



## NOTICE OF BOARD OF DIRECTORS’ REGULAR BI-MONTHLY MEETING

**MEETING DATE:** 07-05-2022

**TIME:** 7:30 p.m.

**LOCATION:** This meeting will be held virtually pursuant to Government Code section 54953(e) (Assembly Bill (AB) 361).

To participate online, go to <https://us06web.zoom.us/j/88134852296>. You can also participate by phone by calling **1-669-900-6833** and entering the **webinar ID#: 881 3485 2296**.

**PARTICIPATION DURING MEETINGS:** During the public comment periods, the public may comment by clicking the “raise hand” button on the bottom of the Zoom screen; if you are joining by phone and would like to comment, press \*9 and we will call on you as appropriate.

**EMAILED PUBLIC COMMENTS:** You may submit your comments in advance of the meeting by emailing them to [BoardComment@MarinWater.org](mailto:BoardComment@MarinWater.org). All emailed comments received by 3 p.m. on the day of the meeting will be provided to the Board of Directors prior to the meeting. All emails will be posted on our website. **(Please do not include personal information in your comment that you do not want published on our website such as phone numbers and home addresses.)**

AGENDA ITEMS	RECOMMENDATIONS
<b>Call to Order and Roll Call* at 7:30 p.m.</b>	
<b>Adoption of Agenda</b>	<i>Approve</i>

**Public Comment - Items Not on the Agenda**  
*(7:35 p.m. – Time Approximate)*

Members of the public may comment on any items not listed on the agenda during this time. Comments will be limited to three (3) minutes per speaker, and time limits may be reduced by the board president to accommodate the number of speakers and ensure that the meeting is conducted in an efficient manner.

**Directors’ and General Manager’s Announcements & Committee Reports**  
*(7:40 p.m. – Time Approximate)*

\*Marin Water Board of Directors’ Order of Roll Call Vote: Cynthia Koehler, Monty Schmitt, Larry Bragman, Jack Gibson, and Larry Russell

**AGENDA ITEMS****RECOMMENDATIONS****Consent Calendar** (7:45 p.m. – Time Approximate)

All matters listed on the consent calendar are considered to be routine and will be enacted by a single action of the Board, unless specific items are removed from the consent calendar by the Board during adoption of the agenda for separate discussion and action.

1. Minutes of the Board of Directors’ Special Board Meeting of June 14, 2022, and Regular Bi-Monthly Meeting of June 21, 2022	<i>Approve</i>
2. Resolution Continuing Virtual Board and Committee Meetings Pursuant to Assembly Bill 361	<i>Approve</i>
3. Sky Oaks Road Retaining Wall Replacement Project	<i>Approve</i>
4. Barber Avenue Pipeline Replacement Project	<i>Approve</i>
5. Lease Agreement with T-Mobile (Lease 65)	<i>Approve</i>

**Regular Calendar** (7:50 p.m. – Time Approximate)

6. Watershed Wildfire Incident Review (Approximate time 20 minutes)	<i>Information</i>
7. Water Supply Update (Approximate time 10 minutes)	<i>Information</i>
8. A resolution authorizing the General Manager to issue a Temporary Limited Use Permit for Service from a hydrant to the Marin County Agricultural Commission for water for livestock (Approximate time 10 minutes)	<i>Approve</i>
9. Future Meeting Schedule and Agenda Items (Approximate time 5 minutes)	<i>Information</i>

**Closed Session Item****Public Comment – Only on Items on the Closed Session**

Comments will be limited to three (3) minutes per speaker, and time limits may be reduced by the board president to accommodate the number of speakers and ensure that the meeting is conducted in an efficient manner.

**AGENDA ITEMS****RECOMMENDATIONS****Convene to Closed Session (Only the Board of Directors and staff will participate)***(Approximate time 30 minutes)***10. Conference With Labor Negotiators**

(Government Code §54957.6)

Agency Designated Representatives: Ben Horenstein, General Manager

Employee Organizations: Service Employees International Union Local 1021;

Unrepresented Employees

**Convene to Open Session****Closed Session Report Out****Adjournment** *(9:15 p.m. – Time Approximate)***ADA NOTICE AND HEARING IMPAIRED PROVISIONS:**

In accordance with the Americans with Disabilities Act (ADA) and California Law, it is Marin Water's policy to offer its public programs, services, and meetings in a manner that is readily accessible to everyone, including those with disabilities. If you are an individual with a disability and require a copy of a public hearing notice, an agenda, and/or agenda packet in an appropriate alternative format, or if you require other accommodations, please contact Executive Assistant to the General Manager Charisse Beronilla at 415.945.1446, at least two days in advance of the meeting. Advance notification will enable the Marin Water to make reasonable arrangements to ensure accessibility.

INFORMATION AGENDAS ARE AVAILABLE FOR REVIEW AT THE CIVIC CENTER LIBRARY, CORTE MADERA LIBRARY, FAIRFAX LIBRARY, MILL VALLEY LIBRARY, MARIN WATER OFFICE, AND ON THE MARIN WATER WEBSITE (MARINWATER.ORG)

**FUTURE BOARD MEETING:**

- ❖ Wednesday, July 6, 2022  
Board of Directors' Special Meeting  
(Watershed Site Visit #1 – Watershed Recreation Management Plan)  
5:00 p.m.
  
- ❖ Tuesday, July 12, 2022  
Board of Directors' Special Meeting (Strategic Water Supply Assessment Working Session)  
5:00 p.m.

- ❖ Tuesday, July 19, 2022  
Board of Directors' Regular Bi-Monthly Meeting  
6:00 p.m. Closed Session and 7:30 p.m. Open Session

*Charisse Beronida*  
for Board Secretary



## Approval Item

### TITLE

Minutes of the Board of Directors' Special Meeting of June 14, 2022, and Regular Bi-Monthly Meeting of June 21, 2022

### RECOMMENDATION

Approve the adoption of the minutes

### SUMMARY

On June 14, 2022, the Board of Directors (Board) had a special meeting of the *Strategic Water Supply Assessment*. Then, on June 21, 2022, the Board had its regular bi-monthly meeting. The minutes of both meetings are attached.

### DISCUSSION

None

### FISCAL IMPACT

None

### ATTACHMENT(S)

1. Minutes of the Board of Directors' Special Meeting of June 14, 2022
2. Minutes of the Board of Directors' Regular Bi-Monthly Meeting of June 21 2022

DEPARTMENT OR DIVISION	DIVISION MANAGER	APPROVED
Communications & Public Affairs Department	 Terrie Gillen Board Secretary	 Ben Horenstein General Manager

**MARIN MUNICIPAL WATER DISTRICT  
BOARD OF DIRECTORS' SPECIAL MEETING**

**STRATEGIC WATER SUPPLY ASSESSMENT WORKING SESSION IV  
MINUTES**

**Tuesday, June 14, 2022**

**Via teleconference**

(In accordance with Government Code Section §54953e/Assembly Bill 361)

**DIRECTORS PRESENT:** Larry Bragman, Jack Gibson, Monty Schmitt, and Larry Russell

**DIRECTORS ABSENT:** Cynthia Koehler

**DISCUSSION ITEM:**

**1. Strategic Water Supply Assessment**

President Russell called the meeting to order at 7:30 p.m.

Water Resources Director Paul Sellier provided an overview of the meeting. He explained that the water supply assessment work includes studying the District's current water system and demand, as well as how the system and demand would be effected by certain conditions.

Project Manager Armin Munevar, with Jacobs Engineering Group, focused on five different scenarios and provided data trends and the resulting effect on water supply. He explained that these scenarios are still a work in progress, but only minor shifts in data are expected.

At the end of the presentation, Mr. Munevar reviewed the proposed schedule for the Strategic Water Supply Assessment.

After the presentation, the board provided questions and comments about the material presented, including global warming's impact to the water supply and water quality, and water shortage triggers.

There were five (5) public comments.

**ADJOURNMENT**

Without any further comments from the board or the public, the special meeting adjourned at 9:00 p.m.

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Board Secretary

**MARIN MUNICIPAL WATER DISTRICT  
BOARD OF DIRECTORS**

**MEETING MINUTES**

**Tuesday, June 21, 2022**

**Via teleconference**

(In accordance with Assembly Bill 361)

**DIRECTORS PRESENT:** Larry Bragman, Jack Gibson, Cynthia Koehler, Monty Schmitt, and Larry Russell (*Director Russell showed up during general Public Comment.*)

**DIRECTORS ABSENT:** None

**CALL TO ORDER AND ROLL CALL**

Vice President Schmitt called the meeting to order at 7:30 p.m.

**ADOPTION OF AGENDA**

On motion made by Director Gibson and seconded by Director Bragman, the board adopted the agenda.

Ayes: Directors Gibson, Koehler, Bragman, and Schmitt  
Noes: None  
Absent: Russell

There was no public comment on the adoption of the agenda.

**PUBLIC COMMENT – ITEMS NOT ON THE AGENDA**

There were five (5) public comments.

