

From: [Ann P Becker](#)
To: [Board Comment](#)
Subject: Ban on new water hookups
Date: Thursday, May 20, 2021 1:27:44 PM

Dear MMWD Board,

Thank you for all you have been doing to help the people of Marin through this drought. We all should do everything we can to reduce our use of water.

I hope you will ban new water hookups. This is not the time to ADD to water demand. Marin County is nearly self-sustaining, but not completely. Adding any new water hookups will worsen the problem.

Thank you,
Ann
Ann Peckenpaugh Becker
Mobile: 415-609-6004
Email: AnnBecker@comcast.net

From: [beryn](#)
To: [Jack Gibson](#); [Monty Schmitt](#); [Larry Bragman](#); [Cynthia Koehler](#); [Larry Russell](#)
Subject: Future housing construction - water conservation suggestion
Date: Thursday, May 20, 2021 12:19:26 PM
Attachments: [water sig.png](#)

Dear Madam and Sirs;

From my comments in recent meetings, by now you have a pretty good sense of who I am in terms of being a water conservation advocate. I also appreciate the open channel of communications that I now have with MMWD's Director of Communications, Jeanne Belding.

At various recent meetings I listened with great interest to the discussions related to new housing in the county. I also heard several points mentioned about purple and pink pipes and using grey water.

Here's another suggestion, and one that I mentioned during the Board meeting on May 4th; hot water on demand or recirculating hot water systems should be *mandatory* in all new construction.

This is an idea that I wanted to see implemented on a state-wide basis 20 years ago, but there was no audience for it at the time, and we all know how important timing is to getting things done.

Well, if now isn't the right time to make this a requirement of all new construction, as well as for all kitchen and bathroom remodel projects, I don't know when a good time would be.

I appreciate your taking this into consideration and including it in all future discussions about new housing mandates.

Gratefully yours,



Together we can make a difference!

Beryn Hammil

From: [john torrey](mailto:john.torrey@comcast.net)
To: [Jack Gibson](#); [Monty Schmitt](#); [Cynthia Koehler](#); [Larry Russell](#)
Subject: Fwd: Desalination
Date: Wednesday, May 19, 2021 8:58:27 AM

Attention; MMWD Board Members.

Begin forwarded message:

From: john torrey <john.torrey@comcast.net>
Subject: Fwd: Desalination
Date: May 18, 2021 at 8:18:59 AM PDT
To: dconnolly@marincounty.org, krice@marincounty.org, smoulton-peters@marincounty.org, jarnold@marincounty.org

Dear Supervisors,

Please seriously consider addressing long term solutions to Marin's water crisis now made more feasible with the huge California \$75B budget surplus combined with Biden's ambitious infrastructure plan. Thanks for your attention. I've attached a previous email to Sup Rodoni.

Respectfully,

John Torrey AICP
Principal, Strategic Planning
Collaborative LLC ret.
Box 501
Lagunitas, CA 94938
415 488-0534
john.torrey@comcast.net

Begin forwarded message:

From: "Kutter, Rhonda" <RKutter@marincounty.org>
Subject: FW: Desalination
Date: May 17, 2021 at 3:23:13 PM PDT
To: "john.torrey@comcast.net" <john.torrey@comcast.net>
Cc: "Cordova, Lorenzo" <LCordova@marincounty.org>, "Rodoni, Dennis" <DRodoni@marincounty.org>

Dear John,

Thank you for the email in support of this creative suggestion as a way to ease some of our future water challenges.

Best,

Rhonda

Rhonda Lynn Kutter
Aide to Supervisor Dennis Rodoni
she/her
Marin County Board of Supervisors
415-473-3246; RKutter@MarinCounty.org

From: john torrey <john.torrey@comcast.net>
Sent: Thursday, May 13, 2021 8:15 AM
To: Kutter, Rhonda <RKutter@marincounty.org>; Rodoni, Dennis <DRodoni@marincounty.org>
Cc: Larry Bragman <bragmanlaw@gmail.com>
Subject: Desalination

Rhonda,

Please encourage Sup Rodoni to coordinate with Larry Bragman and others at MMWD to examine the very real possibility of desalination as a long term solution to Marin's water shortage. The drought we are experiencing may be a long term weather pattern that we are simply stuck with. Water conservation, water recycling, expanding reservoir capacity, importing water from other water districts may not be enough to address long term drought conditions.

There are 11 desalination plants along the California coast and 10 more are planned. The most recent plant is the one in Carlsbad that supplies water for a population of 400,000 in San Diego County. Another one is under construction in Huntington Beach. In the early 80s I was a senior project manager on a team building the new city of Yanbu on the coast of the Red Sea in Saudi Arabia. The city was supplied with desalinated water from a plant designed by Mitsubishi.

