



Posting Date: 03-12-2021

NOTICE OF REGULAR BI-MONTHLY MEETING BOARD OF DIRECTORS

MEETING DATE: 03-16-2021

TIME: 6:45 p.m.

LOCATION: This meeting will be held virtually, pursuant to the Governor's Executive Order N-29-20.

To participate online, go to <https://zoom.us/j/95214750861>. You can also participate by phone by calling 1-669-900-6833 and entering the webinar ID#: 952 1475 0861.

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. 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. Those emailed comments on approval items received by 3 p.m. will also be summarized by the board secretary at the board 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
Call to Order and Roll Call	
Adopt Agenda	<i>Approve</i>
Convene to Closed Session (Only the Board of Directors and staff will participate) The public will be asked to leave and come back to the open session beginning at 7:30 p.m.	
Closed Session Item	
1. Public Employee Performance Evaluation (Government Code §54957) Title: General Manager	

MARIN WATER BOARD OF DIRECTORS: LARRY BRAGMAN, JACK GIBSON, CYNTHIA KOEHLER, LARRY RUSSELL, AND MONTY SCHMITT

AGENDA ITEMS	RECOMMENDATIONS
Convene to Open Session at or after 7:30 p.m.	
Closed Session Report Out	
Public Comment 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	
Consent Calendar 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.	
2. Minutes of the Board of Directors' Regular Bi-Monthly Meeting of March 2, 2021	<i>Approve</i>
3. General Manager's Report for February 2021	<i>Approve</i>
4. Fourth Amendment to District Lease No. 47 with the Larkspur Landing 100 Corporation for Lease of District Property at 100 Larkspur Landing Circle, Larkspur (APN 018-191-05)	<i>Approve</i>
Regular Calendar	
5. Drought Update	<i>Information</i>
6. Approval to fill Utility Crew Leader position in the Facilities & Watershed Division	<i>Approve</i>
7. Future Meeting Schedule and Agenda Items	<i>Information</i>
Convene to Closed Session	

AGENDA ITEMS	RECOMMENDATIONS
Closed Session Items	
8. Conference With Legal Counsel – Existing Litigation (Government Code §54956.9) <i>Walker v. Marin Municipal Water District</i> Marin Superior Court Case No. CIV 1501914	
9. Conference With Real Property Negotiators (Government Code §54956.8) Property: 50 Crecienta Lane, Sausalito, California Agency Negotiator: Ben Horenstein, General Manager Negotiating Party: VBT Sub 1 LLC Under Negotiation: Price and Terms	
10. Conference With Legal Counsel – Existing Litigation (Government Code §54956.9) <i>Coalition for Sensible Taxpayers, et. al. v. Marin Municipal Water District</i> Marin Superior Court Case No. CIV 1903160	
Reconvene to Open Session	
Closed Session Report	
Adjournment	

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 disabled 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 Board Secretary Terrie Gillen at 415.945.1448, at least two days in advance of the meeting. Advance notification will enable the Marin Water to make reasonable arrangements to ensure accessibility.

INFORMATION PACKETS 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 MEETINGS:

- ❖ Thursday, March 18, 2021
Watershed Committee/Board of Directors (Watershed) Meeting
1:30 p.m.
- ❖ Tuesday, March 23, 2021
Board of Directors' Special Meeting (10-Year Financial Plan Workshop 2)
9:00 a.m.
- ❖ Thursday, March 25, 2021
Finance & Administration Committee/Board of Directors (Finance & Administration)
Meeting
9:30 a.m.
- ❖ Friday, March 26, 2021
Operations Committee/Board of Directors (Operations) Special Meeting
9:30 a.m.



Board Secretary



Approval Item

TITLE

Minutes of the Board of Directors' Regular Meeting of March 2, 2021

RECOMMENDATION

Approve the adoption of the minutes.

SUMMARY

On March 2, 2021, the board held its regular bi-monthly meeting. The minutes of this meeting are attached.

DISCUSSION

None

FISCAL IMPACT

None

ATTACHMENT(S)

1. Minutes of the Board of Directors' Regular Bi-Monthly Meeting of March 2, 2021

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**

MEETING MINUTES

Tuesday, March 2, 2021

Via teleconference

(In accordance with Governor Gavin Newsom's Executive Order N-29-20)

DIRECTORS PRESENT: Larry Bragman, John C. Gibson, Larry L. Russell, Monty Schmitt, and Cynthia Koehler

DIRECTORS ABSENT: None

CALL TO ORDER AND ROLL CALL

Board President Koehler called the meeting to order at 6:17 p.m.

ADOPT AGENDA

On motion made by Director Gibson and seconded by Director Russell, the board adopted the agenda. The following roll call vote was made.

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

Noes: None

Absent: None

Before convening to Closed Session, there were no public comments.

CONVENE TO CLOSED SESSION

CLOSED SESSION ITEMS

1. Conference with Legal Counsel – Anticipated Litigation
Significant Exposure to Litigation pursuant to §54956.9(b)

Number of Cases: Unknown

2. Public Employee Performance Evaluation
(Government Code §54957)

Title: General Manager

The board only discussed Item 2, Public Employee Performance Evaluation.

The Closed Session ended at 7:25 p.m.

CONVENE TO OPEN SESSION AT OR AFTER 7:30 P.M.

The meeting convened at 7:30 p.m.

CLOSED SESSION REPORT OUT

Board President Koehler stated that no reportable action was taken, and that Item 1 would be continued to another meeting.

PUBLIC COMMENT

The board did receive emailed comments and were posted on the website. However, there were no public comments made during this portion of the meeting.

DIRECTORS' AND GENERAL MANAGER'S ANNOUNCEMENTS

Director Russell made an announcement in regards to receiving his second Covid-19 vaccination, including the process and results.

CONSENT CALENDAR (ITEMS 3-6)

- | | |
|---------------|--|
| Item 3 | Minutes of the Board of Directors' Regular Meeting of February 16, 2021 |
| Item 4 | Comprehensive Annual Financial Report and Auditor's Memorandum on Internal Control and Required Communications for the Fiscal Year Ended June 30, 2020 |
| Item 5 | Adopt a resolution revising Board Policy No. 33 Investment Policy |
| Item 6 | Adopt a resolution repealing certain Board Policies now addressed in the Board Handbook and adopt an ordinance repealing certain District Code provision addressed in the Board Handbook or state law |

There was no public comment.

On motion made by Director Gibson and seconded by both Directors Russell and Schmitt, the board approved the Consent Calendar by the following roll call vote:

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

REGULAR CALENDAR (ITEMS 7-10)

Item 7 Drought Update

General Manager Ben Horenstein introduced the item, with Operations Manager Paul Sellier and Water Quality Manager Lucy Croy providing the presentation. Discussion ensued.

There was no public comment.

The board did not take any formal action on this agenda item.

Item 8 Approval to fill Watershed Administrative Assistant position in the Facilities and Watershed Division

Facilities and Watershed Division Manager Crystal Yezman brought for this item and Item 9 for board discussion. The board briefly conversed on the items.

There were no public comments.

On motion made by Director Bragman and seconded by Director Russell, the board authorized the general manager to recruit and hire one Watershed Administrative Assistant in the Facilities and Watershed Division, by the following roll call vote:

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

Item 9 Approval to fill Warehouse Worker III position in the Facilities and Watershed Division

This item was previously presented along with Item 8.

There were no public comments.

On motion made by Director Gibson and seconded by Director Bragman, the board authorized the general manager to recruit and hire one Warehouse Worker III in the Facilities and Watershed Division, by the following roll call vote:

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

Item 10 Future Meeting Schedule and Agenda Items

Both the board secretary and general manager brought forth this item. Discussion ensued.

There was no public comment.

The board took no formal action.

ADJOURNMENT

There being no further business, the regular bi-monthly Board of Directors' meeting of March 2, 2021, adjourned at 8:31 p.m.

Board Secretary

Approval Item

TITLE

General Manager's Report for February 2021

RECOMMENDATION

Approve Report.

