



Posting Date: 10-01-2021

NOTICE OF REGULAR BI-MONTHLY MEETING BOARD OF DIRECTORS

MEETING DATE: 10-05-2021

TIME: Meeting begins at **6:30 p.m. (Public)**
Closed Session begins at or after **6:31 p.m. (Only Board and Staff)**
Open Session begins at or after **7:30 p.m. (Public)**

LOCATION: This meeting will be held virtually, pursuant to Assembly Bill (AB) 361.

To participate online, go to <https://us06web.zoom.us/j/84586645797>. You can also participate by phone by calling **1-669-900-6833** and entering the **webinar ID#: 845 8664 5797**.

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. 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 at 6:30 p.m.	
Adoption of Agenda	<i>Approve</i>
Public Comment (Only on Closed Session Item)	
Convene to Closed Session	
Closed Session Item (Approximate Time 1 Hour)	
1. Conference with Legal Counsel – Anticipated Litigation Significant exposure to litigation pursuant to § 54956.9(d)(2) Number of Cases: Unknown (Approximate time 60 minutes)	

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

AGENDA ITEMS	RECOMMENDATIONS
Convene to Open Session On or After 7:30 p.m.	
Closed Session Report Out	
Public Comment - Items Not on the Agenda 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 <i>(7:40 p.m. – Time Approximate)</i>	
Consent Calendar <i>(7:45 p.m. – Time Approximate)</i> 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 September 21, 2021	<i>Approve</i>
3. Award of Contract No. 1956 for Furnishing & Delivery of Motor Fuels to Western States Oil	<i>Approve</i>
4. Resolution Authorizing the General Manager to Provide the County of Marin a Temporary Emergency Drinking Water Supply for Qualified Residents of West Marin	<i>Approve</i>
Regular Calendar <i>(7:50 p.m. – Time Approximate)</i>	
5. Resolution Continuing Virtual Board and Committee Meetings due to Public Health and Safety Concerns Pursuant to AB 361 <i>(Approximate time 10 minutes)</i>	<i>Approve</i>
6. Resolution Authorizing the General Manager to Execute a Budget Augmentation for the Reimbursement Agreement with the County of Marin in the amount of \$219,526 for the Sir Francis Drake Blvd. Corridor Rehabilitation Project <i>(Approximate time 10 minutes)</i>	<i>Approve</i>
7. Drought Update <i>(Approximate time 20 minutes)</i>	<i>Information</i>

AGENDA ITEMS	RECOMMENDATIONS
8. Emergency Drought Projects (Approximate time 20 minutes)	<i>Information</i>
9. Authorizing the General Manger to Finalize and Execute a Memorandum of Understanding (MOU) with East Bay Municipal Utility District (EBMUD) for the Emergency Intertie Project and to Reimburse EBMUD for Their Assistance Under the MOU (Approximate time 10 minutes)	<i>Approve</i>
10. Second Amendment to Agreement MA 5973 with WSP for Engineering Design Services in Support of the Emergency Intertie Project (Approximate time 10 minutes)	<i>Approve</i>
11. Request to Fill Mechanical and Electrical Supervisor Position in the Operations Division (Approximate time 5 minutes)	<i>Approve</i>
12. Request to Fill Utility System Specialist Position in the Operations Division (Approximate time 5 minutes)	<i>Approve</i>
13. Future Meeting Schedule and Agenda Items (Approximate time 5 minutes)	<i>Information</i>
Adjournment (9:25 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 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 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 MEETINGS:

- ❖ Friday, October 15, 2021
Board of Directors' Special Meeting (Board Retreat)
9:00 a.m. – 3 p.m.
- ❖ Tuesday, October 19, 2021
Board of Directors' Regular Bi-Monthly Meeting
7:30 p.m.
- ❖ Tuesday, October 26, 2021
Operations Committee/Board of Directors (Operations) Special Meeting
6:00 p.m.
- ❖ Thursday, October 28, 2021
Finance & Administration Committee/Board of Directors (Finance & Administration)
Meeting
9:30 a.m.



Board Secretary

Approval Item

TITLE

Minutes of the Board of Directors' Regular Bi-Monthly Meeting of September 21, 2021

RECOMMENDATION

Approve the adoption of the minutes.

SUMMARY

On September 21, 2021, the board held its regular bi-monthly meeting. The minutes of that meeting are attached.

DISCUSSION

None

FISCAL IMPACT

None

ATTACHMENT(S)

1. Minutes of the Board of Directors' Regular Bi-Monthly Meeting of September 21, 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, September 21, 2021

Via teleconference

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

DIRECTORS PRESENT: John Gibson, Monty Schmitt, Larry Russell, and Cynthia Koehler

DIRECTORS ABSENT: Larry Bragman

CALL TO ORDER AND ROLL CALL

President Koehler called the meeting to order at 6:34 p.m.

ADOPT AGENDA

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

There were no public comments.

The following roll call vote was made.

Ayes: Directors Gibson, Schmitt, Russell, and Koehler

Noes: None

Absent: Director Bragman

CONVENE TO CLOSED SESSION

Also, at 6:34 p.m., the Board of Directors convened to closed session.

CLOSED SESSION ITEMS

1. Conference with Real Property Negotiators
(Government Code §54956.8)

Property: APNs# 197-120-30 and 197-120-40

Agency negotiator: Bennett Horenstein, General Manager

Negotiating parties: Joanna Cabral, Senior Land Agent

Under Negotiation: Price and Terms

2. Conference with Legal Counsel – Anticipated Litigation
(Government Code §54956.9(b))

Number of Cases: Unknown

The Board of Directors and staff discussed all the items.

CONVENE TO OPEN SESSION

The board convened to open session at 7:30 p.m.

CLOSED SESSION REPORT OUT

President Koehler stated that no reportable action was taken.

PUBLIC COMMENT

There were two public comments.

DIRECTORS' AND GENERAL MANAGER'S ANNOUNCEMENTS

Vice President Russell recommended to the board to consider having our board meetings every Tuesday, because of the past continuous long meetings due to the drought. He also recommended to have the small agenda items on the agenda be first brought before the board before they dove into items that would take longer for discussion.

General Manager (GM) Ben Horenstein announced that Tetra Tech completed the Local Hazard Mitigation Plan (Plan) draft. The public has two weeks to comment on the report, which could be found on the District's website, under Education and Outreach. He also outlined for the board the process after the public comment period, which the draft would be sent to CalOES (California Office of Emergency Services) and FEMA (Federal Emergency Management Agency) for their review and comments and then it would be brought back to the board for approval in either November or December. The GM explained that once the Plan was complete, it would allow the District to be eligible for FEMA hazard mitigation grants.

CONSENT CALENDAR (ITEMS 3-6)

Item 3 Minutes of the Board of Directors' Regular Bi-Monthly Meeting of September 7, 2021

Item 4 General Manager's Report – August 2021

Item 5 Adoption Board Handbook, as Revised

Item 6 Adopting Resolutions that Will Change the District's Contribution Rate Paid for Health Insurance Premiums Based on Increases to the Rates

There were no public comments.

Before the roll call vote was made, the board secretary asked if the board had reviewed the revised minutes. They had.

On motion made by Director Gibson and seconded by Director Schmitt, the board adopted the consent calendar, including the revised minutes. The following roll call vote was made.

Ayes: Directors Gibson, Schmitt, Russell, and Koehler

Noes: None

Absent: Director Bragman

REGULAR CALENDAR (ITEM 7)

Item 7 Drought Update

Water Quality Manager Lucy Croy, Acting Communications & Public Affairs Manager Emma Detwiler, and Water Efficiency Manager Carrie Pollard provided presentations to the board. Questions were asked during the presentation. Then the board heard public comments. There were eight public comments.

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

PUBLIC HEARING (ITEM 8)

Item 8 Adoption of an Ordinance Amending Chapter 13.04 Entitled “Comprehensive Drought Water Conservation and Enforcement Measures” to Title 13 of the Marin Municipal Water District Code Establishing Limits on Water Use and Associated Penalties

Water Efficiency Manager Pollard presented this item.

Next, President Koehler opened the public comment. The board received eleven public comments. Then, Director Koehler closed the public hearing.

Discussion by the board and staff ensued, including Board interest in the ways staff may be able to communicate with customers on how the penalties may impact them.

On motion made by Director Gibson and seconded by Vice President Russell, the board adopted Ordinance 454. The following roll call vote was made.

Ayes: Directors Gibson, Schmitt, Russell, and Koehler

Noes: None

Absent: Director Bragman

REGULAR CALENDAR (ITEMS 9-13)

Item 9 Additional Water Use Restrictions

Ms. Pollard, along with Peter Mayer, Principle and Founder of Water Demand Management, brought forth this item. Staff asked the board which of the following they would like to see staff engage in:

- Develop a draft ordinance prohibiting Non-Functional Turf
- Develop a draft ordinance restricting residential landscapes, and
- Continue to develop possible approaches water budgets.

The board indicated that staff should proceed with all of the objectives identified and they would like staff to pursue a potential prohibition on winter irrigation and a prohibition on pool filling.

There were seven public comments.

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

Item 10 Adoption of a Resolution Authorizing the Commencement of Proceedings in Connection with the Issuance, Sale, and Delivery of Revenue Bonds to Finance the Emergency Intertie Project and a Resolution Expressing Official Intent Regarding Capital Expenditures to be Reimbursed with Proceed of an Obligation

Finance Director Chuck McBride introduced Jim Gibbs with Sperry Capital Inc. and Brian Quint with Quint and Thimming LLP. He then presented this item.

