



Posting Date: 12-10-2021

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

**MEETING DATE:** 12-14-2021

**TIME:** Meeting begins at **6:00 p.m. (Public)**  
Closed Session begins at or after **6:01 p.m. (Only Board and Staff)**  
Open Session for the public begins at **or after 7:00 p.m. (Note New Time)**

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

To participate online, go to <https://us06web.zoom.us/j/88642521637>. You can also participate by phone by calling **1-669-900-6833** and entering the **webinar ID#: 886 4252 1637**.

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

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

AGENDA ITEMS	RECOMMENDATIONS
Call to Order and Roll Call at 6:00 p.m.	
Adoption of Agenda	<i>Approve</i>

### Public Comment – Only on Items on the Closed Session

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

**Convene to Closed Session at after 6:01 p.m.**  
(Only the Board of Directors and staff will participate)

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

**AGENDA ITEMS****RECOMMENDATIONS****Closed Session Items**

1. Conference with Legal Counsel  
(Government Code § 54956.9)

Graham v. Marin Municipal Water District  
Workers Compensation Appeals Board No.: ADJ12869393

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

Title: General Counsel

**Convene to Open Session at or after 7:00 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**  
(7:10 p.m. – Time Approximate)**Consent Calendar** (7:15 p.m. – Time Approximate)

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

3. Resolution of Commendation for Mike Ban	<i>Approve</i>
4. Minutes of the Board of Directors' Regular Bi-Monthly Meeting of November 16, 2021 and Special Meeting of December 7, 2021	<i>Approve</i>
5. General Manager's Report for November 2021	<i>Approve</i>
6. Resolution Continuing the Invocation of the District's Emergency Contracting Procedures for the Rehabilitation of the Kastania Pump Station	<i>Approve</i>

AGENDA ITEMS	RECOMMENDATIONS
7. Resolution Authorizing Award of Contract No. 1951, Sunny Oaks Drive Pipeline Replacement Project, to W.R. Forde Associates, Inc. in the Amount of \$203,410 with a Contingency of \$20,000, and Finding the Project Exempt from the California Environmental Quality Act	<i>Approve</i>
8. Resolution to Continue Virtual Meetings pursuant to Assembly Bill (AB) 361	<i>Approve</i>
9. Request to Fill Customer Service Supervisor Position in the Administrative Services Division	<i>Approve</i>
10. Request to Fill Communications Specialist Position in the Communications Department	<i>Approve</i>
11. Request for One Employee to Receive Catastrophic Leave Donations Exceeding the Maximum Donation	<i>Approve</i>
<b>Public Hearing (7:20 p.m. – Time Approximate)</b>	
12. Resolution Adopting The Final Initial Study/Mitigated Negative Declaration for The Pine Mountain Tunnel Tanks Replacement Project and Approving Said Project (Approximate time 30 minutes)	<i>Approve</i>
<b>Regular Calendar (7:50 p.m. – Time Approximate)</b>	
13. Adoption of Ordinance No. 456 Further Extending COVID-19 Payment Plans (Approximate time 10 minutes)	<i>Approve</i>
14. Drought Update (Approximate time 20 minutes)	<i>Information</i>
15. Funding for Permitting Assistance Provided in Support of Temporary Emergency Desalination (Approximate time 10 minutes)	<i>Approve</i>
16. Second Amendment to the Memorandum of Agreement to Participate in the Bay Area Regional Reliability Plan (Approximate time 10 minutes)	<i>Approve</i>
17. Creation of Two Water Treatment Plant Supervisor Positions and Fill Said Positions (Approximate time 10 minutes)	<i>Approve</i>

AGENDA ITEMS	RECOMMENDATIONS
18. Future Meeting Schedule and Agenda Items (Approximate time 5 minutes)	Information
Adjournment (8:55 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:

- ❖ Thursday, December 16, 2021  
Watershed Committee/Board of Directors (Watershed) Meeting  
1:30 p.m.
- ❖ Friday, December 17, 2021  
Operations Committee/Board of Directors (Operations) Meeting  
9:30 a.m.
- ❖ Tuesday, January 4, 2022  
Joint Board of Directors/Financing Authority/and Financing Corporation Meeting  
7:00 p.m.

Board Secretary

## Resolution of Commendation

### **MICHAEL BAN**

**WHEREAS,** the Marin Municipal Water District wishes to express its sincere appreciation to Michael (Mike) Ban for serving as the Marin Municipal Water District's Director of Engineering for over eleven years; and

**WHEREAS,** After gaining valuable engineering experience as a Civil Engineer in the private sector working on a number of engineering design projects such as flocculation basins and pump stations, managing remediation of hydrocarbon, providing construction management for a large city and managing large engineering projects, Mike joined the public sector and continued to established himself as a highly skilled Engineering professional through work with the City of Petaluma as Engineering Manager and Director of Water Resources and Conservation, where he directed the planning and organizing of Water Resources. Mike continued supporting the public good through engineering projects when he joined the Marin Municipal Water District as Director of Engineering in 2010; and

**WHEREAS,** Mike has been the driving and steady force behind the District's Capital Improvement Program over the past decade, continually improving and upgrading the District's facilities; and

**WHEREAS,** during his tenure at Marin Water, Mike championed the comprehensive Water Treatment Master Plan that used a risk based asset management approach introducing these concepts to the District; and

**WHEREAS,** as Director of Engineering, he has overseen more than 75 miles of the system's pipeline infrastructure system replaced through the District's pipeline replacement program; and

**WHEREAS,** Mike has provided invaluable oversight and guidance on critical engineering projects such as the emergency replacement of transmission pipe inside Porteous Tunnel, originally installed in 1926 as part of the District's Concrete Road pipeline network, ensuring the District continued to provide uninterrupted service to customers in Ross Valley and beyond; and

**WHEREAS,** Mike led the implementation of the Fire Flow Improvement Program in 2012, extending necessary investments in the Fire Flow Program for an additional 15 years to complete capital projects identified to improve firefighting capability in Marin County through the replacement of fire flow deficient pipelines and seismic enhancements; and

**WHEREAS**, Mike was responsible for large and complex projects such as the Filter Seismic Upgrade project and Ross Reservoir Slide Repair. He never showed any signs of stress and always had time to support his staff; and

**WHEREAS**, Mike led highly skilled engineering teams in in large scale projects that contributed to the consistent and efficient flow of safe, high quality drinking water to Marin Water customers under all circumstances; and

**WHEREAS**, Mike belongs to the rare breed of engineers who are equally adept at both utility engineering and utility finance, including the arcane world of Prop 218, and can quickly whip up a spreadsheet to both press his point and to disprove the finance division's denial of money for his pet project; and

**WHEREAS**, Mike elected to defer boxing up his personal belongings and instead worked on the upgrade to the Kastania Pump Station and the Emergency Intertie Project until the very last minute he was here; and

**WHEREAS**, Mike is a voracious reader and loves talking about the latest books he has read and suggests books to read to anyone interested in reading and is known to lace his engaging engineering discourse with the thoughts from his latest reads; and

**WHEREAS**, Mike always brought a positive can-do approach to even the most complex projects and challenges; and

**WHEREAS**, Mike is truly a multifaceted personality, who excels in a variety of activities including serious road biking and is known to bring a bike to work so that he can steal an evening ride to Alpine Lake and back and that, too, without letting a drop of sweat to form on his forehead; and

**WHEREAS**, while on the tennis court, Mike plays aggressively and tries to destroy his opponent, while at work he was always a gentleman and collaborative with his staff and colleagues; and

**WHEREAS**, Mike's love of cookies is surpassed only by his desire to produce the most perfect staff reports and presentations to ensure that the board always had the right information with which to make a decision; and

**WHEREAS**, Mike is a delight to talk to and a Team Player in every sense of the word and is known to accept compromises readily for the good of the whole; and

**WHEREAS**, Mike was always apt to portray a calm demeanor, with a mastery over facial expression that he lovingly credited to having raised three beautiful daughters at home; and

**WHEREAS,** the Board of Directors of the Marin Municipal Water District sincerely expresses its appreciation to Mike for extraordinary service to the District and wishes him the best as he enters the next phase of in his life which includes baking the most delicious chocolate chip cookies sprinkled with Maldon salt and sharing it with family, and dusting off his tennis racquet.

**RESOLUTION NO. 8663** Approved at the meeting of the Board of Directors held this 14th day of December, 2021.

<hr/> Cynthia Koehler, President	<hr/> Larry L. Russell, Director
<hr/> Larry Bragman, Director	<hr/> John C. Gibson, Director
<hr/> Monty Schmitt, Director	<hr/> Ben Horenstein, General Manager

ATTEST:

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Secretary

## Approval Item

**TITLE**

Minutes of the Board of Directors' Regular Bi-Monthly Meeting of November 16, 2021, and Special Meeting of December 7, 2021

**RECOMMENDATION**

Approve the adoption of the minutes.

**SUMMARY**

On November 16, the board had its regular bi-monthly meeting. Then, on December 7, the Board of Directors had a special meeting (closed session). The minutes of those meetings are attached.

**DISCUSSION**

None

**FISCAL IMPACT**

None

**ATTACHMENT(S)**

1. Minutes of the Board of Directors' Regular Bi-Monthly Meeting of November 16, 2021
2. Minutes of the Board of Directors' Special Meeting (Closed Session) of December 7, 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, November 16, 2021**

**Via teleconference**

(In accordance with Assembly Bill 361)

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

**DIRECTORS ABSENT:** Larry Russell

**CALL TO ORDER AND ROLL CALL**

President Koehler called the meeting to order at 6:00 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 Bragman, Gibson, Schmitt, Russell, and Koehler

Noes: None

Absent: Larry Russell

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

There were no public comments.

**CONVENE TO CLOSED SESSION**

At 6:01 p.m., the Board of Directors convened to closed session. Board Vice President Larry Russell arrived at the Closed Session.

**CLOSED SESSION ITEMS**

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

Number of Cases: Unknown

The Board of Directors and staff discussed the item.

#### **CONVENE TO OPEN SESSION ON OR AFTER 7:00 PM**

The board, excluding Vice President Russell, convened to open session at 7:04 p.m.

#### **CLOSED SESSION REPORT OUT**

Also, at 7:04 p.m., President Koehler stated that no reportable action was taken.

#### **PUBLIC COMMENT**

There were no public comments.

#### **DIRECTORS' AND GENERAL MANAGER'S ANNOUNCEMENTS**

There were a few announcements by the directors.

- Director Bragman commended staff for the clearing the deadwood at Lake Lagunitas.
- Director Gibson announced that there's a 1935 silent movie about the District.
- Chair Koehler mentioned her participation at the Environmental Forum of Marin.

#### **CONSENT CALENDAR (ITEMS 2-10)**

- |               |  |
|---------------|--|
| <b>Item 2</b> | <b>Minutes of the Board of Directors' Regular Bi-Monthly Meeting of November 2, 2021</b>   |
| <b>Item 3</b> | <b>General Manager's Report for October 2021</b>   |
| <b>Item 4</b> | <b>Resolution Authorizing the General Manager to Finalize and Execute a Reimbursement Agreement with the City of San Rafael for the 3<sup>rd</sup> Street Rehabilitation Project in an Amount Not-to-Exceed \$2,870,846 (Resolution No. 8658)</b>  |
| <b>Item 5</b> | <b>Amendment #1 to Professional Services Agreement MA-5909 with Kennedy Jenks Consultants, Inc. for the Smith Saddle Tanks Rehabilitation Project Increasing the Total Amount of the Contract by \$53,159 and Adding a Contingency Amount of \$27,000</b>  |
| <b>Item 6</b> | <b>Resolution Authorizing Contract No. 1950, Fire Flow Improvement Program Ridge Road Pipeline Replacement Project, to Michael Paul Company in the Amount of \$1,534,120 with the Contingency of \$160,000 and Finding the Project Exempt Under the California Environmental Quality Act (Resolution No. 8659)</b> |

- Item 7            Resolution Continuing the Invocation of the District’s Emergency Contracting Procedures for the Rehabilitation of the Kastania Pump Station (Resolution No. 8660)**
- Item 8            Resolution to Continue Virtual Meetings Pursuant to Assembly Bill (AB) 361 (Resolution No. 8661)**
- Item 9            Request to Fill a Senior Human Resources Analyst Position**
- Item 10           Request to Fill One Customer Services Field Inspector Position**

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

There were no public comments.

The following roll call vote was made.

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

#### **REGULAR CALENDAR (ITEMS 11-15)**

- Item 11           Resolution Authorizing the General Manager to Execute Contract No. 1966 with West Coast Pipe Linings Inc. for Furnishing and Delivery of Welded Steel Pipe in the Amount of \$1,458,507.17 (Resolution No. 8662)**

Engineering Division Manager Crystal Yezman and Engineering Design Manager Alex Anaya brought forth this item. There were neither board nor public comments.

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

The following roll call vote was made.

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

- Item 12           Drought Update**

Water Quality Manager Lucy Croy, Acting Communications & Public Affairs Manager Emma Detwiler, Water Efficiency Manager Carrie Pollard, and Operations Division Manager Paul Sellier provided presentations to the board. (Director Russell arrived.)

Discussion ensued, including the board providing feedback on the Draft Principles for the Intertie Project.

There were five (5) public comments. There were no further questions or comments from the board.

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

**Item 13          Water Demand Offsets**

Both Water Quality Manager Croy and Engineering Division Manager Yezman presented this item. Discussion followed.

There were five (5) public comments.

There were no further questions or comments from the board.

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

**Item 14          Request to Fill Temporary Engineering Aide Position**

Engineering Division Manager Yezman brought forth this item. There were neither board comments nor public comments.

On motion made by Director Gibson and seconded by Director Bragman, the board authorized the general manager to recruit and fill this position.

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

Noes:           None

**Item 15          Future Meeting Schedule and Agenda Items**

The board secretary announced the remaining meetings of the week and that the first meeting in December would be the Finance & Administration Committee meeting.

There were no comments from the board nor from the public on this item.

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 October 19, 2021, adjourned at 9:22 p.m.

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Board Secretary

**MARIN MUNICIPAL WATER DISTRICT  
BOARD OF DIRECTORS**

**MEETING MINUTES**

**Tuesday, December 7, 2021**

**Via teleconference**  
(Pursuant to Assembly Bill (AB) 361)

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

**DIRECTORS ABSENT:** Larry Russell

**CALL TO ORDER AND ROLL CALL**

Board President Koehler called the meeting to order at 4:03 p.m.

**ADOPTION OF AGENDA**

Discussion ensued about the posting of the agenda. Vice President Russell arrived at 4:05 p.m.

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

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

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

There was one public comment.