SUMMARY**A. HIGHLIGHTS:**

- Completed the emergency project to replace the leaking 100-year old pipeline inside the Porteous Tunnel on the watershed.
- Updated water waste letters, printed door hangers, and trained field crews on water waste prohibitions and reporting.
- Total annual coho redd count for Lagunitas Creek was 164 redds, which is below average but a significant generational improvement from three years ago
- Identified 78 culverts for replacement on fire roads, completed hydrological assessment to appropriately size culverts, and presented permit package to the Marin Project Coordination Resources Agency meeting on March 4th.
- Completed pile burning operations in the vicinity of Azalea Hill
- Conducted road side brushing along Rail Road Grade, and fuel load reduction and Douglas fir encroachment work at Knob I & II.
- Removed broom along Concrete Pipe Road, Lagunitas Residence, and Taylor Trail.
- The WQ lab ensured that the water supplied met or surpassed water quality regulations by collecting and analyzing over 120 Total Coliform Rule (TCR), and 16 treatment plants samples. The lab performed 6 sanitary tank surveys and checked an additional 7 tanks for low chlorine, resulting in 5 water storage tanks chlorinated in February 2021. The Lab also performed quarterly monitoring in the distribution system and on 5 lakes for compliance. The lab continues to monitor the lakes for taste and odor.

- Staff participated with our engineering consultant along with staff from NMWD and SCWA in a site visit to Kastania pump station to provide input to the condition assessment for existing mechanical, communications and controls equipment in the pump station.
- The source water for San Geronimo Water Treatment Plant was changed from Kent Lake to Nicasio on Tuesday March 2.

DISCUSSION

B. SUMMARY:

AF = Acre Feet

Mg/L = milligrams per liter

MPN = most probable number

MPY = mils per year

MG = million gallons

NTU = nephelometric turbidity units

1. Water Production:

Item	FY 2020/21		FY 2019/20	
	(million gallons)	(acre-feet)	(million gallons)	(acre-feet)
Potable				
Total production this FY	5,835	17,907	5,838	17,917
Monthly production, February	440	1,349	527	1,617
Daily average, February	15.70	48.17	18.82	57.76
Recycled¹				
Total production this FY	0.00	0.00	0.00	0.00
Monthly production, February	0.00	0.00	0.00	0.00
Daily average, February	0.00	0.00	0.00	0.00
Raw Water				
Total production this FY	41.23	126.53	37.46	114.96
Monthly production, February	0.00	0.00	0.00	0.00
Daily average, February	0.00	0.00	0.00	0.00
Imported Water				
Total imported this FY	1,695	5,201	1,103	3,384
Monthly imported, February	228	698	170	521
Reservoir Storage				
Total storage, January	14,640	44,930	23,997	73,643
Storage change during February	-100	-306	-466	-1,430
Stream Releases				
Total releases this FY	2,452	7,525	2,606	7,997
Monthly releases, February	419	1,286	569	1,747

¹ Recycled water was temporarily discontinued in February 2019 to accommodate construction of the Las Gallinas Valley Sanitary District's Secondary Treatment Plant Upgrade and Recycled Water Expansion Project. Production will resume upon completion of this project, which is anticipated to occur in late 2020.

2. <u>Precipitation:</u>	<u>FY 2020/21 (in.)</u>	<u>FY 2019/20 (in.)</u>
Alpine	16.66	22.70
Bon Tempe	13.19	20.48
Kent	14.73	21.28
Lagunitas *	16.85	27.66
Nicasio	9.24	15.61
Phoenix	12.72	27.74
Soulajule	9.95	17.40

* Average to date = 39.56 inches

3. Water Quality:

<u>Laboratory:</u>	<u>FY 2020/21</u>	<u>FY 2019/20</u>
Water Quality Complaints:		
Month of Record	15	11
Fiscal Year to Date	116	241
Water Quality Information Phone Calls:		
Month of Record	6	6
Fiscal Year to Date	92	92

The lab performed 2,416 analyses on lakes, treatment plants and distribution system samples.

Mild steel corrosion rates averaged 2.02 (0.1–2.82) MPY. The AWWA has recommended an operating level of <5 MPY with a goal of <1 MPY.

Complaint Flushing: Two complaint-flushing events were performed for this month on record. Three hydrants on Paradise Drive in Tiburon and two hydrants in Sausalito. Both complaints were related to consumer complaints of dirty water. Both flushing events produced no dirty water and were considered to be consumer related issues.

Tank Survey Program: 6 water storage tank sanitary surveys were performed during the month. 10.32 % planned survey program has been completed for calendar year 2021.

Disinfection Program: No new pipelines were disinfected during the month. Performed chlorination's on 5 water storage tanks to ensure compliance with bacteriological water quality regulations.

Tank Water Quality Monitoring Program: Performed 7 water quality-monitoring events on storage tanks for various water quality parameters this month to help ensure compliance with bacteriological water quality regulations.

4. Water Treatment:

<u>Treatment Results</u>	<u>San Geronimo</u>		<u>Bon Tempe</u>		<u>Ignacio</u>	
	Average	Monthly	Average	Monthly	Average	Monthly
	Goal		Goal		Goal	
Turbidity (NTU)	0.06	≤ 0.10	0.03	≤ 0.10	0.05	≤ 0.10
Chlorine residual (mg/L)	2.53	2.50 *	2.45	2.50 *	2.45	2.50 *
Color (units)	0.3	≤ 15	0.4	≤ 15	0.3	≤ 15
pH (units)	7.9	7.8*	7.8	7.8*	8.0	8.1**

* Set monthly by Water Quality Lab

** pH to Ignacio is controlled by SCWA

5. Capital Improvement:

a. Sir Francis Drake Blvd Corridor Rehabilitation Project

Summary: This project involves the replacement of 8,500 feet of 100-year-old, leak prone cast iron pipe as a joint project with Marin County along Sir Francis Drake Blvd.

- Project Budget: \$4,647,762
- Monthly Activities: The contractor continues to actively work during daylight hours on both the road improvement and pipeline replacement portions of the work. To date, approximately 4,700 feet of 12 and 8-inch water main have been installed. Completion is anticipated for May/June.

b. Piedmont Road Pipeline Replacement Project

Summary: This project involves the replacement of 2,190 feet of 100-year old, cast iron and galvanized threaded leak prone pipe in Larkspur, in coordination with Larkspur's road paving project.

- Project Budget: \$744,610
- Monthly Activities: The new pipeline has been installed and placed into service. The remaining minor punchlist items will be finished in March.

c. 5th Ave FFIP Pipeline Replacement Project

Summary: This project involves the replacement of 3,990 feet of 90-year old, leak prone cast iron undersized fire flow deficient pipe in support of the District's Fire Flow Improvement Program in San Rafael.

- Project Budget: \$2,279,140
- Monthly Activities: The contractor continues to install mainline pipe on 5th Avenue. To date approximately 3,020 feet of 18-inch pipe has been installed.

d. San Geronimo Treatment Plant Permanent Emergency Generator Project

Summary: This project involves the installation of two 1.5 MW generators, electrical equipment, fuel storage tanks and site grading all within the community of Woodacre at the District's San Geronimo Treatment Plant to provide emergency power to the plant in the event that power from PG&E is disrupted by a Public Safety Power Shutoff (PSPS) event or some other cause.

- Project Budget: \$5,375,600
- Monthly Activities: District staff continued reviewing submittals and requests for information from the contractor. The contractor will be starting construction in March.

e. Southern Marin Pipeline Replacement Project (D20022)

Summary: This project involves the replacement of 5,080 feet of problematic and leak prone cast iron pipe, originally installed in the 1960s and 1970s, in Tiburon, Sausalito and Belvedere, in coordination with Belvedere's earthquake resiliency program and Sanitary District No. 5's Cove Road Force Main Replacement Project, and planned paving work to minimize public impacts.