Board and staff discussion followed.

There were four public comments.

On motion made by Vice President Russell and seconded by Director Gibson, the board adopted the resolutions in item 10 and authorized both the agreement with Quint and Thimming LLP and Amendment 7 with Sperry Capital Inc. in item 11. The following roll call vote was made.

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

Item 11 Authorizing the General Manager to Execute an Agreement with Quint & Thimming LLP for Bond and Disclosure Counsel Legal Services, and Amendment No. Seven (7) to Miscellaneous Agreement No. 5119 with Sperry Capital Inc. for Municipal Advisory Services for the Issuance of the Marin Municipal Water District Financing Authority Revenue Bonds, Series 2021

This item was adopted under Item 10.

Item 12 Request to Fill One Temporary Meter Reader & Repair Worker I Position

Mr. McBride also presented this item. There were neither board comments nor public comments on this item.

On motion made by Vice President Russell and seconded by Director Schmitt, the board authorized the general manager to recruit and hire this position. The following roll call vote was made.

Ayes: Directors Gibson, Schmitt, Russell, and Koehler

Noes: None

Absent: Director Bragman

Item 16 Future Meeting Schedule and Agenda Items

The board secretary mentioned upcoming meetings, including highlighting the discussion on in-person meetings and upcoming board retreat. Then, General Manager (GM) Horenstein also brought up that he would present to the board an item about streamlining the board meetings.

There were no more comments from the board. However, there were two public comments.

This being an informational item, the board did not take any formal action.

ADJOURNMENT

There being no further business, the regular bi-monthly Board of Directors' meeting of September 21, 2021, adjourned at 10:18 p.m.

Board Secretary

Approval Item

TITLE

Award of Contract No. 1956 for the Furnishing and Delivery of Motor Fuels to Western States Oil

RECOMMENDATION

Authorize the General Manager to execute a four-year contract with Western States Oil in the amount of \$2,105,440.90.

SUMMARY

The Operations Committee reviewed this item on September 17, 2021, and referred it to a future Bi-Monthly Meeting of the Board of Directors with the Operations Committee's recommendation for approval.

On August 11, 2021, the District released a notice inviting bids for a four-year contract for the furnishing and delivery of motor fuels with the option to extend the contract in one-year increments for an additional two years. Sealed bids were opened by the District and Western States Oil was identified as the lowest responsive and responsible bidder from the three bidders who submitted bids. Staff is requesting that the Board authorize the General Manager to execute Contract No. 1956 with Western States Oil in the amount of \$2,105,440.90. This amount includes the bid of \$1,684,352.72 and all applicable taxes and fees. Staff is also requesting that the Board authorize the General Manager to execute any necessary amendments to this contract in an amount not to exceed 15% of the total contract amount of \$2,105,440.90.

DISCUSSION

This contract is for the furnishing and delivery of approximately 574,400 gallons of gasoline and diesel fuels to five District locations over a four-year period. The District has two fuel dispensing sites that require frequent fuel deliveries. Of the frequent fuel deliveries, approximately 84% of the fuel used for the District's fleet is dispensed at the Corporation Yard in Corte Madera and the other 16% is dispensed at the Sky Oaks Watershed Headquarters located in Fairfax. The three other locations require significantly fewer fuel deliveries. These deliveries are for the emergency generators at the Ignacio Booster Pump Station and the Bon Tempe Treatment Plant as well as the new emergency generator planned for installation at the San Geronimo Treatment Plant.

While the bidder's fixed differential cost will remain firm during the contract period to the five District locations, the daily price of gasoline and diesel fuels will fluctuate as reported by the Oil Price Information Service (OPIS). In the event that the fuel prices increase significantly or an

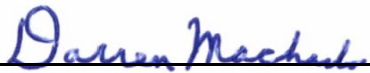

emergency event results in a substantial increase in consumption, staff will rely on an amendment not to exceed 15% of the total contract amount.

FISCAL IMPACT

Funding for this contract is budgeted in FY 2022 and FY 2023, \$400,000 each fiscal year, as an operating expenditure under the Automotive Services Department (ASD) (10-6130-5120). Staff will identify additional funds for these fiscal years as needed. For FY 2024 and FY 2025, staff will budget funds for this contract as an operating expenditure under the ASD. Not including the requested 15% contingency, staff estimates the contract amount, including all applicable taxes and fees, over the four-year contract to be \$2,105,440.90.

ATTACHMENT(S)

1. Resolution

DEPARTMENT OR DIVISION	DIVISION MANAGER	APPROVED
Operations Division	 Darren Machado Acting Operations Director	 Ben Horenstein General Manager

MARIN MUNICIPAL WATER DISTRICT

RESOLUTION NO.

**A RESOLUTION OF THE BOARD OF DIRECTORS AWARDING CONTRACT NUMBER 1956
FOR THE FURNISHING AND DELIVERY OF MOTOR FUELS**

WHEREAS, the District advertised Contract No. 1956 on August 11, 2021 for a four-year contract for the furnishing and delivery of motor fuels with the option to extend the contract in one-year increments for an additional two years; and

WHEREAS, the District solicited bids due on August 26, 2021 and received and publicly opened three (3) bids of which Western States Oil was the lowest responsible and responsive bidder.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors does hereby accept the bid submitted by Western States Oil for \$1,684,352.72 and all applicable taxes and fees for a total amount of \$2,105,440.90; and

BE IT FUTHER RESOLVED that a contract 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;

BE IT FUTHER RESOLVED that the General Manager is authorized to execute any necessary amendments to said contract, without further Board approval, so long as those amendments to the Contract do not exceed 15% of the total contract amount of \$2,105,440.90.

BE IT FURTHER RESOLVED, that 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 Western States Oil are to be rejected.

PASSED AND ADOPTED this 5th day of October, 2021, by the following vote of the Board of Directors.

AYES:

NOES:

ABSENT:

Cynthia Koehler
President, Board of Directors

ATTEST:

Terrie Gillen
Board Secretary

Approval Item

TITLE

County of Marin Request for temporary emergency drinking water supply for qualified residents of West Marin

RECOMMENDATION

Approve a resolution authorizing the General Manager to issue a permit for a hydrant meter to the County of Marin to provide emergency drinking water to qualified residents of West Marin that are outside the District's service area subject to the conditions described in the resolution.

SUMMARY

County staff has identified a small number of residents in West Marin that have no or very limited access to drinking water due to ongoing drought conditions. The County has requested that both Marin Municipal Water District and North Marin Water District make potable water available for these residents. The volume of water is expected to be de Minimis - on the order of 1 to 5 acre-feet.

DISCUSSION

Calendar year 2020 was the 2nd driest year in the past 90 years; and, so far in 2021, precipitation totals are less than 2020. The dry conditions are affecting the availability of water for residents in West Marin. Due to these drought conditions, the County of Marin has requested that the District provide access to potable water via a hydrant for qualified West Marin residents. The County will assess the need of residents and will administer the program in a similar manner to the untreated water that is being made available for ranchers in West Marin. Since May 1, 2021, the Ranchers have used 10.9 acre-feet of untreated water from Nicasio. In discussions with the County the drinking water needs are anticipated to be less than a few acre-feet over the next few months. While the District's reservoirs are at 35% of total capacity, given the emergency need, this small volume can be accommodated.

Staff has determined that the intersection of Nicasio Rd and Sir Francis Drake is a suitable location for a hydrant meter and this location has been used for this type of service in the past. Any water pulled from the hydrant can be metered and billed pursuant to District Code sections 6.01.030, 11.32.070 and 11.56.030. Specifically, this will require 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. 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. In addition as a condition of the permit for the hydrant meter:

- a) Recipients of the water shall comply with all District water conservation requirements.
- b) Recipients of the water shall have no other reasonable access to sufficient supplies of potable water.
- c) The authorization for this sale of water shall expire as of January 31, 2022.
- d) The County of Marin are responsible for ensuring the water quality continues to meet drinking water standards once it is collected from the hydrant meter.



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 28,677 acre-feet of water. Given the nominal amount of water sought and the critical nature of the need 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 water supply 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.

FISCAL IMPACT

There is no fiscal impact.

ATTACHMENT(S)

- 1. Resolution

DEPARTMENT OR DIVISION	DIVISION MANAGER	APPROVED
Operations Division	 Paul Sellier Operations 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 COUNTY OF MARIN EMERGENCY DRINKING
WATER SUPPLY**

WHEREAS, within Marin County, California, calendar year 2020 was the second driest year in the past 90 years; and, so far in 2021, precipitation totals are less than calendar year 2020; and

WHEREAS, the drought conditions caused by the aforementioned lack of precipitation are affecting the availability of water for residents in West Marin County; and

WHEREAS, due to the aforementioned drought conditions, the County of Marin has requested that the Marin Municipal Water District ("District") permit temporary usage of a limited amount of potable water for qualified residents of West Marin who are outside of the District's service area, to be provided via a fire hydrant meter located near the San Geronimo water treatment plant and trucked to residents by the County of Marin; 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 assist qualified West Marin residents during the current drought 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 September 24, 2021, District reservoir storage contained 27,795 acre feet of water, which was approximately 35% of capacity.
2. Despite the need for additional conservation measures, the current reservoir storage levels are adequate to meet customer demands over the next several months and given the very small volume of the need and the emergency nature of the need, very limited amounts of excess water can be made available to qualified residents of West Marin.
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 selected hydrant 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. The County of Marin shall be responsible for ensuring that the transportation and subsequent storage of water by residents meets drinking water standards.
3. Residents of West Marin receiving water through this program must have exhausted all other means of accessing drinking water.
4. Residents of West Marin receiving water through this program must meet the same stringent conservation standards as District customers.
5. The authorization for this use of water shall expire no later than January 31, 2022.
6. 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.
7. 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.