**CONVENE TO CLOSED SESSION**

At 4:09 p.m., only the Board of Directors, staff, and consultants participated. The public was asked to leave, but could rejoin the meeting during the Closed Session Report Out.

**CLOSED SESSION ITEMS**

**Item 1      Conference with Legal Counsel – Existing Litigation  
(California Government Code Section § 54956.9(d) (i))**

***North Coast Rivers Alliance v. Marin Municipal Water District***  
**Case No. CIV2104008**

**Item 2                    Conference with Legal Counsel – Anticipated Litigation**  
**Significant exposure to litigation pursuant to § 54956.9(b)**

**Number of Cases: Unknown**

The Board of Directors met with staff to discuss the two items. Both Directors Koehler and Schmitt left at 6 p.m.

**CLOSED SESSION REPORT OUT**

Vice President Russell stated that no reportable action was taken by the board. There were no members of the public present to provide public comments.

**ADJOURNMENT**

There being no further business, the special Board of Directors' meeting of December 7, 2021, adjourned at approximately 6:12 p.m.

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Board Secretary

## Approval Item

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**TITLE**

General Manager's Report November 2021

**RECOMMENDATION**

Approve Report.

**SUMMARY****A. HIGHLIGHTS:**

- Received confirmation of WIFIA funding in the amount of \$10 million dollars for the Smith Saddle Tanks Rehabilitation Project.
- All three golf courses in the service area have an approved variance resulting in a commitment by each to reduce their water use by over 80% from Dec-May.
- Over 200 occupancy adjustments requests have been submitted in the last 2 weeks for households exceeding 4 residents.
- Achieved a daily average flow of 10.23 MGD from Sonoma County Water Agency for the month of November
- Began Lagunitas Creek TUCP monitoring, including data analysis and summary.
  - Coordinated and held regular Lagunitas Creek TUCP update meetings with resource agencies and Lagunitas TAC
- Conducted routine annual salmon spawner surveys throughout the Lagunitas Creek watershed
- Completed Draft 30% design and Basis of Design for Lagunitas Creek Restoration Project
- Installed 16' bridge on the Azalea Hill Trail Project with volunteer assistance from Marin County Bicycle Coalition (MCBC)
- Meadow Club Maintenance staff volunteered 125hrs and completed 26 acres of Doug Fir Thinning work in Azalea Meadow Club area.

- Prescribed Burn Planning; completed RFP for cultural review and selected Sonoma State University to support burn planning, coordinated with Marin County Fire and initiated fuel moisture monitoring

## DISCUSSION

### B. SUMMARY:

AF = Acre Feet

Mg/L = milligrams per liter

MPN = most probable number

MPY = mils per year

MG = million gallons

NTU = nephelometric turbidity units

### 1. Water Production:

	FY 2021/22		FY 2020/21	
	(million gallons)	(acre-feet)	(million gallons)	(acre-feet)
<b>Potable</b>				
Total production this FY	3,025	9,283	4,346	13,338
Monthly production, November	423	1,297	665	2,040
Daily average, November	14.09	43.25	22.16	68.00
<b>Recycled</b>				
Total production this FY	110.75	339.88	0.00	0.00
Monthly production, November	6.19	19.00	0.00	0.00
Daily average, November	0.21	0.63	0.00	0.00
<b>Raw Water</b>				
Total production this FY	26.94	82.68	40.90	125.52
Monthly production, November	5.26	16.14	2.91	8.93
Daily average, November	0.18	0.54	0.10	0.30
<b>Imported Water</b>				
Total imported this FY	824	2,527	943	2,894
Monthly imported, November	307	942	195	598
<b>Reservoir Storage</b>				
Total storage, November	14,939	45,847	15,408	47,285
Storage change during November	1,641	5,035	-801	-2,457
<b>Stream Releases</b>				
Total releases this FY	755	2,317	1,026	3,150
Monthly releases, November	136	417	328	1,007



2. <u>Precipitation:</u>	<u>FY 2021/22 (in.)</u>	<u>FY 2020/21 (in.)</u>
Alpine	26.30	4.60
Bon Tempe	20.29	3.00
Kent	22.00	3.39
Lagunitas *	22.85	3.40
Nicasio	13.65	1.91
Phoenix	23.28	2.60
Soulajule	15.20	2.21

\* Average to date = 9.58 inches

3. Water Quality:

<u>Laboratory:</u>	<u>FY 2021/22</u>	<u>FY 2020/21</u>
Water Quality Complaints:		
November	11	10
Fiscal Year to Date	69	73
Water Quality Information Phone Calls:		
November	14	7
Fiscal Year to Date	53	72

The WQ lab ensured that the water supplied met or surpassed water quality regulations by collecting and analyzing 2,484 analyses on lakes, treatment plants and distribution system samples.

Mild steel corrosion rates averaged 3.36 (0.31 – 5.58) MPY. The AWWA has recommended an operating level of <5 MPY with a goal of <1 MPY.

Complaint Flushing: No flushing events were performed for this month on record.

Tank Survey Program: 22 water storage tank sanitary surveys were performed during the month. 92.49 % planned survey program has been completed for calendar year 2021.

Disinfection Program: 520' of new pipeline was disinfected during the month. Performed chlorination's on 67 water storage tanks to ensure compliance with bacteriological water quality regulations.

Tank Water Quality Monitoring Program: Performed 95 water quality-monitoring events on storage tanks for various water quality parameters this month to help ensure compliance with bacteriological water quality regulations.

Summary:

The lab performed 22 sanitary tank surveys, treated 67 tanks for low chlorine, and checked an additional 95 tanks for low chlorine residual in November 2021.

**4. Water Treatment:**

	<u>San Geronimo</u>		<u>Bon Tempe</u>		<u>Ignacio</u>	
<u>Treatment Results</u>	Average	Monthly	Average	Monthly	Average	Monthly
		Goal		Goal		Goal
Turbidity (NTU)	0.05	≤ 0.10	0.04	≤ 0.10	0.05	≤ 0.10
Chlorine residual (mg/L)	2.47	2.50 *	2.48***	2.50 *	2.56	2.50 *
Color (units)	0.6	≤ 15	0.7	≤ 15	0.5	≤ 15
pH (units)	7.8	7.8*	7.8	7.8*	8.0	8.1**

\* Set monthly by Water Quality Lab

\*\* pH to Ignacio is controlled by SCWA

\*\*\* BTTP CWE Chlorine results are affected by the operation of the Phoenix Transfer Pump

**5. Capital Improvement:**

a. San Geronimo Treatment Plant Permanent Emergency Generator Project

Summary: This project involves the installation of two 1.5 MW generators, electrical equipment, fuel storage tanks and site grading all within the community of Woodacre.

- Project Budget: \$5,375,600
- Monthly Activities: Temporary 2 MW generator has been brought on site and connected and made operable as of May 25<sup>th</sup>. District is currently in the process

of working with the Contractor and Consultants on the redesign. BAAQMD has issued new Authority to Construct permits for the Generac System.

- b. Fire Flow Improvement Program Monterey Ave Pipeline Replacement Project (F18006)  
Summary: This project involves the replacement of 7,200 feet of old leak prone, fire flow deficient pipe in the Town of San Anselmo.
- Project Budget: \$2,180,000.70
  - Monthly Activities: Contractor is currently working on pipeline disinfection and service transfers in preparation for final tie in connections.
- c. 2021 Corrosion Test Station Rehabilitation Project (D21020)  
Summary: This project involves the rehabilitation of approximately 120 corrosion test stations at various locations within the County of Marin.
- Project Budget: \$150,000
  - Monthly Activities: Work has been completed and doing final punch list items.
- d. Southern Heights Blvd Bridge Pipeline Replacement Project (D18031)  
Summary: This project involves installing 280 feet of pipe on the newly constructed Southern Heights Blvd Bridge in San Rafael.
- Project Budget: \$99,540
  - Monthly Activities: Work has been completed and doing final punch list items.
- e. Southern Marin Pipeline Replacement Project Phase II (D20022)  
Summary: This project will install 530 feet of pipe to replace old, undersized fire flow deficient pipe in the City of Belvedere and Town of Tiburon.
- Project Budget: \$378,495.50
  - Monthly Activities: Contractor is providing submittals to start on the project in December.
- f. Berry Lane Pipeline Replacement Project (D21007)  
Summary: This project involves the replacement of approximately 350 feet of old leak prone pipe in the Town of Ross.
- Project Budget: \$331,333
  - Monthly Activities: All mainline pipe has been installed to date and in the process of pipeline disinfecting for final service transfers.

g. Kastania Pump Station Project (D21027)

Summary: This project involves installing 220 feet of pipe and recommission the pump station.

- Project Budget: \$1,637,777
- Monthly Activities: Contractor was awarded contract on November 2, 2021 and Contractor has mobilized on site and has started work on the project.

h. Fire Flow Improvement Program Ridge Road Pipeline Replacement Project (F21002)

Summary: This project involves installing 5,310 feet of old leak prone, fire flow deficient pipe in the Town of Tiburon.

- Project Budget: \$2,284,120
- Monthly Activities: Project was awarded on November 16, 2021 and notice to proceed has been given to Contractor.

**6. Other:**

<u>Pipeline Installation</u>	<u>FY2021/22</u>	<u>FY2020/21</u>
Pipe installed during November (feet)	450	525
Total pipe installed this fiscal year (feet)	9,822	7,238
Total miles of pipeline within the District	908*	907*

*\* Reflects adjustment for abandoned pipelines*

<u>Pipe Locates</u>	<u>FY2021/22</u>	<u>FY2020/21</u>
Month of November (feet)	33,402	28,472
Total this fiscal year (feet)	231,758	195,746

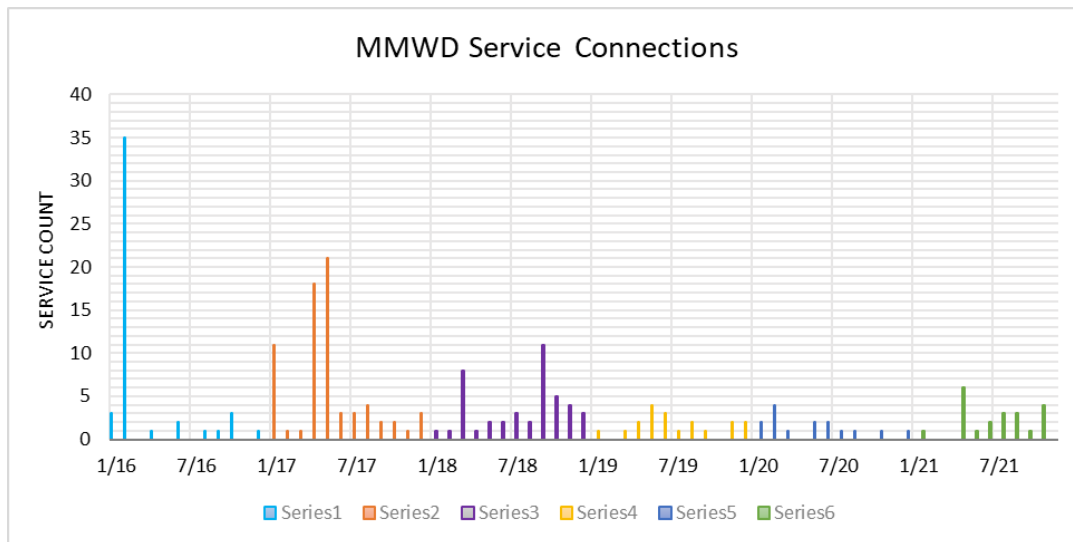
<u>Main Line Leaks Repaired:</u>	<u>FY2021/22</u>	<u>FY2020/21</u>
Month of November	17	27
Total this fiscal year	85	75

<u>Services:</u>	<u>FY2021/22</u>	<u>FY2020/21</u>
Service upgrades during November	9	18
Total service upgrades this FY	59	80
Service connections installed during November	0	0

Total active services as of December 1, 2021

60,456

60,534



7. Demand Management:

	Nov-21	FY 21/22 TOTAL	FY 20/21 TOTAL	FY 19/20 TOTAL
<b>WATER-EFFICIENCY PROGRAMS</b>				
<b>Water-Use Site Surveys</b>				
Conservation Assistance Program (CAP) Consultations				
Residential properties resi 1-2 (single-family)	43	554	117	127
Residential properties resi 3-5 (multi-family units)	0	4	5	30
Non-residential properties resi 6-7 (commercial)	0	0	5	3
Dedicated irrigation accounts resi 8-10 (large landscape)	0	1	6	-
Marin Master Gardeners' Marin-Friendly Garden Walks			0	
Residential garden walks	10	71	129	91
CYES Water/Energy Surveys			0	
Residential surveys (on hold due to pandemic)	0	0	0	86
<b>Public Outreach and Education, Customer Service</b>			0	
Public outreach events (number of people attending)	0	0	0	1,150
Public education events (number of participants)	0	0	0	-
Laundry-to-Landscape Graywater webinars (participants)	0	85	397	-
Customer calls/emails admin staff	721	5332	5738	2,230
<b>School Education</b>			0	
School assemblies			0	
Number of activities	0	0	0	15
Number of students reached	0	0	0	6,349
Field trips			0	
Number of activities	0	0	0	11
Number of students reached	0	0	0	91
Classroom presentations			0	
Number of activities	0	0	1	11
Number of students reached	0	0	22	305
Other (e.g. booth events, school gardens)			0	
Number of activities	0	0	0	-
Number of students reached	0	0	0	-
<b>Incentives</b>			0	
Number of HECWs approved	35	110	163	53
Number of Rain Barrel/Cisterns approved	14	28	19	4
"Landscape Your Lawn" Turf Replacements approved	69	177	6	
Number of Laundry-to-Landscape Systems approved	0	26	0	-
Hot water recirculating system rebates	24	66	0	
Pool Cover rebates	27	233	0	
HET rebates	10	16	214	850
Number of Smart Controllers rebates approved	3	35	85	12
Number of Smart Controllers "Flume Direct Distribution" redeemed	221	1303	1140	-
Number of Smart Controllers "Rachio Direct Distribution" approved	13	121	233	-
<b>Advanced Metering Infrastructure (AMI)</b>			0	
AMI leak letters sent to customers (>200 GPD)	89	421	1601	1,384
			0	
<b>ORDINANCES</b>			0	
<b>Water Waste Prevention</b>			0	
No. of properties reporting activity	83	4022	589	147
<b>Landscape Plan Review</b>			0	
Plans submitted	0	20	94	89
Plans exempt	0	1	4	5
Plans completed	0	5	19	23
Plans in workflow (pass & fail)	8	61	154	145
<b>Tier 4 Exemption</b>			0	
Inspections that resulted in a pass	0	0	1	1
<b>Graywater Compliance Form</b>			0	
Applications Received (as of Dec 2019)	3	19	106	39
Systems installed	0	3	7	11

## 8. Watershed Protection:

### Watershed Visitation

The Ranger observed a notable increase in visitor use on the watershed on weekends during the month of November. In October on average 200 cars a weekend day would enter through the Sky Oaks Entrance Station while it was staffed. In November that number increased to an average of 340 cars. There was also a noticeable increase in warnings issued and visitor assists provided by the Rangers.

