

1 **NORTH MARIN WATER DISTRICT**
2 **MINUTES OF REGULAR MEETING**
3 **OF THE BOARD OF DIRECTORS**
4 August 15, 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, and AGM/Chief Engineer Eric Miller. Auditor-Controller Julie Blue was absent.

11 District employees Robert Clark (Operations and Maintenance Superintendent), Chris
12 Kehoe (Construction Superintendent) and Tim Fvette, Senior Engineer, were also in attendance.

13 Jeff Tarantino and Jeff Lewandowski of Fryer & Laureta, District consultant, were also in the
14 audience.

15 **MINUTES**

16 On motion of Director Joly, seconded by Director Baker, the Board approved the minutes
17 from the July 18, 2023 meeting as presented by the following vote:

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

19 NOES: None

20 ABSENT: None

21 ABSTAIN: None

22 **GENERAL MANAGER'S REPORT**

23 Tony Williams informed the Board that he and Eric Miller met with Assemblymember Damon
24 Connolly in July. They discussed infrastructure funding, the North Marin Aqueduct Landslide, and
25 dam safety. Mr. Connolly said that he would like to come and see the Stafford dam and treatment
26 plant.

27 Mr. Williams said that on August 9 he met with County Office of Emergency Management
28 Director, Steven Torrence, for a coordination meeting. They discussed dam safety.

29 Mr. Williams said the current Drought Ad-Hoc Committee is made up of himself, Director Joly
30 and Director Petterle and that they met on August 10. He said he will bring an item regarding this to
31 a Board meeting in September.

32 Mr. Williams also said that labor negotiations are still ongoing and that the salary survey will
33 be delivered soon. There will be a closed session scheduled in November.

34 **OPEN TIME**

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

1 **STAFF/DIRECTORS REPORTS**

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

3 Eric Miller gave an update on the North Marin Aqueduct Landslide. He said that Caltrans is
4 almost done with the retaining wall, and completion and re-opening of the road is planned by the
5 end of September. Director Baer asked if there were any recent photos and Mr. Miller said he can
6 email some to him. Sometime in late September or early October North Marin will do an
7 assessment to determine if any of the pipeline needs to be replaced. Director Joly inquired about
8 rain and the complications from it. Mr. Miller said it could complicate things a little but we will still be
9 able to do an assessment.

10 Director Joly asked about the broken water line at Stafford Lake. Tony Williams said that we
11 are coordinating with the County of Marin, but there is no resolution as of yet. There are temporary
12 facilities in place. There is also a possibility of the County drilling a well.

13 **CONSENT CALENDAR**

14 On the motion of Director Petterle, and seconded by Director Joly, the Board approved the
15 following item on the consent calendar by the following vote:

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

17 NOES: None

18 ABSENT: None

19 ABSTAIN: None

20 **NMWD ADMINISTRATION AND LABORATORY UPGRADE PROJECT – ARCHITECTURAL**
21 **SERVICES CONTRACT AMENDMENT**

22 The Board approved the agreement with Noll & Tam (N&T) at the November 17, 2020 Board
23 meeting for an amount of \$1,245,000. The first amendment was approved in the amount \$47,738
24 which was necessary for N&T to support the District bridge the gap between final design and project
25 bidding. The second amendment was approved in the amount of \$380,977 for support services
26 during construction, and was related to the original project schedule with an initial completion date of
27 September 2023.

28 Staff is now proposing a third amendment with a not-to-exceed fee of \$178,700 and a scope
29 that includes architectural and engineering services support through the current estimated project
30 completion date of February 2024.

31 Director Eichstaedt commented that including a rate of charges is usual, but it was not
32 present in the consultant's amendment proposal however, he is comfortable with the cost of work
33 but would like to see how the costs were built. Director Joly asked about the contract increase. Mr.
34 Miller said that the first two amendments were for construction support services and that this third
35 amendment is due to the 5 months' extension of the project. Director Petterle noted that a separate

1 agreement for construction phase services, separate from design, would have been easier to portray
2 costs.

3 **ACTION CALENDAR**

4 **BID ADVERTISEMENT AND DELEGATE AUTHORITY TO AWARD CONSTRUCTION**
5 **CONTRACT FOR OCEANA MARIN TREATMENT AND STORAGE POND REHABILITATION**
6 **PROJECT (BUDGETED FY23/24)**

7 The District's Oceana Marin treatment and storage ponds project, which is partially funded
8 through a Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program is
9 currently ready to be publicly advertised for bidding.

10 Staff is proposing that the Board authorize the General Manager to award the contract to the
11 lowest responsive and responsible bidder, allowing the project to begin sooner and enabling
12 ordering of long-lead-time materials. In the event that the lowest bid exceeds the engineer's
13 estimate by more than 10 percent (\$1,980,000), the General Manager will not award the contract but
14 rather staff will return to the Board seeking guidance on how to proceed.