PASSED AND ADOPTED this 5th day of October 2021, by the following vote of the Board of Directors.

AYES:

NOES:

ABSENT:

Cynthia Koehler
President, Board of Directors

ATTEST:

Terrie Gillen
Board Secretary

Approval Item

TITLE

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

RECOMMENDATION

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

SUMMARY

The District has been holding its public meetings virtually pursuant to Executive Orders N-29-20 and N-08-21, which expired September 30, 2021. With the adoption of AB 361, urgency legislation that was signed into law on September 16, 2021, the Board has the option to consider whether to continue virtual meetings due to health and safety concerns arising from transmission of the COVID-19 virus.

DISCUSSION

AB 361, now in effect as urgency legislation that was signed by the Governor on September 16th, 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.

If a meeting is held via teleconference under AB 361, requirements include the following:

- Notice of the meeting must still be given in compliance with the Brown Act, and the notice must include the means by which the public may access the meeting and provide public comment.
- The public must be provided access to the meeting via a call-in option or internet-based service option and allowed to “address the legislative body directly.” The agency does not have to provide an in-person option for the public to attend the meeting.
- If there is a disruption to the meeting broadcast or in the ability to take call-in or internet-based public comment, no further action can be taken on agenda items until the issue is resolved.
- The body cannot require comments to be submitted before the start of the meeting. The public must be allowed to make “real time” public comment.

The District's current virtual meeting practices already meet the AB 361 virtual meeting requirements.

The Governor's March 4, 2020 Proclamation of Emergency related to the COVID-19 pandemic is still in effect. Further, with the spread of the more contagious Delta variant and recent understanding of spread even among those who have been vaccinated, there is still reason for caution in fully resuming pre-pandemic activities. On September 22nd, the Marin County Director of Health & Human Services issued a letter to the President of the County Board of Supervisors recommending continued emphasis on social distancing, including teleconferencing meetings where feasible and maintaining social distancing for any in-person meetings. Given this recommendation, at its September 28th meeting, the Marin County Board of Supervisors adopted a resolution allowing continued use of teleconference and videoconferencing for County public meetings. In light of these facts and given that the District's board room may not be able to accommodate social distancing guidelines, staff is recommending that the Board adopt a resolution continuing virtual meetings for Board and Committee meetings until circumstances change. The proposed resolution will require a majority vote of the Board for adoption.

In order to further continue virtual meetings under AB 361, the Board will need to reconsider the circumstances of the state of emergency every 30 days and find that either 1) the emergency continues to impact the ability to meet safely in person, or 2) State or local officials continue to impose or recommend social distancing. AB 361 contains a sunset date of January 1, 2024.

In anticipation of the expiration of Executive Orders N-29-20 and N-08-21 and prior to the adoption of AB 361, staff has been preparing for the return to in-person meetings. District staff has researched cities and agencies in the Bay Area to see how they are hosting their meetings. Some agencies, like the City of Mill Valley are allowing in-person meetings with all attendees required to wear masks and socially distance. Other agencies, like the County of Marin and East Bay Municipal Utility District, are still conducting only virtual meetings pursuant to the Governor's Executive Orders and now through AB 361. Still other agencies, like the City of Santa Rosa and City of San Jose, will continue to maintain their "hybrid" meetings. A hybrid meeting consists of the board or council conducting business either all in-person or some participating virtually while the public can either attend in person or can participate in the meeting virtually.



While the Brown Act requires the facilitation of public participation, nothing in the Act precludes remote public access to meetings. Therefore, it is within the discretion of the Board to move to hybrid meetings, where the public would have the option to attend in person or continue to participate in Board and Committee meetings virtually, even after the emergency has ended.

FISCAL IMPACT

There is no fiscal impact associated with this item.

ATTACHMENT(S)

- 1. 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
CONTINUE VIRTUAL BOARD AND COMMITTEE MEETINGS PURSUANT TO AB 361**

WHEREAS, the Marin Municipal Water District (District) has been holding all of its Board and Committee meetings virtually pursuant to Executive Orders N-29-20 and N-08-21, which expired September 30, 2021; and

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 related to the COVID-19 pandemic is still in effect; and

WHEREAS, on September 22nd, 2021, the Marin County Director of Health & Human Services issued a letter to the President of the County Board of Supervisors recommending continued emphasis on social distancing, including teleconferencing meetings where feasible and maintaining social distancing for any in-person meetings; and

WHEREAS, on September 28th, 2021, the Marin County Board of Supervisors adopted a resolution allowing continued use of teleconferencing and videoconferencing for County public meetings to promote social distancing and enhance public safety; and

WHEREAS, the District's board room 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.

NOW THEREFORE, BE IT RESOLVED that the Board of Directors of the District hereby finds that based upon the foregoing factors, it is necessary to continue District Board and Committee meetings virtually in accordance with the requirements of AB 361, unless under special circumstances that will allow social distancing.

PASSED AND ADOPTED this 5th day of October, 2021, by the following vote of the Board of Directors.

AYES:

NOES:

ABSENT:

Cynthia Koehler
President, Board of Directors

ATTEST:

Terrie Gillen
Board Secretary

Approval Item

TITLE

Request budget augmentation for the Sir Francis Drake Blvd. Corridor Rehabilitation Project

RECOMMENDATION

Approve a Resolution authorizing the General Manager to execute a budget augmentation and any necessary amendments for the Reimbursement Agreement with the County of Marin in the amount of \$219,526 for the Sir Francis Drake Blvd. Corridor Rehabilitation Project.

SUMMARY

The Reimbursement Agreement with the County of Marin was previously authorized by the Board on May 15, 2020. Authorization was given to the General Manager to execute the Reimbursement Agreement in the amount of \$3,297,762 for the installation of 8,500 feet of new welded steel pipe water main along with a staff requested contingency in the amount of \$165,000 for a total up to \$3,462,762 in pipeline construction cost. During the course of construction, changed conditions involving contaminated soil disposal were discovered that were not anticipated by either the District or the County of Marin. As a result, the joint project experienced an additional unexpected expense. Staff requests authorization for the General Manager to increase the original construction contract amount by \$219,526 to cover the District's portion of the contaminated soil disposal cost.

DISCUSSION

The Sir Francis Drake Blvd. Corridor Rehabilitation Project was a joint project between the District and the County of Marin to rehabilitate two miles of Sir Francis Drake Blvd. Improvements included the installation of approximately 8,500 feet of new water distribution pipeline along with safety enhancements for motorists, bicyclists and pedestrians. Conducting the roadway and pipeline work jointly under a Reimbursement Agreement between the County and the District reduced impacts to the public.

The General Manager was given authorization by the Board to execute the Reimbursement Agreement on May 15, 2020 for the District's portion of the mainline pipeline work. The contract cost for the District's pipeline work was \$3,297,762 along with a staff requested contingency of \$165,000 for a total construction contract cost of up to \$3,462,762. Construction of the project commenced in July 2020 by Ghilotti Brothers Incorporated (GBI).

During the preconstruction phase of work, the County was made aware by GBI that various soil samples collected prior to construction showed aerially deposited lead that would require special disposal at a certified landfill at the Potrero Hills Landfill in Fairfield, CA. This constituted a changed condition to the project that was not accounted for during the bidding process. Discussions between the District and the County of Marin ensued, and it was determined that payment for soil excavated materials would be tracked separately between construction

activities associated with the District's mainline pipe installation and construction activities associated with the County's construction. Quantities generated by trench spoils associated with the District's mainline pipe installation were diligently accounted for by the District's inspector and compared with the County's inspector records.

A total of 4,548.23 tons (approximately 2,286 cubic yards) of contaminated soil was generated by the trench excavation associated with the District's mainline pipe work. The District's portion of the soil disposal came to a total of \$258,776.55. Other contract change orders including the additional cost to install additional system pipeline at Eliseo Drive expended the contingency amount. This cost was necessary to replace the 100 year old cast iron pipe on Sir Francis Drake Blvd. and Eliseo Drive that failed multiple times during construction before it was replaced. These additional expenditures resulted in a budget shortfall of \$219,526 for payment of the disposal of the soil.

The request for budget augmentation will increase the total project budget by the requested amount of \$219,526 as described below.

Budget

Pipeline Project portion of County Project:	\$3,297,762
5% Contingency:	\$165,000
Construction Management Fee:	\$375,000
<u>Original Subtotal Agreement Amount:</u>	<u>\$3,837,762</u>


Budget Augmentation Amount:	\$219,526
<u>New Subtotal Agreement Amount:</u>	<u>\$4,057,288</u>

District Labor/Inspection:	\$360,000
District Provided Materials:	\$450,000

Total Budget:	\$4,867,288
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ATTACHMENT(S)

1. Resolution

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

MARIN MUNICIPAL WATER DISTRICT

RESOLUTION NO.