### Medical Aid Calls

The Rangers responded to six medical aid calls during the month including one for a hiker suffering a medical emergency on lower Cataract Trail. No rescue helicopters were available so the Rangers and Fire Department personnel had to perform a difficult carryout that took nearly 2 hours.



REACH 3, an air ambulance, staged at Alpine Dam

### Ranger Foot Patrols

The Rangers completed nearly 80 miles of foot patrols on the Watershed during November.

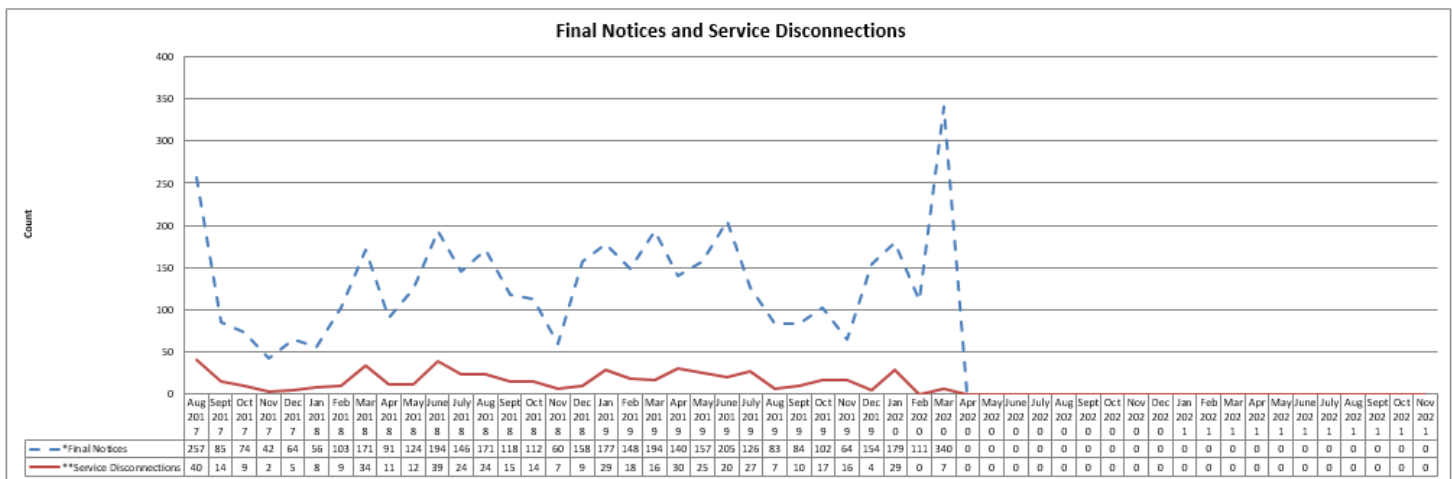
Incidents and Events	435
Visitor Assists	183
Warnings	144
Citations	37
Dam Check	18
Vandalism	13
Medical Aid	6
Citizen Complaint: Off Leash Dogs	6
Assist Watershed Maintenance	4
Preventative Search and Rescue	4
Search and Rescue	4
Misc. Law Enforcement Calls	2
Found Property	2
Misc. Call for Service	2
Citizen Complaint: Smoking	2
Traffic Court	2
Closed Parking Due to Capacity Issues	1
Theft	1
Ranger Callout	1
Public Outreach/Interp Activity	1
Resist Peace Officer	1
Welfare Check	1

Citations	37
Non-payment of parking fees	31
Parking After Sunset	3
No Parking	2
Bike on Trail	1

## 9. Shutoff Notices and Disconnections:

November 2021
Final Notices: 0
Service Disconnections: 0

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




## FISCAL IMPACT

None

**ATTACHMENT(S)**

None

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



## Approval Item

---

**TITLE**

Continuation of Emergency Contracting Procedures for the Rehabilitation of Kastania Pump Station

**RECOMMENDATION**

Approve a resolution continuing the invocation of the District's emergency contracting procedures to ensure prompt rehabilitation of the Kastania Pump Station as needed for drought response.

**SUMMARY**

In connection with the 2021 drought, the District is pursuing the rehabilitation and recommissioning of the Kastania Pump Station (KPS Project), which will enable the District operational flexibility to meet its water supply needs when they cannot be met through gravity flow from the North Marin Aqueduct.

On November 2, 2021, the Board of Directors adopted Resolution No. 8656 invoking the District's emergency contracting procedures (Code Section 2.99.055), which allowed the construction contract to be awarded after informal solicitation of bids. District Code Section 2.90.055(c) requires that the Board review the emergency action and determine by a four-fifths vote whether there is a need to continue the emergency action at each subsequent board meeting.

**DISCUSSION**

The Kastania Pump Station (KPS) is located at 4100 Kastania Road in Petaluma, CA. In 1977, the District designed and built the KPS to increase the flow and pressure in the North Marin Aqueduct and offset the hydraulic impact of increased consumption of imported water by Petaluma and the North Marin Water District (NMWD). KPS pumped water via a 30-inch discharge pipe, which was connected to the North Marin Aqueduct at a point further south on Kastania Road.

The District owned and operated KPS until 1999 when it transferred ownership of the KPS to the Sonoma County Water Agency. Approximately five years later, the California Department of Transportation began planning its Marin-Sonoma Narrows US 101 highway-widening project, which would require portions of the North Marin Aqueduct to be relocated. This led to the development of NMWD's Aqueduct Energy Efficiency Project (AEEP), which installed a new pipeline connecting the existing Kastania Pipeline to an enlarged and relocated North Marin Aqueduct. Upon completion of the AEEP in August 2015, NMWD discontinued operation of the Kastania Pump Station. It has since been out of operation.

In order to preserve the District's water supply, the District is pursuing the rehabilitation and recommissioning of the Kastania Pump Station. On November 2, 2021, the Board of Directors adopted Resolution No. 8656 invoking the District's emergency contracting procedures (Code Section 2.99.055), which allowed the construction contract to be awarded after informal solicitation of bids. In accordance with District Code Section 2.90.055(c), a vote of at least four-fifths of the Directors to continue the emergency action shall take place at every regularly scheduled board meeting thereafter until the action is terminated.

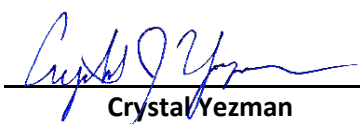

A significant emergency remains concerning the ongoing drought conditions in Marin County. Therefore, District staff recommend that the Board adopt a resolution continuing the invocation of the District's emergency contracting procedures and authorizing the General Manager to execute necessary contracts to ensure expeditious rehabilitation of the Kastania Pump Station.

**FISCAL IMPACT**

The total capital cost to complete the Kastania Pump Station Rehabilitation Project is estimated to be \$1,637,777. Funding for this project is available within capital reserves.

**ATTACHMENT(S)**

1. Proposed Resolution – Continuation of District's Emergency Contracting Procedures

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

**MARIN MUNICIPAL WATER DISTRICT**

**RESOLUTION NO.**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MARIN MUNICIPAL WATER DISTRICT CONTINUING THE INVOCATION OF THE DISTRICT'S EMERGENCY CONTRACTING PROCEDURES FOR CONSTRUCTION OF THE KASTANIA PUMP STATION REHABILITATION PROJECT**

**WHEREAS**, the District, a special purpose municipal corporation, is authorized by District Code Section 2.90.055 to award construction contracts after waiving competitive bidding requirements in certain limited emergency situations; and

**WHEREAS**, on November 2, 2021, the District Board of Directors unanimously adopted Resolution 8656 invoking the District's emergency contracting procedures and authorizing the General Manager to execute necessary contracts for the rehabilitation of Kastania Pump Station; and

**WHEREAS**, rehabilitating the Kastania Pump Station and returning it to service is necessary to improve the operational efficiency of the District's imported water supply, especially during drought when augmenting its water supply and preserving its local supply is essential; and

**WHEREAS**, the District proposes to rehabilitate and complete minor alterations to the Kastania Pump Station to improve the operational efficiency of the District's imported water supply; and

**WHEREAS**, the Board of Directors finds that a significant emergency situation continues to exist due to the ongoing drought conditions in Marin County; and

**WHEREAS**, the delay resulting from a formal competitive solicitation of bids for rehabilitation of the Kastania Pump Station would significantly impair the District's ability to complete the project; and

**WHEREAS**, the Board of Directors finds that this continued emergency action authorizing the General Manager to execute necessary contracts is required to respond to the current emergency situation.

**NOW, THEREFORE, THE BOARD OF DIRECTORS RESOLVES AS FOLLOWS:**

Pursuant to District Code Section 2.90.55, a continued significant emergency situation is declared to exist due to the ongoing drought conditions in Marin County and continuing to proceed with the ongoing construction work is necessary to respond to the current emergency situation.

**PASSED AND ADOPTED** this 14<sup>th</sup> day of December, 2021, by the following vote of the Board of Directors.

**AYES:**

**NOES:**

**ABSENT:**

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**Cynthia Koehler**  
**President, Board of Directors**

**ATTEST:**

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

## Approval Item

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### TITLE

Award of Contract No. 1951, Sunny Oaks Drive Pipeline Replacement Project, to W. R. Forde Associates, Inc., to install 850 feet of pipe in support of the District's Capital Improvement Project, in the Community of Santa Venetia

### RECOMMENDATION

Approve a resolution authorizing award of Contract No. 1951, Sunny Oaks Drive Pipeline Replacement Project, to W. R. Forde Associates, Inc.

### SUMMARY

The Operations Committee reviewed this item on November 19, 2021, and referred it to a future regular bi-monthly meeting of the Board of Directors with the Operations Committee's recommendation to proceed with the project.

On December 2, 2021, the District opened five (5) bids for the Sunny Oaks Drive Pipeline Replacement Project, which involves the installation and replacement of 850 feet of pipe in support of the District's Capital Improvement Program, in the Community of Santa Venetia. W. R. Forde Associates, Inc. submitted the lowest responsive and responsible bid in the amount of \$203,410. Therefore, staff recommend that the Board of Directors approve a resolution awarding Contract No. 1951 to W. R. Forde Associates, Inc. in the amount of \$203,410, authorizing the General Manager to execute any necessary amendments to Contract No. 1951 which do not exceed \$20,000, and deeming the project categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15302(c) of the CEQA Guidelines as the project is a replacement of existing water pipeline involving no or negligible expansion of capacity.

### DISCUSSION

The Sunny Oaks Drive Pipeline Replacement Project (Project) is a component of the District's Capital Improvement Program. This Project will install and replace 8-inch and 6-inch welded steel pipes around an active landslide area to restore service to the Santa Venetia Tank. The area of the Project is shown in Attachment 2 and the streets involved are described in Table 1.

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

Street	Length	Installation Date	Existing Size & Type
Sunny Oaks Dr.	15 ft	1953	8" CIP
Leona Dr.	300 ft	1953	6" & 8" CIP

\* CIP= Cast Iron Pipe

These street segments were evaluated for the installation of recycled water piping. The nearest recycled water pipeline is approximately 0.5 miles away located on intersection of San Pedro Road and Schmidt Lane in the community of Santa Venetia. The recycled water line would have to run through San Pedro Road to Oxford Drive, all the way up to Leona Drive for this Project. There are no commercial properties or golf courses in the mentioned route, therefore installation of recycled water pipelines was not included in this Project.

On December 2, 2021, the District received five (5) bids for the Project. Bid results are provided in Table 2.

**Table 2**  
**Bid Results**  
**Sunny Oaks Drive Pipeline Replacement Project**

<b>Bid Rank</b>	<b>Contractor Name</b>	<b>Bid Amount</b>
1.	W.R. Forde Associates, Inc.	\$203,410
2.	Maggiora & Ghilotti, Inc.	\$227,555
3.	Piazza Construction	\$231,627
4.	D & D Pipelines, Inc.	\$252,918
5.	Michael Paul Company	\$298,710

Contract No: 1951

Project No: D20028

Engineer's Estimate: \$214,000

W. R. Forde Associates, Inc. submitted the lowest responsive and responsible bid. They hold a Class A – General Engineering License, License No. 1025853 which is current and active and expires on 10/2023. As required by State Law, W. R. Forde Associates, Inc. is registered with the California Department of Industrial Relations under PWCR Number 1000048412. Following contract award District staff will register the Project with the California Department of Industrial Relations.

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

**Budget:**

Contract Award:	\$203,410
Contingency:	\$20,000
Materials and Professional Fees:	\$54,000
District Labor/Inspection:	\$90,000
Total Budget:	\$367,410
Budget Category:	A1A02A

**Project Implementation:**

Project Advertisement: November 16, 2021  
Bid Opening: December 2, 2021  
Project Award: December 14, 2021  
Estimated Completion Date: March 31, 2022  
Duration: 107 days

**Environmental Review:**

The Director of Engineering has determined that the Project is Categorically Exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15302 (c), Replacement or Reconstruction. The Project qualifies for exemption pursuant to Section 15302(c) inasmuch as it is the replacement of existing water pipeline involving negligible or no expansion of capacity. A copy of the draft Notice of Exemption is enclosed as Attachment 3.

**Public Outreach Efforts:**

The District's multi-step process for notifying customers about this Project began in 2019 when district staff initiated discussions with the County of Marin. District staff has continually coordinated with the County of Marin and has discussed the project with other stakeholders. Public outreach steps to be taken are described in the table below and Attachment 4.

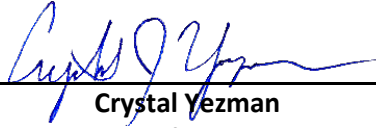
Department	Action
Engineering	Issued preliminary notice in 2019 to all customers along the Project route letting them know District staff would be in their neighborhood collecting design information for the Project.
Engineering	Upon approval of the contract by the Board, send Project information letter with a map to all customers along the Project route.
Public Information	Issue news release to local media (print and online outlets)
Public Information	Post on MMWD website
Public Information	Post on MMWD Nextdoor page for affected neighborhoods
Public Information	Send notice to the Marin County for posting on their website.
Engineering	Provide signage at Project site throughout construction period.