15 Director Petterle questioned if pre-authorizing the delegation of authority to award the project
16 and Tony Williams said that he will confirm with our legal counsel. Director Joly said he would
17 approve as long as this was not setting a precedent. Mr. Williams said we would only request
18 something like this when time was of the essence for the project to proceed which is the case due to
19 the grant timeline. Director Baker asked when the construction would start and Mr. Miller said the
20 hope is to start in February 2024, weather permitting.

21 On the motion of Director Joly, and seconded by Director Baker, the Board approved by the
22 following vote:

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

24 NOES: None

25 ABSENT: None

26 ABSTAIN: None

27 **LYNWOOD PUMP STATION REPLACEMENT PROJECT – PRESENTATION OF PRELIMINARY**
28 **ENGINEERING ASSESSMENT AND CONSULTING SERVICES AGREEMENT AMENDMENT**

29 The Board approved an agreement with Freyer and Laureta, Inc. (F&L) in September 2022
30 to evaluate replacement of the Lynwood Pump Station. Evaluation of findings and a
31 recommendation have been documented in a draft technical report and, once finalized, will serve as
32 a basis for subsequent project phases including compliance with the California Environmental
33 Quality Act (CEQA), final design, and construction. Staff is recommending that F&L provide
34 consulting environmental services for the project. This would necessitate an amendment to F&L's
35 current contract.

1 Tim Fuelle gave a brief overview of the project before F&L, led by Jeff Tarantino gave their
2 presentation. He explained that the current location poses many challenges. Director Petterle
3 stressed that how the architectural aspects of the final pump station are very important and must be
4 a priority. Jeff Tarantino went over three alternative sites for the new Lynwood Pump Station in the
5 presentation. Director Baker said he was very impressed with the presentation, especially the
6 animations, and the information for the alternative sites. Director Joly asked about the costs and
7 Tim Fuelle addressed his question. Of the three sites, Alternative 3 looked to be the best choice but
8 is likely to be the most expensive. The estimated total costs, which include all soft costs, range from
9 approximately \$4M to over \$9M when comparing alternatives 1 through 3. Director Joly asked if
10 there is a possibility funds, such as grants, could be obtained, but Mr. Williams said that it was
11 unlikely but that staff is always keeping attuned to grants. He also noted that CEQA could impact
12 the decision on which alternative could be chosen and emphasized that the Board doesn't need
13 choose an alternative tonight.

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

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

17 NOES: None

18 ABSENT: None

19 ABSTAIN: None

20 Mr. Tarantino and Mr. Lewandowski left the meeting.

21 **RESPONSE TO MARIN CIVIL GRAND JURY REPORT – DAM AND RESERVOIR SAFETY JUNE**
22 **27, 2023**

23 Tony Williams gave a brief overview of the report by the Marin Civil Grand Jury. He said
24 there are many errors in the report that can mislead the public and the corrections are noted in the
25 draft transmittal letter. In the report there are five findings and six recommendations. The District
26 partially disagrees with some of the findings, particularly with Finding 4 which refers to FEMA and
27 National Flood Insurance maps which may not have entirely incorporated the most recent dam
28 inundation maps and are not available on the District's website. He said that we have a dam safety
29 sheet on the website. Mr. Williams noted a joint effort between the District and the Marin County
30 Flood Control District to extend their existing Novato Creek hydraulic model above the dam. Once
31 this work scope is finalized, the item will be brought back to the Board for consideration as part of
32 the Stafford Dam Adjustable Spillway Gate project. Director Joly said that he would ultimately like
33 the hydraulic modeling results brought back at a later meeting.

34 On the motion of Director Joly, and seconded by Director Eichstaedt, the Board approved by
35 the following vote:

1 AYES: Director(s) Baker, Eichstaedt, Fraites, Joly and Petterle
2 NOES: None
3 ABSENT: None
4 ABSTAIN: None

5 **MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN SONOMA COUNTY WATER AGENCY**
6 **AND THE DANISH CONSULATE: AUTHORIZE THE PRESIDENT TO SIGN THE MOU**

7 North Marin Water District has been invited by Sonoma Water to consider signing a
8 Memorandum of Understanding (MOU) with the Danish Consulate in Silicon Valley. The purpose of
9 the MOU encompasses cooperation and knowledge sharing on topics such as climate resilience,
10 water management, environmental protection and governance practices.

11 Mr. Williams said this is a great opportunity and that there is no financial commitment. The
12 other water contractors that are a part of this MOU are Valley of the Moon Water District and Santa
13 Rosa Water, in addition to Sonoma Water.