WHEREAS on May 15, 2020 Board of Directors of the Marin Municipal Water District (Board) authorized the General Manager to execute a Reimbursement Agreement with the County of Marin for the Sir Francis Drake Blvd. Corridor Rehabilitation Project (Project); and

WHEREAS during the preconstruction phase of the Project the District and County of Marin discovered a changed condition requiring specialized soil disposal, which resulted in increased and unforeseen costs on the Project that are now due.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Reimbursement Agreement with the County of Marin for the Sir Francis Drake Blvd. Corridor Rehabilitation Project is augmented in the amount of \$219,526, and the General Manager is authorized and directed to execute said budget augmentation for the said reimbursement agreement for said Project and execute any necessary amendments to said reimbursement agreement for these purposes.

PASSED AND ADOPTED this 5th day of October, 2021, by the following vote of the Board of Directors.

AYES:

NOES:

ABSENT:

Cynthia Koehler
President, Board of Directors

ATTEST:

Terrie Gillen
Board Secretary

Informational Item

TO: Board of Directors

FROM: Ben Horenstein, General Manager



ITEM: Drought Update

SUMMARY

Staff continues efforts responding to the historic drought conditions through conservation outreach and engagement with the community, optimizing existing water supply, and planning for emergency drought supplemental supply. At the meeting on October 5th, staff will provide the Board an update on District drought response efforts.

DISCUSSION

In response to drought conditions and historically low reservoir storage levels, the Board declared a water shortage emergency on April 20, 2021, and adopted mandatory water use restrictions targeting an overall 40% reduction in water use to extend current water supplies. Recognizing that the District's typical water use nearly doubles during the summer months as compared to the winter, largely due to outdoor irrigation, the Board adopted mandatory irrigation restrictions in May and further restrictions in July to limit sprinkler irrigation to one day per week. At the July 20th Board meeting, the Board adopted Ordinance No. 453 requiring new connections to defer potable water irrigated landscape installation until after the conclusion of the Water Shortage Emergency. On September 21st, the Board adopted Ordinance No. 454 establishing water use limits and penalties for water use in excess of the established limits, effective December 1st, 2021. Staff will provide an update to the Board on current water supply conditions, trends in water use, drought outreach and communications, conservation program updates, and efforts to secure emergency drought supplemental supply.

FISCAL IMPACT

As previously shared with the Board, the combined loss in revenue and unbudgeted expenses due to the drought is projected at \$20.5M over the next three months due to mandatory conservation efforts. The District's reserves, along with tight expenditure controls, are anticipated to be the initial approach to address the deficit.

ATTACHMENT(S)

None

Informational Item

TO: Board of Directors

FROM: Paul Sellier, Operations Director



THROUGH: Ben Horenstein, General Manager



DIVISION NAME: Operations

ITEM: Emergency Drought Projects

SUMMARY

Staff will provide an update on the Emergency Drought Projects under development including desalination, water availability from Sonoma, and the Emergency Intertie Project.

DISCUSSION

Due to continued dry conditions and historically low reservoir storage levels, the Board declared a water shortage emergency and adopted mandatory water use restrictions at the April 20th, 2021 Board meeting, with further measures adopted at subsequent Board meetings. Given the severity of the drought, the District has evaluated a number of opportunities to augment our water supply. Staff will provide an update to the Board on Emergency Drought Projects focusing on water supply planning, project technical feasibility, schedule and costs.

FISCAL IMPACT

None

ATTACHMENT(S)

None

Approval Item

TITLE

Memorandum of Understanding between Marin Municipal Water District and East Bay Municipal Utility District

RECOMMENDATION

Authorize the General Manager to finalize and execute the Memorandum of Understanding (MOU) with East Bay Municipal Utility District (EBMUD) and to reimburse EBMUD for their assistance under the MOU in support of the Emergency Intertie Project not to exceed \$500,000.00.

SUMMARY

On April 20, 2021, the District's Board of Directors (Board) adopted Resolution 8630 declaring a water shortage emergency and adopted Ordinance No. 449 setting forth a comprehensive list of mandatory water conservation measures and water use restrictions. Subsequently, an emergency was declared at the County level, and on July 8th, Governor Newsom declared a drought emergency for Marin County. Reservoir levels are historically low and projections indicate that if the drought continues the District will need a supplemental water supply in the second half of 2022. The proposed water supply project to construct an intertie between the MMWD and EBMUD water systems requires extensive support from and collaboration with EBMUD. The MOU captures the effort required to conduct the necessary planning for the proposed project and outlines terms that need to be further developed for inclusion in a more detailed agreement should the proposed project move forward.

DISCUSSION

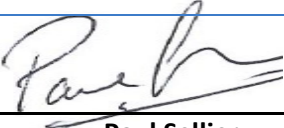

After two successive dry winters with below average rainfall, District reservoir storage volumes are at historically low levels. Reservoir storage as of September 24, 2021 was 27,795 acre-feet (AF), which was less than 35% of capacity. Storage level projections indicate that, should the drought continue, storage levels may drop below 10,000 AF by summer 2022. In order to ensure continued water supply reliability, the District is considering construction of the Emergency Intertie Project (Project). The Project is a pipeline to connect the Marin Municipal Water District system to the East Bay Municipal Utility District's (EBMUD) distribution system. Water transfers would allow EBMUD to move water to Marin without adversely impacting the EBMUD water supply.

FISCAL IMPACT

These costs are unbudgeted and it is anticipated that funding for this work will come from reserves, with expected reimbursement from bond financing of this project.

ATTACHMENT(S)

- 1. Memorandum of Understanding

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

**MEMORANDUM OF UNDERSTANDING
BETWEEN
EAST BAY MUNICIPAL UTILITY DISTRICT
AND
MARIN MUNICIPAL WATER DISTRICT
FOR
PLANNING FOR POTENTIAL 2022 WHEELING OF
EMERGENCY TRANSFER WATER**

This Memorandum of Understanding (“MOU”) is made as of the date set forth below between East Bay Municipal Utility District (“EBMUD”), a public agency in the State of California and Marin Municipal Water District (“MMWD”), a public agency in the State of California (collectively referred to as “the Parties” herein) to plan for the potential wheeling of emergency transfer water to be secured by MMWD, through EBMUD water facilities to MMWD’s service area.

RECITALS

WHEREAS, EBMUD, a public agency formed under the Municipal Utility District Act passed by the California Legislature in 1921, owns and operates a water system that delivers potable water to 1.4 million customers in Alameda and Contra Costa Counties; and

WHEREAS, MMWD, a public agency formed under the Municipal Water District Act of 1911, owns and operates a water system that provides water service to more than 191,000 people in Marin County; and

WHEREAS, on April 20, 2021, MMWD declared a water shortage emergency within its service area pursuant to MMWD Board of Directors’ Resolution No. 8630 and in accordance with California Water Code sections 350, et seq. and 71641; and

WHEREAS, on July 8, 2021, Governor Gavin Newsom proclaimed a drought emergency to exist within Marin County; and

WHEREAS, due to the water shortage emergency and continuing drought conditions, MMWD is considering securing emergency water transfers in 2022 to meet anticipated water needs in the event the current drought conditions continue; and

WHEREAS, on July 9, 2021, MMWD approached EBMUD with a Letter of Intent to Evaluate Emergency Water Transfer to assist in implementing water transfers needed to address the drought emergency including the potential use of EBMUD’s facilities to treat and convey the transfer water to MMWD’s service area; and

WHEREAS, on July 12, 2021, EBMUD responded to MMWD’s Letter of Intent to Evaluate Emergency Water Transfer confirming coordination and cooperation to assist MMWD

in evaluating the potential emergency water transfer and wheeling options, developing operating criteria which would be employed if a wheeling project is ultimately approved, and planning any new necessary conveyance and distribution facilities needed to connect EBMUD's system to MMWD's system; and

WHEREAS, MMWD's system is not currently connected to EBMUD's system; and

WHEREAS, MMWD and EBMUD have indicated willingness to coordinate and cooperate in planning, engineering, and environmental analysis of new conveyance facilities ("Intertie Facilities") to connect MMWD's system to EBMUD's system; and

WHEREAS, the Intertie Facilities would consist of an intertie connection to the EBMUD system at a suitable location, a pumping plant located in the Richmond area within EBMUD's service area, and a pipeline across the Richmond-San Rafael Bridge connecting the two systems; and

WHEREAS, the Parties agree that any future wheeling agreement would be developed and implemented to avoid any adverse impacts to EBMUD's customers and other obligations (i.e., required environmental releases, senior water rights releases) and its infrastructure; and

WHEREAS, EBMUD is also evaluating its own water transfer opportunities for 2022 in case the drought continues into 2022, and has indicated a willingness to coordinate potential water transfers with MMWD provided that EBMUD's operational and water supply needs shall be met before any water is wheeled for MMWD; and

WHEREAS, MMWD agrees that its water purchases will not interfere with EBMUD's ability to purchase water from the same water sellers; and

WHEREAS, if the drought continues to persist in 2022, EBMUD is not expected to have any surplus water, such that MMWD will need to purchase its own emergency transfer water from a third party to be wheeled through EBMUD facilities when capacity is available; and

WHEREAS, MMWD indicated that all costs related to the emergency water transfer will be the responsibility of MMWD and further expressed willingness to reimburse all costs, including labor and expenses, incurred by EBMUD on or after July 12, 2021 to support MMWD in connection with the evaluation, planning, development, and potential implementation of the Intertie Facilities and anticipated emergency water transfers and conveyance;

NOW, THEREFORE, the Parties agree as follows:

1. SCOPE OF WORK

This MOU includes tasks needed to evaluate options of the Intertie Facilities, support the preliminary planning and design of the Intertie Facilities, coordinate with MMWD's efforts to secure water transfers, and develop a potential Wheeling Agreement (WA) between MMWD and EBMUD. The following scope of work is covered under this MOU.