**FISCAL IMPACT**

The total cost to complete the Sunny Oaks Drive Pipeline Replacement Project is estimated to be \$367,410.

**ATTACHMENTS**

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

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



**MARIN MUNICIPAL WATER DISTRICT**

**RESOLUTION NO.**

**A RESOLUTION OF THE BOARD OF THE MARIN MUNICIPAL WATER DISTRICT  
APPROVING AWARD OF CONSTRUCTION CONTRACT NO. 1951 TO W. R. FORDE  
ASSOCIATES, INC. FOR THE SUNNY OAKS DRIVE PIPELINE REPLACEMENT PROJECT**

**WHEREAS**, on November 16, 2021, the District advertised Contract No. 1951, Sunny Oaks Drive Pipeline Replacement Project (D20028), which will replace approximately 850 feet of existing piping; and

**WHEREAS**, the District received and publicly opened five (5) bids on December 2, 2021, of which W. R. Forde Associates, Inc.'s bid \$203,410.00 was the lowest responsive and responsible bid.

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

1. The bid of \$203,410 submitted by the W. R. Forde Associates, Inc. for the Sunny Oaks Pipeline Replacement Project under Contract No. 1951 ("Contract") was the lowest responsive and responsible bid submitted therefor, and said bid is hereby accepted.
2. A Contract for this project shall 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 low bidder.
3. The General Manager is authorized to execute any and all future amendments to the Contract, which he deems necessary, without further Board approval, so long as those amendments to the Contract do not exceed \$20,000.
4. Upon final 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 W.R. Forde Associates, Inc. are to be rejected.
5. The project is Categorically Exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15302(c) of the CEQA Guidelines inasmuch as it is the replacement of existing water pipeline involving negligible or no expansion of capacity.

**PASSED AND ADOPTED** this 14th day of December, 2021, by the following vote of the Board of Directors.

**AYES:**

**NOES:**

**ABSENT:**

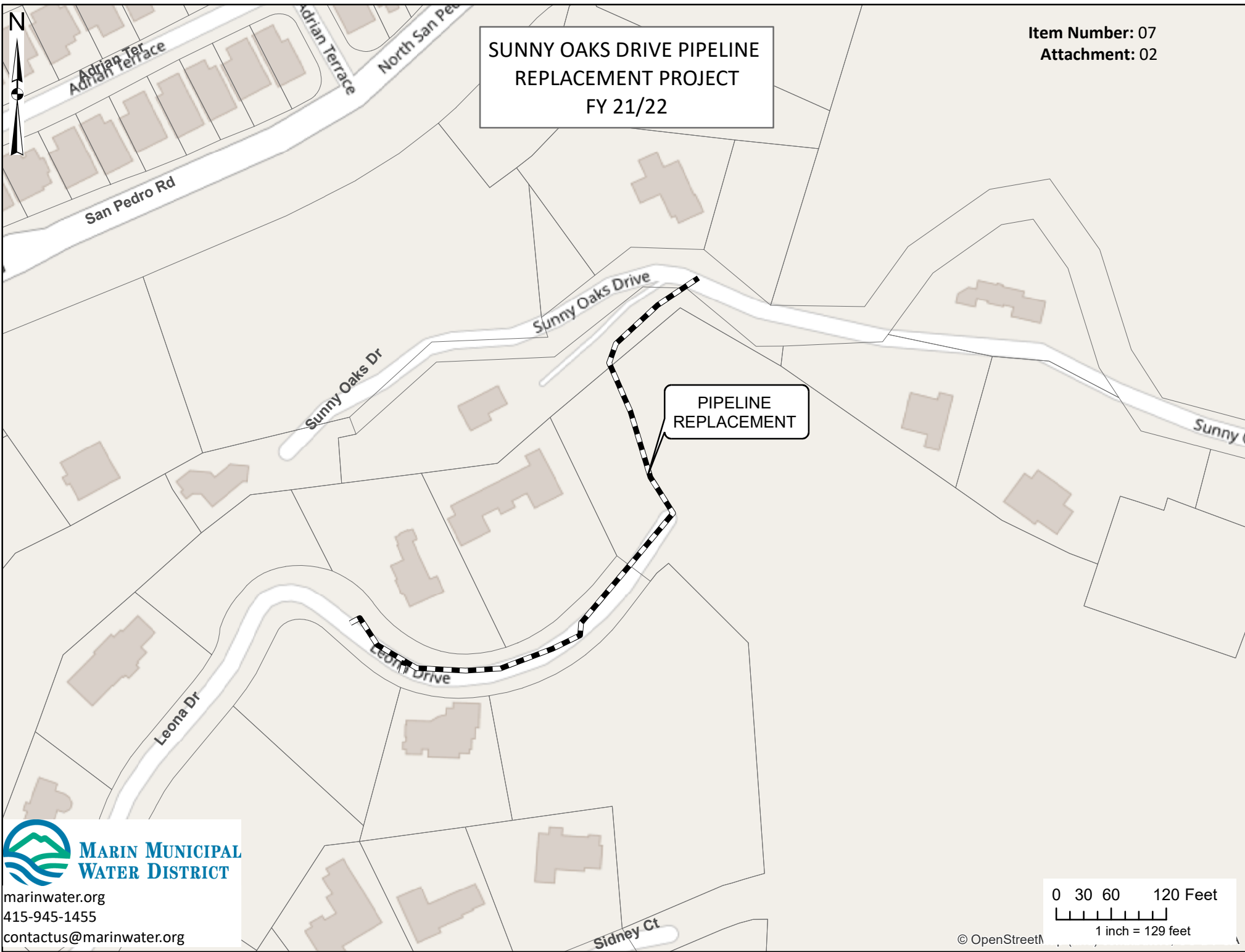
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**Cynthia Koehler**  
**President, Board of Directors**

**ATTEST:**

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



SUNNY OAKS DRIVE PIPELINE  
REPLACEMENT PROJECT  
FY 21/22

Item Number: 07  
Attachment: 02

PIPELINE  
REPLACEMENT

# Notice of Exemption

Item Number: 07

Attachment: 03



Filing Requested By and When Filed Return To:

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

**Project Title:** Sunny Oaks Drive Pipeline Replacement Project (D20028)

**Project Location:** Santa Venetia

**Project Location – County:** Marin

**Project Description:** The Sunny Oaks Drive Pipeline Replacement Project is a component of the District's Capital Improvement Program. This project will install and replace approximately 850 lineal feet of 8-inch and 6-inch to relocate and reconnect the 8-inch pipe around an active landslide to restore service to the Santa Venetia Tank located in Marin County, CA.

The complete Pipeline Replacement Project area is depicted in Figure 1, and the streets involved are described in the table below:

Street	Length	Installation Date	Existing Size & Type
Sunny Oaks Dr	15ft	1953	8" CI
Leona Dr	300ft	1953	6" & 8" CI

\* CI= Cast Iron

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

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

**CEQA Exemption Status:** Categorical Exemption Section 15302(c), Replacement or Reconstruction

**Reason for Exemption:** This project qualifies for exemption pursuant to Section 15302(c) of the CEQA Guidelines inasmuch as it is the replacement of existing water pipelines involving negligible or no expansion of capacity.

**Project Approval:** The Marin Municipal Water District Board of Directors approved the award of a contract for project construction, which represents project approval as defined by Section 15352(a) of the Guidelines for Implementation of the California Environmental Quality Act, at their regularly scheduled meeting on December 14, 2021.

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

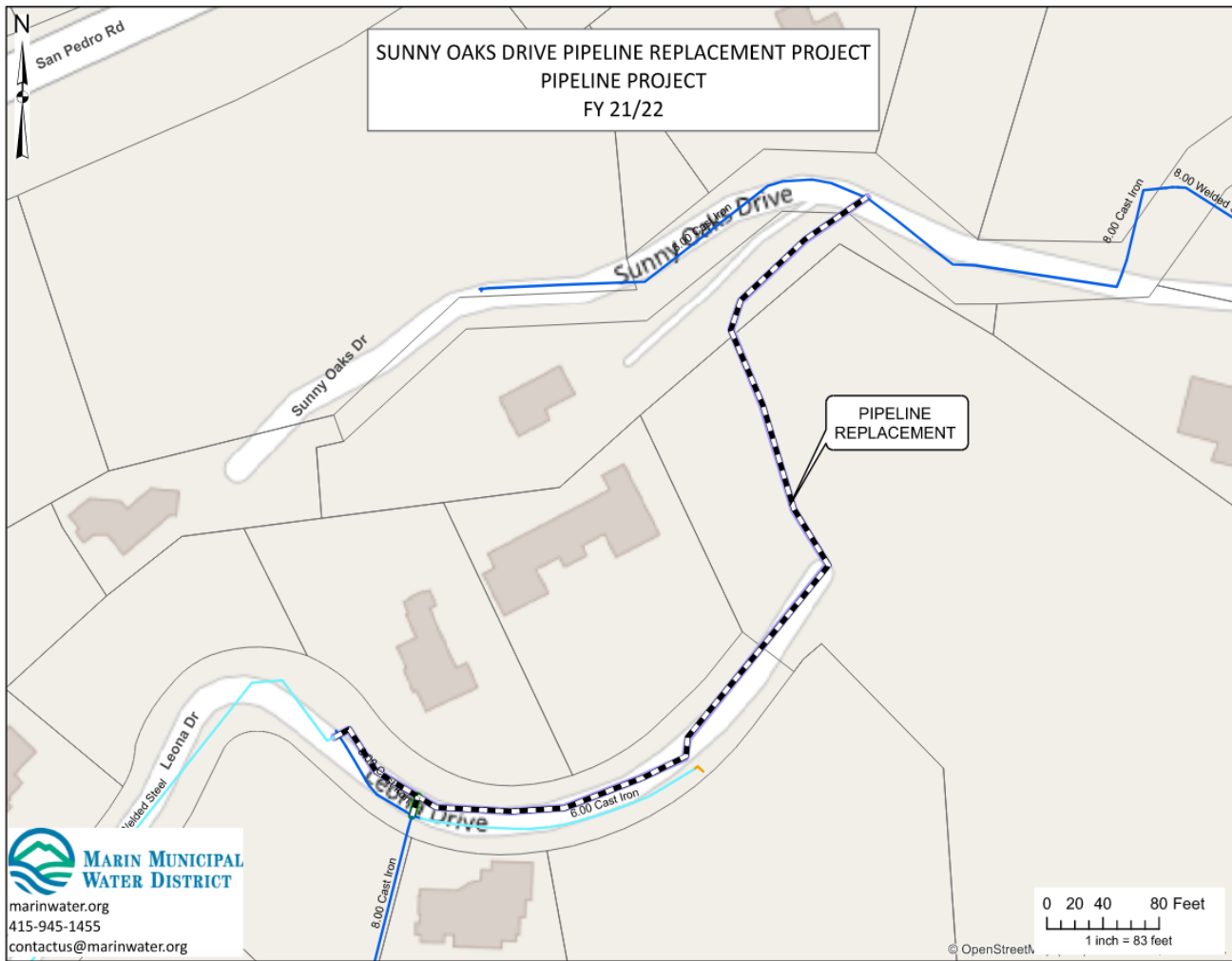
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Crystal Yezman, Director of Engineering

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Date

**Figure 1: Sunny Oaks Drive Pipeline Replacement Project**



**SOURCE:** MMWD 2021

## Approval Item

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**TITLE**

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

**RECOMMENDATION**

Approve a Resolution continuing virtual Board and Committee meetings due to public health and safety concerns in accordance with AB 361.

**SUMMARY**

On October 5, November 2 and November 16, 2021 respectively, the Board adopted resolutions allowing the continuation of Board and Committee meetings virtually pursuant to AB 361 due to health and safety concerns arising from possible transmission of the COVID-19 virus. AB 361 requires that the Board revisit this decision within each 30 days thereafter.

**DISCUSSION**

AB 361 authorizes local agencies to continue holding their public meetings virtually during a proclaimed state of emergency under section 8625 of the Government Code (i.e., the California Emergency Services Act), under certain health conditions. The law further requires that the Board reconsider the emergency circumstances and make findings regarding the continued need for virtual meetings each 30 days. If the Board feels it is appropriate to continue virtual public meetings, it must find by a majority vote that based on reconsideration of the circumstances of the state of emergency there is a continued impact to the members to safely meet in-person or that state or local health officials continue to impose recommended measures to promote social distancing.

The Board considered this item at its November 16<sup>th</sup> Board meeting and found that continuing virtual meetings was the prudent course of action given the amount of uncertainty that still exists around the trajectory of the COVID-19 Pandemic. Further, it was expressed that erring on the side of caution in protecting public health was the preferred alternative. Given the recent discovery of the new Omicron variant in the Bay Area and the current holiday season, which results in increased gatherings and travel, staff recommends that the Board adopt a resolution continuing virtual meetings for Board and Committee meetings for the time being. The proposed resolution will require a majority vote of the Board for adoption. Staff will return to the Board at its January 4<sup>th</sup>, 2022 meeting for further consideration of this item as required by AB 361.

**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  
ALLOW VIRTUAL BOARD AND COMMITTEE MEETINGS PURSUANT TO AB 361**

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

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

**WHEREAS**, on September 22, 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, which guidance was reiterated as of October 19 and November 4, 2021, respectively; and

**WHEREAS**, on December 1, 2021, the first case in the United States of the new Omicron variant of the COVID-19 virus was confirmed in San Francisco and many things currently remain unknown about this new variant, including the level of transmissibility and the efficacy of current vaccinations against it; and

**WHEREAS**, the holidays are seeing increased travel and gatherings that may contribute to the increased transmission of the virus that causes COVID-19; and

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

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

1. The Board has reconsidered the circumstances of the COVID-19 state of emergency since the Board Meeting of November 16, 2021.
2. There remains an ongoing proclaimed state of emergency relating to the novel coronavirus causing the disease known as COVID-19.



3. The state of emergency continues to directly impact the ability of the Board to meet safely in person in particular in its boardroom, which lacks the capacity to accommodate social distancing.

4. Local officials continue to recommend, pursuant to Government Code Section 54953(e)(1), measures to promote social distancing, and, a result of that emergency, meeting in person would present imminent risks to the health or safety of attendees at heavily-attended in-person meetings of this legislative body, unless special circumstances that will allow social distancing and mitigate possible transmission can be made.

**PASSED AND ADOPTED** this 14th day of December, 2021, by the following vote of the Board of Directors.

**AYES:**

**NOES:**

**ABSENT:**

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**Cynthia Koehler**  
**President, Board of Directors**

**ATTEST:**

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

## Approval Item

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**TITLE**

Approval to Fill Customer Service Supervisor Position in the Administrative Services Division

**RECOMMENDATION**

Authorize the General Manager to recruit and hire one Customer Service Supervisor Position in the Administrative Services Division.