Based upon some of the public comments, the board directed staff to provide an update of the recent wildfires at the Watershed at an upcoming board meeting.

President Russell arrived at the meeting.

**DIRECTORS' AND GENERAL MANAGER'S ANNOUNCEMENTS & COMMITTEE REPORTS**



Larry Bragman expressed interest in review of several issues and suggestions related to fire preparedness.

Both President Russell and Director Koehler announced their participation at the AWWA Conference in Texas.

General Manager Ben Horenstein reiterated that staff would bring to the board lessons learned from the recent fires.

**CONSENT CALENDAR (ITEMS 1-5)**

**Item 1 Minutes of the Board of Directors' Regular Bi-Monthly Meeting of June 7, 2022**

**Item 2 General Manager's Report for May 2022**

**Item 3 Modifications to Water Efficiency Incentives**

**Item 4 Azalea Hill Restoration Project Fundraising**

**Item 5 Request to Fill One Finance Manager Position in the Finance Division**

On motion made by Director Gibson and seconded by Director Bragman, the board adopted the Consent Calendar.

There were no public comments.

The following roll call vote was made.

Ayes: Directors Schmitt, Bragman, Gibson, Koehler, and Russell

Noes: None

**REGULAR CALENDAR (ITEMS 6-9)**

**Item 6 Renewal of Annual Insurance Policies for All Risk Property, Excess Liability, Automobile Physical Damage, Excess Workers Compensation, Pollution, Cyber, Drone and Crime and Fidelity for Fiscal Year 2022/23**

Director of Finance Bret Uppendahl introduced his staff and Seth Cole, with Alliant Insurance Service Inc. He then presented staff's proposal for the FY 23 insurance renewal. Discussion ensued.

There were three (3) public comments.

On motion made by Director Gibson and seconded by Vice President Schmitt, the board approved the FY 23 insurance renewal.

Ayes: Directors Gibson, Koehler, Bragman, Schmitt, and Russell

Noes: None

**Item 7 Professional Services Agreement with Hazen and Sawyer for Engineering Services for Design of the Kastania Pump Station Rehabilitation Project – Phase II**

Associate Engineer Zak Talbott provided a presentation highlighting background information of Phase I of the Kastania Pump Station Rehabilitation Project. Then, he showed the proposed scope of work for the Phase II design of said Project. After the presentation, there was board discussion.

On motion made by Director Bragman and seconded by Director Gibson, the board approved the Professional Services Agreement with Hazen and Sawyer for design of the Kastania Pump Station Rehabilitation Project of Phase II.

Ayes: Directors Schmitt, Bragman, Gibson, Koehler, and Russell

Noes: None

After the vote, the board heard from a member of the public, who provided a public comment in correlation to comments made at the beginning of the meeting concerning the fire in the watershed. Her comments had been delayed due to technical issues.

**Item 8 Strategic Water Supply Assessment Update**

Water Resources Director Paul Sellier provided an overview of the work performed on the Water Supply Assessment and a schedule of the remaining work that would be discussed at future board and community meetings. Board discussion followed.

There were two (2) public comments.

This was an informational item. The board did not take any formal action.

**Item 9 Future Meeting Schedule and Agenda Items**

The board secretary reported on the upcoming internal meetings and external meetings for the remainder of June and early July.

There were neither comments from the board nor the public.

This was an informational item. The board did not take any formal action.

**CLOSED SESSION ITEMS**

President Russell adjourned to closed session.

**PUBLIC COMMENT (ONLY ON CLOSED SESSION ITEMS)**

There were no public comments for the Closed Session item.

**CONVENE TO CLOSE SESSION**

At approximately 8:55 p.m., the Board of Directors convened to closed session.

**Item 10**      **Conference with Real Property Negotiators**  
(California Government Code Section §54956.8)

**Property:** 700 Donahue Street, Sausalito (APN 052-140-27)  
**Agency Negotiator:** Ben Horenstein, General Manager  
**Negotiating Party:** T-Mobile  
**Under Negotiation:** Price and Terms

**Item 11**      **Conference with Real Property Negotiators**  
(California Government Code Section §54956.8)

**Property:** APNs 197-120-21 and 197-20-40 (Mt. Tamalpais – Middle Peak and Building 402)  
**Agency Negotiator:** Ben Horenstein, General Manager  
**Negotiating Parties:** Diamond Communications, Everest Infrastructure Partners, and American Tower, LLC  
**Under Negotiation:** Price and Terms

**RECONVENE TO OPEN SESSION**

The Board of Directors reconvened to open session at 9:57 p.m.

**CLOSED SESSION REPORT OUT**

Per President Russell, the closed session adjourned at 9:57 p.m. He stated that there was no reportable action.

**ADJOURNMENT**

There being no further business, the regular Board of Directors’ meeting of June 21, 2022, adjourned at approximately 9:58 p.m.

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Board Secretary

## Approval Item

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### **TITLE**

Allow Continuation of Virtual Board and Committee Meetings Pursuant to Assembly Bill (AB) 361

### **RECOMMENDATION**

Approve a Resolution for the Marin Municipal Water District to allow continued virtual Board and Committee meetings due to public health and safety concerns in accordance with AB 361

### **SUMMARY**

On September 17, 2021, the Governor signed Assembly Bill (AB) 361, which codifies certain changes to the Brown Act allowing teleconference (or virtual) meetings to continue during a health emergency. The Board has taken action to allow virtual meetings to continue in accordance with AB 361 based on health and safety concerns due to COVID-19.

### **DISCUSSION**

AB 361 authorizes local agencies to continue holding their public meetings virtually during a proclaimed state of emergency under section 8625 of the Government Code (i.e., the California Emergency Services Act), under any of the following circumstances:

- State or local officials have imposed or recommended measures to promote social distancing.
- The meeting is being held for the purposes of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
- The legislative body has determined that as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

AB 361 requires the Board to reconsider the emergency circumstances every 30 days.

On June 17, 2022, Governor Newsom issued Executive Order N-11-22, which eliminated certain of the COVID-19 emergency provisions put in place in previous orders, but left in place other measures and the overall emergency proclamation. The Director of Health & Human Services for the County of Marin also continues to recommend employment of social distancing to enhance public safety at public meeting; in particular, where indoor settings may exceed room capacity and not provide the ability to socially distance. Further, the California Department of Health guidance continues to recommend face coverings for many in door settings. While the number of new COVID-19 infection rates has recently decreased or plateaued in North Bay communities, uncertainties due to the Omicron BA.2 variant and other potential subvariants persist. Adding to this, the District's boardroom may not be able to accommodate a full return to in-person meetings consistent with recommended social distancing. Therefore, staff is recommending that the Board adopt a resolution continuing to allow virtual meetings for Board

and Committee meetings. The proposed resolution will require a majority vote of the Board for adoption.

The adoption of a resolution to allow the continuation of virtual meetings in accordance with AB 361 while the state proclamation of emergency remains in place and will not preclude the District from holding hybrid meetings where appropriate or necessary to test future enhancements to the District board room.

**FISCAL IMPACT**

There is no fiscal impact associated with this item.

**ATTACHMENT(S)**

- 1. Proposed Resolution

DEPARTMENT OR DIVISION	DIVISION MANAGER	APPROVED
General Counsel's Office	 Molly MacLean General Counsel	 Ben Horenstein General Manager

**MARIN MUNICIPAL WATER DISTRICT**

**RESOLUTION NO.**

**A RESOLUTION OF THE MARIN MUNICIPAL WATER DISTRICT BOARD OF DIRECTORS TO  
ALLOW VIRTUAL BOARD AND COMMITTEE MEETINGS PURSUANT TO AB 361**

**WHEREAS**, Assembly Bill (AB) 361 was adopted by the California State legislature as an urgency item and was signed into law on September 16, 2021, which allows the Board of Directors to consider whether to continue virtual meetings during a proclamation of emergency under section 8625 of the Government Code (i.e., the California Emergency Services Act); and

**WHEREAS**, The Governor's March 4, 2020 Proclamation of Emergency pursuant to the California Emergency Services Act, California Government Code Section 8625, addressing the COVID-19 pandemic is still in effect and continues to remain in effect; and

**WHEREAS**, the California Department of Public Health continues to recommend face coverings for all individuals in most indoor settings and the Marin County Director of Health & Human Services continues to recommend social distancing in order to minimize the potential spread of COVID-19 during indoor, public meetings due to the continued local rate of transmission of the virus and unpredictable new variants; and

**WHEREAS**, the limited size of the District's boardroom may not be able to accommodate compliance with social distancing guidelines, and the Board has a strong interest in protecting the health and safety of District staff and members of the public and seeks to maintain the ability to continue virtual meetings as necessary to assure public safety.