California has a recent budget surplus of \$75B that Gov Newsom is planning to use for a variety of public projects. As well, President Biden is proposing a massive infrastructure plan for the US. Now is a good time for Marin to accelerate its planning for long term drought conditions by working with state and federal agencies. Thank you for your attention.

John Torrey AICP
Principal, Strategic Planning
Collaborative LLC ret.
Box 501
Lagunitas, CA 94938
415 488-0534
john.torrey@comcast.net

Email Disclaimer: <https://www.marincounty.org/main/disclaimers>

John Torrey AICP
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Box 501
Lagunitas, CA 94938
415 488-0534
john.torrey@comcast.net

From: [Linda Rames](#)
To: [Board Comment; bos@marincounty.org](#)
Date: Thursday, May 20, 2021 6:16:51 PM

May 20,2021

Members of the Board:

Please do not allow any new water hook-ups in either residential or commercial building projects until the current drought is over. Allowing developers to by- pass this rule by contributing to a conservation effort would be useless at this critical time as any effort they would make would be monetary when what is needed would be more water storage, and that is a long term project.

Thank you for your help in seeing that the current residents of the MMWD jurisdiction have as much water as possible during this uncertain time.

Sincerely,

Robert & Linda Rames
240 Morning Sun Avenue
Mill Valley, CA 94941
415-388-8492

Terrie Gillen
Board Secretary
MMWD
220 Nellen Avenue
Corte Madera, CA 94925

May 18, 2021

Thank you note to Board Representatives: **Best in Class** Professional staff
We live in district three and the tank that supplies our neighborhood and several others around is in district two. Staff members have helped over the phone; very professional Lead Chemist Linda Liang and Elysha Irish(Professional Engineer). It's hard to cover all names of the professionals involved but we know there are many hard-working members of staff at Nellen that have pursued this with great interest. Our neighborhood observation was addressed by staff in 2017 and at that time a planned obsolescence status was placed on part of the distribution system. We recognise the important work being carried out by staff and **W&C** on overall system evaluation and to maintain reliability of the reservoirs and distribution system (2020-2022). The more concerning part of a NorCal seismic event in Marin is the change in the site classification by the National Council of Structural Engineers Association. In summary most of these changes were advised in the year 2017-18 but many of the revised 'coefficients' made it into the current revised code.

Resource: http://www.asceoc.org/documents/CBC_Seismic_Updates_2019.pdf / Page 14

MMWD Engineering is to be thanked for their patience in preparing for and helping with substantive improvements to the district in 2022-23 and beyond. I specifically want to thank Engineering Director, Mike Ban(PE) for actively managing distribution services in our area. Mr. Larry Bragman, Board Representative thank you for your hard work to see through and past years as Pres. We know the burden of our current drought pattern and the latest news of a cutback from our friends up north are tough and we appreciate **MMWD staff's** ability to *sustain, maintain and manage* supply as best can.

Mark B. Wittenkeller
Central Marin Resident

CC: Scty please present at a future date, edit for content as appropriate.

From: [Royce McLemore](#)
To: [Board Comment](#)
Subject: Moratorium on new service hookups.
Date: Thursday, May 20, 2021 1:48:49 PM

As a Southern Marin resident, I totally support your Board to put a moratorium on all new service hookups. We already have to make sacrifices in the usage of water, so the moratorium should be put on all developments during this drought.

Royce McLemore
345 Drake Ave, Marin City, CA 94965

From: [Barbara Freitas](#)
To: [Board Comment](#)
Cc: bos@marincounty.org; [Sharon Rushton](#)
Subject: Please ban new water hookups
Date: Thursday, May 20, 2021 2:01:45 PM

We are doing everything possible to conserve but don't feel it is equitable to allow new water hookups when there isn't enough water for existing customers. Please stop allowing new water hookups.

Barbara Freitas
40 Lark Ct
Larkspur, CA 94939

From: [Link](#)
To: [Board Comment](#); bos@marincounty.org
Subject: Put moratorium on water hookups.
Date: Thursday, May 20, 2021 6:13:06 PM

Immediately put a stop to any and all new water hookups. Unless fire/safety need.

NO TO DEVELOPERS PAYING A
CONSERVATION FEE IN ORDER TO GET NEW HOOKUPS.

if you expect locals to conserve, you certainly need to stop any new hookups. Personally I'm so annoyed with your delay. If you don't ban new hookups, I will be less inclined to care.

Allowing big monied developers to pay a fee is unacceptable.

Water is required for life. It's not to be taken lightly. Get it done, now.