- Project Budget: \$2,985,000
- Monthly Activities: The contractor mobilized to the site and began field locating underground utilities in preparation for pipe replacement.

f. Porteous Tunnel Pipeline Emergency Replacement Project (F21001)

Summary: This project involves the emergency repair/replacement of the failing 100-year old pipeline inside Porteous Tunnel on the District's watershed.

- Project Budget: \$1,400,000
- Monthly Activities: The pipeline has been installed and placed into service. This project has been completed.

g. Alpine/Bon Tempe Raw Water Transfer Pipeline Replacement Project (D20027)

Summary: This project involves the replacement of approximately 300-feet of the pipeline transferring raw water from Alpine to Bon Tempe.

- Project Budget: \$312,000
- Monthly Activities: The contractor has completed installation of 200-feet of 24-inch pipe. This project is scheduled to be completed in March.

h. Kent Lake Aerator Vent Lines Replacement Project (D19037)

Summary: This project involves the replacement of two 180-foot long 2-inch vent lines and one 200-foot 1-inch air supply line on the Kent Lake aerator.

- Project Budget: \$134,000
- Monthly Activities: The District awarded the construction contract in February and construction is scheduled to begin in March.

6. Other:

<u>Pipeline Installation</u>	<u>FY2020/21</u>	<u>FY2019/20</u>
Pipe installed during February (feet)	2,882	261
Total pipe installed this fiscal year (feet)	12,299	15,508
Total miles of pipeline within the District	908*	908*

** Reflects adjustment for abandoned pipelines*

<u>Pipe Locates</u>	<u>FY2020/21</u>	<u>FY2019/20</u>
Month of February (feet)	36,776	35,461
Total this fiscal year (feet)	288,462	318,033

<u>Main Line Leaks Repaired:</u>	<u>FY2020/21</u>	<u>FY2019/20</u>
Month of February	1	3
Total this fiscal year	106	108

<u>Services:</u>	<u>FY2020/21</u>	<u>FY2019/20</u>
Service upgrades during February	18	9
Total service upgrades this FY	113	113
Service connections installed during February	0	4
Total active services as of March 1, 2021	60,486	60,525

7. Demand Management:

	Feb-21	FY 20/21 TOTAL	FY 19/20 TOTAL	FY 18/19 TOTAL
WATER-EFFICIENCY PROGRAMS				
Water-Use Site Surveys				
Conservation Assistance Program (CAP) Consultations				
Residential properties resi 1-2 (single-family)	1	19	127	109
Residential properties resi 3-5 (multi-family units)	0	1	30	2
Non-residential properties resi 6-7 (commercial)	0	1	3	6
Dedicated irrigation accounts resi 8-10 (large landscape)	0	0	-	2
Marin Master Gardeners' Marin-Friendly Garden Walks				
Residential garden walks	0	65	91	122
CYES Water/Energy Surveys				
Residential surveys	0	0	86	238
Public Outreach and Education, Customer Service				
Public outreach events (number of people attending)	0	0	1,150	13,691
Public education events (number of participants)	0	0	-	500
Laundry-to-Landscape Graywater webinars (participants)	0	84	-	-
Customer calls/emails admin staff		1199	2,230	1,835
School Education				
School assemblies				
Number of activities	0	0	15	17
Number of students reached	0	0	6,349	5,915
Field trips				
Number of activities	0	0	11	6
Number of students reached	0	0	91	130
Classroom presentations				
Number of activities	0	0	11	21
Number of students reached	0	0	305	554
Other (e.g. booth events, school gardens)				
Number of activities	0	0	-	1
Number of students reached	0	0	-	250
Incentives				
Number of HECWs approved	16	61	53	61
Number of Rain Barrel/Cisterns approved	2	10	4	8
"Landscape Your Lawn" Turf Replacements approved	0	1		
Number of Laundry-to-Landscape Systems approved	0	0	-	-
Number of Smart Controllers rebates approved	5	48	12	-
Advanced Metering Infrastructure (AMI)				
AMI leak letters sent to customers (>200 GPD)	66	904	1,384	896
ORDINANCES				
Water Waste Prevention				
No. of properties reporting activity	5	53	147	148
Landscape Plan Review				
Plans submitted	2	49	89	113
Plans exempt	0	3	5	6
Plans completed	3	15	23	37
Plans in workflow (pass & fail)	12	91	145	173
Tier 4 Exemption				
Inspections that resulted in a pass	0	0	1	1
Graywater Compliance Form				
Applications Received (as of Dec 2019)	6	69	39	-
Systems installed	0	4	11	14

8. Watershed Protection:

Rangers Respond to Cardiac Emergency

In early February two Rangers responded to Carson Falls Trail for a hiker having a heart attack. One Ranger assisted Fire personnel with patient care. The second Ranger setup landing zones for a rescue helicopter and an air ambulance helicopter. The patient was stabilized, then flown to the John Muir Medical Center.



Vehicle Theft at the Leo Cronin Lot

Rangers took a vehicle theft report from the Leo Cronin Parking Lot. A visitor parked his newly purchased Harley Davidson motorcycle and hiked up to Kent Lake. When he returned he discovered his locked bike had been stolen.

Human Remains Found on Watershed

During Presidents Day Weekend a visitor found human remains on the Watershed. The Coroner's Division of the Sheriff's Office is taking the lead in the investigation. Currently there are two missing persons from 2020 who investigators believe may be on the Watershed. The Coroner is awaiting DNA results.

High Watershed Use

The Watershed remains busy with a high volume of visitors. On weekends and Holiday the parking lots fill to near or at capacity. On two occasions this month the entrance at Sky Oaks was closed by Rangers due to no available parking.

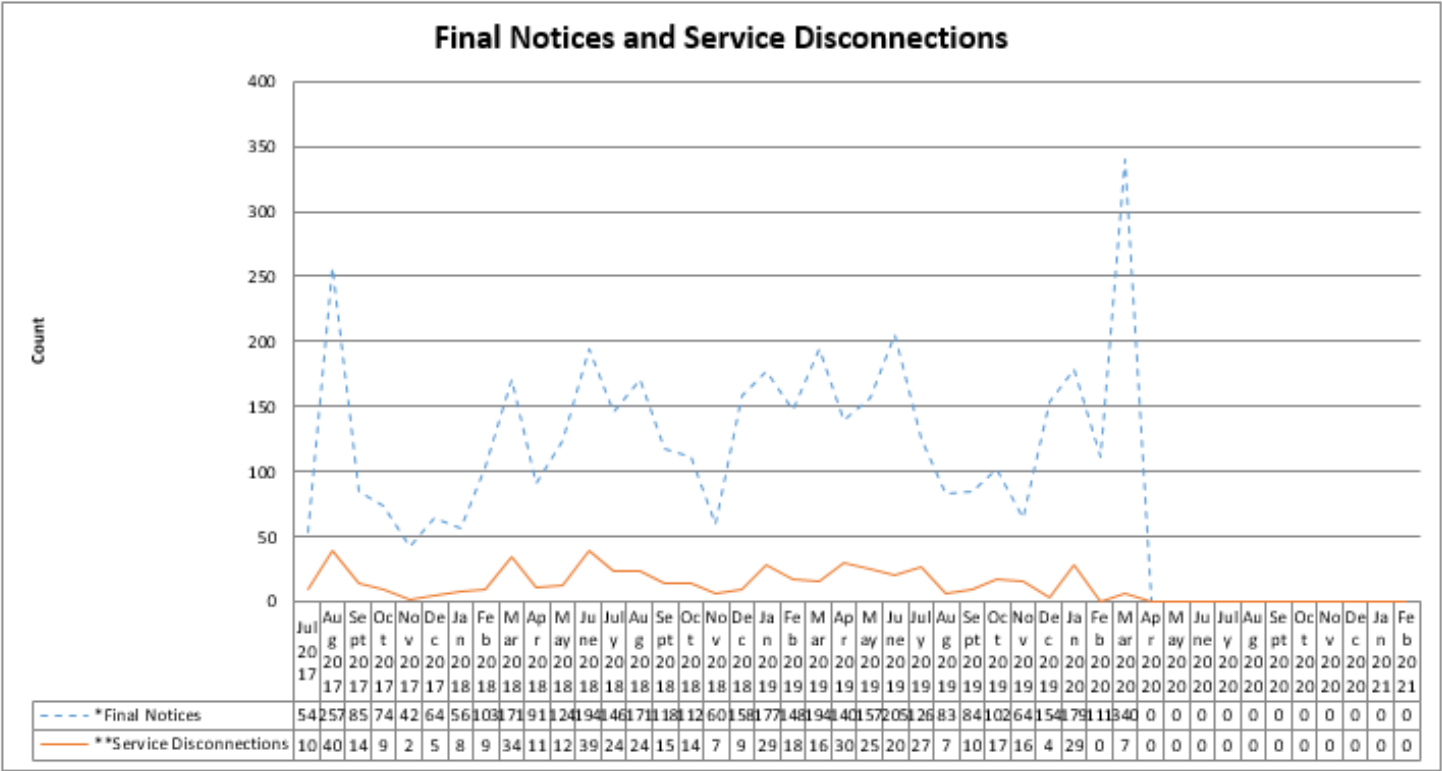
Incidents and Events	651
Warnings	242
Visitor Assists	155
Citations	148
Dam Check	20
Vandalism	16
Misc. Law Enforcement Calls	9
Illegal Trail Work	9
Assist Watershed Maintenance	9
Medical Aid	6
Preventative Search and Rescue	5
Citizen Complaint: Recreational Impacts	5
Parking at Capacity/Lots Closed	3
Search and Rescue	3
Ranger Callouts	2
Fire Service	2
Creating Hazard to Others	2
Found Property	2
Assist Fire/EMS	1
Assist Outside Law Enforcement	1
Illegal Fire	1
Vehicle Theft	1
Citizen Complaint: Smoking	1
Death Call/Coroner Call	1
Citizen Complaint: COVID Related	1
Illegal Dumping	1
Citizen Complaint: Dog off Leash	1
Public Outreach/Interpretive Service	1
Lost Property	1
Assist Other MMWD Work Group	1
Suspicious Circumstance	1
Citations	148
Non-payment of parking fees	109
Parking After Sunset	9
Park on Roadway or Parking w/ 6' Center	28
No Parking	2