1.1 Conduct Planning, Engineering, Storage, and Operational Analysis.

EBMUD will coordinate with MMWD and consultants to complete planning and hydraulic analysis, evaluate options of the new conveyance system to connect EBMUD's system to MMWD, evaluate the feasibility of providing storage to MMWD, develop operational criteria, make recommendations, and assist in planning and preliminary design of the Intertie Facilities.

Planning, engineering, storage, and operational analysis conducted by EBMUD will include the following tasks:

1.1.1 EBMUD will conduct system hydraulic modeling to determine the feasibility and operational impacts of connecting the Intertie Facilities to the EBMUD system at up to three potential alternative tie-in points provided by MMWD.

1.1.2 EBMUD will prepare a memorandum summarizing the feasibility assessment, hydraulic analysis, connection options, diversion and transmission facility capacity, operational requirements and constraints, and required distribution system improvements to wheel water for MMWD.

1.1.3 EBMUD will recommend at least one optimum configuration of the Intertie Facilities.

1.1.4 EBMUD will evaluate the operational and regulatory feasibility of (i) providing storage of MMWD's emergency transfer water in EBMUD's reservoirs, and (ii) using its reservoirs to provide short-term flow regulation. If determined feasible by EBMUD, EBMUD will develop terms under which storage and/or flow regulation can be offered to MMWD.

1.1.5 EBMUD will furnish documents and design criteria for pipelines to connect to the EBMUD system.

1.1.6 EBMUD will initiate the design of the required distribution system improvements to EBMUD's system to wheel water for MMWD. EBMUD's final design of any facilities used in wheeling, treatment, storage, and conveyance to MMWD, including necessary modifications to EBMUD's distribution system, will be detailed in the potential WA per Sub-article 1.4.

1.1.7 MMWD and consultants will conduct the design of the intertie facilities. EBMUD will review draft design documents and provide comments in a timely manner.

1.2 Coordination of Water Transfer Efforts.

MMWD will lead the efforts to secure the purchase of emergency transfer water from a suitable seller, under terms that are acceptable to EBMUD if EBMUD facilities will be used for wheeling the emergency transfer water. EBMUD will coordinate with MMWD and consultants on the investigation and evaluation of emergency water transfer opportunities available to MMWD. In conducting this coordinated work, the Parties will consider the following: (i) timing and volume of supply availability from potential sellers, (ii) negotiation of any necessary Warren Act contracts or other requirements of the U.S. Bureau of Reclamation (Reclamation), (iii) coordination on environmental documentation, (iv) evaluation of exchange opportunities, and (v) coordination on wheeling and delivery routes. MMWD commits that the emergency water transfers it pursues will not adversely impact EBMUD and its customers or EBMUD's ability to secure water transfers for 2022.

1.3 Environmental Documentation.

As between the Parties, MMWD will be responsible for preparing environmental documentation to comply with the California Environmental Quality Act (“CEQA”) and the National Environmental Policy Act (“NEPA”). EBMUD agrees to cooperate with MMWD in the preparation of such environmental documentation.

1.3.1 MMWD will act as the lead agency for CEQA for the project. The project has not yet been fully defined but is anticipated to include (i) construction of intertie facilities by MMWD (e.g., a new water transfer pipeline, pumping facilities, and interties), (ii) acquisition of water supplies by MMWD (e.g., water purchases and transfers), and (iii) treatment and conveyance of acquired emergency transfer water to MMWD by EBMUD pursuant to the potential WA (these tasks are collectively referred to hereinafter as the “Project”). As between the Parties, MMWD will be responsible for preparing, completing, and filing all necessary environmental documentation for the Project.

1.3.2 EBMUD will, as a responsible or cooperating agency, consult with MMWD to assist MMWD in preparing adequate environmental documents for the Project, comment on draft documents, and review and consider the environmental documentation pursuant to CEQA prior to making a discretionary approval decision with respect to the Project (e.g., entering into the WA). EBMUD will inform and coordinate with MMWD on preparation of project description and permitting for purposes of environmental review.

1.3.3 MMWD will coordinate with EBMUD and other responsible agencies in the course of environmental review of the Project. MMWD will complete CEQA/NEPA review and coordinate with EBMUD prior to the final approval and execution of any water purchase agreements or other binding project-related agreements (other than a water purchase option agreement which does not commit MMWD or EBMUD to proceed with any purchase or conveyance).

1.3.4 MMWD will take the lead and keep EBMUD informed on right-of-way or property acquisitions necessary for the Intertie Facilities and EBMUD will provide appropriate assistance as requested by MMWD, subject to EBMUD staff availability and reimbursement hereunder.

1.4 Develop Potential Wheeling Agreement (WA).

1.4.1 This MOU provides for the Parties’ performance of foundational work needed to develop a potential WA between the Parties. The potential WA, if developed, would be based on the results of the work conducted in Sub-articles 1.1, 1.2, and 1.3. The WA is anticipated to set forth the Parties’ agreement on all terms necessary for the implementation of the emergency water transfer.

At a minimum the following items would be included in the WA:

- Source, quantity, and timing of transfer water;
- Wheeling quantity, route, timing, pumping rates, and delivery period;
- Storage terms, if storage is deemed feasible;
- Water treatment and quality information;
- Facilities used in wheeling, treatment, storage, and conveyance to MMWD, including necessary modifications to EBMUD’s distribution system;

- An operations plan, or at minimum, a process and principles to guide operations plan development;
- System losses (raw water, treatment, and distribution);
- Conditions precedent, including third party/regulatory approvals;
- Location and method of metering/measurement;
- Cost reimbursement, as described in Sub-article 1.4.2; and
- Appropriate indemnities and liability protection for the benefit of EBMUD and its customers.

1.4.2 Cost Reimbursement Principles

As described in this MOU, MMWD has committed to reimburse all costs incurred by EBMUD in connection with the Project, including but not limited to costs incurred in the course of (i) performing the planning and collaborative work described in this MOU, (ii) developing and implementing the WA, and (iii) carrying out any emergency water transfers described therein. All costs incurred in connection with the performance of this MOU shall be reimbursed in accordance with Article 2, whether or not a WA is ultimately executed.

With respect to reimbursement for costs arising in the course of Project implementation, MMWD shall pay the full cost to provide transfer water to MMWD, in a manner to be described more specifically in the WA. The WA, if developed, shall describe the categories of reimbursable costs, including, at a minimum, the following reimbursable items: (i) labor at fully-encumbered rates, (ii) costs payable to third parties, and (iii) facilities charges, including capital, operational, and maintenance costs of each facility potentially used to divert, treat, convey, and/or store water for MMWD. For each category of reimbursable costs, the WA shall describe principles and methodologies to determine reimbursable costs, including specific cost components and cost basis. The WA shall also include a mechanism to review, approve, and mutually agree to settle unanticipated costs, cost overruns, and disputed costs. It is agreed the implementation reimbursement methodology to be developed in the WA shall ensure the emergency water transfer results in no net adverse financial impact to EBMUD or its ratepayers.

1.4.3 Preliminary Wheeling Operations Plan

This MOU covers work needed to develop a preliminary wheeling, treatment, storage, and conveyance operations plan. Detailed operations plan would be developed as part of the WA once the details of Project (source, timing, quantity, wheeling route, wheeling rate) are finalized. In preparation of the WA, the Parties will evaluate the feasibility of, and may identify separate terms and costs for, each of the following potential wheeling scenarios:

- Diversion of MMWD’s emergency transfer water at the Freeport Regional Water Project (“FRWP”) facility on the Sacramento River, potential storage of the raw water in an EBMUD local surface water reservoir, treatment and conveyance of treated water to MMWD at a rate acceptable to EBMUD and MMWD. Any storage of MMWD’s raw transfer water in EBMUD’s local surface water reservoirs for longer than 30 days will require evaluation and approval by EBMUD prior to being included in the detailed Operations Plan.
- Diversion of MMWD’s emergency transfer water at the FRWP diversion facility, storage of the MMWD’s emergency transfer water in Contra Costa Water District’s (CCWD’s) Los Vaqueros Reservoir (LV), diversion of CCWD’s Central Valley Project (CVP) water in exchange of MMWD’s previously stored transfer water in LV at a rate acceptable to

EBMUD, delivery of raw water to EBMUD for treatment and conveyance to MMWD at a rate acceptable to EBMUD and MMWD. This scenario shall also consider the division of transfer water at CCWD's intakes in lieu of (or in conjunction with) diversion at the FRWP diversion facility.

- Delivery of treated emergency transfer water acquired by MMWD to EBMUD's system through the SFPUC-Hayward-EBMUD intertie located at Hayward, CA, and conveyance of such treated water through EBMUD's distribution system to MMWD at a rate acceptable to EBMUD and MMWD.