Debra Link

From: [bsilvestri](#)
To: [Terrie Gillen](#); [Jack Gibson](#); [Monty Schmitt](#); [Larry Bragman](#); [Cynthia Koehler](#); [Larry Russell](#)
Subject: Request for a moratorium on new water taps
Date: Wednesday, May 19, 2021 1:38:48 PM
Attachments: [05-19-21 CVP to MMWD water moratoriums.pdf](#)

Dear Marin Municipal Water District Board of Directors,

We are writing on behalf of MMWD customers and members of the community to request that MMWD immediately declare a moratorium on all new water taps and that criteria for a moratorium declaration be established to be automatic, in the future, when predefined facts and circumstances exist, as they do today. It is simply inequitable to continue to issue new water taps, under the circumstances, which increase the already significant burdens on existing MMWD customers.

Please find our comments, citations, and explanations attached.

Best regards,
Bob Silvestri
President

Community Venture Partners

A Catalyst for Sustainable Solutions

73 Surrey Avenue
Mill Valley, CA 94941
415.381.3887 Office
415.342.7877 Cell

<https://link.edgepilot.com/s/6fb3f405/uPQQXjjU70u8PxVGiNdvA?u=http://www.communityventurepartners.org/>
https://link.edgepilot.com/s/7637851e/qnAzmj1WGkK9tB_c4CFrmQ?u=https://marinpost.org/

May 19, 2021

Board of Directors
Marin Municipal Water District
Marin Water Main Office
220 Nellen Avenue
Corte Madera, CA 94925

Re: Declaration of a moratorium on new water taps

Dear MMWD board members,

MMWD has now declared a water emergency and existing customers are now subjected to restricted water use, enforced by significant financial penalties for violations. As a result, existing MMWD customers find themselves facing the dire consequences of this historic drought due to MMWD's inability to provide its normal level of service. Having an adequate water supply for existing users has been an ongoing concern for customers in Marin for decades, even as rates continue to rise dramatically every year. Yet, we have seen very little planning or capacity/storage increases by MMWD, over the past decade, in anticipation of climate change induced droughts.

Putting aside, for a moment MMWD's failure to adequately plan for current conditions like other municipalities (e.g., Los Angeles County [plans no water restrictions this year](#) because they built adequate storage capacity, in advance), under the present circumstances, it makes no sense for MMWD to continue to grant requests for new water taps.

Therefore, we are writing on behalf of MMWD customers and members of the community **to request that MMWD immediately declare a moratorium on all new water taps and that criteria for a moratorium declaration be established to be automatic, in the future**, when predefined facts and circumstances exist, as they do today. It is simply inequitable to continue to issue new water taps, under the circumstances, which increase the already significant burdens on existing MMWD customers.

The question before the MMWD Board then is can MMWD declare a moratorium on the issuance of new water taps. The answer to that question is, unequivocally, yes, based on case law that directly involves past decisions by MMWD.

In their [summary of the case](#) of *Swanson v. Marin Municipal Water District (1976) 56 Cal.App.3d 512*, Sean M. Sherlock and Katherine McKitterick at Snell & Wilmer wrote,

“In *Swanson v. Marin Municipal Water District (1976) 56 Cal.App.3d 512*, The court of appeal held that **“a potential water user does not possess any absolute right to be afforded water service and . . .the Constitution does not require that he be treated in**

the same manner as established users of the water system.” *Id.* at 522. [Emphasis added]

“Accordingly, **when water districts do not have enough supply to satisfy demand they may declare water shortage emergency conditions and issue moratoria on new service connections.** [Emphasis added]

In *Swanson v MMWD*, the Court noted that the basis of the need for a moratorium on new taps must be “rationale,” meaning based on actual data and/or events. A declaration of a water emergency, the implementation of water rationing with financial penalties for violations, and/or data-driven criteria such as the percentage of water storage available in agency reservoirs would all qualify.

The Court qualified its opinion by saying that agencies could not declare moratoriums with the primary intention of limiting growth. On this matter, the Appeal Court opinion stated,

“. . . [W]e are not unmindful of the somewhat dire consequences which flow from our decision in this matter. Politically, the power to ‘cut off one’s water’ by the simple expedient of imposing a moratorium such as the one here involved is a potent weapon in effecting a no-growth policy within a community.”

But, that is not the issue before MMWD, today. Sherlock and McKitterick go on to say,

“When a water district has declared the existence of a water shortage emergency condition, it must adopt regulations and restrictions *“as will, in the sound discretion of such governing body, conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection.”* *Id.* at 1647 (citing Wat. Code, §353)(emphasis added). **Water Code section 356 explicitly authorizes a ban on new service connections.** *Id.* at 1647. [Emphasis added]

And that

“The net result of this Appeal Court opinion is **that water districts have broad discretion to implement measures to conserve water supply for the greatest public benefit and to decide what is in the best interest of the population it serves.** *Id.* at 1646-1649.” [Emphasis added]

In reviewing the case law on this subject, CVP’s legal counsel added,

“MMWD could [at this time] enact a moratorium per Water Code sec. 350 and create a factual record sufficiently strong to withstand any claim from builders that it was a mere pretext for a no-growth policy. One obvious way to do this would be to have the moratorium measures lapse whenever a certain supply benchmark was reached, [or] after the drought emergency ends.”