**NOW THEREFORE, BE IT RESOLVED THAT:**

1. The Board has reconsidered the circumstances of the COVID-19 state of emergency since the Board Meeting of June 7, 2022.
2. There remains an ongoing proclaimed state of emergency relating to the novel coronavirus causing the disease known as COVID-19.
3. The state of emergency continues to directly impact the ability of the Board to meet safely in person in particular in its boardroom, which lacks the capacity to accommodate social distancing with more than a small number in attendance.
4. Local officials continue to recommend, pursuant to Government Code Section 54953(e)(1), measures to promote social distancing, and, a result of that emergency, meeting in person would present imminent risks to the health or safety of attendees at

heavily-attended in-person meetings of this legislative body, unless special circumstances that will allow social distancing and mitigate possible transmission can be made.

**PASSED AND ADOPTED** this 5<sup>th</sup> day of July, 2022, by the following vote of the Board of Directors.

**AYES:**

**NOES:**

**ABSENT:**

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**Larry Russell**  
**President, Board of Directors**

**ATTEST:**

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**Terrie Gillen**  
**Board Secretary**

## Approval Item

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### **TITLE**

Award of Contract No. 1984, for the Sky Oaks Road Retaining Wall Replacement Project (Project), to Farallon Company Engineering, for the installation of drilled concrete piers and soldier pile retaining wall in support of the District's Capital Improvement Program, on Marin Water Watershed.

### **RECOMMENDATION**

Approve a resolution awarding Contract No. 1984, for the Sky Oaks Road Retaining Wall Replacement Project to Farallon Company Engineering.

### **SUMMARY**

The Operations Committee reviewed this item on June 17, 2022, and referred it to a future Regular Bi-Monthly Meeting of the Board of Directors to proceed consider approval of the project.

On June 21, 2022, the District received and opened three (3) bids for the Project to install drilled concrete piers and soldier pile wall with concrete lagging, guardrail, road paving and implement erosion control best management practices. Farallon Company Engineering submitted the lowest responsive and responsible bid in the amount of \$207,220. Therefore, staff recommends that the Board of Directors approve a resolution awarding Contract No. 1984 to Farallon Company Engineering in the amount of \$207,220 and authorizing the General Manager to execute any necessary amendments to Contract No. 1984, which do not exceed \$53,000.

### **DISCUSSION**

In support of the Pine Mountain Tunnel Tanks Replacement Project, staff evaluated the construction traffic route to the District's Bull Frog Quarry and determined the log retaining wall on Sky Oaks Road is in need of replacement to facilitate the anticipated construction traffic.

This contract includes installing a soldier pile wall with drilled concrete piers, concrete lagging, guard rail, excavation, off-hauling and disposal of approximately 50 cubic yards of Phytophthora contaminated soil, road pavement restoration, and implementation of erosion control best management practices for the duration of the project. All work under this contract will be scheduled as night work to allow Sky Oaks Road to remain open during the day to the public, emergency traffic and essential deliveries to the Bon Tempe Treatment Plant.

On June 21, 2022, the District received and opened three (3) bids for the Project. Bid results are provided in the Bid Results table shown on the next page.



**Bid Results**  
**Sky Oaks Road Retaining Wall Replacement Project**

<b>Bid Rank</b>	<b>Contractor Name</b>	<b>Bid Amount</b>
1.	Farallon Company Engineering	\$207,220
2.	W.R. Forde Associates, Inc.	\$237,150
3.	Sandstone Environmental Engineering, Inc.	\$669,995.90

Contract No: 1984

Project No: D22027

Engineer's Estimate: \$210,000

Farallon Company Engineering submitted the lowest responsive and responsible bid. They hold a Class A – General Engineering License, License No. 827633, which is current and active and expires on 11/30/23. As required by State Law, Farallon Company Engineering is registered with the California Department of Industrial Relations under PWCR Number 1000012899. Following contract award, District staff will register the Project with the California Department of Industrial Relations.

Summaries of the estimated Project costs and schedule are provided below.

**Budget:**

Contract Award:	\$207,220
25% Contingency:	\$53,000
Materials and Professional Fees:	\$5,000
District Labor/Inspection:	\$63,000
Total Budget:	\$328,220
Budgetary Category:	A1E05

**Project Implementation:**

Project Advertisement:	June 7, 2022
Bid Opening:	June 21, 2022
Project Award:	July 5, 2022
Estimated Completion Date:	September 30, 2022
Duration:	87 days

**ENVIRONMENTAL REVIEW**

Staff has reviewed the Project pursuant to the California Environmental Quality Act (CEQA) and has found that the Project is Categorically Exempt pursuant to CEQA Guidelines Section 15301(d) and Section 15302(c). The project qualifies for exemption pursuant to Section 15301(d) of CEQA Guidelines inasmuch as the project is designed to repair and restore a

publicly owned service facility necessary to maintain service essential to public health, safety or welfare. The project qualifies for exemption pursuant to Section 15302(c) of CEQA Guidelines inasmuch as the project is designed to replace existing utility systems and/or facilities involving negligible or no expansion of capacity.

**PUBLIC OUTREACH EFFORTS**



Signs will be posted advising of changed conditions and construction on Sky Oaks Road prior to commencement of work. Staff will be working closely with watershed staff and Communications over the next few months to determine and implement additional public notification efforts.

**FISCAL IMPACT**

The total cost to complete the Sky Oaks Road Retaining Wall Replacement Project is estimated at \$328,220.

**ATTACHMENTS**

- 1. Proposed resolution
- 2. Site Map
- 3. Notice of Exemption

DIVISION OR DEPARTMENT	DIVISION MANAGER	APPROVED
Engineering		
	Crystal Yezman Director of Engineering	Ben Horenstein General Manager

**MARIN MUNICIPAL WATER DISTRICT**

**RESOLUTION NO.**

**A RESOLUTION OF THE BOARD OF THE MARIN MUNICIPAL WATER DISTRICT  
APPROVING AWARD OF CONSTRUCTION CONTRACT NO. 1984 TO FARALLON  
COMPANY ENGINEERING FOR THE CAPITAL IMPROVEMENT PROJECT SKY OAKS ROAD  
RETAINING WALL REPLACEMENT PROJECT**

**WHEREAS**, on June 7, 2022, the District advertised Contract No. 1984, for the Sky Oaks Road Retaining Wall Replacement Project (D22027), which will include furnishing all labor, equipment and materials for the installation of drilled concrete piers and soldier pile wall with concrete lagging, guardrail, road paving and implementation of erosion control best management practices in support of the Pine Mountain Tunnel Tanks Replacement Project; and

**WHEREAS**, the District received and publicly opened three (3) bids on June 21, 2022, of which Farallon Company Engineering bid of \$207,220 was the lowest responsive and responsible bid.

**NOW, THEREFORE, THE BOARD OF DIRECTORS RESOLVES** that:

1. The bid of \$207,220 submitted by Farallon Company Engineering, for the Sky Oaks Road Retaining Wall Replacement Project under Contract No. 1984 (“Contract”) was the lowest responsive and responsible bid submitted therefor, and said bid is hereby accepted.
2. A Contract for the Project be awarded to said low bidder, and the General Manager is authorized and directed to execute said Contract on behalf of the District upon receipt of a performance bond, payment bond, proof of insurance, and the executed contract for the work from said bidder.
3. The General Manager is authorized to execute any and all future amendments to the Contract, which he deems necessary, without further Board approval, so long as those amendments to the Contract amount does not exceed \$53,000.

4. Upon complete execution of said Contract, the bonds and/or checks of the other bidders are to be returned to said other bidders, and all bids other than that of Farallon Company Engineering, are to be rejected.