1.5 Schedule

The Parties agree to cooperate and work diligently in a good faith effort to complete the work described in this MOU. EBMUD may adjust the scope, schedule, or sequence of its performance of the work as needed to avoid impacts to EBMUD's critical priority work. If the Project is determined feasible by EBMUD and MMWD based on the results of the work to be performed under this MOU, the Parties will endeavor to develop the WA by December 31, 2021 unless either party terminates this MOU sooner. If either party determines that date is unlikely to be met, such party shall promptly notify the other party to attempt to revise the schedule to the mutual satisfaction of the parties.

2. REIMBURSIBLE COSTS

- MMWD shall be solely responsible for all costs to complete the Scope of Work as summarized in Article 1. MMWD agrees to pay the fully encumbered EBMUD labor costs in accordance with the FY2022 Rates for Paid Absence, Fringe Benefit and Overhead published by EBMUD Controller on July 30, 2021. If EBMUD retains any consultant or vendor, with MMWD's prior approval, to assist with the Scope of Work, MMWD shall reimburse the full cost of such consultant or vendor's performance of said work.
- EBMUD will invoice MMWD on a quarterly basis for its expenses to complete the Scope of Work. Invoices will include a description of the work performed by Scope of Work Task, and a breakout of costs for labor and non-labor items. EBMUD agrees to provide a preliminary estimate of total costs to complete the Scope of Work as described in this MOU within 30 days of execution of this MOU, including fully encumbered, actual costs, retroactive to July 12, 2021. EBMUD agrees to provide regular updates if EBMUD anticipates that actual costs will exceed the estimate by more than 15%. MMWD acknowledges the difficulty of accurately forecasting costs given the inherent uncertainty of the Project and therefore agrees to reimburse all costs incurred, including any costs which exceed estimated costs.

3. TERM

- This MOU shall become effective upon its execution by the Parties.
- This MOU will terminate upon execution of a WA by the Parties.
- Either party may terminate participation in this MOU with or without cause by providing 30-day written notice to the other party's designated representative.
- Payment obligations under Article 2 shall survive discharge or termination of this MOU until reimbursement or payment obligations with respect to work performed

prior to termination are satisfied. All obligations under Article 4 and Article 7 shall survive discharge, termination, or expiration of this MOU indefinitely.

- Other than as expressly provided in this Article 3, neither party shall have any liability to the other as a result of a termination of this MOU.

4. INDEMNITY, HOLD HARMLESS AND LIABILITY

MMWD agrees to hold harmless, indemnify, and defend EBMUD and its Directors, officers, agents and employees from and against any and all liability, expenses, suits, damages, claims, costs, penalties, causes of action, demands, and losses of any nature whatsoever, including reasonable attorneys' fees (collectively, "Losses"), which are alleged to or do arise from or relate to the performance of this MOU, including but not limited to Losses in the nature of personal injury, injury to property (including inverse condemnation), and/or consequences of violation of any law or ordinance, except that MMWD's obligations under this paragraph shall not extend to Losses caused by the sole or active negligence or willful misconduct of EBMUD.

5. NOTICE

All notices required to be given, or which may be given by either party to the other, shall be deemed to have been fully given and fully received when made in writing and deposited in the United States mail, registered and postage prepaid and addressed to the respective parties as follows:

EBMUD: Michael T. Tognolini
Director of Water and Natural Resources
East Bay Municipal Utility District
P.O. Box 24055, MS #901
Oakland, CA 94623

MMWD: Bennett Horenstein, General Manager
Marin Municipal Water District
220 Nellen Avenue
Corte Madera, CA 94925

Notification of a change in the name of the contact person shall be in writing.

6. MISCELLANEOUS

- This MOU may be amended as circumstances necessitate by written agreement executed by both Parties.
- Each party agrees that it will not assign its interest in this MOU, or any part thereof, without the express written consent of the other party.
- In the event of a dispute between the parties over the meaning of this MOU, the Parties shall meet in good faith to attempt to resolve the matter.
- This MOU may be executed in counterparts, each of which shall be deemed to be an original but all of which taken together shall constitute one and the same Agreement. The signature pages from any counterpart may be appended to any other counterpart

to assemble fully executed documents. Signatures may be exchanged via email or other electronic means and shall be deemed to be original signatures for all purposes.

7. CONFIDENTIALITY

EBMUD may make security sensitive information available to MMWD and/or its consultants in furtherance of the objectives of this MOU. Security sensitive information includes data and records that are not already available or accessible to the public, and that should not be released to the general public because they could reveal details of EBMUD infrastructure or operations. Security sensitive information further includes, but is not limited to, EBMUD records, reports, maps, drawings, databases, models, model results, GIS information, plans, specifications, and schematics containing detailed information about EBMUD's water infrastructure that, if released, could compromise the safety, integrity, and operations of the public water system. Examples include the locations of security systems and security devices, services, pipelines, interceptors, aqueducts, valves, pressure zones, or details about major facilities such as treatment plants, pumping plants, and storage structures. MMWD agrees that it and its employees and officers will provide no copy (nor partial copy) to any other person or agency, will not redistribute any document bearing security sensitive information to any other entity, business or individual, nor use the information for any purpose other than completing the work described in this MOU or otherwise implementing the Project, provided that MMWD may disclose such information to a consultant or other third party with EBMUD's prior written approval so long as MMWD first places such consultant or third party under a contractual confidentiality obligation no less restrictive than that imposed on MMWD by this paragraph. At the point the security sensitive information is no longer required for use by MMWD, all records containing the security sensitive information shall be returned to EBMUD or destroyed.

* * * * *

IN WITNESS WHEREOF, the Parties hereto have executed this MOU as of the date of the second party's signature below.

EAST BAY MUNICIPAL UTILITY DISTRICT

BY: _____

Approved as to form:

NAME _____

for the Office of General Counsel

TITLE: _____

DATE: _____

MARIN MUNICIPAL WATER DISTRICT

BY: _____

NAME _____

TITLE: _____

DATE: _____

Approved as to form:

General Counsel

Approval Item

TITLE

Approval of the second amendment to the WSP agreement MA 5973 for engineering design services in support of the Emergency Intertie Project

RECOMMENDATION

Approve the second amendment to the WSP engineering design agreement and authorize the General Manager to finalize and execute the second amendment to the existing agreement with WSP to complete the design, provide bid documents and bid services for the installation of that portion of the Emergency Intertie Project pipeline to be supported by the Richmond San Rafael bridge not to exceed \$1,250,166.91 which includes a 20% contingency of \$208,361.15.

SUMMARY

On April 20, 2021, the District's Board of Directors (Board) adopted Resolution 8630 declaring a water shortage emergency and adopted Ordinance No. 449 setting forth a comprehensive list of mandatory water conservation measures and water use restrictions. Subsequently, an emergency was declared at the County level; and, on July 8th, Governor Newsom declared a drought emergency for Marin County. Reservoir levels are historically low and projections indicate that if the drought continues the District will need a supplemental water supply in the second half of 2022. The amended agreement with WSP will allow the District to complete the design of the portion of the project that traverses the Richmond San Rafael Bridge. The Eastern and Western approach pipeline segments are being designed by Carollo Engineers.

DISCUSSION

After two successive dry winters with below average rainfall, District reservoir storage volumes are at historically low levels. Reservoir storage as of September 24, 2021 was 27,795 acre-feet (AF), which was less than 35% of capacity. Storage level projections indicate that, should the drought continue, storage levels may drop below 10,000 AF by summer 2022. The District has never operated the reservoir system below 10,000 AF, and there is uncertainty regarding the reliability of the water supply pool at this level.

In order to ensure continued water supply reliability, the District is considering the construction of the Emergency Intertie Project (Project). The Project is a pipeline to connect the Marin Municipal Water District system to the East Bay Municipal Utility District's (EBMUD) distribution system. Water transfers from third parties would allow EBMUD to move water to Marin without impacting the EBMUD water supply.

The pipeline has three distinct segments, the Western approach, the Eastern approach and the segment that crosses the Richmond-San Rafael Bridge (RSR Bridge). On the Eastern approach, a portion of the pipeline will be buried and a portion will be supported by the freeway. Across the RSR Bridge, the pipe would be hung under the upper deck or in the multi-use path. For the

Western approach, it is proposed that the pipeline would be buried in the bike lane as it transitions to land from the RSR Bridge and then buried within Francisco Blvd East and other streets to District owned property at Pelican Way where the water would be pumped through new pipelines installed as part of the Project into the District's distribution system.

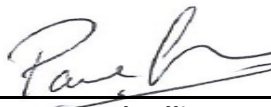

WSP Global performed the structural analysis of the pipeline segment to be located on the RSR Bridge and have concluded that the pipeline can be safely supported either on the multi-use path or suspended under the upper deck of the RSR Bridge. Evaluation of the two options was conducted by the project team including Caltrans and representatives of major stakeholders the Bay Area Toll Authority and the Transportation Authority of Marin. At this time, the project team finds that installing the pipeline under the upper deck is the best option to meet the schedule and minimize impacts to all current and future users of the bridge. WSP have submitted their scope and fee (attached) to complete the design for the preferred alternative.

FISCAL IMPACT

This amendment is unbudgeted and it is anticipated that funding for this work will come from reserves, but subject to reimbursement from bond financing. The amounts of the proposed second amendment for WSP is \$1,250,166.91 which includes a 20% contingency in the amount of \$208,361.15 .