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

16 AYES: Director(s) Baker, Eichstaedt, Fraites, Joly and Petterle
17 NOES: None
18 ABSENT: None
19 ABSTAIN: None

20 **AUTHORIZE THE GENERAL MANAGER TO VOTE FOR ACWA REGION 1 NOMINATING**
21 **COMMITTEE'S RECOMMENDED SLATE OF CANDIDATES**

22 The District is an active member of the Association of California Water Agencies (ACWA)
23 and staff participates in various ACWA committees; follows legislative or regulatory issues, and
24 attends ACWA hosted conferences. ACWA divides the state of California into 10 regions. The
25 District falls within Region 1. Tony Williams told the Board that he was on the nominating committee
26 and that, among others, David Rabbitt, Director for Sonoma Water, and Jennifer Burke, Director of
27 Water at the City of Santa Rosa, are on the ballot running for officers and he requested
28 authorization to vote for the nominating committee's recommended slate of candidates on the ballot
29 for the upcoming two-year term.

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

32 AYES: Director(s) Baker, Eichstaedt, Fraites, Joly and Petterle
33 NOES: None
34 ABSENT: None
35 ABSTAIN: None

1 **INFORMATION ITEMS**

2 **POTTER VALLEY PROJECT UPDATE**

3 Tony Williams gave an update on the Potter Valley Project (PVP) and said that recently a
4 group which includes Sonoma Water, the Mendocino Inland Water & Power Commission and the
5 Round Valley Indian Tribes, has given a proposal to PG&E to preserve some of the PVP facilities as
6 part of the decommissioning. There needs to be a majority vote of the water contractors for Sonoma
7 Water to be part of a final ownership of the facilities per the Restructured Agreement for water
8 supply among the water contractors.

9 **ADMINISTRATION & LABORATORY UPGRADE PROJECT – CONSTRUCTION UPDATE**

10 On April 29, 2022, the Board approved award of a contract to D.L. Falk Construction Inc. for
11 the construction phase of the Administration and Laboratory Upgrade Project. The construction
12 phase began with a pre-construction meeting on June 21, 2022. Since that meeting, District staff
13 has been very involved in coordination with the design team, construction administrator and the
14 contractor. The most recent schedule indicates project completion in February 2024.

15 Eric Miller gave a quarterly update presentation to the Board on the project. He provided a
16 project update at the May 16, 2023 Board meeting and plans to continue providing quarterly
17 informational presentations to the Board.

18 **WAC/TAC DRAFT MEETING MINUTES – MAY 1, 2023**

19 The minutes of this meeting reflected that the following topics were discussed: Water Supply
20 Condition and Temporary Urgency Change Order, Sonoma Marin Saving Water Partnership,
21 Sonoma County Water Agency (SCWA) Local Hazard Mitigation Plan Update, Russian River Water
22 Forum Update, Biological Opinion Status Updates, Potter Valley Project Update, SCWA
23 Government affairs Update, and Integrated Regional Water Management Plans) Update.

24 **TAC DRAFT MEETING MINUTES – JULY 10, 2023**

25 The minutes of this meeting reflected that the following topics were discussed: Water Supply
26 Conditions and Temporary urgency Change Order, Biological Opinion Status Updates, Potter Valley
27 Project Update, Russian River Water Forum Update, Recap of Sonoma / Santa Rosa and Water
28 technology Alliance of Denmark Workshop on Resilience and Next Steps, and SCWA Government
29 Affairs Update.

30 **NBWA AGENDA – AUGUST 4, 2023**

31 The North Bay Watershed Association's August 4, 2023 agenda included a guest
32 presentation on Regional Workforce Development for the Water Industry: Attracting and Retaining
33 the Workforce of the Future. Director Fraites, who attended the meeting, said this presentation
34 given by BAYWORK, noted that between 2021 and 2031 as many as 300,000 job openings will be
35 occur in the water and sewer districts. They train employees of districts on obtaining necessary

1 licenses. Another presentation was given on Ecological Workforce Development Overview, and the
2 Executive Director's Report.

3 **MISCELLANEOUS**

4 The Board received the following miscellaneous items: Disbursements Dated July 27,
5 August 3, and August 10, 2023, Monthly Progress Report, Auditor-Controller's Monthly Report of
6 Investments for June 2023, FY23 4th Quarter Labor Cost Report, Climate Prediction Center ENSO
7 Diagnostic Discussion, Potter Valley Project – Long Term Variance Letter: Sonoma Water, and
8 Potter Valley Project – Long Term Variance Letter: PG&E.

9 The Board also received the following news articles: Marin IJ – Council appoints interim
10 manager of public works – NOVATO, Marin needs to solve issue of confusing, varied ADU fees –
11 DICK SPOTSWOOD. Pt. Reyes Light – How 'poor' Inverness got its water system, Rodoni aide
12 departs office. Sonoma County Gazette - Sonoma County's water supply on the line: the
13 implications of PG&E's spin-off proposal. Press Democrat – Sonoma, Mendocino county water
14 managers propose pathway for continued Eel River diversions.

15 The Board also received the NMWD Web and Social Media Report – July 2023.

16 **ADJOURNMENT**

17 President Fraites adjourned the meeting at 6:15 p.m.

18 Submitted by

19 

20 Eileen Mulliner
21 District Secretary
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