**PASSED AND ADOPTED** this 5th day of July, 2022, by the following vote of the Board of Directors.

**AYES:**

**NOES:**

**ABSENT:**

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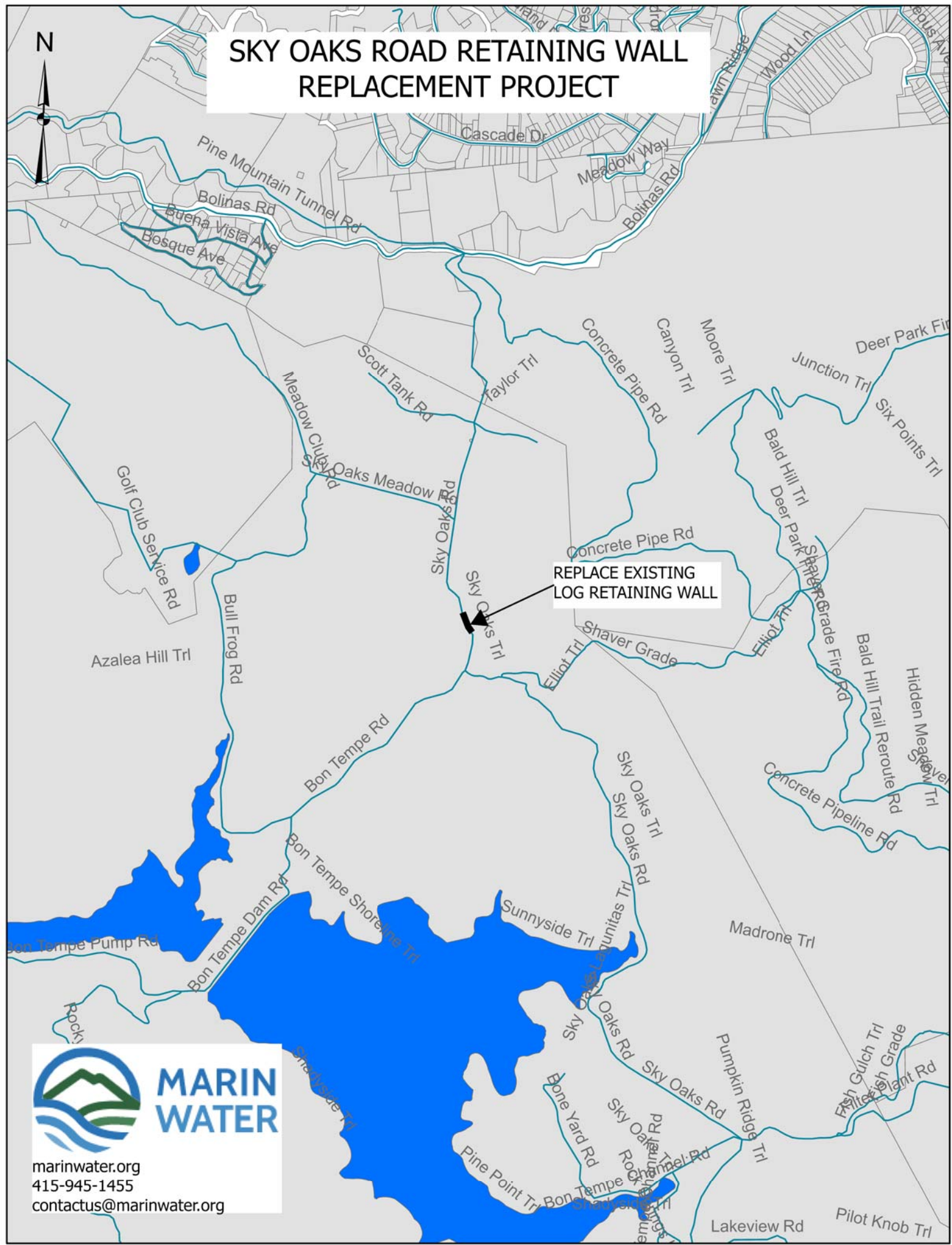
**Larry L. Russell**  
**President, Board of Directors**

**ATTEST:**

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**Terrie Gillen**  
**Board Secretary**

# SKY OAKS ROAD RETAINING WALL REPLACEMENT PROJECT



REPLACE EXISTING LOG RETAINING WALL



**MARIN WATER**

marinwater.org  
415-945-1455  
contactus@marinwater.org



## Notice of Exemption

Filing Requested By and When Filed Return To:

Marin Municipal Water District  
 220 Nellen Ave  
 Corte Madera, CA 94925  
 Attn: Crystal Yezman, Director of Engineering

**Project Title:** Sky Oaks Road Retaining Wall Replacement Project

**Project Location:** Marin Municipal Water District Watershed

**Project Location – County:** Marin

**Project Description:** The project will install a drilled concrete pier and soldier pile retaining wall with concrete lagging, guardrail, road paving and implementation of erosion control best management practices in support of the District's Capital Improvement Program.

**Public Agency Approving Project:** Marin Municipal Water District

**Name of Person or Agency Carrying Out Project:** Marin Municipal Water District

**CEQA Exemption Status:** Categorical Exemption Section 15301(d) Existing Facilities and Section 15302(c), Replacement or Reconstruction

**Reason for Exemption:** The Project is Categorically Exempt pursuant to CEQA Guidelines Section 15301(d) and Section 15302(c). The project qualifies for exemption pursuant to Section 15301(d) of CEQA Guidelines inasmuch as the project is designed to repair and restore a publicly owned service facility necessary to maintain service essential to public health, safety or welfare. The project qualifies for exemption pursuant to Section 15302(c) of CEQA Guidelines inasmuch as the project is designed to replace existing utility systems and/or facilities involving negligible or no expansion of capacity.

**Project Approval:** The Marin Municipal Water District Board of Directors approved the award of a contract for project construction, which represents project approval as defined by Section 15352 of the Guidelines for Implementation of the California Environmental Quality Act, at their regularly scheduled meeting on July 5, 2022.

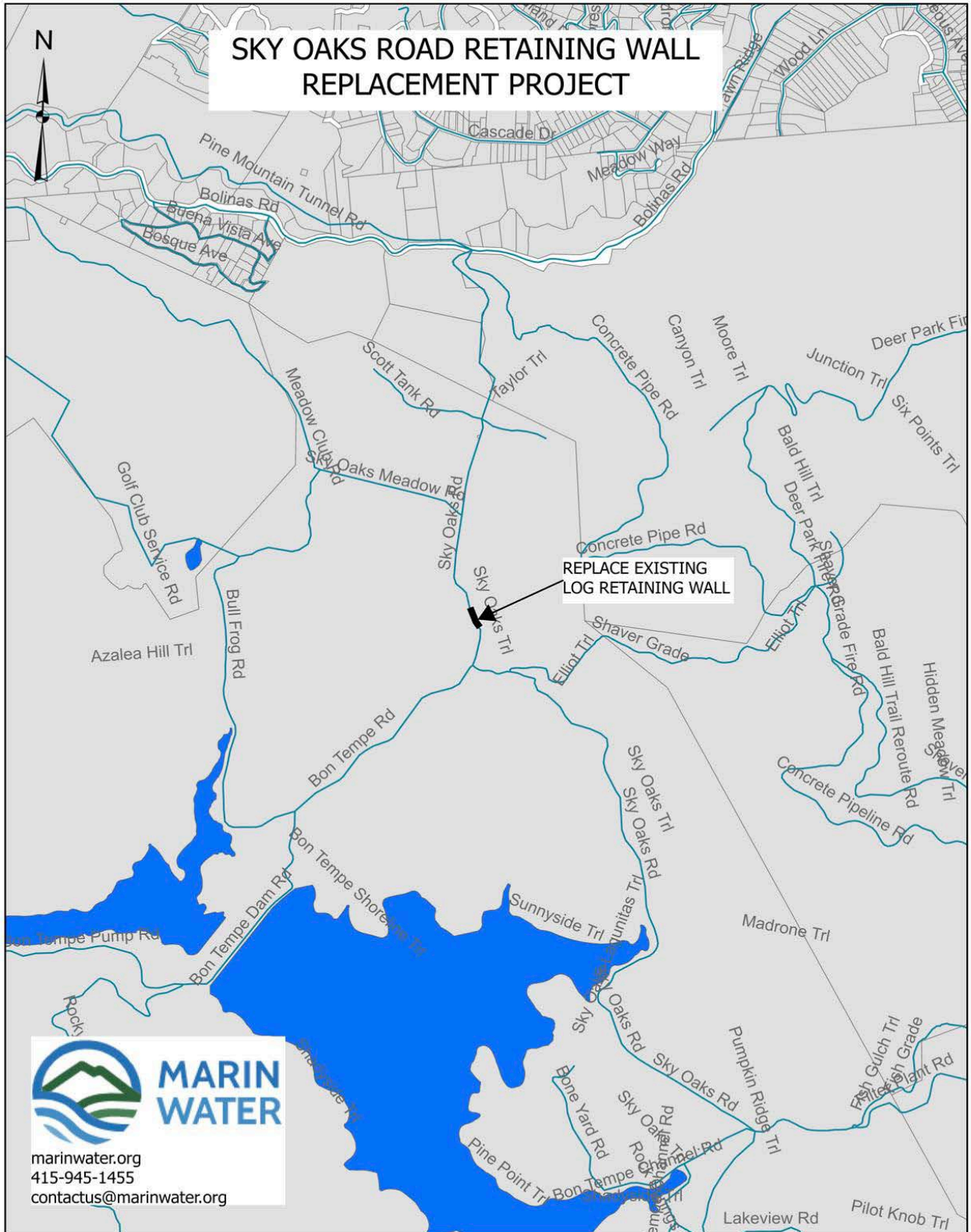
**Lead Agency Contact Person:** Crystal Yezman, Marin Municipal Water District **Telephone:** (415) 945-1100

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Crystal Yezman, Director of Engineering

Date

Figure 1: Sky Oaks Road Retaining Wall Replacement Project



SOURCE: MMWD 2022







## Approval Item

### TITLE

Award of Contract No. 1983, Barber Avenue Pipeline Replacement Project, to D & D Pipelines Inc., to install 440 feet of pipe in support of the District’s Capital Improvement Program, in the Town of San Anselmo

### RECOMMENDATION

Approve a resolution authorizing award of Contract No. 1983, Barber Avenue Pipeline Replacement Project to D & D Pipelines Inc.