ATTACHMENT(S)

1. Amendment No 2 - WSP Scope and Fee

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

Attachment A 2 - DRAFT - Scope of Work and Fee – Final Design of Adding a 24" Diameter Waterline to the Richmond-San Rafael Bridge

09-21-2021

Background

The Marin Municipal Water District (District) is currently facing drought conditions with water levels in its reservoirs at historic low levels. In response to these conditions, the District has recently declared a water shortage emergency and adopted several water use restrictions. To mitigate drought conditions, the District is exploring various options including a proposal to install a permanent 24 in. diameter waterline across the Richmond-San Rafael Bridge to pump water into Marin county. A waterline had been installed in 1977 on this bridge to alleviate similar drought conditions which was removed in 1982 when the threat of drought was believed to have passed.

The Richmond-San Rafael Bridge (RSR) is a steel truss bridge located in San Francisco Bay, connecting the cities of Richmond and San Rafael, CA, and was opened in 1956. It consists of an upper and lower deck with 36 ft. of travelled roadway each way. Currently, the bridge carries two lanes of vehicular traffic on the top deck together with a 10 ft. pedestrian lane. There are three lanes of vehicular traffic present on the lower deck. A recent load rating study has indicated that the RSR Bridge requires strengthening at specific locations to carry the three AASHTO legal load vehicles. The addition of a waterline imposes additional loads on the bridge that need to be evaluated to ensure the bridge remains safe for the traveling public.

This scope of work describes the tasks and deliverables associated with producing the final design for the project alternative recommended by the Type Selection Study involving the addition of a permanent 24 in. diameter waterline on the RSR Bridge. The scope involves producing plans, specifications, and estimate review for the design of 24" diameter water line being placed on the RSR Bridge. The tasks include interim submittals to Caltrans for their review including an over the shoulder 30% submittal, a 65% and 100% PS&E submittals, preparation of bid documents, and bidding support.

The final design will be based on assumptions including but not limited to the following:

1. Fee proposal is based upon selection of Alternative 2.
2. This scope defines work performed on the RSR Bridge only. Approaches to the bridge and adjacent structures are not included.
3. Caltrans will provide a collaborative approach to design oversight
4. For design all appropriate Caltrans standards, policies, and procedures and format for PS&E will be followed.
5. All plans will adhere to Caltrans standards.

Task 1.0 Project Management

1.1 Project Monitoring and Reporting

This task includes all services related to the management, administration, and coordination of the CONSULTANT's activities performed in accordance with the Project Management Institute's standards. This task will be continuous throughout the project duration.

The CONSULTANT will develop a task baseline that includes scope, schedule, and budget information for review and approval by the District. Schedule information for the task baseline will include task milestones.

The CONSULTANT's project manager will monitor the task during its entire duration. The CONSULTANT shall submit a Monthly Progress Report segregated by milestones including the previous month's actual hours worked, total costs for each milestone, and summary to date for the District's approval. Copies of these along with direct costs, other than salary costs, shall be submitted with the CONSULTANT's monthly invoices. Monthly invoices will reconcile any differences with the previous month's invoices. The progress report will document all meetings and communication and will address actual or anticipated problems with task delivery.

Deliverables:

- Invoices and Progress Reports will be submitted to the District electronically by email in PDF format.

1.2 Meetings and Coordination

The CONSULTANT's project manager will provide direction to the project team and conduct project coordination meetings.

The CONSULTANT will hold virtual or in-person meetings with District/BATA/Caltrans, and TAM as needed, to update project status and conduct comment resolution for the draft deliverables. The CONSULTANT will attend up to twenty (20) additional meetings, with up to three (3) staff members.

Assumptions:

- Meetings with District/BATA/Caltrans/TAM will have a maximum duration of one (1) hour each.
- Meeting agendas and notes, including a list of action items, will be prepared by others.

Deliverables for meetings:

- Action items prepared by others.

1.3 Quality Control/Quality Assurance Review

Quality Control/Quality Assurance (QC/QA) will be performed by a designated QC/QA staff member in accordance with the CONSULTANT's in-house QC/QA Management Plan, modified as needed to meet the PROJECT specific requirements. The QC/QA review will include but is not limited to computer modeling assumptions, input & output files, analysis approach, load rating criteria, rating calculations and reports / memorandum(s). The QC/QA manager will also conduct periodic reviews of the design

criteria, design assumptions and deliverable requirements to verify that the overall PROJECT objectives are being fulfilled.

Assumptions:

- All QC/QA documentation will be available for review upon request by District/Caltrans/BATA.

Deliverables:

- Electronic (PDF) copies of CONSULTANT's in-house QC/QA Management Plan, upon request.
- Electronic (PDF) copies of completed Quality Control Review documentation, upon request.

Task 2.0 Prepare Final Design

Opened to traffic in 1956, the Richmond San-Rafael Bridge is located in the San-Francisco Bay and is 5.5 miles long. The bridge consists of various structure types that include 100 ft. spans of double-tee post-tensioned concrete girders (section 1), 100 ft. spans of steel plate girder spans (section 2), several spans of 289 ft. steel trusses (section 3) and two 2140 ft. long cantilever steel trusses over navigational channels (section 4). Currently the bridge carries 3 lanes of eastbound traffic on the lower deck. The upper deck carries 2 lanes of westbound traffic including a 10 ft. multi-use path separated from the traffic lanes with a movable traffic barrier.

Develop design for attachments to the following four structure types:

- Concrete trestle
- Plate girder spans
- 289 ft. Truss
- Cantilever Truss

General design tasks that will be performed under this scope include the following:

- The scope includes the task required for preparing the final plans of the pipe routing on the Richmond San Rafael Bridge across each of the structure types in the RSR Bridge.
- Prepare details of the pipe routing in plan for areas that require design details to cover routing required through unique conditions across the various structure types.
- Prepare pipe sections and supports at each unique location.
- Prepare transition detail at Section 1.
- Prepare pipe strengthening design for 100 ft span.
- Perform pipe stress & load calculations.
- Perform thermal expansion joint analysis.
- Prepare Caltrans Standard Special Provisions and Non-standard Special Provisions.
- Perform pipe support structural calculations
- Perform bridge strengthening design and supporting design calculations.
- A basis of design will be produced that documents the standards, design constraints, and general basis of final design.
- Prepare Contract documents for approval by District, Caltrans and BATA.
- Provide bid support during the bidding process.

Assumptions:

The CONSULTANT assumes up to 8 plans for structural details and 30 plans for piping layouts, details, and connection details will be produced.

The CONSULTANT will check quantity take-offs and construction cost estimate that will be prepared by others.

The 24" diameter waterline on the RSR project will be advertised for competitive bid.

The bridge girder strengthening portion of the design will be added to an existing RSR construction contract as a change order and will not be included in the overall 24" diameter waterline on the RSR project bid documents.

2.1 Basis of Design – 24" Diameter Waterline on RSR

A basis of design (BOD) will be developed that documents the design standards, procedures, and policies that will govern the design. The BOD will define the design constraints and general basis for the design.

A draft BOD will be produced for review by the District and Caltrans. A final BOD will be produced that addresses the comments on the draft version.

Deliverables:

- Draft BOD
- Final BOD

2.2 30% Design - 24" Diameter Waterline on RSR

This task includes the activities required to produce 30% structural and mechanical piping plans. This task includes design activities including calculations, analysis, design detail development, and plan production.

A formal submittal to the District will be made at 65%. During the 30% design development, Caltrans will be engaged through 'over the shoulder' reviews during the design development to ensure the design is acceptable to Caltrans.

A pipe stress, load calculation, pipe support calculations will be produced that documents the design approach, assumptions, and structural calculations.

Assumptions:

- None

Deliverables:

- No formal submittal of plans, specifications or review of the estimate will be made.

2.3 65% Design

This task includes the activities required to produce 65% structural and mechanical piping plans, calculations, quantity take-offs and preparation of Standard and Non-Standard Special Provisions.

65% Non-Standard Special Provisions (will be prepared following the format of Caltrans Standard Specifications.

A 65% submittal of the plans and specifications will be made to the District, Caltrans and BATA.

Assumptions:

- Engineer's cost estimate will be prepared by others.

Deliverables:

- 65% structural plans
- 65% mechanical and piping plans
- 65% Standard and Non-Standard Special Provisions
- 65% Structural, pipe, and pipe support calculations

2.4 100% Final Design and Preparation of Contract Documents for RTL

2.4.1 100% PS&E

This task includes the activities required to produce 100% structural and mechanical piping plans calculations, quantity take-offs, Standard and Non Standard Special Provisions, if required. The deliverables in this task will address comments on the 65% submittal from the District, Caltrans and BATA.

If required, 100% Non-Standard Special Provisions will be produced following Caltrans format for Standard Specifications

100% design quantity take-offs will be prepared.

A 100% submittal of the plans and specifications will be made to Marin Water.

The structural calculations will be updated as necessary and included in the 100% submittal to the District.

Assumptions:

- Engineer's cost estimate will be prepared by others.

Deliverables:

- 100% structure plans
- 100% mechanical and piping plans
- 100% Standard and Non-Standard Specifications
- 100% Structural, pipe, and pipe support calculations

2.4.2 Ready to List (RTL)

WSP will perform the following tasks to prepare the Final Design Documents for RTL:

- Prepare RE file
- Address comments from Caltrans OE

Deliverables:

- RTL Package to the District

2.5 Provide Bid Support

WSP will address bidder inquiries and keep a log of bidder inquiries.