In summary, MMWD has the full authority to declare a moratorium on new water taps at this time, particularly because it has stated that water storage is currently at historically low levels and it has officially declared a water emergency and instituted water use restrictions on existing users, with significant financial penalties for violations.

As such, we respectfully request that MMWD take immediate action and declare a moratorium on the issuance of new water taps, other than those related to public safety and fire protection, per Water Code Sec. 350.

Thank you in advance for your careful consideration of this matter.

Best, regards,

A handwritten signature in black ink, appearing to read 'Bob Silvestri', written in a cursive style.

Bob Silvestri
President

From: [Jack Gundersheim](#)
To: [Board of Directors](#); [Ben Horenstein](#)
Subject: Water conservation
Date: Thursday, May 20, 2021 12:30:48 PM

Dear Ben and water board members,

The IJ had an article on the water shortage that included this:

“The Marin Municipal Water District might temporarily ban new service hookups.

The district board signaled its support for the move this week, but also wants to give developers the option of paying a fee to fund local water conservation projects and programs.

Such a ban could impact future development in much of the county, potentially for several years, and at a time when the state is pressing for stepped-up housing production.”

Assuming that these sentences are correct, I have these observations:

<!--[if !supportLists]-->1. <!--[endif]-->A new service hookup ban is much better than the developer paying for future water conservation projects or programs. We need to save water **now**, not later!

<!--[if !supportLists]-->2. <!--[endif]-->The ban would last for years **if** the water shortage lasts for years. That has to be the reality for developers. Maybe they should develop in Texas or Louisiana. They have plenty of water.

<!--[if !supportLists]-->3. <!--[endif]-->The water board issued water use bans recently. Based on the lack of rain from October, 2020 through February, 2021, these bans should have been passed two months earlier than when they were.

<!--[if !supportLists]-->4. <!--[endif]-->The board should have requested a 20% water use reduction in February, and made it mandatory in March.

<!--[if !supportLists]-->5. <!--[endif]-->Also in March, the board should have requested that the district investigate the legal ramifications of a ban on new water hookups with both the state and bay area organizations that give new housing requirements to each bay area city and town. Has the state even started considering the effects of a drastic water shortage on new housing requirements? To avoid legal suits from owners or developers, I believe any bans should not apply to any construction projects already started or already approved by the local city or town.

<!--[if !supportLists]-->6. <!--[endif]-->If legal, such a ban should be imposed immediately.

<!--[if !supportLists]-->7. <!--[endif]-->All new housing construction should be required to have a grey water system for the house or housing complex. My information on the cost is that a grey water system generally costs between

\$1,000 and \$4,000 or \$2,500 on average, including installation. Costs can run as low as \$700 for a simple system that runs from the laundry room to the yard and up to \$20,000 or more for a more complex, full-house system.

8. Any new funding from the state or federal governments should go mainly to helping homeowners with the cost to replace their lawns with low water plants or rocks and/or to install grey water systems.

9. The board should have started investigating a water recycling plant a long time ago! By now, construction should have already started! The effects of climate change were very evident many years ago.

10. Get your Ostridge heads out of the sand and start acting! You are **way** too dependent on your customers cutting water use. That is particularly hard for those of us who live in condos or apartments and don't ever use much water and on homeowners who already have eliminated their lawns and practiced water saving practices.

Jack Gundersheim

From: [Nancy Valente](#)
To: [Cynthia Koehler](#)
Subject: Water hookup ban
Date: Thursday, May 20, 2021 9:12:04 AM

Hello

My name is Nancy Valente and I have lived in my home in Mill Valley for 57 years. I remember the earlier severe drought of the late 1970s during which we had serious water rationing.

I wish to express my support for a ban on new water hookups for the present time. Thus I was taken aback by the news in the Marin IJ that stated there was a possibility of giving developers the option of paying a fee to fund local water conservation projects and programs. That suggestion is very nice but you must get real. WE JUST DON'T HAVE WATER TO ALLOW MORE WATER HOOKUPS. Yes it is important to conserve what water resources we have but, please, don't give developers the option of "funding local conservation projects " when there is barely enough water to conserve at present.

I URGE YOU TO VOTE FOR A BAN ON NEW WATER HOOKUPS. Thank you
Nancy Valente

Sent from my iPhone