

**MARIN MUNICIPAL WATER DISTRICT  
BOARD OF DIRECTORS**

**MEETING MINUTES**

**Tuesday, February 15, 2022**

**Via teleconference**

(In accordance with Assembly Bill (AB) 361)

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

**DIRECTORS ABSENT:** None

**CALL TO ORDER AND ROLL CALL**

President Russell called the meeting to order at 6:01 p.m.

**ADOPT AGENDA**

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

There were no public comments regarding the agenda.

The following roll call vote was made.

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

Noes: None

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

There was one (1) public comment.

**CONVENE TO CLOSED SESSION**

At 6:05 p.m., the Board of Directors convened to closed session.

**CLOSED SESSION ITEM**

1. Conference with Legal Counsel – Existing Litigation  
(California Government Code Section §54956.9)

*Coalition of Sensible Taxpayers vs Marin Municipal Water District*  
Case No.: CIV 1903160

The Board of Directors and staff discussed the item.

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

The board convened to open session at 7:01 p.m.

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

Also, at 7:06 p.m., President Russell stated that the staff was given direction and the Closed Session adjourned at 6:37 p.m.

#### **PUBLIC COMMENT**

There were three (3) public comments.

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

- General Manager Ben Horenstein gave a preview of upcoming Agenda Items 7-10, which pertain to water supply and conservation.
- Director Gibson announced the upcoming North Bay Watershed Association Biennial Conference on April 8 regarding climate change and the weather.

#### **CONSENT CALENDAR (ITEMS 2-6)**

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|---------------|--|
| <b>Item 2</b> | <b>Minutes of the Board of Directors' Regular Bi-Monthly Meeting of February 1, 2022</b>   |
| <b>Item 3</b> | <b>General Manager's Report January 2022</b>   |
| <b>Item 4</b> | <b>Resolution Continuing the Invocation of the District's Emergency Contracting Procedures for the Rehabilitation of the Kastania Pump Station (Resolution No. 8678)</b> |
| <b>Item 5</b> | <b>Request to Fill Customer Representative III Position</b>  |
| <b>Item 6</b> | <b>Authorizing the General Manager to Recruit and Hire a Water Resources Director</b>  |

Before the Consent Calendar was approved, Director Bragman requested a change to the minutes to reflect that he was absent and not opposed to the adoption of the agenda, which was mentioned in the minutes of the February 1 Board of Directors' Meeting.

There were no public comments regarding the consent items.

On motion made by Director Bragman and seconded by Director Koehler, the board approved the consent calendar with the change to the minutes.

The following roll call vote was made.

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

## **REGULAR CALENDAR (ITEM 7)**

### **Item 7 Water Supply Update**

Director of Operations Paul Sellier presented this item, including showing the current water supply, water supply projection, and precipitation outlook.

There were no public comments and no further board comments.

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

## **PUBLIC HEARING (ITEM 8)**

### **Item 8 Adopting Ordinance 458 Amending Chapter 13.04 Entitled “Comprehensive Drought Water Conservation and Enforcement Measures” to Title 13 of the Marin Municipal Water District Code Repealing the Prohibition on Overhead Spray Irrigation**

Water Efficiency Manager Carrie Pollard presented this item showing past and recent drought emergency restrictions and normal year water waste prohibitions and finished with the staff recommendation of adoption of Ordinance No. 458 repealing the overhead spray irrigation restrictions.

President Russell opened the public hearing. There were nine (9) public comments. Then, Director Russell closed the public hearing.

The directors discussed the merits of the proposed action and concerns about the ongoing water resiliency issues.

On motion made by Director Bragman and seconded by Director Koehler, the board approved the adoption of Ordinance 458 with the change allowing irrigation of ornamental landscape and turf to occur two days instead of three days a week.

The following roll call vote was made.

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

## **REGULAR CALENDAR (ITEMS 9-14)**

### **Item 9 Prohibiting Non-Functional Turf in Commercial Sector**

Water Efficiency Manager Pollard also brought forth this item. Discussion followed. The board directed staff to return with an ordinance prohibiting the installation of non-functional turf in new commercial projects and to provide incentives to existing commercial customers to transition non-functional turf to water efficient landscaping.

There was one (1) public comment and no further comments from the board.

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

### **Item 10 Authorizing the General Manager to Execute a Professional Services Agreement with West Yost, in the Amount of \$390,617 including contingency, for Engineering Services in Support of the Peacock Gap Recycled Water Pipeline Project (Resolution No. 8679)**

Engineering Division Manager Crystal Yezman introduced and Associate Engineer Zak Talbott presented this item. Discussion ensued.

There was one (1) public comment.

On motion made by Director Koehler and seconded by Director Gibson, the board approved the resolution authorizing the agreement. The following roll call vote was made.

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

Noes: None

### **Item 11 A Resolution Authorizing the General Manager to Execute Amendment No. 3 to Professional Services Agreement No. 5945 with Miller Pacific Engineering Group, in the amount of \$38,000, including Contingency, for Continued Geotechnical Engineering Services in Support of the Final Design of the Pine Mountain Tunnel Tanks Replacement Project (Resolution No. 8680)**

Design Engineering Manager Alex Anaya introduced and Associate Engineer Jake Miller brought forth this item. Questions and answers between the board and staff occurred afterwards.

There were no public comments.

On motion made by Director Koehler and seconded by Director Bragman, the board approved the resolution executing Amendment No. 3. The following roll call vote was made.

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

Noes: None

**Item 12      Approve (A) Resolution Certifying Review of the Amended Final Environmental Impact Report for the Oakview Master Plan, Use Permit, and Vesting Tentative Map for the Talus Reserve – Erin Drive Extension and Approving a Pipeline Extension Agreement (B) Resolution Making Determinations with Respect to Fees Contained in the Pipeline Extension Agreement, and (C) Resolution Finding Impending Peril of Gradual Earth Movement Determining and Undertaking Appropriate Action Halt, Stabilize, or Abate Such Peril (Resolution No. 8681, Resolution No. 8682, and Resolution No. 8683)**

Engineering Division Manager Yezman also presented this Project, including addressing dual plumbing. Discussion followed between the directors and staff.

There was no public comment, nor further board comments.

On motion made by Director Koehler and seconded by Director Gibson, the board approved all three (3) resolutions relating to the Talus Reserve. The following roll call vote was made.

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

**Item 13      Authorizing the General Manager to Execute an Easement Deed with the County of Marin for the Recycled Water Fill Station Located at the Marin County Civic Center**

Ms. Yezman also brought forth this item. Discussion ensued.

There was no public comment.

On motion made by Director Gibson and seconded by Director Bragman, the board approved executing the Easement Deed. The following roll call vote was made.

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

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

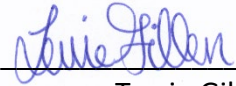
The board secretary reported on the upcoming meetings listed on the staff report.

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

There was no public comment.

## **ADJOURNMENT**

There being no further business, the regular bi-monthly Board of Directors' meeting of February 15, 2022, adjourned at 9:04 p.m.



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Terrie Gillen, CMC  
Board Secretary

The minutes were approved at the Board of Directors' Regular Bi-Monthly Meeting of March 1, 2022.