### SUMMARY

The Operations Committee reviewed this item on June 17, 2022, and referred it to a future Regular Bi-Monthly Meeting of the Board of Directors to consider approval of the project.

On June 21, 2022, the District received and opened four (4) bids for the Barber Avenue Pipeline Replacement Project to install 440 feet of pipe to replace 120-year old pipe in coordination with San Anselmo’s road paving project. D & D Pipelines Inc., submitted the lowest responsive and responsible bid in the amount of \$163,800. Therefore, staff recommends that the Board of Directors approve a resolution awarding Contract No. 1983 to D & D Pipelines Inc., in the amount of \$163,800 and authorizing the General Manager to execute any necessary amendments to Contract No. 1983, which do not exceed \$15,000. The project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15302(c) of the CEQA Guidelines as the project is a replacement of existing water pipeline involving no or negligible expansion of capacity. This project is also statutorily exempt pursuant to the California Public Resource Code Division 13 Environmental Quality Section 21080.21 inasmuch as the project involves the replacement of less than one mile of pipeline within a public street or right-of-way.

### DISCUSSION

The Barber Avenue Pipeline Replacement Project (Project) is a component of the District’s Capital Improvement Program. This Project will replace leak prone piping installed as early as 1902 in coordination with the Town of San Anselmo’s road paving project in the locations described in Table 1 and shown on the map provided in Attachment 2.

**Table 1**  
**Pipeline Replacement Locations**

Street	Length	Installation Date	Existing Size & Type
Barber Avenue	440 ft	1902	6” GTP

GTP= galvanized threaded pipe

This street segment was evaluated for the installation of recycled water piping. The nearest existing recycled water pipeline is approximately 4.7 miles away located on intersection of San Pedro Rd and Sequoia Road in the community of Los Ranchitos. The recycled water line would have to run through Downtown San Rafael and through the Miracle Mile, past the hub for this project. The closest waste water treatment plant, Central Marin Sanitation Agency, is located approximately 4.6 miles away in San Rafael however their facilities are not equipped to provide tertiary recycled water.

On June 21, 2022, the District received four (4) bids for the Project. Bid results are provided in Table 2.

**Table 2**  
**Bid Results**  
**Barber Avenue Pipeline Replacement Project**

<b>Bid Rank</b>	<b>Contractor Name</b>	<b>Bid Amount</b>
1.	D & D Pipelines Inc.	\$163,800
2.	Maggiora & Ghilotto Inc.	\$179,300
3.	Michael Paul Co.	\$213,550
4.	W.R. Forde Associates	\$236,063

Contract No: 1983

Project No: D22025

Engineer's Estimate: \$150,000

D & D Pipelines Inc. submitted the lowest responsive and responsible bid. They hold a Class A – General Engineering License, License No. 848484, which is current and active and expires on 10/31/2022. As required by State Law, D & D Pipelines Inc. is registered with the California Department of Industrial Relations under PWCR Number 1000006166. Following contract award, District Staff will register the Project with the California Department of Industrial Relations.

Summaries of the estimated Project costs and schedule are provided below.

**Budget:**

Contract Award:	\$163,800
Contingency:	\$15,000
Materials and Professional Fees:	\$23,700
District Labor/Inspection:	\$37,500
Total Budget:	\$240,000
Budget Category:	A1A02A

Project Implementation:

Project Advertisement: June 7, 2022  
Bid Opening: June 21, 2022  
Project Award: July 5, 2022  
Estimated Completion Date: September 18, 2022  
Duration: 75 days

**ENVIRONMENTAL REVIEW**

Staff has reviewed the Project pursuant to the California Environmental Quality Act (CEQA) and has found that the Project is statutorily exempt pursuant to the California Public Resource Code Division 13 Environmental Quality Section 21080.21 inasmuch as the project involves the replacement of less than one mile of pipeline within a public street. The Project is also eligible for a Categorical Exemption pursuant to CEQA Guidelines Section 15302(c), Replacement or Reconstruction. The Project qualifies for exemption pursuant to Section 15302(c) inasmuch as it is the replacement of existing water pipeline involving negligible or no expansion of capacity. .

**PUBLIC OUTREACH EFFORTS**

The District’s multi-step process for notifying customers about this Project began in 2022 when District staff initiated discussions with the Town of San Anselmo. Public outreach steps to be taken are described in the table below.

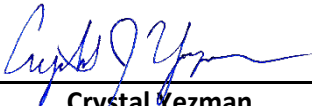
<b>Department</b>	<b>Action</b>
Engineering	Upon approval of the contract by the Board, send Project information letter with a map to all customers along the Project route.
Public Information	Issue news release to local media (print and online outlets).
Public Information	Post on MMWD website.
Public Information	Post on MMWD Nextdoor page for affected neighborhoods.
Public Information	Send notice to San Anselmo for posting on their website.
Engineering	Provide signage at Project site throughout construction period.

**FISCAL IMPACT**

The total cost to complete the Barber Avenue Pipeline Replacement Project is estimated at \$240,000.

**ATTACHMENTS**

1. Proposed Resolution
2. Site Map
3. Draft Notice of Exemption

DEPARTMENT OR DIVISION	DIVISION MANAGER	APPROVED
Engineering	 Crystal Yezman Director of Engineering	 Ben Horenstein General Manager

**MARIN MUNICIPAL WATER DISTRICT**

**RESOLUTION NO.**

**A RESOLUTION OF THE BOARD OF THE MARIN MUNICIPAL WATER DISTRICT  
APPROVING AWARD OF CONSTRUCTION CONTRACT NO. 1983 TO D & D PIPELINES  
INC. FOR THE CAPITAL IMPROVEMENT PROJECT BARBER AVENUE PIPELINE  
REPLACEMENT PROJECT**

**WHEREAS**, on June 7, 2022, the District advertised Contract No. 1983, Barber Avenue Pipeline Replacement Project (D22025), which will replace approximately 440 feet of piping; and

**WHEREAS**, the District received and publicly opened four (4) bids on June 21, 2022, of which D & D Pipelines Inc. bid of \$163,800 was the lowest response and responsible bid.

**NOW, THEREFORE, THE BOARD OF DIRECTORS RESOLVES** that:

1. The bid of \$163,800 submitted by D & D Pipelines Inc., for the Barber Avenue Pipeline Replacement Project under Contract No. 1983 ("Contract") was the lowest responsive and responsible bid submitted therefor, and said bid is hereby accepted.
2. The Contract for this project be awarded to said low bidder, and the General Manager is authorized and directed to execute said Contract on behalf of the District upon receipt of a performance bond, payment bond, proof of insurance, and the executed contract for the work from said bidder.
3. The General Manager is authorized to execute any and all future amendments to the Contract, which he deems necessary, without further Board approval, so long as those amendments to the Contract do not exceed \$15,000.
4. Upon complete execution of said Contract, the bonds or checks of the other bidders are to be returned to said other bidders, and all bids other than that of D & D Pipelines Inc., are to be rejected.
5. The project is statutorily exempt under the California Environmental Quality Act (CEQA) pursuant to the California Public Resources Code Division

13 Environmental Quality Section 21080.21 inasmuch as the project involves the replacement of less than one mile of pipeline within a public street. The project is also eligible for a Categorical Exemption under Section 15302(c) of the CEQA Guidelines inasmuch as it is the replacement of existing water pipeline involving negligible or no expansion of capacity.

**PASSED AND ADOPTED** this 5th day of July 2022 by the following vote of the Board.

AYES:

NOES:

ABSENT:

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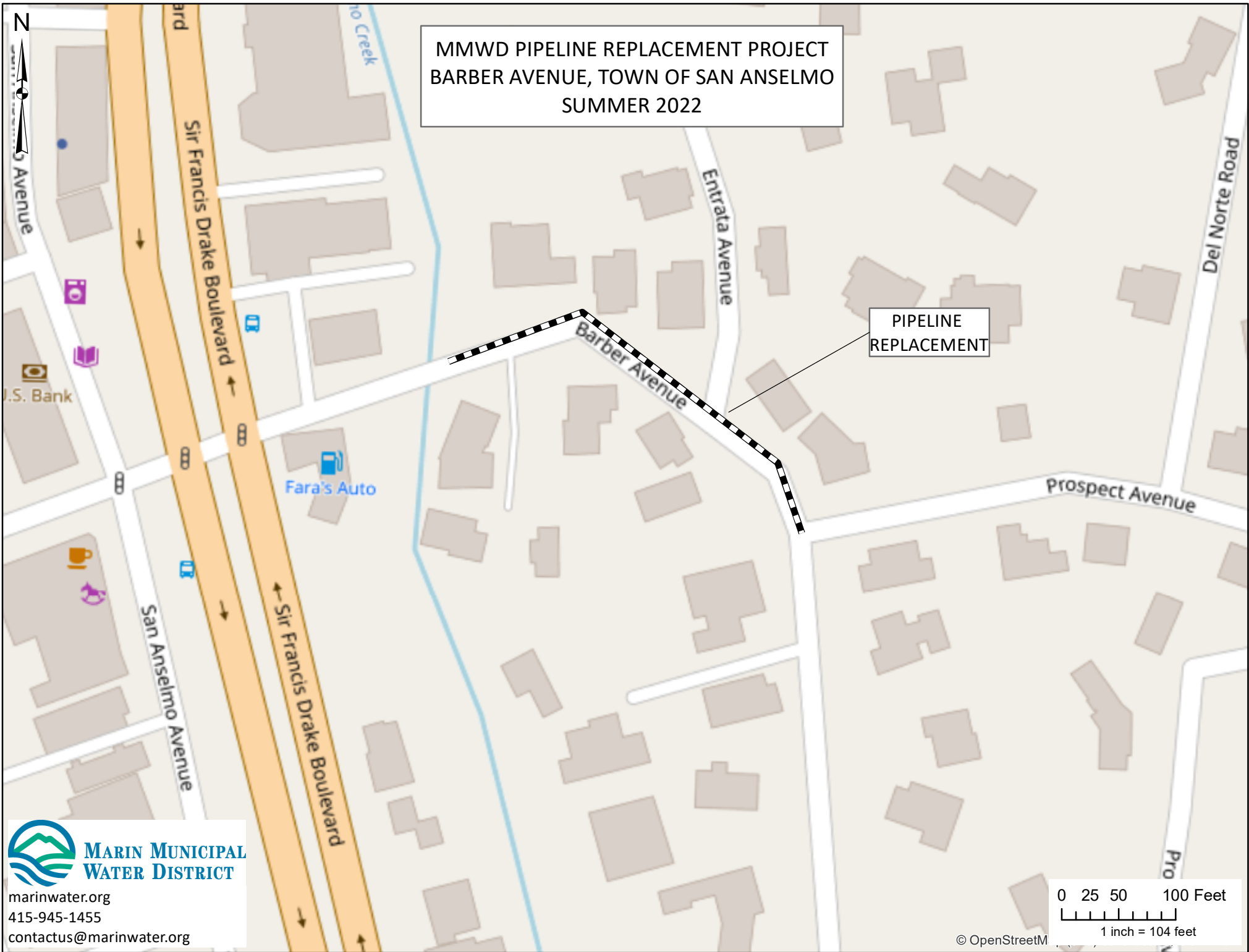
**President, Board of Directors**

ATTEST:

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**Secretary**

MMWD PIPELINE REPLACEMENT PROJECT  
BARBER AVENUE, TOWN OF SAN ANSELMO  
SUMMER 2022



PIPELINE  
REPLACEMENT



MARIN MUNICIPAL  
WATER DISTRICT  
marinwater.org  
415-945-1455  
contactus@marinwater.org

0 25 50 100 Feet  
1 inch = 104 feet

© OpenStreetM



# Notice of Exemption

Filing Requested By and When Filed Return To:

Marin Municipal Water District  
 220 Nellen Ave  
 Corte Madera, CA 94925  
 Attn: Crystal Yezman, Director of Engineering

**Project Title:** Barber Avenue Pipeline Replacement Project

**Project Location:** Town of San Anselmo

**Project Location – County:** Marin

**Project Description:** The project will install approximately 440 linear feet of 6-inch pipe to replace old, leak prone pipe in support of the District's Capital Improvement Program.

The roads involved are shown in Figure 1 and described in the table below:

Street	Length	Installation Date	Existing Size & Type
Barber Avenue	440 ft	1902	6" GTP

\*GTP = galvanized threaded pipe

**Public Agency Approving Project:** Marin Municipal Water District

**Name of Person or Agency Carrying Out Project:** Marin Municipal Water District

**CEQA Exemption Status:** Categorical Exemption Section 15302(c), Replacement or Reconstruction and California Public Resource Code Division 13 Environmental Quality Section 21080.21, less than one mile of pipeline in a public street or right-of-way.

**Reason for Exemption:** This project qualifies for exemption pursuant to Section 15302(c) of the CEQA Guidelines inasmuch as it is the replacement of existing water pipelines involving negligible or no expansion of capacity. This project is also statutorily exempt pursuant to the California Public Resource Code Division 13 Environmental Quality Section 21080.21 inasmuch as the project involves the replacement of less than one mile of pipeline in a public street.

**Project Approval:** The Marin Municipal Water District Board of Directors approved the award of a contract for project construction, which represents project approval as defined by Section 15352 of the Guidelines for Implementation of the California Environmental Quality Act, at their regularly scheduled meeting on July 5, 2022.

**Lead Agency Contact Person:** Crystal Yezman, Marin Municipal Water District **Telephone:** (415) 945-1100

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Crystal Yezman, Director of Engineering

Date



Figure 1: Barber Avenue Pipeline Replacement Project



SOURCE: MMWD 2022

## Approval Item

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### TITLE

Approve an amendment to District Lease No. 65 with T-Mobile to add a 25KW Generator, 700 Donahue Street, Sausalito (APN 052-140-27)

### RECOMMENDATION

Approve an amendment to the District Lease No 65 with T-Mobile to add a 25KW Generator at the site located at 700 Donahue Street, Sausalito and authorize the General Manager to execute the Third Amendment to the Lease Agreement.

### SUMMARY

T-Mobile has proposed installing a 25KW Diesel Generator at the existing telecommunication lease at the District's Marin City Tank site. This proposed improvement is to harden the reliability of the communication site in a PSPS event, and does not include any changes to the existing communications equipment or antennas. The nearest residential property is over four hundred feet from the tank site, therefore no sound study is required.

The partially executed Third Amendment to the Lease Agreement is attached.

### DISCUSSION

#### Summary of Current Lease Terms

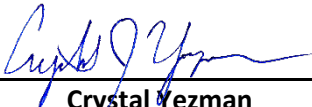
- Lease Term – 15 Years
- Commencement Date – October 1, 2012
- Remaining Lease Term – 6 Years
- Renewal Date Option – April 3, 2027
- Current Lease Area – 108 square feet
- Proposed Addition to Lease Area – 50 square feet
- Contract (Base) Rent - \$48,100/year
- Current Rent – \$63,977.78/year as of October 2021

#### Summary of New Lease Terms

- Proposed Rent - \$69,977.78/year; a \$6,000 rental increase
- One-time administration and construction oversight fee - \$6,000

### ATTACHMENT(S)

1. Partially executed Third Amendment
2. Location Map

DEPARTMENT OR DIVISION	DIVISION MANAGER	APPROVED
Engineering	 Crystal Yezman Director of Engineering	 Ben Horenstein General Manager

DocuSign Envelope ID: 4A96E948-0A2B-427E-83EF-94E43B143E93

THIRD AMENDMENT TO  
MARIN MUNICIPAL WATER DISTRICT  
LEASE NO. 65  
MARIN CITY TANK SITE  
APN 052-140-27

This lease amendment ("Third Amendment") is entered into by and between Marin Municipal Water District ("District") and T-MOBILE WEST LLC, a Delaware limited liability company ("Lessee"), herein referred to individually as a "Party" and collectively as the "Parties."

For good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the Parties hereto agree as follows:

Section 1. Recitals:

- A. District and Lessee executed an Amended and Restated District Lease No. 65 on March 4, 2015 ("Lease") whereby Lessee leased certain real property located in Marin County, California from District ("Premises"), together with access and utility easements ("Access Easement"), all located within certain real property owned by District ("Property") as described in the Lease.
- B. Lessee desires to add additional equipment ("Generator") to the Communications Facility on the Premises.
- C. Per Section 2 of the Lease, installing a Generator requires an amendment to the Lease; per Section 26 of the Lease, the addition constitutes a construction project.
- D. At this time, the Parties desire to amend the Lease to incorporate the Generator into the Premises.

Section 2. Definitions: Capitalized terms used and not defined in the Third Amendment have the same and respective meanings assigned to them in the Lease.

Section 3. Terms:

- A. This Third Amendment modifies the Lease. Except for the modifications contained herein, all terms of the Lease shall apply.
- B. The Lease is amended to include the additional equipment and frequencies described in the project plans entitled "T-Mobile, T-MOBILE SITE NUMBER BA00360A, SF 360 RICHARDSON BAY, 700 DONOHUE ST., MARIN CITY, CA 94965", prepared by TELCYTE, signed by Adam Bronnenkant, P.E., dated March 6, 2022, hereinafter referenced as Exhibit C-1, which are attached hereto and incorporated herein by this reference. Exhibit C-1 supplements Exhibit C to the Lease and shall not be deemed, interpreted, and/or construed to supersede or otherwise modify Exhibit C or any part thereof except to the extent specifically outlined in Exhibit C-1. Upon receiving permit approval by the appropriate local government and/or planning jurisdiction, Lessee may perform the modifications outlined in Exhibit C-1.
- C. Lessee agrees to pay one-time oversight fees to the District in the amount of \$6,000.00 within thirty (30) days following the issuance of a building permit by the Marin County Community Development Department.