9. Shutoff Notices and Disconnections:


February 2021
Final Notices: 0
Service Disconnections: 0

- * Includes 5 day, 10 day and final notices
- **3/13/20 Suspended termination of water service for non-payment due to COVID- 19
- *3/24/20 Suspended Late Fees and Final Notices



FISCAL IMPACT
None

ATTACHMENT(S)
None

DEPARTMENT OR DIVISION	DIVISION MANAGER	APPROVED
Office of the General Manager	<div></div> Ben Horenstein General Manager	<div></div> Ben Horenstein General Manager

Approval Item

TITLE

Fourth Amendment to District Lease No. 47 with the Larkspur Landing 100 Corporation for Lease of District Property at 100 Larkspur Landing Circle, Larkspur (APN 018-191-05)

RECOMMENDATION

Authorize the General Manager to execute the Fourth Amendment to District Lease No. 47 with the Larkspur Landing 100 Corporation for Lease of District Property at 100 Larkspur Landing Circle, Larkspur.

SUMMARY

This item was reviewed in closed session by the Board on December 15, 2020 and the proposed Fourth Amendment to District Lease No. 47 is consistent with the price and terms parameters provided to staff.

The District owned property at 100 Larkspur Landing Circle, Larkspur (see Attachment 1), comprises an approximately 42,000 square foot lot (Assessor's Parcel No. 018-191-05), and a 31,059 square foot commercial office building. Constructed in 1984, the building is owned by Larkspur Landing 100 Corporation. Larkspur Landing 100 Corporation ("Tenant") leases the property from the District under Lease No. 47 ("Lease").

Terms of the Lease between MMWD and Tenant are shown in Table 1.

Table 1
Terms of Lease Between
MMWD & Tenant (Larkspur Landing 100 Corporation)

Term	Description
Commencement Date	November 12, 1980
Expiration Date of Ground Lease	November 12, 2047
Annual Base Rent, established April 2012	\$300,000
Rent Increase Interval	Each 5 th November 30 th , commencing November 30, 2015, applied to Base Rent of \$300,000
Basis of Rent Increase	Change in Consumer Price Index relative to the month prior effective date of the rent increase (October)
Rent, November 2015 – November 2020	\$327,659.92/year
Date of Next Rent Increase	November 30, 2020
Amount of Rent Increase (percent)	\$51,112.37 (15.6%)
Amount of New Rent, Effective November 2020 – November 2025	\$378,771.898/year

Section B of the Second Amendment to Lease states that every five years, a CPI Adjustment shall be applied to the Base Rent. The CPI Adjustment for 2020 was calculated as a ratio of the CPI for the San Francisco Bay Area Factor-All Urban Consumers for October 2020 to the CPI for the San Francisco Bay Area Factor-All Urban Consumers for April 2012. The Base Rent and subsequent rent adjustments are listed in Table 2 below.

Table 2
CPI Adjustment to Base Rent

Base Rent	Rent 2015 – 2020	Rent 2020 – 2025
\$300,000/yr	\$327,659.52/yr	\$378,771.89/yr

As shown in Table 2, the rent was scheduled to increase from \$327,659.52/year to \$378,771.89/year, an increase of \$51,112.37, effective November 2020. The Covid-19 pandemic has negatively impacted the Tenant. In response, the District and Tenant have agreed to execute the Fourth Amendment to Lease No. 47 which includes the following terms:

- Defers the November 2020 rent increase one year, and
- Includes payment of the Deferred Amount of \$51,112.37 over a four (4) year period, beginning November 30, 2021 and ending November 30, 2025 at the rate of \$12,778.08 per year. The annual rent payment during this period is \$391,549.97/year (\$378,771.89 + \$12,778.08 = \$391,549.97/yr).

A draft copy of the Fourth Amendment to Lease No. 47 with the Larkspur Landing 100 Corporation for lease of District property at 100 Larkspur Landing Circle is provided in Attachment 2.

In summary, District staff recommend the board to authorize the General Manager to execute the Fourth Amendment to Lease No. 47 with the 100 Larkspur Landing Corporation for lease of District Property at 100 Larkspur Landing Circle.

FISCAL IMPACT

The fiscal impact to the District will be a one year deferment in the rent increase, for a total deferment of \$51,112.37, which will be repaid to the District by the Tenant under the Fourth Amendment to Lease No. 47 over the following four years.

ATTACHMENTS

1. Location Map
2. Draft Fourth Amendment to District Lease 47

DEPARTMENT OR DIVISION	DIVISION MANAGER	APPROVED
Engineering		
	Michael Ban Director of Engineering	Ben Horenstein General Manager



FOURTH AMENDMENT TO GROUND LEASE

THIS FOURTH AMENDMENT TO GROUND LEASE (this “Fourth Amendment”), is made as of _____ (the “Effective Date”) by and between Marin Municipal Water District (“Landlord”), and Larkspur Landing 100 Corp. L/L (“Assuming Tenant”).

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

Section A. Recitals.