**SUMMARY**

Staff is proposing to establish a new classification, Customer Service Supervisor. The new classification, Customer Service Supervisor, will provide a greater focus and more comprehensive support to Customer Service staff, will improve operating efficiency and effectiveness and align the department structure similarly with other departments of equal size and importance. The work of the Customer Service Department continues to become more complex due to ongoing legislation changes related to termination of water service and increased District program offerings. The need for highly technically skilled customer service personnel has grown.

The Customer Service Supervisor will provide first line supervision of the staff and daily operations of the Customer Service work unit along with individual responsibility to handle more advanced work assignments. The characteristics of these duties are outside of the duties of the current Customer Service Representative classifications.

This position will report to the Customer Service Manager.

**DISCUSSION**

Customer Service was reorganized and assumed management of the Meter Operations department several years ago. The Customer Service Department manages a diverse range of District services and programs including the customer contact center, invoice generation and maintenance, customer discount programs, accounts receivable, collections and field investigations. The ongoing management of these tasks continues to expand and become more complex due to ongoing legislation changes related to termination of water service and increased District program offerings. There is a need to structure the department to ensure the high level of comprehensive support for staff and customers continues.

The Customer Service Supervisor position will replace the Customer Service Representative I/II position, which will leave six (6) full time Customer Service Representative Staff in the series. The Customer Service Supervisor will provide hands on support by working individually with staff that need additional assistance, identify and implement operational efficiencies and will

handle more advanced work assignments. The reduction in Customer Service Representative I/II staff will not affect the customer service group's ability to carry out their critical daily duties.

Finally, this approach allows for the absorption of new, additional, higher-level duties without the need to expand the number of District FTEs. Staff recommends that the Board authorize the General Manager to convert a Customer Service Representative I/II position and to recruit and hire one Customer Service Supervisor.

#### **FISCAL IMPACT**

Salary and benefits for the Customer Service Supervisor will be offset from the cost of the elimination of one vacant Customer Service Representative I/II position. The total annual salary with benefits for the Customer Service Supervisor position ranges from a minimum of \$140,628 to a maximum of \$170,928. The financial impact of converting the CSR I/II to the Customer Service Supervisor will be approximately \$36,288 annually.

Filling this position will not increase the total number of FTEs within the Division.

#### **ATTACHMENT(S)**

None

DEPARTMENT OR DIVISION	DIVISION MANAGER	APPROVED
Administrative Services	 Charles McBride Director of Administrative Services	 Ben Horenstein General Manager



## Approval Item

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### TITLE

Approval to fill Communications Specialist position

### RECOMMENDATION

Authorize the General Manager to recruit and hire one Communications Specialist.

### SUMMARY

The Communications Specialist has an integral role in the overall planning, development and administration of a variety of the District's public information services, including community outreach, and developing content for our website, fact sheets, social media, and digital programs. This person also educates, informs and responds to a wide range of stakeholders, including our customers, the general public, media and our internal staff.

During this time of historic drought and high community engagement (drought response and other District initiatives), filling this position is integral to the District's efforts to continue to provide accurate and timely messaging to customers.


This budgeted position will not increase the overall number of full time employees. It's necessary to recruit a replacement for this vacancy that resulted from a resignation.

### FISCAL IMPACT

The total annual salary with benefits for the Communications Specialist position ranges from \$125,924 to \$150,997.

### ATTACHMENT(S)

None

DEPARTMENT OR DIVISION	DIVISION MANAGER	APPROVED
General Manager	_____	 Ben Horenstein General Manager

## Approval Item

**TITLE**

Approve a request for one employee to receive Catastrophic Leave donations exceeding the maximum donation

**RECOMMENDATIONS**

Approve a request to allow one District employee to receive Catastrophic Leave donations exceeding the maximum donation limit as provided for in the District Administrative Policy #44, Catastrophic Leave Policy.

**SUMMARY**

The District Administrative Policy #44 provides that an employee who qualifies for Catastrophic Leave may request donations exceeding the maximum leave donations based on the General Manager's and Human Resources Manager's approval. The policy also requires the General Manager to submit the request to the Board of Directors for approval.

One District employee has a need to receive additional Catastrophic Leave donations from other District employees who are willing and eligible to donate leave. This case has been reviewed by the General Manager and the Human Resources Manager, who are both recommending that the board approve the request for donations exceeding the maximum donation amount consistent with the policy. The Board's approval will allow the employee to receive additional leave donations. The additional donations may not exceed an additional 1040 hours of leave.

**FISCAL IMPACT**

There is no fiscal impact to the adopted budget.

**ATTACHMENT(S)**

1. District Administrative Policy #44

DEPARTMENT OR DIVISION	DIVISION MANAGER	APPROVED
Human Resources	 Vikkie Garay Human Resources Manager	 Ben Horenstein General Manager



# Catastrophic Leave Policy

## DISTRICT ADMINISTRATIVE POLICY NO. 44

1. **Purpose:** To establish a program allowing employees to donate accrued leave to other eligible employees suffering from a catastrophic illness or injury either to themselves or to an immediate family member.

2. **Policy**

- 2.1 **Eligibility:** The catastrophic leave donation plan is available to all regular employees who have completed probation, have applied for and been approved for catastrophic leave and have exhausted all paid leave or anticipate exhausting all paid leave within the next two pay periods.

- 2.2 **Definitions:**

**Catastrophic Leave** is defined as a bona-fide and verifiable long-term illness or injury of the employee or immediate family member that will require the prolonged absence of the employee from duty and will result in a substantial loss of income to the employee due to the exhaustion of all paid leave available.

**Catastrophic Leave Bank** is a leave account whereby an employee may elect to donate eligible leave (vacation, compensatory time, floating holiday or administrative leave) to the Catastrophic Leave Bank by other employees who qualify for use of catastrophic leave. Use of the Catastrophic Leave Bank will be limited to only the hours an employee needs for the absence during the pay period.

**Donor** is an employee who makes a minimum donation amount of 8 hours and cannot exceed 40 hours in one month. Donors must maintain a leave balance (including sick leave) of at least one week, 40 hours or the equivalent.

**Recipient** is a regular employee who has completed probation, has applied for and been approved for catastrophic leave and has exhausted all paid leave or anticipates exhausting all paid leave within the next two pay periods.

**Maximum Donation.** A recipient may receive up to a maximum of 6 months leave or 1040 hours.

**Request Exceeding Maximum Donation.** Based on the General Manager's and Human Resources Manager's approval, additional time exceeding the maximum donation may be received in amounts not exceeding another 6 months equivalent. The General Manager will evaluate the request and submit the request to the Board of Directors for approval.

- 2.3 **Processing and Administration:** The Catastrophic Leave Donation Program will be administered by the Human Resources Division, in coordination with the Finance

Division. A request for catastrophic leave donations must be made on the District's ***Catastrophic Leave Request Form*** and submitted to Human Resources by any means, including mail, personal delivery, facsimile, or by representative. Leave must be requested and approved in advance. Approval will be at the discretion of the Human Resources Manager or designee after consultation with the Division Manager. After a leave request has been made, approved and donations received, Human Resources will provide the required information to the Finance Division for processing of leave balance adjustments.

- 2.4 Solicitation: Upon approval of the need for catastrophic leave donation by the Human Resources Manager and provided the employee requesting catastrophic leave so directs and approves, Human Resources will send a donation request letter to all divisions for posting on employee bulletin boards, or publication in employee newsletters. No confidential medical information will be contained in the donation request. All divisions will be supplied with donation forms to give to employees who wish to donate leave.
- 2.5 Type of Leave to Be Donated: Donation may include vacation, compensatory time, administrative leave, and floating holidays.
- 2.6 Limit (Donor and Recipient): Minimum donation amount is 8 hours and cannot exceed 40 hours in one month. Donors must maintain a leave balance (including sick leave) of at least one week, 40 hours or the equivalent. A recipient may receive up to a maximum of 6 months leave or 1040 hours. Subject to request, and based on the General Manager's and Human Resources Manager's approval, additional time may be received in amounts not exceeding another 6 months equivalent.

To be eligible to receive more than the original limit, there must be a favorable prognosis for recovery and a predictable date of return to work. Division Managers may submit requests for special extended sick leave, on behalf of their employees to the General Manager. The General Manager will evaluate the request and submit the request to the Board of Directors for approval. The total of special extended sick leave and catastrophic leave donations will not exceed 12 months (2040 hours).

- 2.7 Integrating of Other Leave Policies: All other eligible leave balances (including sick leave, vacation, floating holidays, and compensatory time) must be exhausted prior to receipt of donated leave. However, the approving authority may approve the solicitation and acceptance of leave donations prior to all balances being exhausted when a physician's statement and leave balances indicate the probable exhaustion of leave balances within two pay periods. In special circumstances, a recipient employee may retain 80 hours or less of vacation leave and receive donations. Donated leave will be integrated with other disability plans including but not limited to Long-Term Disability, Social Security, or any other disability plan. In no case will the total of any disability payment and donated leave be more than the employee's regular wages.
- 2.8 Leave Accrual During Leave Donated: An employee on donated leave will not accrue sick leave, vacation or any other type of leave while in absence on catastrophic leave. If the employee returns to work on a part-time basis, leave accruals will be prorated accordingly.

- 2.9 Donor Release: All donors must sign a **Catastrophic Leave Donation Form**. Donations are irrevocable and become part of the designated recipient's catastrophic sick leave balance or the District-wide Catastrophic Leave Bank.
- 2.10 Conversion from Donor to Recipient: Donated leave will be converted to sick leave on an hour per hour basis. Donated Catastrophic Leave hours will be used after zero balances have occurred and after the employee has exhausted all eligible leave balances. Donations will be transferred in the order they are received. In the event a donation has not been used within six months of the recipient's return to work, the donation will be placed in a District-wide Catastrophic Leave Bank.
- 2.11 Taxability: The District Catastrophic Leave Donation Plan will comply with all applicable IRS codes. The leave will be taxable to the recipient and appropriate withholding will be made by the District. There is no tax liability to the donor.

Date: 8/22/07

Approved by: Paul Helliker  
Paul Helliker, General Manager





# MARIN MUNICIPAL WATER DISTRICT

## CATASTROPHIC LEAVE REQUEST FORM

For a detailed description of the Catastrophic Leave Donation Policy, please refer to the attached documentation or contact Human Resources staff.

*Completed by the employee or employee's supervisor or manager requesting Catastrophic Leave Donations*

### I. Employee Requesting Catastrophic Leave donations

Employee Name \_\_\_\_\_ Employee ID # \_\_\_\_\_ Job Title \_\_\_\_\_

Reason for request. Please DO NOT disclose any confidential medical information in this request.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I have read the District Catastrophic Leave Policy and understand that the catastrophic leave donation plan is available to all regular employees who have completed probation and have exhausted all paid leave or anticipate exhausting all paid leave within the next two pay periods.

Employee Signature \_\_\_\_\_ Date \_\_\_\_\_

- ☐ I do ☐ I do not request solicitation by posting on employee bulletin board, email or employee newsletter.  
☐ I prefer solicitation only in my department or work unit.

*To be completed by the Department / Division Manager*

### II. Supervisor or Manager's Approval of Request for Catastrophic Leave

I approve of the request for donation and have verified that the employee is a regular employee who has completed probation and has exhausted all paid leave or anticipates exhausting all paid leave within the next two pay periods.

Request Approved ☐ Request Denied ☐ Reason: \_\_\_\_\_

Approving Supervisor's Signature \_\_\_\_\_ Printed Name \_\_\_\_\_ Date \_\_\_\_\_

*To be completed by Human Resources*

### III. Catastrophic Leave Request Approval

Human Resources Signature \_\_\_\_\_ Date Received \_\_\_\_\_

Verify recipient's current leave balances exhausted within 2 pay periods. ☐ Yes Date \_\_\_\_\_  
Other leave policies affected, i.e., Workers' Comp, Long Term Disability or Other: \_\_\_\_\_

Original: Human Resources-Employee Confidential File

Copy: Finance  
Catastrophic Leave Request Form.doc



# MARIN MUNICIPAL WATER DISTRICT

## CATASTROPHIC LEAVE DONATION FORM

For a detailed description of the Catastrophic Leave Donation Policy, please refer to the attached documentation or contact Human Resources staff.

*To be completed by the employee wishing to donate hours*

### I. Employee Request to Transfer Vacation, Compensatory Time, Admin Leave, or Floating Holidays (FH)

Donor Employee Name

Employee ID #

Job Title

Vacation:    Comp Time:    Admin Leave:    FH:

**Recipient Name or Catastrophic Leave Bank**    Type & Number of Hours Donated

I have read the District Catastrophic Leave Policy and believe I meet all of the eligibility requirements for donating my leave. I have the choice to donate to an individual or to the Catastrophic Leave Bank. I also understand that I must donate a minimum of 8 hours, I must maintain 40 hours of leave balances including sick leave, all donated hours are irrevocable, and any donated unused hours by the recipient will revert to the Catastrophic Leave Bank after six months of recipient's return to work.

Employee Signature

Date

*To be completed by the Department / Division Manager*

### II. Required Approval of Donation of Vacation, Compensatory Time, Admin Leave, or Floating Holidays

I approve of the donation of leave as indicated above: Donation Approved ☐

Donation Denied ☐ Reason: \_\_\_\_\_

Approving Supervisor's Signature

Printed Name

Date

*To be completed by Human Resources*

### III. Catastrophic Leave Donation Certification

Human Resources Signature

Date Received

Verify recipient's current leave balances exhausted within 2 pay periods. ☐ Yes    Date \_\_\_\_\_

Other leave policies affected, i.e., Workers' Comp, Long Term Disability or Other: \_\_\_\_\_

Original: Human Resources-Employee Confidential File

Copy: Finance

Catastrophic Leave Donation Form

## Approval Item

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**TITLE**

Adoption of the Final Initial Study/ Mitigated Negative Declaration for the Pine Mountain Tunnel Tanks Replacement Project and Approving the Project

**RECOMMENDATION**

Approve a resolution adopting the Final Initial Study/ Mitigated Negative Declaration for the Pine Mountain Tunnel Tanks Replacement Project, approving the Pine Mountain Tunnel Tanks Replacement Project conditioned on compliance with the Mitigation Monitoring and Reporting Program, and directing staff to file a Notice of Determination with the Marin County Clerk and the State Clearinghouse.