BA00360A\_NLG-52552\_AMD\_Hardening\_National\_HC 2020\_146328

- D. District and Lessee agree that the annual rent payment, as described in Section 4(A) of the Lease, shall increase by \$6,000.00 on the first day of the month following the issuance of a building permit by the Marin County Community Development Department, partial years to be prorated monthly ("Increased Rent Commencement Date").
- E. The current annual rental amount as described in Section 4(A) of the Lease, effective October 1, 2022, is \$63,977.78. As of the full execution of this Third Amendment, provided that the Increased Rent Commencement Date is between August 1, 2022, and September 30, 2022, District and Lessee agree that the annual rental amount of \$69,977.78 (\$63,977.78 + \$6,000.00) shall be subject to the rental adjustment provision described in Section 4 (B)(i). If the Increased Rent Commencement Date is after October 1, 2022, then the additional rental amount shall be prorated as in Section 3 (D) of this Third Amendment and subject to the rental adjustment provision described in Section 4 (B)(i) of the Lease.

IN WITNESS WHEREOF, the Parties have executed this Third Amendment on the date last signed below.

**MARIN MUNICIPAL WATER DISTRICT**

**T-MOBILE WEST LLC, a Delaware  
Limited liability company**

By: \_\_\_\_\_

Bennett Horenstein

General Manager

Date: \_\_\_\_\_

By: \_\_\_\_\_

Name: Nikhil Patlolla

Title: Sr Director, Network Engineering & Operations

Date: 5/20/2022

DocuSigned by:  
*Nikhil Patlolla*  
BE34A2A4B564C7

T-Mobile Legal Approved 05/13/22

*Richard Philip Hanna*



TMO Signatory Level : L06

## EXHIBIT C-1

### Additional Equipment

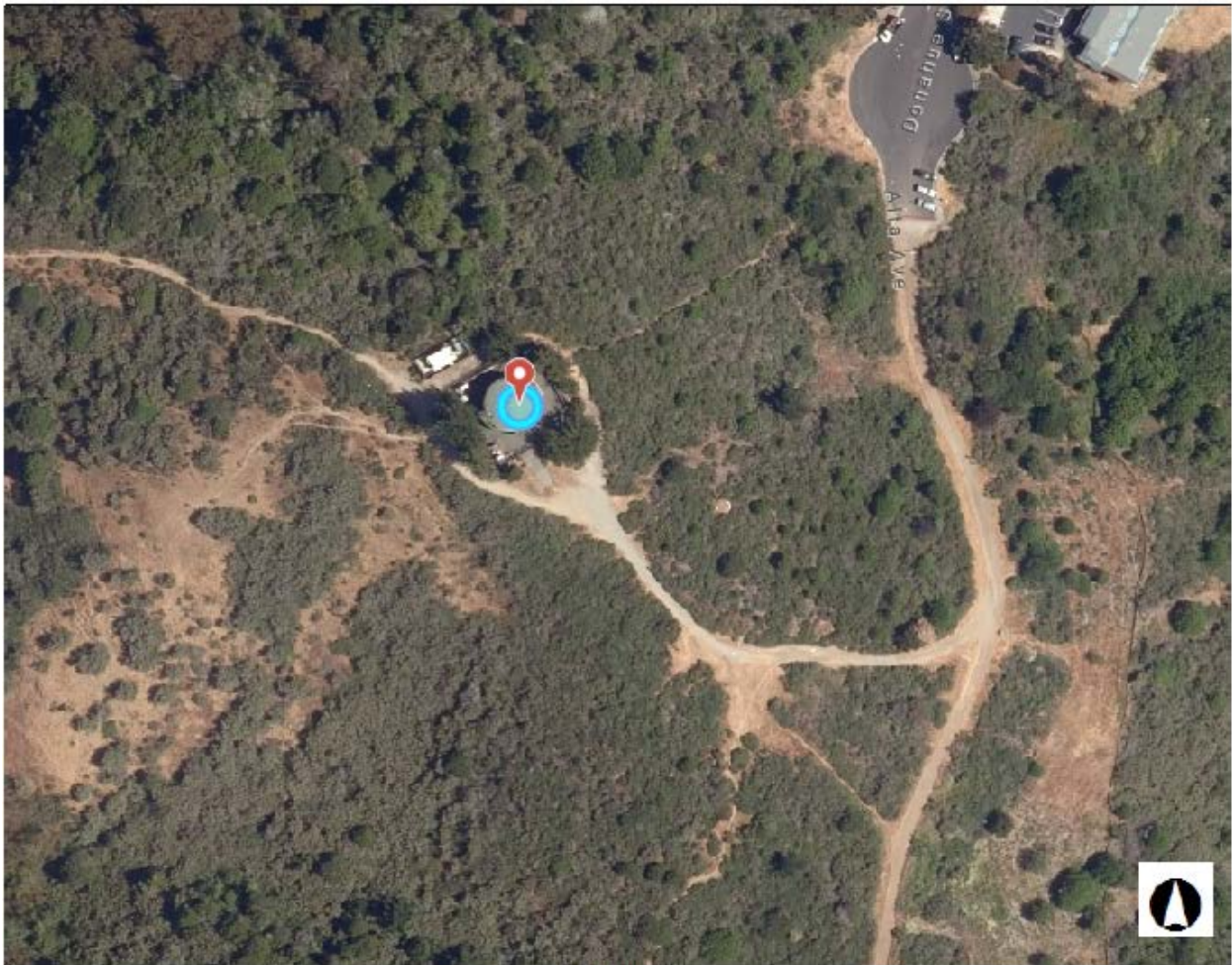
- One (1) 25kW Diesel Generator

### Attachment

- T-Mobile Site Number BA00360A – Project Plans dated March 6, 2022



### LOCATION MAP - MARIN CITY TANK



223.9 0 111.94 223.9 Feet





## Informational Item

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**TO:** Board of Directors

**FROM:** Shaun Horne, Watershed Resources Manager 

**THROUGH:** Ben Horenstein, General Manager 

**DIVISION NAME:** Watershed

**ITEM:** Watershed Wildfire Incident Review

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### SUMMARY

On June 16, 2022 at approximately 9:30 am a small grass fire was started accidentally by a hiker in the vicinity of Bon Tempe Lake, which led to the temporary closure of the Mt. Tamalpais Watershed. This was the second of three fires on the watershed that Marin Water staff and local fire agency have responded to in 2022. Staff will provide a brief overview of the incident and review opportunities for continuing to enhance wildfire preparedness and response.

### DISCUSSION

California is facing unprecedented wildfire crisis as a result of decades of fire exclusion and increasing impacts associated with climate change. In many of California ecosystems, biodiversity, carbon stability and overall ecological resilience are dependent on the regular occurrence of fire. However, the wildfire seasons over the past few years have brought record impacts to communities, critical infrastructure and ecosystems. In an effort to establish a more resilient water supply system, watershed, and community Marin Water developed the Wildfire Resilience study to identify proactive hazard reduction actions. At the May 17, 2022 Board of Directors meeting staff provided an overview of mitigation actions completed to date. Similarly, in an effort to establish a more resilient watershed and protect water quality and surrounding communities, Marin Water has been scaling up vegetation management activities as part of the implementation of the Biodiversity Fires and Fuels, Integrated Plan (BFFIP).

This year Rangers and other watershed staff have responded to three (3) small fires on the watershed. The incident that occurred on June 16, 2022 was the largest and burned a total of 1.89 acres in vicinity of Bon Tempe Lake near the dam. The ignition occurred in an area of the watershed where the District completed fuel reduction and forest restoration work in 2021 under the BFFIP. Marin Water Ranger staff were notified by a watershed visitor regarding signs of smoke near Bon Tempe Dam. While in route Rangers and watershed maintenance made a tactical decision to mobilize the Type III Wildland Fire Engine (500 gallon capacity). Marin Water staff were first on scene and approached the fire from the Redwood Turns area off Sky Oaks Road, along with Engine 21 from Ross Valley Fire. Together, the group of 5 hiked in to the site



along Sunny Side Trail from Sky Oaks Road. In addition, Rangers and Watershed Maintenance Staff mobilized the District's boat and water pumps via Bon Tempe Lake to support the response. A County fire engine, a water tender, and 2 hand crews arrived on the dam side of the lake and approached the fire from that side. In total 67 personal from local fire agencies responded with coordinated air support that was called off once the fire was contained. Rangers provide medical assistance to the hiker on scene that was injured and County Fire transported the injured community member to the local hospital for treatment.

Proactive vegetation management on the watershed is working to reduce fuel conditions which helps to influence wildfire behavior, supports suppression activities and create a more resilient watershed. In total there are 16 Watershed Staff trained in Wildland Fire fighting who are capable of responding to incidents on the watershed. The Wild Fire Alert Camera network did pick up on the smoke and watershed staff used this information to help inform response and to pinpoint the location of the fire. Other watershed staff supported response operations through Sky Oaks to direct first responders and began the evacuation of visitors from the Sky Oaks and Lake Lagunitas areas to support first responder activities. Local fire agencies were instrumental in mobilizing resource and wildland fire fighters who were able to quickly contain the incident to the 1.89 acre area.