1. Landlord and LARKSPUR ASSOCIATES, LLC, a California limited liability company (“Associates”), Assuming Tenant’s predecessor in interest, entered into that certain Lease dated November 12, 1980 which Lease was amended by that certain Addendum to Lease dated September 21, 1983 (the “Addendum”).
2. The Lease and Addendum were assigned to SIMVEST REAL ESTATE III, LLC (“Tenant”) pursuant to that certain Assignment of Lease and Consent by and between Associates and Landlord as of June 30, 2005, and recorded in the Official Records of Marin County on July 15, 2005, as Instrument No. 2005-0052770.
3. Landlord and Tenant entered into that certain Second Amendment to Ground Lease dated as of April 1, 2012 (the “Second Amendment”).
4. Landlord and Tenant entered into that certain Third Amendment to Ground Lease dated as of September 18, 2013 (the “Third Amendment”).
5. Landlord and Tenant entered into an Assignment and Assumption of Ground Lease (the “Assumption”) on September 25, 2013, recorded in the Official Records of Marin County on September 27, 2013, instrument No. 2013-0062583, whereby the Lease was assigned to Larkspur Landing 100 Corp.
6. The Lease, the Addendum, the Second Amendment, the Third Amendment, and the Assignment are hereinafter referred to, collectively, as the “Ground Lease”.
7. The Ground Lease encumbers the real property more particularly described in Exhibit A of the Assignment.
8. On November 16, 2020, the District sent a letter informing Assuming Tenant of the pending 2020 CPI adjustment to the annual rent, which increased the annual rent to \$378,771.89, or \$31,564.32 per month.
9. Given the negative impacts of the Covid-19 pandemic, Landlord and Assuming Tenant desire to modify and supplement the Ground Lease as provided in this Fourth Amendment, by delaying the November 2020 rent increase for one year and including retroactive repayment of the deferred amount of \$51,112.37 in the new rent over a four year period, which is \$1,064.84.

Section B. Modifications to Ground Lease. Notwithstanding anything in the Ground Lease to the contrary, as of the Effective Date, the Ground Lease is hereby modified and supplemented as follows:

1. This Fourth Amendment modifies the Ground Lease. Except for the modifications contained herein, all other terms of the Ground Lease shall apply.
2. The Ground Lease is amended to defer the November 2020 rent adjustment until November 2021. As of November 30, 2020, to November 30, 2021, the rent shall remain at \$27,304.96 per month.
3. From November 30, 2021 through November 30, 2025, the rent shall be \$32,629.16 per month. This amount is the November 2020 CPI adjusted rent of \$31,564.32 per month plus the monthly deferred amount of \$1,064.84.

IN WITNESS WHEREOF, Landlord and Tenant have executed this Fourth Amendment as of the latest date the signatures are set forth below.

MARIN MUNICIPAL WATER DISTRICT

By: _____
Benjamin Horenstein
General Manager
Marin Municipal Water District

Date: _____


LARKSPUR LANDING 100 CORP L/L

By: _____
Kenneth Wun
Director of Asset Management
TDA Investment Group

Date: _____

Informational Item

TO: Board of Directors

FROM: Ben Horenstein, General Manager 

ITEM: Drought Update

SUMMARY

The District's total reservoir storage volume as of March 11th is 62% of the historical average or 56% of total storage. Rainfall to date is 18.4-inches which is lower than the 27.9-inches received last year by this time and just 43% of the average for this time of year. The 10-day forecast includes the chance intermittent showers, and while there is still the possibility of rainfall in late March or April to increase reservoir storage levels, staff are preparing for dry conditions to persist through the coming months. In response to the drought, the Board adopted a resolution calling for voluntary conservation at the February 16th meeting. Staff is continuing to pursue supply optimization, while prioritizing the conservation actions and public messaging to educate and engage with our customers. Staff will provide a presentation to update the Board on all drought-related activities at this meeting and discuss potential implementation of mandatory restrictions.

DISCUSSION

Water Supply and Production:

- As of February 28, 2021, the District had 44,930 acre-feet of reservoir water storage, which is 56% of capacity and 37% below average for this date.
- In February, the District's total gross water production was 1,339 acre-feet, with 641 acre-feet from the District's reservoirs and 698 acre-feet of imported water.
- The average rate of water production for February was 15.7 million gallons per day (MGD) compared to a peak summertime demand of approximately 35 MGD.
- For habitat benefit, in February, the District released a total of 1,286 acre-feet of water from Kent Reservoir into Lagunitas Creek and from Soulajule Reservoir into Walker Creek.
- In February, the water source for the San Geronimo Treatment Plant (SGTP) was Kent Reservoir, and for the Bon Tempe Treatment Plant the water sources were Phoenix Lake and Bon Tempe Reservoir.

Drought Response:

A Drought Task Force was instituted consisting of staff throughout the organization to work collaboratively to develop and implement key initiatives to optimize our existing water supply and implement conservation actions.

Water Supply Projects:

- Utilize Phoenix Lake - Phoenix Lake is a reserve reservoir, used only during periods of very dry weather. Pumping of Phoenix Lake started on February 10th for treatment at Bon Tempe Treatment Plant. As of March 11th, the reservoir is 12.9 ft down from the spillway and 187 AF have been pumped and treated. Pumping of Phoenix Lake is expected to continue for approximately 1 to 2 more weeks.
- Utilize SoulaJule Reservoir - SoulaJule reservoir is a reserve reservoir and not used during normal water supply conditions. Given the low levels in storage and dry conditions District staff will make preparations for pumping of SoulaJule, tentatively scheduled for April 2021.
- Optimize the Use of Supplemental Water - Water imported from the Sonoma County Water Agency has been an important part of the District's water supply since the 1970s, and accounts for approximately 25 percent of our water supply. The District has been and continues to use this supply source to its fullest availability. As of the end of February the District has purchased 98% or 5200 acre-feet of the 5300 acre-feet that is normally received by end of June. The District is continuing to utilize this water to the maximum extent practicable. As of mid-February, North Marin Water District began backfilling Stafford Lake, consequently reducing the available capacity in the aqueduct to 6-million gallons per day. Capacity in the aqueduct is expected to return to maximum available flows in the first weeks of April once backfilling of Stafford Lake is completed.
- Kastania Pump Station Rehabilitation Design - At the February 16, 2021 meeting, the board approved hiring a consulting team to assist staff in the evaluation and development of a rapid rehabilitation plan for Kastania pump station. The team has reviewed engineering plans, in the process of developing a hydraulic model to help understand the potential yield for this project. In addition the team has made site visits to assess the condition of the pump station and site constraints. The project team will return to the Board on April 6th with preliminary recommendations.
- Las Gallinas Valley Sanitary District Recycled Water Treatment Plant Update - Distribution of recycled water is expected to resume in mid-March as LGVSD completes the upgrade of the Recycled Water Treatment facility. Staff are following the reliability and acceptance testing closely. The Functional Acceptance Testing (looping Title 22 water within the Plant) is currently under way and is on track for the Reliability Acceptance Testing (distribution of Title 22 water to MMWD and NMWD) starting

March 15th. MMWD's recycled water system is ready to distribute recycled water as soon as it is available.

- Recycled Water Truck Hauling - Staff have confirmed with CMSA that their secondary 23 water is available for sewer flushing and construction dust control. In addition staff are collaborating with LGVSD to understand how we can develop a recycled water fill station to allow members of the public to collect recycled water for irrigating their plants during this drought period.
- Suspended Water Quality Flushing Program - To maintain water quality and minimize discoloration, the District's water mains are periodically flushed. While the volume of water consumed in flushing is low in comparison to other uses, given the drought, staff has suspended the flushing program (other than for water quality issues) and intends to resume the practice when appropriate.
- Leak Detection - District staff are pursuing an evaluation of current leak detection practices and technology for opportunities to improve or enhance the existing District program and will be participating in the first Regional Water Loss Control Working Group for Bay Area utilities on March 17th. Additionally, leak repair has been given the highest priority during this period of drought, decreasing a backlog of leak investigations from 20-30 leaks to 7 confirmed minor leaks scheduled for repair.
- Environmental Releases - Staff is in the early stages of exploring the potential for modifications in environmental releases from Kent Lake and will be bringing a discussion item to the Watershed Committee on March 18th.

Conservation Public Outreach:

- Mailed 2,200 sector-specific letters to inform various industries, organizations and water users of drought conditions as well as emailed 24 neighborhood associations.
- Distributing yard signs through the Thursday and Sunday Farmers Market organizers, via a social media push, and to homeowner associations
- Training field staff to educate customers on water waste and embrace call to action
- Scheduling presentations with cities, towns, and community groups. Currently City of San Rafael and Town of Corte Madera are scheduled for March 15th and April 6th, respectively. San Rafael Harbor and Marin Sunrise Rotaries are scheduled for April 27th.
- Consistent and frequent messaging emphasizing the dry conditions and need for water conservation: Increased social media messaging on Facebook, Twitter, Nextdoor and Instagram includes water saving tips, educational information about the district's water

code, and rebates and incentives.