**SUMMARY**

This item was reviewed at the District's Operation Committee meeting on May 21, 2021, during the update on the Water System Master Plan. The next steps identified at the meeting involved performing the preliminary design of the preferred site for the Pine Mountain Tunnel Tanks Replacement Project, which was required in order to complete the California Environmental Quality Act (CEQA) analysis and review. Once preliminary design and CEQA are completed, the District will be able to proceed into final design and construction.

On July 6, 2021, the Board awarded a Professional Services Agreement to Woodard & Curran to provide engineering support services for the preliminary design of the Pine Mountain Tunnel Tanks Replacement Project. In conjunction with the Water System Master Plan work that Woodard & Curran conducted, the tank site at Concrete Pipe Road CP-5 was identified as the best site for the location of the new water storage tanks to replace Pine Mountain Tunnel. Woodard & Curran have since completed the preliminary design and the District's environmental services consultant, Environmental Science Associates (ESA), have completed the draft and the final Initial Study/Mitigated Negative Declaration (IS/MND).

At the September 17, 2021 Operations Committee Meeting, District staff presented an update on the Pine Mountain Tunnel Tanks Replacement Project and informed the Committee that staff would be filing the Notice of Intent and Draft IS/MND with the Marin County Clerk and the State Clearinghouse. District staff also discussed that after the public comment period, staff would be bringing the Final IS/MND for adoption at the December 14, 2021 Board meeting.

Following the September 17<sup>th</sup> Operations Committee Meeting, District staff distributed for agency and public comment a Draft IS/MND for the Pine Mountain Tunnel Tanks Replacement Project. During the 30-day review period, the District received a total of three comments via comment letter or email. The District has prepared a Final IS/MND that includes responses to

comments and a Mitigation Monitoring and Reporting Program (MMRP) as Appendix B and Chapter 6, included in the Final IS/MND, respectively.

Revisions were made to the Draft IS/MND to clarify information initially presented in response to comments received. The revisions made between the Draft and the Final IS/MND do not require recirculation of the Draft IS/MND since they do not raise a new issues or create additional impacts not already addressed and mitigated for in the Draft IS/MND to a less than significant level. In addition, the changes do not constitute a substantial revision as defined in the CEQA Guidelines Section 15073.5 and therefore, do not require recirculation of the document.

## **DISCUSSION**

The Pine Mountain Tunnel is an 8,700-foot long tunnel built in 1919 to convey and treat water from Alpine Lake to San Rafael and the Ross Valley, now known as the Ross Valley System, which comprises 44,000 District customers or roughly 23% of the District's service area. Due to regulatory constraints, the District abandoned the tunnel as a conveyance system in 1971, but retained the tunnel to provide storage (approximately 3 million gallons) and surge protection. The tunnel is severely deteriorated and presents potential water quality issues. The State Water Resources Control Board (formerly California Department of Public Health) "considers the tunnel to be a significant potential threat to both reliable water supply and quality." The District is in continuous communication with the State Water Resources Control Board regarding the District's progress for the tunnel's decommissioning and replacement.

In support of the Water System Master Plan, the District and its consultant, Woodard & Curran, conducted a focused evaluation of the storage needed to replace Pine Mountain Tunnel and support the larger Ross Valley System, including a detailed review of the previous studies and assumptions to improve storage capacity and reliability in the Ross Valley System. A sizing study for the Ross Valley System determined the appropriate sizing of 4 million gallons for the storage needed to replace Pine Mountain Tunnel and elevations to achieve the District's standard criteria for pressure zone sizing. Project siting alternatives were developed, with sites including locations that were previously analyzed as well as new potential storage site locations. The preferred project location for a storage facility to replace Pine Mountain Tunnel that best meets the District's needs is on Concrete Pipeline Road near drainage culvert No. 5, also known as "CP-5". These results were presented to the Operations Committee on May 21, 2021.

As mentioned at the May 21<sup>st</sup> Operations Committee meeting, the next step for the Pine Mountain Tunnel Replacement Project (Project) was to integrate the engineering design with the environmental documentation needed for the Project by preparing the preliminary design of the Project to the 30% design level. The preliminary design of the Pine Mountain Tunnel Tanks Replacement Project was completed by Woodard & Curran which allowed ESA to prepare the Draft and Final IS/MND along with the MMRP required for the District to proceed with this Project.

District staff recommends that the Board adopt the Final IS/MND for the Pine Mountain Tunnel Tanks Replacement Project, approve the Pine Mountain Tunnel Tanks Replacement Project, and direct staff to file a Notice of Determination with the Marin County Clerk and the State Clearinghouse.

### **ENVIRONMENTAL REVIEW**

The Final IS/MND has been prepared in accordance with the California Environmental Quality Act and CEQA Guidelines. The Final IS/MND incorporates the Draft IS/MND prepared for the Pine Mountain Tunnel Tanks Replacement Project as it was originally published by the State Clearinghouse No. 2021090343.

The District issued a Notice of Intent (NOI) to Adopt a Mitigated Negative Declaration, and a Draft IS/MND to interested entities, public agencies, individuals, and landowners/occupants located in the vicinity of the proposed project on September 17, 2021. The NOI was provided to occupants of nearby properties via USPS mail, and it was filed with the Marin County Clerk's Office for posting. The District also provided a web link on the Marin Water's website to these documents and identified that hard copies were available for review at the District's main office and at the Sky Oaks Watershed Office.

Confirmation of receipt of the NOI and the Draft IS/MND from the State Clearinghouse was received by the District on September 20, 2021, which initiated the 30-day review period and ended on October 20, 2021.

### **COMMENTS AND REVISIONS TO DRAFT IS/MND:**

During the 30-day public comment period of the Draft IS/MND, the District received a total of three comments via comment letter or email. The District has prepared a Final IS/MND that includes responses to comments and a Mitigation Monitoring and Reporting Program (MMRP) as Appendix B and Chapter 6, included in the Final IS/MND, respectively. The Final IS/MND is provided as Attachment 2.

Revisions to the Draft IS/MND that were originally published are included in Appendix A of the Final IS/MND. All modification to the document, including deletions or additions to the text are identified in the Final IS/MND as strikeout and underline text, respectively. The revisions are not substantial and do not require recirculation of the Draft IS/MND because they do not identify a new, avoidable significant effect that requires a mitigation measures or project revisions to be added in order to reduce the effect to insignificance and/or the proposed mitigation measures or project revisions has reduced the potential effects to less than significant per CEQA Guidelines Section 15073.5.

**MITIGATION MONITORING AND REPORTING PROGRAM:**

The Mitigation Monitoring and Reporting Program (MMRP) for the Pine Mountain Tunnel Tanks Replacement Project has been prepared in accordance with Public Resources Code Section 21081.6 and State CEQA Guidelines Section 15091(d). The District will use this MMRP to track compliance with the Project's mitigation measures and it incorporates all mitigation measures adopted for the proposed Project. The MMRP mitigation measures are identified in Table 6-1 of the Final IS/MND and when implemented will mitigate any potentially significant environmental impacts to less than significant.

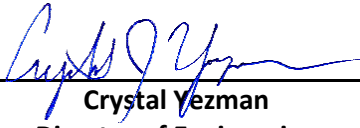

**CONCLUSION:**

In the absence of additional public comments or independent evaluation by the Board establishing there is substantial evidence the project would result in significant impact to the environment, staff recommends the Board approve a resolution which adopts the Final Initial Study/Mitigated Negative Declaration and approve the Pine Mountain Tunnel Tanks Replacement Project conditioned on compliance with the Mitigation Monitoring and Reporting Program and finding that the Project, which completed in compliance with the MMRP will not result in any significant environmental impacts which have not been mitigated to less than significant.

Should the Board of Directors approve the Resolution, District staff will file a Notice of Determination for the Project with the Marin County Clerk and the State Clearinghouse within five (5) working days of adoption of this Resolution, which shall constitute Project approval as defined by 14 CCR Section 15352(a).

**ATTACHMENTS**

1. Proposed Resolution Adopting the Final Initial Study/ Mitigated Negative Declaration for the Pine Mountain Tunnel Tanks Replacement Project,
2. [Final IS/MND](#)

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

**MARIN MUNICIPAL WATER DISTRICT**

**RESOLUTION NO.**

**A RESOLUTION OF THE BOARD OF THE MARIN MUNICIPAL WATER DISTRICT  
ADOPTING THE FINAL INITIAL STUDY/ MITIGATED NEGATIVE DECLARATION FOR  
THE PINE MOUNTAIN TUNNEL TANKS REPLACEMENT PROJECT AND APPROVING  
THE PINE MOUNTAIN TUNNEL TANKS REPLACEMENT PROJECT**

**WHEREAS**, on May 21, 2021, District staff presented the update on the Water System Master Plan which identified Pine Mountain Tunnel as a critical storage facility in poor condition; and

**WHEREAS**, the next steps identified to address this facility was to pursue the preliminary design for the replacement of Pine Mountain Tunnel as necessary for environmental review and analysis pursuant to the California Environmental Quality Act (CEQA) and to commence review of proposed project; and

**WHEREAS**, on July 6, 2021, the District awarded a Professional Services Agreement to Woodard & Curran to provide preliminary design documents for the Pine Mountain Tunnel Tanks Replacement Project as necessary to complete CEQA; and

**WHEREAS**, staff, through the Districts On-Call Contract with Environmental Science Associates, utilized their services to an Initial Study/Mitigated Negative Declaration (Draft IS/MND) for the proposed project along with all necessary environmental documentation in conjunction with the preliminary design documents; and

**WHEREAS**, on September 17, 2021, District staff presented an update on the Pine Mountain Tunnel Tanks Replacement Project at the Operations Committee and informed the Committee that staff would be filing the Notice of Intent and Draft IS/MND with the Marin County Clerk and the State Clearinghouse on September 17, 2021; and

**WHEREAS**, District staff filed the Notice of Intent and Draft IS/MND with the Marin County Clerk and the State Clearinghouse on September 17, 2021 following the Operations Committee meeting; and

**WHEREAS,** District staff issued the Notice of Intent and Draft IS/MND to interested entities, public agencies, individuals, and landowners/occupants located in the vicinity of the proposed project on September 17, 2021 via the United States Postal Service, provided a web link on the Marin Water website to the Draft IS/MND, and identified that hard copies were available at the Districts main office and at the Sky Oaks Watershed Office for review; and

**WHEREAS,** the State Clearinghouse provided confirmation of receipt of Notice of Intent and Draft IS/MND on September 20, 2021, and assigned the document State Clearinghouse No. 2021090343 which initiated the 30-day public comment period; and

**WHEREAS,** the public comment period ended on October 20, 2021, and District staff have received a total of three comments via comment letter or email and the District has prepared the Final IS/MND that includes responses to the comments in Appendix B of the Final IS/MND; and

**WHEREAS,** the revision made to the Final IS/MND based on the public comments does not require recirculation of the Draft IS/MND since they do not raise a new issue or create additional impacts not already addressed and mitigated for in the Draft IS/MND to a less than significant level in accordance with CEQA Guidelines Section 15073.5; and

**WHEREAS,** District staff has prepared a Mitigation Monitoring and Reporting Program that includes all the mitigation identified as part of the Draft IS/MND, which, if implemented will reduce any potentially significant environmental impacts identified in the Draft IS/MND to less than significant.

**NOW, THEREFORE, THE BOARD OF DIRECTORS RESOLVES AS FOLLOWS:**

- A. The Board of Directors find as follows:
  - 1. The above recitals are true and accurate and are incorporated herein by this reference.
- B. The Final Initial Study/Mitigated Negative Declaration has been prepared in accordance with the California Environmental Quality Act (CEQA) and CEQA Guidelines.
- C. The Board of Directors hereby adopts the Pine Mountain Tunnel Tanks Replacement Project Final Initial Study/ Mitigated Negative Declaration and approves the Pine Mountain Tunnel Tanks Replacement Project conditioned on the compliance with the Mitigation Monitoring and Reporting Program.



- D. Pursuant to 14 CCR Section 15075, the Board of Directors hereby directs staff to file a Notice of Determination for the Project with the Marin County Clerk and the State Clearinghouse within five (5) working days of adoption of this Resolution, which shall constitute Project approval as defined by 14 CCR Section 15352(a).

**PASSED AND ADOPTED** this 14th day of December, 2021, by the following vote of the Board of Directors.

**AYES:**

**NOES:**

**ABSENT:**

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**Cynthia Koehler**  
**President, Board of Directors**

**ATTEST:**

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

## Approval Item

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**TITLE**

Adopt Ordinance No. 456 Further Extending COVID-19 Payment Plans

**RECOMMENDATION**

Adopt Ordinance No. 456 extending the effective date of the District's current COVID-19 payment plan options for customers through December 31, 2022.

**SUMMARY**

Staff is recommending adoption of Ordinance No. 456 to provide customers additional time for repayment of unpaid water bills and allow the monies the District receives through The California Water and Wastewater Arrearage Payment Program (Program) to be applied to customer accounts. Marin Water has requested \$2,082,001.30 in customer arrearages attributed to the pandemic. Adoption of Ordinance No. 456 will allow time for the Program monies to be applied to customer accounts prior to placing customers on automatic extended repayment plans.

**DISCUSSION**

In response to the COVID-19 outbreak and the resulting financial stress, many district customers have experienced, the district ceased collections efforts in March 2020, including customer notifications via telephone and written past due reminders and ceased water shut-offs. The Board further directed staff to investigate options for extending repayment plans for customers who were delinquent in paying their bi-monthly water bills and explore other options that may provide financial relief.

On February 16, 2021, the Board took action to assist customers by adopting Ordinance No. 447 which provided customers who are delinquent by 60 days or more increased flexibility to bring past due billings current by extending the repayment period to up to five years. The extended repayment period enrollment permitted by Ordinance No. 447 is currently set to expire on December 31, 2021.

On October 28, 2021, Marin Water requested funding for \$2,082,001.30 in customer arrearages through The California Water and Wastewater Arrearage Payment Program (Program), which was established pursuant to Senate Bill (SB) 155. The funding, if awarded in full, will cover water debt from residential and commercial customers accrued between March 4, 2020 and June 15, 2021. Currently, the State Water Board is disbursing Program funds to eligible water agencies. Disbursement is expected to be completed by January 31, 2022. Upon receipt of the funds, District staff will begin applying the funds received to customers' arrearages from the applicable time period. SB 155 permits terminations of water service for nonpayment to resume statewide after December 31, 2021.