If changes to drawings are necessary during bidding, WSP will prepare addenda drawings and work with Caltrans DOE on packaging the addenda set at a level of effort up to the amount specified.

Deliverables:

- Response to RFIs
- Addenda packages (if necessary)

Schedule:

- 65% design completed by October 25th, 2021
- 100% design complete by February 27, 2022.
- Bid Support completed by June 30th, 2022.

Although the Scope of Services is broken down into tasks and subtasks, the fee for each task is not an exact estimate. WSP reserves the ability to adjust the budgets within and amongst tasks to balance the overall level of effort. WSP will not exceed the total contracted budget without authorization from the District.

DRAFT

COMPANY: WSP
Project: RSR Bridge Marin Water District Waterline Feasibility Amendment 2 Fee Proposal: Final Design
Project #

720

3360

Labor

1240

3688

Date: 18-Dec-20

Start Date: 28-Sep-20

Finish Date: 30-Jun-21

Task/Subtask Number	Description	Barton Newton	Brady Nadell (PM)	Mike Abrahams - Principal Structures	Jugesh Kapur (EOR)	Yakov Polyakov (Sr Str. Engr)	Allen Berber (Jr Str. Engr)	Bobby Melvin Lead - (Mech Engr)	Ali Wahidi - Sr structural Engineer	Reza Abbasi Baharanchi - Lead Mech	Jason Necessary - Sr Mech Eng	Michele Shi (Jr Mech. Engr)	Alexa Laszlo - Asst Mech Engineer	Rob Pekarek - Sr Mech Designer	Vickie Wheeler - Specifications	Lynette Davis (Drafter)	Maria Coderman	Ben Consolacion	Total Hours	Total Cost
1	PROJECT MANAGEMENT	12	136		80			80									32		340	\$87,010
1.1	Project Monitoring & Reporting	4	80														32		116	\$28,035
1.2	Meetings and Coordination	8.0	40		80			80											208	\$54,460
1.3	Quality Control / Quality Assurance Review		16																16	\$4,516
2	Prepare Final Design		36	44	436	348	456	496	524	444	420	580	528	696	248	456			5712	\$954,556
2.1	Basis of Design		4	4	48	16	48	24	40		40	40	64	72					400	\$65,572
	BOD		4	4	48	16	48	24	40		40	40	64	72					400	\$65,572
2.2	30% Design		4	32	200	268	232	148	144	160	144	240	136	208		168			2084	\$360,843
	Plans		4		40	40		40	80	80	80	160		80		40			644	\$105,019
	Details and sections				24	48	48	40		80		40	80	80		64			424	\$64,840
	Pipe Strengthening Design				48	80	48	48	24	48	24			24					344	\$67,490
	Pipe Stress Structure calcs				24		64	4	40	24	40	24	48	24					292	\$45,083
	Bridge strengthening design			32	64	100	72									64			332	\$70,704
	Field Visits							16		8		16	8						48	\$7,706
2.3	65% Plans Specs and Estimate		4	4	136	64	160	160	184	184	136	136	208	200	80	128			1784	\$293,299
	Plans		4	4	32	24	40	24	24	32	24	24	72	88		80			472	\$73,612
	Details				64	24	80	80	80	80	80	80	80	80		48			776	\$127,610
	Calculations				16	16		32	80	32	32		32	32					272	\$47,981
	Specifications				24		40	24		40		32	24		80				264	\$44,096
2.4	100% Plans Specs and Estimate			4				100	100	100	100	100	120	160	80	120			984	\$150,501
	100% PS&E			4				100	100	100	100	100	120	160	80	120			984	\$150,501
2.5	Prepare Final Bid Documents		16		4			16	16					16	24				92	\$18,672
	Prepare Final Bid Documents		16		4			16	16					16	24				92	\$18,672
2.6	Provide Bid Support		8		48		16	48	40			64		40	64	40			368	\$65,670
	Provide Bid Support		8		48		16	48	40			64		40	64	40			368	\$65,670
																				\$0
	Total Hours by Employee	12	172	44	516	348	456	576	524	444	420	580	528	696	248	456	32		6052	\$1,041,566
	OH 131% Fee 10%																			
	2021 Rate	160.5	111.07	155.95	102.46	84.44	59.52	93.86	76.64	62.54	61.06	45.99	36.83	50.75	67.55	55.44	47.04	92.13		
	Loaded Hourly Rate	\$407.83	\$282.23	\$396.27	\$260.35	\$214.56	\$151.24	\$238.50	\$194.74	\$158.91	\$155.15	\$116.86	\$93.59	\$128.96	\$171.64	\$140.87	\$119.53	\$234.10		
	Total Labor Cost	\$4,893.97	\$48,543.37	\$17,435.83	\$134,341.04	\$74,667.59	\$68,965.59	\$137,375.00	\$102,044.93	\$70,557.88	\$65,164.45	\$67,779.14	\$49,412.90	\$89,753.20	\$42,567.85	\$64,238.11	\$3,824.92	\$0.00		\$1,041,566

Note: Loaded Hourly rates, Travel Rates and Unit Costs shown are for Cost Estimating Purposes only. Charges will conform with those shown in the contract.
Rates correspond to PB FY 20-21 approved rates

Function Codes:	Specification			Geotechnical Lead
	Cost Estimates			Geotechnical Support
	CADD Operator			
	Project Administrator			

Travel	Other Direct Costs
Type	Description
Mileage	Copies
Breakfast	Fax
Lunch	Mail
Dinner	Reproduction
Lodging	Telephone
Parking/Tolls	Fed Ex
Air Travel	Field Photo(s)
Per Diem	
Total Travel	Total Other Direct Costs

Cost		\$1,041,566
0.00		\$0
		\$240
		\$0
		\$1,041,806
\$0.00		\$208,361.15
	20% Contingency	
	Grand Total	\$1,250,166.91

Approval Item

TITLE

Approval to Fill Mechanical & Electrical Supervisor position in the Operations Division

RECOMMENDATION

Authorize the General Manager to recruit and hire one Mechanical & Electrical Supervisor position in the Operations Division.

SUMMARY

A Mechanical & Electrical Supervisor position in the Operations Division will become vacant in December of 2021 upon retirement of the current incumbent. Staff is requesting authorization for the General Manager to recruit and hire one permanent Mechanical & Electrical Supervisor and any other subsequent positions that may become vacant as a result of this recruitment.

DISCUSSION

The Mechanical & Electrical department consists of nine positions that include the Mechanical & Electrical Maintenance Supervisor who provides supervision for eight Mechanical & Electrical Maintenance Workers. The group is responsible for maintenance and installation at the district's 3 water treatment plants, 95 pump stations, 141 storage tanks, 7 automated valve stations, 7 reservoirs, HVAC and electrical equipment at District facilities.



FISCAL IMPACT

The budgeted amount of \$90,186 reflects the FYE 2022 total amount, based on the median annual salary with benefits and filling the Mechanical & Electrical Supervisor position on January 1, 2022. Salary and benefits for the Mechanical & Electrical Supervisor are budgeted in the Operations Division, Mechanical & Electrical budget for FY 2022. The total annual salary with benefits for the Mechanical & Electrical Supervisor position ranges from a minimum of \$163,588 to a maximum of \$198,888.

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

ATTACHMENT(S)

None

DEPARTMENT OR DIVISION	DIVISION MANAGER	APPROVED
Operations Division	 Darren Machado Acting Operations Director	 Ben Horenstein General Manager

Approval Item

TITLE

Approval to Fill Utility System Specialist position in the Operations Division

RECOMMENDATION

Authorize the General Manager to recruit and hire one Utility System Specialist in the Operations Division.

SUMMARY

A Utility System Specialist position in the Operations Division will become vacant at the end of November 2021 upon retirement of the current incumbent. Staff is requesting authorization for the General Manager to recruit and hire one permanent Utility System Specialist and any other subsequent positions that may become vacant as a result of this recruitment.

DISCUSSION

The Utility System Specialist is a skilled and critical position that acts as a first responder to water emergencies and investigates water system problems. This position maintains valves, performs water main shut downs and makes system changes. In addition, this position performs leak detection in pipelines, responds to consumer complaints and directs the work of small crews.

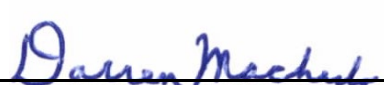

FISCAL IMPACT

The budgeted amount of \$68,300 reflects the FYE 2022 total amount, based on the median annual salary with benefits and filling the Utility System Specialist position on January 1, 2022. Salary and benefits for the Utility System Specialist are budgeted in the Operations Division, System Maintenance budget for FY 2022. The total annual salary with benefits for the Utility System Specialist position ranges from a minimum of \$124,271 to a maximum of \$151,655.

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

ATTACHMENT(S)

None

DEPARTMENT OR DIVISION	DIVISION MANAGER	APPROVED
Operations Division	 Darren Machado Acting Operations Director	 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:

- Friday, October 15, 2021
Board Retreat
9:00 a.m. to 3 p.m.
- Tuesday, October 19, 2021
Board of Directors' Regular Bi-Monthly Meeting
7:30 p.m.
- Tuesday, October 26, 2021
Operations Committee/Board of Directors (Operations) Special Meeting
6:00 p.m.
- Thursday, October 28, 2021
Finance & Administration Committee/Board of Directors (Finance & Administration) Meeting
9:30 a.m.

FISCAL IMPACT

None

ATTACHMENT(S)

None