- Website updates include a new landing page on the importance of water conservation during drought conditions.
- Customer newsletters and additional bill inserts that support and reinforce current conservation messaging have been included in March/April water bills
- With continued below average rainfall in February, staff presented at the March 2nd, 2021 Board meeting preliminary options for discussion regarding potential mandatory restrictions in the coming months if dry conditions persist.

FISCAL IMPACT

As previously shared with the Board, the combined loss in revenue and unbudgeted expenses due to the drought is projected at \$12.5M over the next 8 months. The District's Rate Stabilization Revenue of \$9.4M, along with tight expenditure controls, is anticipated to address the deficit.

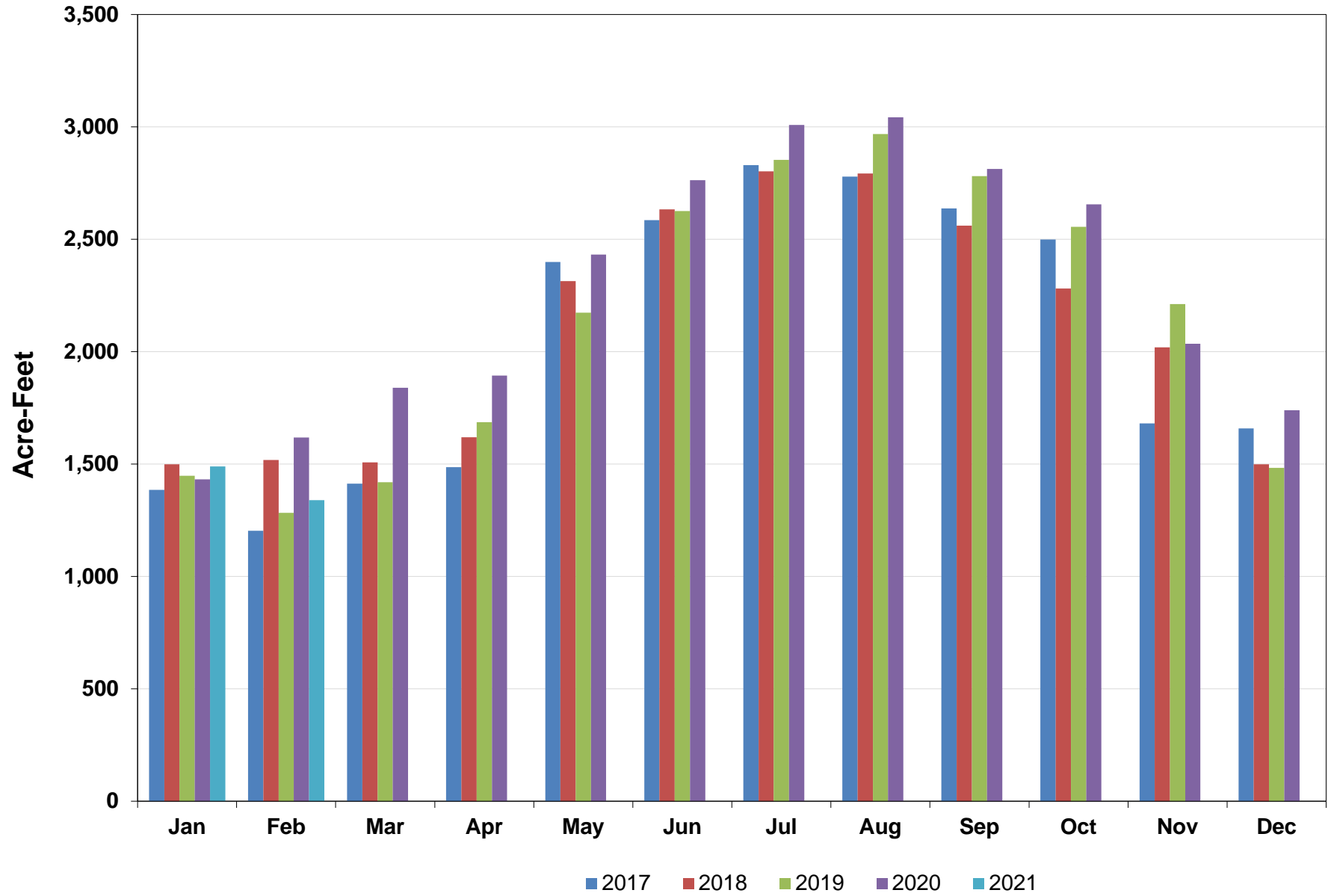
ATTACHMENT(S)

1. Water Supply tables and charts

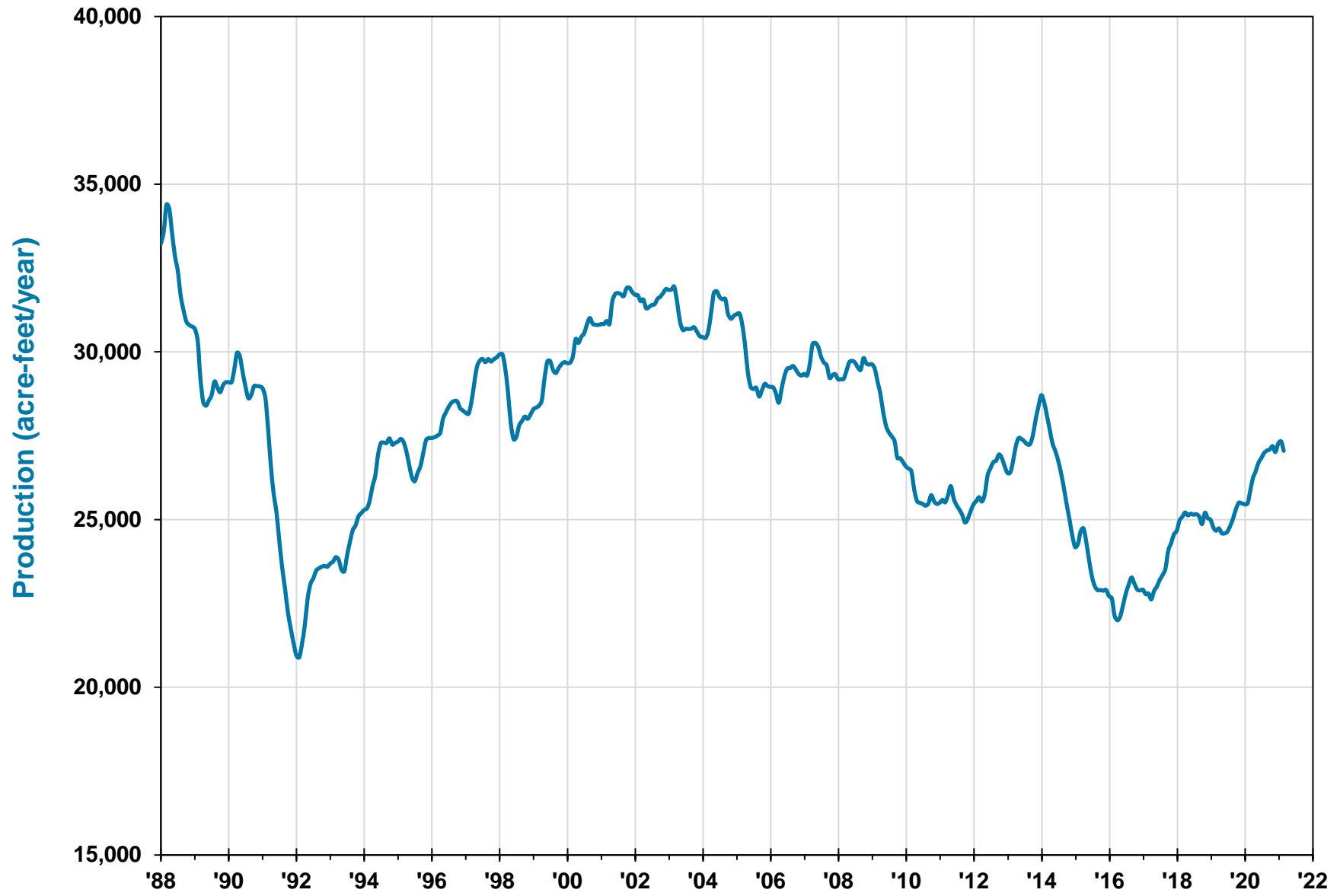
Total Potable Water Production						
Month	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Jul	2,287	2,636	2,830	2,802	2,853	3,008
Aug	2,369	2,630	2,778	2,792	2,968	3,043
Sep	2,239	2,449	2,637	2,561	2,781	2,813
Oct	2,148	1,963	2,499	2,281	2,555	2,655
Nov	1,628	1,455	1,681	2,019	2,212	2,035
Dec	1,429	1,400	1,659	1,499	1,482	1,739
Jan	1,364	1,386	1,499	1,448	1,432	1,490
Feb	1,338	1,203	1,518	1,283	1,618	1,339
Total YTD	14,801	15,123	17,101	16,685	17,901	18,123