Staff will provide a brief overview of Marin Water's response, discuss lessons learned and review opportunities for continuing to enhance wildfire preparedness and response.

**FISCAL IMPACT**

None

**ATTACHMENT(S)**

NA





**Item Number:** 07  
**Meeting Date:** 07-05-2022  
**Meeting:** Board of Directors

## Informational Item

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**TO:** Board of Directors

**FROM:** Paul Sellier, Water Resources Director 

**THROUGH:** Ben Horenstein, General Manager 

**DIVISION NAME:** Water Resources

**ITEM:** Water Supply Update

---

### **SUMMARY**

Overall, reservoir storage is 85% of capacity and slightly greater than 100% of the average for this time of year. With reservoirs above average capacity the District is well positioned to provide water for both potable and environmental needs in the coming year. Storage level projections indicate that, were there no additional rainfall from this point forward, reservoir levels on December 1, 2022 will be between 50,000 AF and 55,000 AF. Staff will provide a brief presentation and discussion on water supply and the Strategic Water Supply Assessment

### **FISCAL IMPACT**

None.

### **ATTACHMENT(S)**

None.

## Approval Item

---

**TITLE**

Marin County Department of Agriculture Request for Untreated Water

**RECOMMENDATION**

Authorize the General Manager to issue a Temporary Limited Use Permit for Service from a hydrant to the County of Marin Department of Agriculture to provide an emergency supply of untreated reservoir water for the Dolcini Jersey Dairy.

**SUMMARY**

The Agriculture Commissioner for Marin County has informed District staff that the Dolcini Jersey Dairy experienced a large leak in their water supply impoundment and will run out of water in mid-July 2022. The County has requested that Marin Municipal Water District make water available for the Dairy until their impoundment is repaired and refilled in the next rainy season. The volume of water is expected to approximately 0.6 AF to 0.7AF per month.

**DISCUSSION**

While drought conditions persist in much of California the District's reservoirs are at 85% of total capacity, 102% of average for this time of year the small volume of water can be accommodated.

Staff has determined that the raw water hydrant on Laurel Canyon Rd near Nicasio Reservoir is a suitable location and has been used for this type of service in the past and that any water pulled from the hydrant can be provided, metered and billed pursuant to District Code sections 6.01.030, 11.32.070 and 11.56.030. Specifically, this requires payment of an \$85 account set up charge, a deposit of either \$1,400 or \$350 (dependent upon the requested meter assembly size), and bi-monthly payment of 150% of the Tier 1 residential water rate for each CCF of water used and payment of bi-monthly service charge based upon the meter size requested.

The amount of water needed is expected to be less than 5 acre-feet in total assuming rains replenish the Dairy's water supply by December of 2022. Any permit issued for such use will include language expressly providing for the District's revocation of the permit at the sole discretion of the General Manager, for reasons including but not limited to: the water use is beyond the minimal amount expected or is being used for purposes beyond the narrow scope of the permit, or it is determined that the District has insufficient supply to allow the continued use, or future objections are received from water agencies that provide water to the area.

The location of the intended users of the water are outside the District's service area. Water Code Section 71612.5, Article 11, Section 9 of the California Constitution and Section 10005 of the Public Utilities Code collectively authorize the District to sell water for use outside the of the District's service area provided that the Board determines surplus water exists and no other water agency providing water to the area objects. At the present time, the District's reservoirs contain approximately 68,038 acre-feet of water. Given the nominal amount of water sought

staff believes that sufficient water is available for these very limited purposes. However, staff will continue to monitor changing water supply conditions, and if insufficient surplus water supply exist and/or excessive/improper water usage occurs, the General Manager would be authorized to revoke the permit. Additionally, staff is unaware of any objections from other water agencies servicing the area. Furthermore, staff believes water use for the limited purposes described herein is a beneficial use in the interest of the people and for the public welfare and is consistent with Article 10, Section 2 of the California Constitution.



Staff recommends the that the Board authorize the General Manager to Issue a Temporary Limited Use Permit for Service from a hydrant the Marin County for untreated reservoir water supply for the Dolcini Jersey Dairy until the dairy’s water supply is replenished or until January 1, 2023 whichever is sooner.

**FISCAL IMPACT**

The impacts of the sale of water are not anticipated to be significant.

**ATTACHMENT(S)**

Attachment 1 – Proposed Resolution

DEPARTMENT OR DIVISION	DIVISION MANAGER	APPROVED
Operations	 Paul Sellier Water Resources Director	 Ben Horenstein General Manager

**MARIN MUNICIPAL WATER DISTRICT**

**RESOLUTION NO.**

**A RESOLUTION OF THE MARIN MUNICIPAL WATER DISTRICT BOARD OF DIRECTORS  
PERMITTING TEMPORARY WATER SUPPLY FOR LIVESTOCK**

**WHEREAS**, the Agriculture Commissioner for Marin County has informed District staff that the Dolcini Jersey Dairy experienced a large leak in their water supply impoundment and will run out of water in mid-July 2022.

**WHEREAS**, due to the aforementioned conditions, the Marin County Agricultural Commission has requested that the Marin Municipal Water District (“District”) permit temporary usage of a limited amount of untreated water for livestock via a fire hydrant located at the District’s Nicasio Reservoir in West Marin County, which is outside of the District’s service area; and

**WHEREAS**, Water Code Section 71612.5, Public Utilities Code Section 10005 and Article 11, Section 9 of the California Constitution collectively permit the District to sell excess water outside of its service area provided that no municipal corporation providing water services in the area objects; and

**WHEREAS**, the Board of Directors of the District desires to provide temporary assistance to the Dolcini Jersey Dairy by permitting usage of a limited temporary water supply, as described above, and further subject to the conditions set forth herein.

**NOW THEREFORE, BE IT RESOLVED** that the Board of Directors of the District hereby finds:

1. As June 28, 2022, District reservoir storage contained 67,847 acre feet of water, which was approximately 85.2% of total capacity and above average for this time of year, and represents more than sufficient water supply for the next year of average water demand by District customers, including environmental releases and evaporative losses.
2. Despite the need to continue to use water wisely, the current reservoir storage levels are adequate to meet customer demands and a limited amount of excess water is available to be provided to the Dolcini Jersey Dairy for livestock located outside of the District’s service area at Nicasio Reservoir as sought by the Marin Agricultural Commission.
3. No other municipal corporations providing water services near or about the Nicasio Reservoir have expressed any objections to the District’s plan to provide water for the limited purposes expressed herein.

- 4. Water use for the limited purposes described herein is a beneficial use in the interest of the people and for the public welfare and is consistent with Article 10, Section 2 of the California Constitution.

**NOW THEREFORE BE IT FURTHER RESOLVED**, the Board of Directors agrees to permit the sale of water for the limited purposes set forth above, subject to the following conditions:

- 1. District staff shall continue to monitor reservoir storage levels, precipitation amounts, amount of water usage from the hydrant at Nicasio Reservoir for these limited purposes, and any other relevant factors necessary to determine whether or not excess water continues to be available for the limited purposes described herein.
- 2. All water usage for these limited purposes shall be sold and billed pursuant to District Code sections 6.01.030, 11.32.070 and 11.56.030.
- 3. Any permit issued for these purposes shall be revocable by the District General Manager at any time and for any reason deemed necessary by the General Manager, including but not limited to insufficient water supply, future objections from water agencies that provide water to the area, and excessive or improper water usage by ranchers.

**PASSED AND ADOPTED** this 5th day of July, 2022, by the following vote of the Board of Directors.

**AYES:**

**NOES:**

**ABSENT:**

---

**President, Board of Directors**

**ATTEST:**

---

**Board Secretary**





**Item Number:** 09  
**Meeting Date:** 07-05-2022  
**Meeting:** Board of Directors

## Informational Item

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**TO:** Board of Directors

**FROM:** Terrie Gillen, Board Secretary 

**THROUGH:** Ben Horenstein, General Manager 

**DIVISION NAME:** Communications & Public Affairs Department

**ITEM:** Future Meeting Schedule and Agenda Items

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### **SUMMARY**

Review of the upcoming Board of Directors and Committee meetings

### **DISCUSSION**

Below are the upcoming meetings of the Board of Directors and/or Committees:

#### Internal Meetings

- Tuesday, July 12, 2022  
Board of Directors' Special Meeting (Strategic Water Supply Assessment Working Session)  
5:00 p.m.
- Friday, July 15, 2022  
Operations Committee/Board of Directors (Operations) Meeting  
9:30 a.m.
- Tuesday, July 19, 2022  
Board of Directors' Regular Bi-Monthly Meeting  
6:00 p.m. Closed Session and 7:30 p.m. Open Session

### **FISCAL IMPACT**

None

### **ATTACHMENT(S)**

None