Adoption of Ordinance No. 456 would provide a further extension of the repayment options provided in Ordinance No. 447 through December 31, 2022, which are currently set to expire on December 31, 2021, after which the normal repayment plan terms would revert to twelve months. Under Ordinance 456, customers with delinquencies would automatically be placed in a 5-year repayment plan. Although customers would be automatically enrolled in these repayment plans, they could opt out of the program at any time. Staff believes that offering the extended payment plan will provide relief to those customers in arrears and assist the District in revenue recovery. It will also reduce the number of customers who could potentially experience termination of water service for nonpayment, after December 31, 2021, as it will provide sufficient time for District staff to receive and apply funds obtained from the Program to customer accounts before terminations of water service for nonpayment would occur. Ordinance No. 456 authorizes the General Manager to develop and implement the extended payment plans through December 31, 2022.


The district has approximately 60,800 customers, of which 7,345 were more than 60 days delinquent as of November 30, 2021, for a total of \$2.4 million in arrears. In December 2019, prior to the pandemic, 3,987 customers were 60 days or more delinquent for a total of \$700,000.

#### FISCAL IMPACT

Staff believes adoption of Ordinance No. 456 will have a positive financial impact on the District, as it will prevent the costs associated with unnecessary terminations of water service for nonpayment by extending repayment periods, until after the District receives and applies Program funds to customer account arrearages, and permitting additional time for repayment.

#### ATTACHMENT(S)

1. Ordinance 456

DEPARTMENT OR DIVISION	DIVISION MANAGER	APPROVED
Administrative Services	 Chuck McBride Finance Director/Treasurer	 Ben Horenstein General Manager

**MARIN MUNICIPAL WATER DISTRICT****ORDINANCE NO. 456****AN ORDINANCE ADDING CERTAIN PROVISIONS TO TITLE 11 CHAPTER 11.28 ENTITLED "TERMINATION OF WATER SERVICE" OF THE MARIN MUNICIPAL WATER DISTRICT CODE REGARDING FURTHER EXTENSION OF REPAYMENT OPTIONS FOR CUSTOMERS EXPERIENCING FINANCIAL DIFFICULTIES ARISING FROM THE COVID-19 PUBLIC HEALTH CRISIS**

**BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE MARIN MUNICIPAL WATER DISTRICT AS FOLLOWS:**

**SECTION 1. Purpose:** The purpose of this ordinance is to permit further extension of repayment options for customers experiencing financial difficulties arising from the COVID-19 public health crisis. While Senate Bill (SB) 155 would permit terminations of water service for nonpayment to resume on December 31, 2021, further extension of the repayment options will ensure that customers experiencing financial difficulties arising from the COVID-19 public health crisis have sufficient time to receive account credits from "The California Water and Wastewater Arrearage Payment Program", other available financial assistance programs, and sign up for a District repayment plan prior to the resumption of any terminations of water service for nonpayment.

**SECTION 2. Section 11.28.090 of the Marin Municipal Water District Code entitled "COVID-19 Extended Payment Plans" is deleted in its entirety and amended to read as follows:**

Notwithstanding other provisions of this Chapter to the contrary, for customers experiencing financial difficulties arising from the COVID-19 pandemic, the District shall offer payment plans or alternative payment periods allowing for the repayment of past due water bill amounts beyond the current twelve-month period. The District General Manager is authorized to develop a COVID-19 Relief payment plan to extend repayment periods for up to five-years. This section shall remain in effect through December 31, 2022.

**SECTION 3. Findings:** After considering all of the information, documents and testimony at the public hearing the Board of Directors finds as follows:

- A. It is the established policy of the State of California pursuant to Water Code section 106.3 that every human being has the right to safe, clean, affordable and accessible water adequate for human consumption, cooking, and sanitary purposes.
- B. On March 13, 2020, the District proactively suspended termination of water services for nonpayment in response to the COVID-19 public health crisis. On April 2, 2020, Governor Newsom signed Executive Order N-42-20 implementing a statewide moratorium on terminations of water service for non-payment in response to COVID-19.

- C. On March 16, 2020, the Marin County Health Officer issued a Shelter-in-Place Order requiring all non-essential businesses to immediately cease operations and mandated that citizens of Marin County shelter in place at their place of residence, unless engaging in essential activities.
- D. Many customers have experienced substantial losses of income because of business closures. The loss of work hours or revenue related to COVID-19 has hindered many customers' ability to make payments for water service and more customers are likely to experience financial hardship in the future as the pandemic continues.
- E. As of November 30, 2021, the District had approximately 7,345 customers more than 60 days delinquent on their water accounts, for a total of \$2.4 million in unpaid bills compared to December 2019, prior to COVID-19, 3,987 customers were 60 days or more delinquent for a total of \$700,000 million in unpaid bills.
- F. On September 23, 2021, SB 155 was signed into law by Governor Gavin Newsom, which established "The California Water and Wastewater Arrearage Program" (Program). The District has applied for funds under this Program to assist customers with arrearages and is currently awaiting potential funding disbursements, which is expected to occur between November 1, 2021 and January 31, 2022. Any funds received by the District will be applied to customer accounts and customers will be notified of any amounts credited to their accounts.
- G. SB 155 permits water systems to resume terminations of water service for nonpayment beginning on December 31, 2021.
- H. To ensure that any funds received by the District pursuant to the Program can be credited to customer accounts prior to the resumption of the potential terminations of water service for nonpayment on December 31, 2021, it is prudent to further extend the repayment options available to the customers and avoid unnecessary interruptions of water service to customers.
- I. It is in the financial interest of both ratepayers and the District to provide extended repayment options to customers in order to increase the likelihood of revenue recovery, reduce the need for, and additional cost of, collections, and alleviate the need for some customers to pursue financial relief through bankruptcy proceedings, which result in the District generally receiving only pennies on the dollar for the unpaid balance.
- J. The District finds that extended payment plans serve the public purposes of reducing collection costs, delinquencies, and potential bankruptcy filings, all of which increase costs to the District and its ratepayers, and reduce the overall likelihood of revenue recovery.
- K. The public health and safety is protected by these extended repayment option because they ensure that water will remain available to all customers for hand washing and other sanitary purposes during this public health crisis.
- L. Water availability is critical for businesses to reopen safely, and produce and provide their goods and services to consumers. Extended repayment options for businesses will help to ensure a success economic recovery of the local economy.

**SECTION 4. Severability:** If any section, subsection, sentence, clause, phrase, portion or part of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such section shall not affect the validity of the remaining portions of this code. The Board of Directors hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or

more sections subsections, sentences, clauses, phrases, parts or portions be declared invalid or unconstitutional and, to that end, declares the provisions of this ordinance severable from one another.

**SECTION 5. Effective Date:** This ordinance shall take effect 30 days following its adoption.

**SECTION 6. Reservation of Powers:** Nothing in this Ordinance shall prevent the District from exercising any of its powers under the California Water Code or other applicable law including but not limited to its power to adopt ordinances, resolutions, rules or regulations in response thereto.

**PASSED AND ADOPTED** this 14th day of December, 2021, by the following vote of the Board of Directors:

**AYES:**

**NOES:**

**ABSENT:**

\_\_\_\_\_  
**President, Board of Directors**

**ATTEST:**

\_\_\_\_\_  
**Board Secretary**

## Informational Item

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**TO:** Board of Directors

**FROM:** Ben Horenstein, General Manager



**DIVISION NAME:** Office of the General Manager

**ITEM:** Drought Update

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### SUMMARY

Staff continue 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 December 14<sup>th</sup>, 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 20<sup>th</sup> 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 21<sup>st</sup>, the Board adopted Ordinance No. 454 establishing water use limits and penalties for water use in excess of the established limits, which went into effect December 1<sup>st</sup>. To ensure winter water use is limited to indoor demand during this historic drought, Ordinance No. 455 was adopted by the Board on October 19<sup>th</sup> prohibiting outdoor irrigation, except hand watering, from December 1, 2021 through May 31, 2022. In addition, Ordinance No. 455 prohibits initial filling or refilling of completely drained swimming pools. 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

The combined loss in revenue and unbudgeted expenses due to the drought is projected at \$16M through the end of December 2021 due to mandatory conservation efforts, in addition to expenditures associated with drought-related projects. The District's reserves, along with tight expenditure controls, are anticipated to be the initial approach to address the deficit.

### ATTACHMENT(S)

None

## Approval Item

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**TITLE**

Temporary Emergency Desalination

**RECOMMENDATION**

Approve Funding for Permitting Assistance Provided in Support of Temporary Emergency Desalination

**SUMMARY**

In parallel to the Emergency Intertie Project, the District was continuing to develop a Temporary Emergency Desalination plant as a back-up option to the intertie. In order to maintain the viability of desalination as an option, it was necessary to begin laying the groundwork for permitting of the project, which has resulted in additional costs of \$19,500. The additional expense brings the total cost of the work to \$119,488 and requires board approval.

**DISCUSSION**

Kennedy Jenks and Jacobs (KJ-Jacobs) were engaged to develop the feasibility and costs of a temporary emergency desalination system as a supplemental water supply for MMWD. The results of the initial evaluation indicated that temporary emergency desalination was feasible, however, would likely be limited in capacity due to the availability of equipment. The next phase in developing the project was to pull together a detailed project schedule which was covered under Amendment No 1. (\$30,800) that brought the total authorized project budget to \$99,988. The schedule included the timelines for design, manufacturing and delivery, installation, and startup of major project components, as well as key milestones for the project delivery method. As the team was in the process of developing the detailed schedule it became clear that permitting would be challenging and the extremely short time frame, driven by the need for supplemental water by July 2022 dictated that the team begin the process of engaging with the regulatory community immediately or risk viability of the project.

The team developed a list of agencies that would need to provide approval and support in order to achieve the target in service date of July 2022 and proceeded to schedule initial meetings. The team developed materials for and held detailed briefings with the Division of Drinking Water and the San Francisco Regional Water Quality Control Board. In addition, the team introduced the project and solicited feedback from a wide array of agencies including the Army Corp of Engineers, County of Marin, California Fish and Wildlife and National Marine Fisheries. In mid-October, with greater clarity on other water supply options and the limitations of the capacity offered by desalination, work on desalination as an alternative to the Intertie project was paused. The attached Technical Memorandum provides additional details on the results of the evaluation performed by KJ-Jacobs.

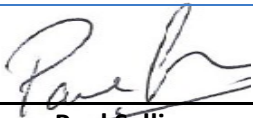
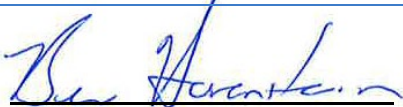


**FISCAL IMPACT**

Staff is seeking approval of funds in the amount of \$19,500 to cover the additional costs incurred in developing and implementing the permitting strategy in support of temporary emergency desalination as described in Amendment No2. The total cost of work, including Amendment No 2, in support of Temporary Emergency Desalination is \$119,488.

**ATTACHMENT(S)**

- 1. [Technical Memorandum](#)
- 2. Amendment No 2 Scope and Fee

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

28 October 2021

## **Amendment 2**

Scope of Services and Budget  
MMWD Emergency Desalination Feasibility Study (MA-5948)

### **Project Amendment Background and Understanding**

Kennedy Jenks (KJ) and Jacobs (KJ-Jacobs) are supporting MMWD to evaluate a potential leased or purchased emergency desalination system as an alternative water supply for MMWD. We understand that the emergency desalination system is a backup to the Richmond-San Rafael Bridge Pipeline alternative. However, in parallel, MMWD was continuing to develop the concepts and schedule for a potential emergency desalination system, as a back-up supply option.

KJ-Jacobs prepared Amendment 1 to the Emergency Desalination Feasibility Study in mid-September to develop a comprehensive overall project delivery schedule. The schedule included the potential timelines for design, manufacturing and delivery, installation, and startup of the following major project components, as well as key milestones for the project delivery method.

As this fast-paced project progressed, MMWD requested additional assistance with communications, coordination and meetings with regulatory agencies to inform them of the project and to start the permitting process, should the emergency desalination project move forward as an alternative water supply.

This Amendment 2 provides for additional permitting support for the project in early October, up until the project was put on hold by MMWD on 10/18/21.

### **Amendment 2 Scope of Services**

KJ-Jacobs has worked with MMWD in a phased approach to evaluate the feasibility of a potential leased, emergency seawater desalination supply. To support MMWD with permitting of a potential emergency desalination project, KJ-Jacobs proposes the following additional scope of services for the Emergency Desalination Feasibility Study:

#### **Task 4.1: Additional Permitting Support**

#### **Task 4.1 – Additional Permitting Support**

Under Task 4, project risks and uncertainties for the emergency desalination supply, KJ and our subconsultant WRA, supported MMWD with additional coordination and

communication with regulatory agencies responsible for permitting of a potential emergency desalination facility. The agencies include:

- U.S. Army Corps of Engineers (Corps)
- Regional Water Quality Control Board (RWQCB) NPDES and 401 Water Quality Certification
- San Francisco Bay Conservation and Development Commission (BCDC)
- State Lands Commission
- California Department of Fish and Wildlife (CDFW)
- National Marine Fisheries
- SWRCB Division of Drinking Water (DDW)

KJ and WRA assisted MMWD with communications, coordination, presentations and meetings with regulatory agencies to inform them of the project and discuss processes to start the permitting process, should the emergency desalination project move forward as an alternative water supply.

## **Project Team**

The KJ-Jacobs team includes key members who led and were involved with the previous year-long Seawater Desalination Pilot Program for MMWD. Todd Reynolds, from KJ, serves as the Project Manager. Sachi Itagaki, from KJ, and Justin Semion, from WRA, led the coordination and communications with regulatory agencies to discuss the seawater desalination project.

## **Amendment 2 Schedule**

KJ-Jacobs provided support to MMWD to communicate and initiate the permitting process for the potential emergency desalination project with regulators in October 2021, up to the point at which MMWD put further effort toward an emergency desalination project on hold on 10/18/21.

## Project Budget

The table below shows KJ-Jacobs original and Amendment 1 budgets and the proposed Amendment 2 budget for the MMWD Emergency Desalination Feasibility Study Project.

Task	Original KJ-Jacobs Budget	Amend. 1 Budget	Amend. 2 Budget	Total Budget, \$
1. Project Management	\$7,403	\$0	\$0	\$7,403
2. Develop Design Criteria and Facility Plans	\$12,606	\$0	\$0	\$12,606
3. Develop Costs and Schedule	\$27,039	\$0	\$0	\$27,039
4. Identify Risks and Uncertainties and Additional Permitting Support	\$7,734	\$0	\$19,500	\$27,234
5. Prepare Feasibility Study Report	\$14,406	\$0	\$0	\$14,406
6. Overall Project Schedule	\$0	\$30,800	\$0	\$30,800
Total	\$69,188	\$30,800	\$19,500	\$119,488

## Closing

The KJ-Jacobs Team is committed to meeting your goals for the MMWD Emergency Desalination Feasibility Study Project. If you have any questions on this proposal, please call Todd Reynolds at (415) 243-2453.