Imported Water Production						
Month	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Jul	364	390	364	374	545	663
Aug	355	378	532	382	543	600
Sep	378	360	543	366	548	505
Oct	380	361	457	371	400	527
Nov	329	341	225	368	202	598
Dec	376	308	193	369	194	734
Jan	362	201	191	200	433	875
Feb	176	176	208	178	521	698
Total YTD	2,720	2,515	2,712	2,609	3,386	5,201

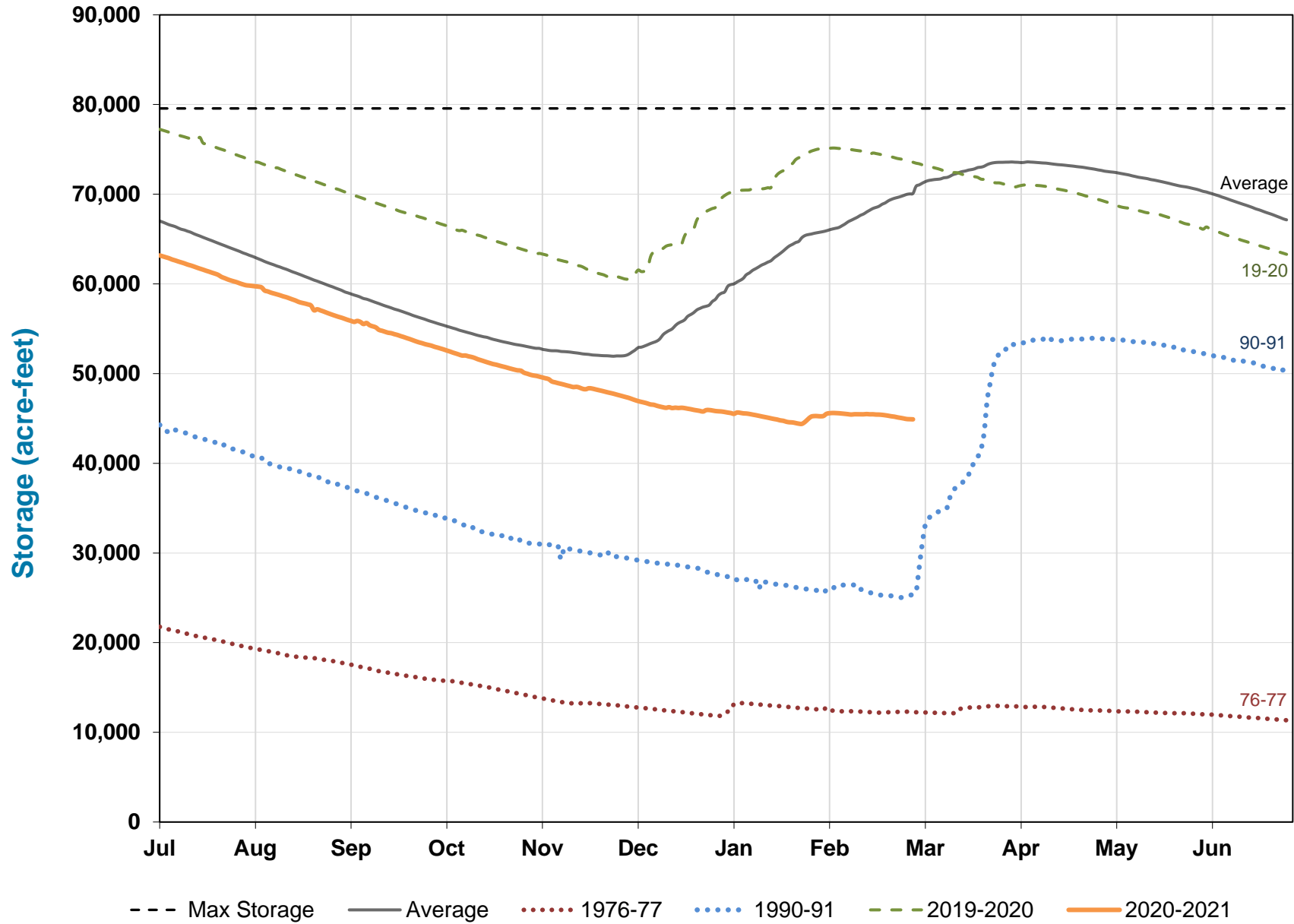
Monthly Potable Water Production



Running 12-month Potable Water Production (AF)

