Nelson, District legal counsel, on the phone  
28 should there be any legal-related questions from the Board. Mr. Williams went over the Grand  
29 Jury’s report and the agenda item attachments that would be sent to the Grand Jury, i.e., cover  
30 letter, response form, and response continuation.

31 Director Joly asked about ‘zero sum issue.’ Mr. Williams said that we have no good source  
32 of non-ratepayer revenue and if we were to lower or waive capacity charges we would need to  
33 spread those costs to other rate payers. This could violate state law and therefore we have to  
34 charge an individual for an ADU, which does in fact have an impact on the water system’s capacity.  
35 Director Joly asked how Marin Water is offering a waiver for ADUs and if they have to follow  
36 Proposition 218. Carl Nelson answered that if Marin Water has Facilities Reserve Charges (FRCs),

1 then they are subject to the same requirements. If the District goes beyond what is required by law,  
2 the costs associated with a new connection, the money has to come from somewhere if it isn't  
3 charged to the individual who is connecting. The District's charges are based on water usage, not  
4 square footage of the ADU which lowered the FRC. Mr. Nelson said that what the District is doing is  
5 legal. Mr. Williams said that we don't charge FRCs when an ADU is within the space of an  
6 structure, such as a garage.

7 On the motion of Director Joly, and seconded by Director Petterle, the Board approved by  
8 the following vote:

9 AYES: Director(s) Baker, Eichstaedt, Fraiters, Joly and Petterle

10 NOES: None

11 ABSENT: None

12 ABSTAIN: None

13 **INFORMATION ITEMS**

14 **REDWOOD LANDSLIDE NEAR OLOMPALI – PROGRESS UPDATE**

15 Eric Miller gave a detailed progress update presentation of the Redwood Landslide near  
16 Olompali. He explained that the large amount of rainfall in a short period of time saturated the  
17 ground contributed to the cause of the landslide. He said there is a slight possibility of receiving a  
18 Federal Emergency Management Agency (FEMA) reimbursement since no actual pipeline  
19 replacement has occurred. The District is tracking costs per FEMA guidelines just in case. He said  
20 that Novato Fire Protection District took the lead to bring all affected agencies together at onset of  
21 the landslide. PG&E then took over the site to work on the gas mains that were potentially in  
22 danger of being broken by the moving ground.

23 Mr. Miller said that initially there was the emergency phase and now we are still in the  
24 recovery phase which is when Caltrans took over the site. Once Caltrans has completed their work  
25 of repairing the slide and the roadway, the District will be able to access the site. The District's  
26 response team initially met every day during the emergency stage. Once the situation went into  
27 recovery stage, the team has been meeting every other week. Based on investigations inside the  
28 pipe using remote camera equipment, a portion of the pipeline appears to have been distorted due  
29 to the slide. If it is determined that the pipe has gone back to its original shape using follow-up  
30 inspections, we will know if it needs replacing. The District is coordinating its schedule with  
31 Caltrans. The District has so far billed \$206,000: \$60,000 of that is materials, including 80 feet of  
32 new pipe; and \$146,000 labor. Any FEMA eligible costs will be for broken and replaced  
33 infrastructure only. At this time, we do not know if any of our costs will be eligible. Director Joly  
34 asked if there will be more expenses. Mr. Miller said that if we do have to replace the pipe, there  
35 could be approximately \$10,000 more, but if the pipe does need replacing, there could be \$60,000-

1 \$70,000 more in expenses. Director Baker advised not to give up on pursuing FEMA  
2 reimbursement.

3 **TAC MEETING – JUNE 5, 2023**

4 Tony Williams briefly went over the TAC meeting minutes from June 5, 2023. He noted that  
5 Item #3 and Item #7 were related to the Potter Valley Project.

6 **MISCELLANEOUS**

7 The Board received the following miscellaneous items: Disbursements Dated June 22, June  
8 29, July 6 and July 13, 2023, Auditor-Controller's Monthly Report of Investments for May 2023,  
9 Monthly Progress Report.

10 The Board also received the following news articles: Marin IJ – Las Gallinas Valley Sanitary  
11 District – More Recycled Water for All Marin County – Advertisement, District adopts \$306M budget  
12 – MMWD, Report: Supply of ADUs needed – MARIN CIVIL GRAND JURY, Clear hurdles for ADUs  
13 so they can help – EDITORIAL, Wet year busy time for new supplies – MARIN COUNTY, Report:  
14 Water utilities need improved dam safety plans – MARIN CIVIL GRAND JURY, Extreme rains pose  
15 hidden flood threat in Marin, U.S. – CLIMATE CHANGE, KQED – Record Lows to Near Brimming:  
16 North Bay Reservoirs Stage Remarkable Recovery, Sonoma Water E-News – July 2023.

17 The Board also received the NMWD Web and Social Media Report – June 2023.

18 **ADJOURNMENT**

19 President Fraites adjourned the meeting at 5:54 p.m.

20 Submitted by

21 

22 Eileen Mulliner  
23 District Secretary  
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25  
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