Very truly yours,  
KENNEDY JENKS



Todd K. Reynolds, P.E.  
Project Manager

## Approval Item

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**TITLE**

Second Amendment to the Memorandum of Agreement to Participate in the Bay Area Regional Reliability Plan

**RECOMMENDATION**

Authorize the General Manager to execute the Second Amendment to the Memorandum of Agreement to participate in the Bay Area Regional Reliability Plan

**SUMMARY**

The District, along with seven other Bay Area water agencies providing water supply for six million customers in the Bay Area, executed the Memorandum of Agreement (MOA) to participate in the Bay Area Regional Reliability (BARR) Plan in 2015, and to cooperatively address water supply reliability concerns and drought preparedness on a regional basis. The MOA expired December 31, 2018 and the partners executed a First Amendment to extend the terms of the MOA through December 31, 2021. The Second Amendment to the MOA extends the terms of the MOA to March 31, 2023, and includes the District as a Participating Partner in the BARR Regional Water Market Program being developed pursuant to the MOU.

**DISCUSSION**

In response to the drought in 2014, eight Bay Area water agencies, including the Marin Municipal Water District, East Bay Municipal Utility District, Contra Costa Water District, Alameda County Water District, Santa Clara Valley Water District, Zone 7 Water Agency, the Bay Area Water Supply and Conservation Agency, and the San Francisco Public Utilities Commission came together to form the Bay Area Regional Reliability (BARR) Partnership (the Partnership). The Partnership was established to cooperatively address water supply reliability concerns and drought preparedness on a mutually beneficial and regionally focused basis.

The BARR agencies executed a Memorandum of Agreement in 2015 to participate in the Bay Area Regional Reliability Plan, under which each agency committed \$50,000 to support development of the BARR Plan. The MOA paved the way for the Partnership to apply for, and receive, in August 2016, a U.S. Bureau of Reclamation grant of \$200,000, through its WaterSMART program, for preparation of the Bay Area Regional Reliability Drought Contingency Plan (DCP). The BARR DCP was completed in December 2017 and addressed drought related vulnerabilities through consideration of drought response actions and potential mitigation measures that would increase regional water supply reliability and benefit multiple agencies.

The Partnership decided to pursue one of the DCP's drought mitigation measures called the Bay Area Regional Water Market Program. The Regional Water Market Program is the development

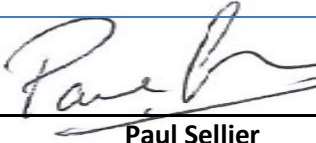

of a framework and strategy document to help facilitate regional transfers and exchanges. The Second Amendment will include the District as a Participating Partner of the Regional Water Market Program and extends the terms of the MOA to March 31, 2023. District staff recommends the Board authorize the General Manager to execute the Second Amendment of the Memorandum of Agreement to participate in the Bay Area Regional Reliability Plan.

**FISCAL IMPACT**

None

**ATTACHMENT(S)**

1. Second Amendment to the Memorandum of Agreement to Participate in the Bay Area Regional Reliability Plan

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

**SECOND AMENDMENT  
TO  
MEMORANDUM OF AGREEMENT TO PARTICIPATE IN THE BAY AREA  
REGIONAL RELIABILITY PLAN**

This Second Amendment to the Memorandum of Agreement to Participate in the Bay Area Regional Reliability Plan ( the “Second Amendment”) is entered into as of the last date next to the signatures below and as transcribed here [\_\_\_\_\_], by and between the Alameda County Water District (“ACWD”), the Alameda County Flood Control and Water Conservation District - Zone 7 (“Zone 7 Water Agency” or “Zone 7”), City & County of San Francisco acting by and through the Public Utilities Commission (“SFPUC”), the Bay Area Water Supply and Conservation Agency (“BAWSCA”), Contra Costa Water District (“CCWD”), East Bay Municipal Utility District (“EBMUD”), Marin Municipal Water District (“MMWD”), and Santa Clara Valley Water District (“Valley Water”) referred collectively herein as the “Parties” and singularly as a “Party”.

This Second Amendment extends the term of the Memorandum of Agreement, updates the signatory authorities and the delegated contacts, and includes MMWD as a Participating Partner to work collaboratively to develop the Regional Water Market Program.

**RECITALS**

1. On September 28, 2015, the Parties entered into a Memorandum of Agreement to Participate in the Bay Area Regional Reliability Plan (the “MOA”) relative to development of a Bay Area Regional Reliability Drought Contingency Plan (the “BARR Plan”).
2. On June 24, 2015, EBMUD, acting on behalf of the Parties, applied for a \$200,000 grant from the U.S. Bureau of Reclamation (“Reclamation”) under its “WaterSMART: Drought Contingency Planning Grants for Fiscal Year 2015” funding opportunity, to help fund development of the BARR Plan.
3. EBMUD, acting as Contracting Entity pursuant to the MOA, procured and entered into an agreement with a consultant for preparation of the BARR Plan.
4. The Parties submitted the final BARR Plan to Reclamation and on December 14, 2017, Reclamation officially accepted the BARR Plan.
5. The BARR Plan recommended a suite of fifteen Drought Mitigation Measures that the Parties could undertake to improve drought resilience and water supply reliability. One of the Drought Mitigation Measures was the implementation of a

Regional Water Market Program to help facilitate regional transfers and exchanges.

6. On April 19, 2017, EBMUD, acting on behalf of the Parties, applied for a \$400,000 grant from Reclamation under its "Water Marketing Strategy Grants for Fiscal Year 2017" funding opportunity to support development of the Regional Water Market Program.
7. On September 21, 2018, Reclamation and EBMUD executed a grant assistance agreement (number R17AP00315) for the Regional Water Market Program ("Reclamation Grant Funding Agreement").
8. ACWD, Zone 7 Water Agency, SFPUC, BAWSCA, CCWD, EBMUD, MMWD and Valley Water wish to work collaboratively to develop the Regional Water Market Program.
9. On September 22, 2019, the Parties executed the First Amendment to the MOA ("First Amendment") to add the necessary provisions to the Regional Water Market Program, including identifying and defining "Participating Partners," and to extend the term of the MOA to December 31, 2021.
10. While MMWD was not a Participating Partner in the First Amendment, MMWD now desires to engage in the collaborative work underway to develop the Regional Water Market Program by becoming a Participating Partner.
11. On March 23, 2020, Reclamation approved a no cost time extension for the Regional Water Market Program and extended the end date for grant number R17AP00315 by one year to September 31, 2022.
12. The Parties now desire to extend the term of the MOA a second time, and to update the signatory authorities and the delegated contacts for sending notices, and to add MMWD as a "Participating Partner".

## **AGREEMENT**

NOW, THEREFORE, for valuable consideration which is hereby acknowledged by the Parties, the Parties agree as follows:



### **Section 1: Extending Term of MOA**

The Term of the MOA is extended to March 31, 2023.

### **Section 2: Notices**

Attachment 4 to the MOA, entitled “Notices,” setting forth the signatory authorities and delegated project contacts for sending notices, is hereby replaced by the attached, updated “ Attachment 4 – Notices.”

### **Section 3: Participating Partners - Definition**

MMWD shall hereafter be a "Participating Partner," as described in Section 3 of the First Amendment, for all purposes thereunder. MMWD’s inclusion in the Regional Water Market Program has no financial impact to the other Participating Partners to the date of this Second Amendment.

Except as set forth above, each and every provision of the MOA, as modified by the First Amendment, shall remain in full force and effect.

This Second Amendment may be executed in counterpart. Facsimile and electronic signatures shall be binding.

IN WITNESS WHEREOF, the Parties hereto have executed this Second Amendment.

**ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION  
DISTRICT – ZONE 7 (ZONE 7 WATER AGENCY)**

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VALERIE PRYOR  
General Manager

IN WITNESS WHEREOF, the Parties hereto have executed this Second Amendment.

**ALAMEDA COUNTY WATER DISTRICT**

---

ED STEVENSON  
General Manager

IN WITNESS WHEREOF, the Parties hereto have executed this Second Amendment.

**CITY AND COUNTY OF SAN FRANCISCO,  
PUBLIC UTILITIES COMMISSION**

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DENNIS HERRERA  
General Manager

IN WITNESS WHEREOF, the Parties hereto have executed this Second Amendment.

**CONTRA COSTA WATER DISTRICT**

APPROVED AS TO FORM:

\_\_\_\_\_  
DOUGLAS E. COTY  
General Counsel

\_\_\_\_\_  
STEPHEN WELCH  
General Manager

IN WITNESS WHEREOF, the Parties hereto have executed this Second Amendment.

**BAY AREA WATER SUPPLY AND CONSERVATION AGENCY**

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NICOLE SANDKULLA

Chief Executive Officer/General Manager

IN WITNESS WHEREOF, the Parties hereto have executed this Second Amendment.

**EAST BAY MUNICIPAL UTILITY DISTRICT**

APPROVED AS TO FORM:

\_\_\_\_\_  
DEREK T. MCDONALD  
General Counsel

\_\_\_\_\_  
CLIFFORD C. CHAN  
General Manager

IN WITNESS WHEREOF, the Parties hereto have executed this Second Amendment.

**MARIN MUNICIPAL WATER DISTRICT**

\_\_\_\_\_  
BENNETT HORENSTEIN  
General Manager



IN WITNESS WHEREOF, the Parties hereto have executed this Second Amendment.

**SANTA CLARA VALLEY WATER DISTRICT**

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RICK L. CALLENDER, ESQ.  
Chief Executive Officer

## ATTACHMENT 4

### NOTICES

Any notice, demand, or request made in connection with this Agreement must be in writing and deemed properly served if delivered in person or sent by United States mail, postage prepaid, to the addresses specified below:

<b>AGENCY</b>	<b>SIGNATORY AUTHORITY</b>	<b>DELEGATED PROJECT CONTACT</b>	<b>MAILING ADDRESS OF DELEGATED CONTACT</b>
Alameda County Water District	Ed Stevenson	Thomas Niesar	Alameda County Water District 43885 S. Grimmer Blvd Fremont, CA 94538
Alameda County Flood Control and Water Conservation District – Zone 7	Valerie Pryor	Amparo Flores	100 North Canyons Parkway Livermore, CA 94551
Bay Area Water Supply and Conservation Agency	Nicole Sandkulla	Thomas Francis	155 Bovet Road, Suite 650 San Mateo, California 94402
Contra Costa Water District	Stephen Welch	Maureen Martin	P.O. Box H <sub>2</sub> O Concord, CA 94524
East Bay Municipal Utility District	Clifford C. Chan	Bradley Ledesma	East Bay Municipal Utility District P.O. Box 24055 Oakland, CA 94623-1055
Marin Municipal Water District	Bennett Horenstein	Lucy Croy	220 Nellen Ave Corte Madera, CA 94925
San Francisco Public Utilities Commission	Dennis Herrera	Manisha Kothari	San Francisco Public Utilities Commission 525 Golden Gate Avenue San Francisco, CA 94102
Santa Clara Valley Water District	Rick L. Callender, Esq.	Jing Wu	Santa Clara Valley Water District 5750 Almaden Expressway San Jose, CA 95118

## Approval Item

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**TITLE**

Water Treatment Plant Supervisor positions

**RECOMMENDATION**

Authorize the General Manager to reclassify the Assistant Superintendent of Water Treatment position and a Treatment Plant Operator position to two Water Treatment Plant Supervisor positions and to fill the positions upon the retirement of the incumbent Assistant Superintendent of Water Treatment.

**SUMMARY**

The Assistant Superintendent of Water Treatment (AS) is retiring at the end of March 2022 and this presents an opportunity to realign the Treatment Plant Operator group to a more typical organizational structure common throughout the industry. The proposed change provides measurable benefits for the District in terms of succession planning, does not increase the number of full time employees and can be accomplished with no increase in budget.

**DISCUSSION**

The current configuration of the treatment plant operator group includes an Assistant Superintendent and Superintendent who share the direct supervision of the treatment plants between them with the Assistant supervising Bon Tempe treatment plant and the Superintendent supervising San Geronimo and Ignacio treatment plants as well as overall responsibility for water treatment. The proposed new structure includes converting the Assistant Superintendent position to a Treatment Plant Supervisor and converting a regular treatment plant operator position to a second Treatment Plant Supervisor position.

The creation of the proposed supervisor positions will align the structure of the Operator group with the industry standards, provide a deeper bench of employees the District can draw upon to supervise the operation of the treatment plants and provide employees with the leadership experience necessary to qualify for the Superintendent position. In addition the Supervisors' shifts can be staggered such that there is onsite supervision by experienced T-5 licensed staff for the treatment plants during the day shift 7 days per week. Currently, supervision during the weekends is performed by the Assistant Superintendent or Superintendent by phone as needed. In addition, the supervisor positions can fill in for the Superintendent during vacations or other absences.

The timing of the reorganization is important and it should be completed while an experienced Superintendent of Water Treatment is available to transfer knowledge and train staff to the necessary level to serve both as backup and potential replacements.

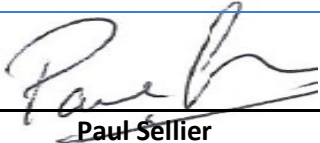

In addition to the position vacated by the Assistant Superintendent of Operations, one additional existing Treatment Plant Systems Operator (TPSO) position will be converted to a Treatment Plant Supervisor.

**FISCAL IMPACT**

The reorganization can be accomplished at no additional cost to the District. In addition to the position vacated by the Assistant Superintendent of Operations, one additional existing Treatment Plant Systems Operator (TPSO) position will be converted to a Treatment Plant Supervisor. The total number of positions in the Operator group will remain fixed at 15 positions. The reorganization will not increase the FTE.

**ATTACHMENT(S)**

None

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

## Informational Item

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**TO:** Board of Directors

**FROM:** Terrie Gillen, Board Secretary



**THROUGH:** Ben Horenstein, General Manager



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

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

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### SUMMARY

Review of the upcoming Board of Directors and Committee meetings

### DISCUSSION

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

- Thursday, December 16, 2021  
Watershed Committee/Board of Directors (Watershed) Meeting  
1:30 p.m.
- Friday, December 17, 2021  
Operations Committee/Board of Directors (Operations) Meeting  
9:30 a.m.
- Tuesday, January 4, 2022  
Joint Meeting of the Board of Directors, Financing Authority, & Financing Corporation  
7:00 p.m.
- Tuesday, January 18, 2022  
Board of Directors' Regular Bi-Monthly Meeting  
7:00 p.m.

### FISCAL IMPACT

None

### ATTACHMENT(S)

None