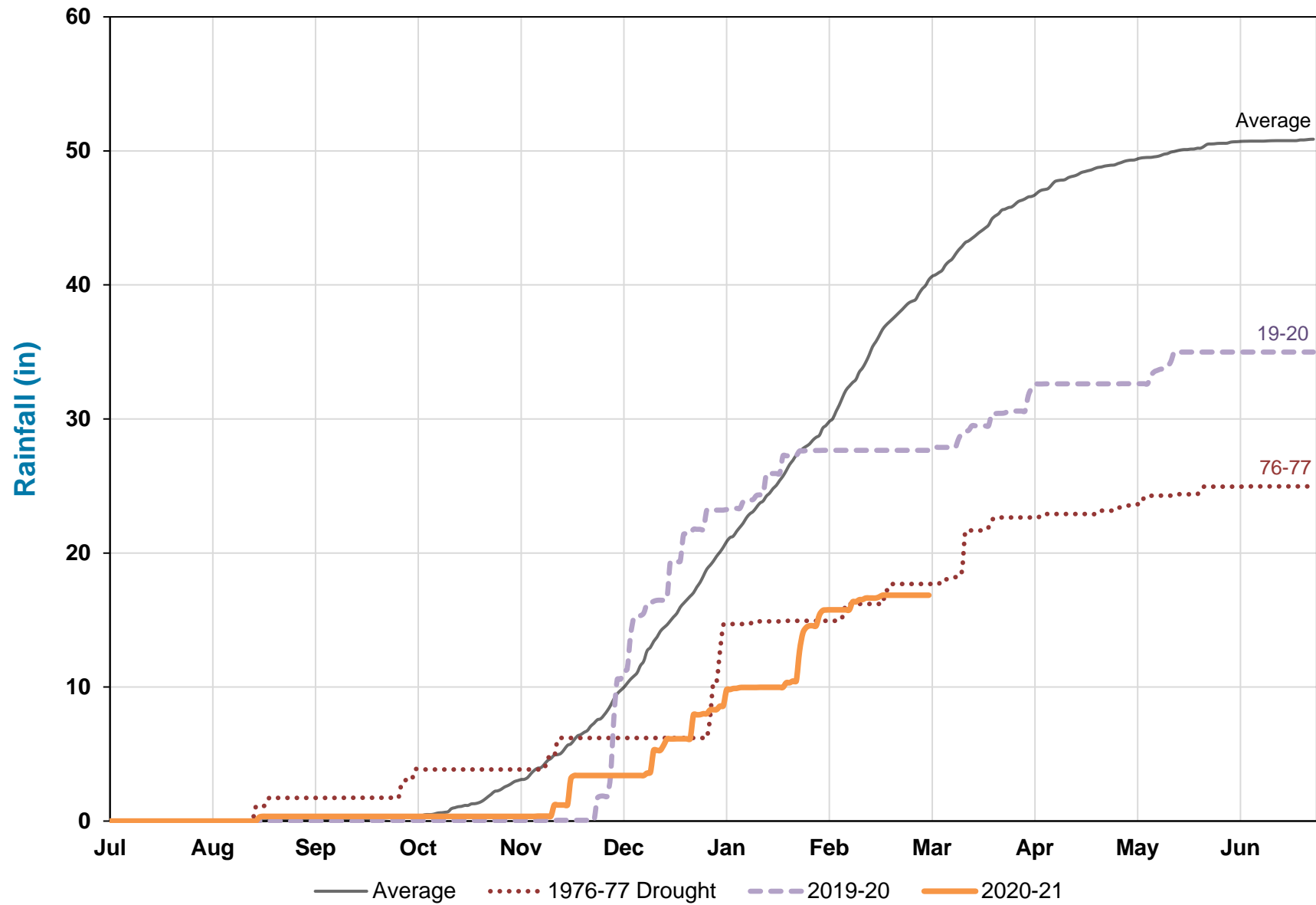


Total Reservoir Storage

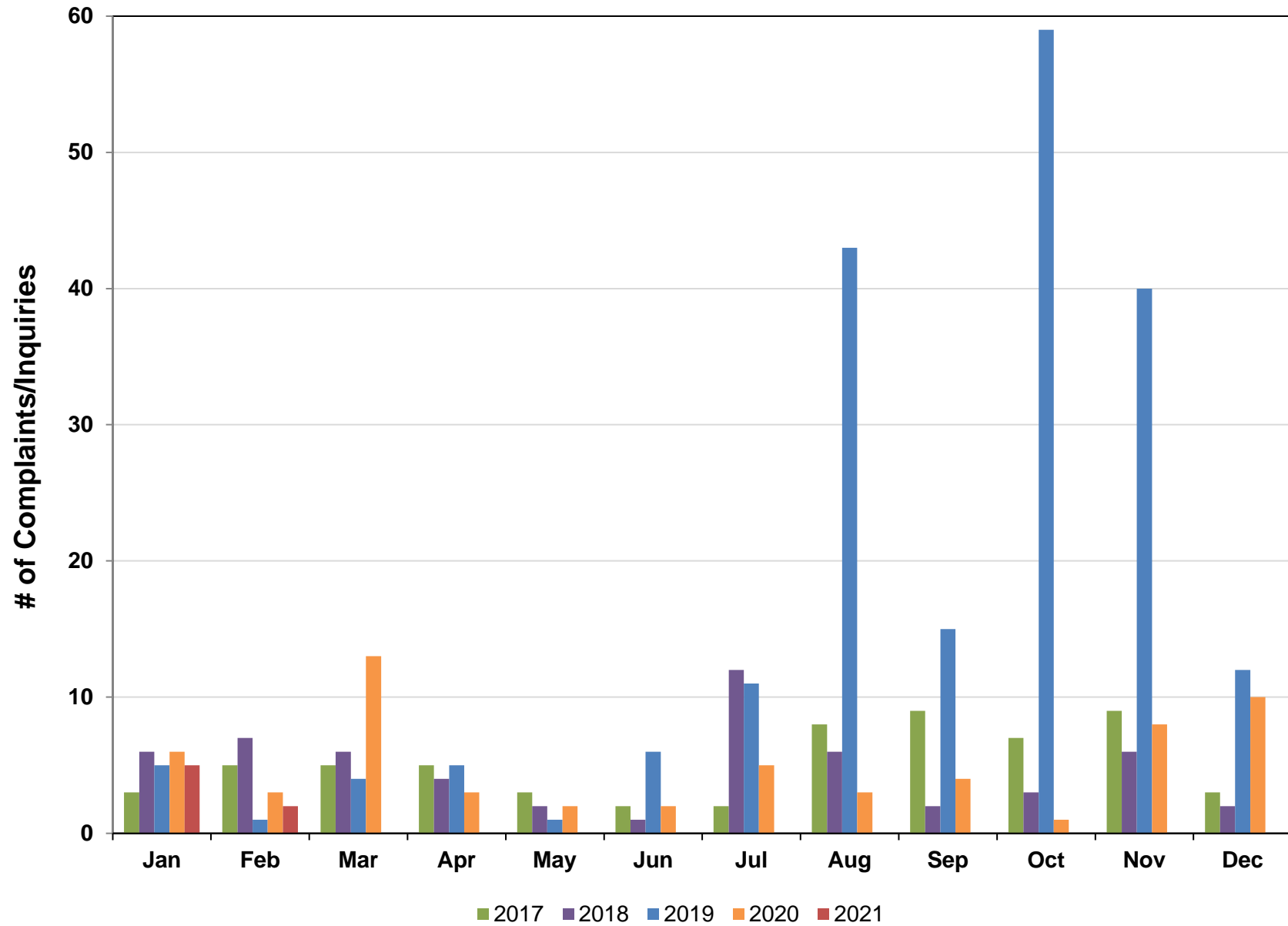


Cumulative Precipitation

Lake Lagunitas Rain Gauge



MMWD Customer Complaints/Inquiries for Taste and Odor



Approval Item

TITLE

Approval to fill Utility Crew Leader position in the Facilities and Watershed Division

RECOMMENDATION

Authorize the General Manager to recruit and hire one Utility Crew Leader in the Facilities and Watershed Division.

SUMMARY

A Utility Crew Leader position in the Facilities and Watershed Division will become vacant in May of 2021 upon retirement of the current incumbent. Staff is requesting authorization for the General Manager to recruit and hire one permanent Utility Crew Leader and any other subsequent positions that may become vacant as a result of this recruitment.

DISCUSSION

The Utility Crew Leader is an advanced journey lead classification which combines direction of a crew with performance of the most complex and difficult assignments in the repair and maintenance of water system facilities. Incumbents are expected to train workers, apply safety regulations to work assignments, and prepare and maintain records and written documents.

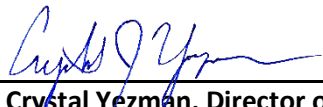

FISCAL IMPACT

The budgeted amount of \$11,161 reflects the FYE 2021 total amount, based on the median annual salary with benefits and filling the Utility Crew Leader position on June 1, 2021. Salary and benefits for the Utility Crew Leader are budgeted in the Facilities and Watershed Division, Facilities Maintenance budget for FY2021. The total annual salary with benefits for the Utility Crew Leader position ranges from a minimum of \$121,848 to a maximum of \$148,692.

Filling this position will not increase the budgeted FTE within the Division.

ATTACHMENT(S)

None

DEPARTMENT OR DIVISION	DIVISION MANAGER	APPROVED
Facilities and Watershed Division	 Crystal Yezman, Director of System Maintenance and Natural Resources	 Ben Horenstein General Manager

Informational Item

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

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:

- Thursday, March 18, 2021
Watershed Committee/ Board of Directors (Watershed) Meeting
1:30 p.m.
- Tuesday, March 23, 2021
Board of Directors' Special Meeting (10-Year Financial Plan Workshop 2)
9:00 a.m. – 12 p.m.
- Thursday, March 25, 2021
Finance & Administration Committee/Board of Directors (Finance & Administration)
Meeting
9:30 a.m.
- Friday, March 26, 2021
Operations Committee/Board of Directors (Operations) Special Meeting
9:30 a.m.

FISCAL IMPACT

None

ATTACHMENT(S)

None