

**MARIN MUNICIPAL WATER DISTRICT
BOARD OF DIRECTORS**

MEETING MINUTES

Tuesday, January 3, 2023

Via teleconference
(In accordance with Assembly Bill 361)

CALL TO ORDER AND ROLL CALL

President Larry Russell called the meeting to order at 6:00 p.m.

Directors Present: Ranjiv Khush, Matt Samson, Monty Schmitt, Jed Smith, and Larry Russell

Directors Absent: None

ADOPTION OF AGENDA

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

Ayes: Directors Khush, Samson, Schmitt, Smith, and Russell
Noes: None

There were no public comments.

PUBLIC COMMENT – ONLY ON ITEMS ON THE CLOSED SESSION

There were no public comments.

CONVENE TO CLOSED SESSION

The directors convened to Closed Session at 6:03 p.m.

CLOSED SESSION ITEMS

- 1. Conference With Real Property Negotiators**
(Government Code §54956.8)

Property: APN 052-140-27, 700 Donahue Street, Sausalito (Lease 65)

Agency Negotiator: Ben Horenstein, General Manager
Negotiating Party: Synergy (Sprint/T-Mobile)
Under Negotiation: Price and Terms of Payment

2. Liability Claim

(Government Code §54956.9(e)(3))

One Claim

Claimant: Wandre Gomes

Agency Claimed Against: Marin Municipal Water District

3. Conference with Legal Counsel – Existing Litigation

(California Government Code Section § 54956.9(a))

Bender v. Marin Municipal Water District

Case Number: CIV 2103037

4. Conference with Legal Counsel – Existing Litigation

(California Government Code Section § 54956.9(a))

Coalition of Sensible Taxpayers vs. Marin Municipal Water District

Case Number: CIV 1903160

CONVENE TO OPEN SESSION

The board convened to Open Session at 7:30 p.m.

CLOSED SESSION REPORT OUT

President Russell reported that the board adjourned the Closed Session at 7:28 p.m. with no reportable action.

PUBLIC COMMENT – ITEMS NOT ON THE AGENDA

There were four (4) public comments.

DIRECTORS' AND GENERAL MANAGER'S ANNOUNCEMENTS & COMMITTEE REPORTS

- Director Khush stated the he would recuse himself from participating in discussions of the Coalition of Sensible Taxpayers (COST) lawsuit, because he received campaign contributions from some members of COST. He went on to further mention that he returned the funds in excess of \$250 on the advice of counsel, but was recusing to avoid any appearance of bias in the matter.

- Director Samson also stated his recusal from any discussion with COST due to the same reason as Director Khush, and he, too, returned the contribution funds. Moreover, Director Samson reported that the state recently published fire hazard maps in which there's an opportunity for the public, including the District, to provide comment.
- Vice President Schmitt provided the December Watershed Committee Meeting Report.
- President Russell provided reports on both meetings of the Operations Committee and Finance & Administration Committee that also occurred last month.
- General Manager Ben Horenstein announced the District's preparation of the upcoming storms.

CONSENT CALENDAR (ITEMS 5-8)

- Item 5** Minutes of the Board of Directors' Special Meeting of December 12, 2022, and Regular Bi-Monthly Meeting of December 13, 2022
- Item 6** Professional Services Agreement with Point Blue Conservation Science for Annual Northern Spotted Owl Monitoring
- Item 7** Legal Services Agreement Amendment with Best, Best, & Krieger, LLP for Employment and Labor Law Services
- Item 8** Resolution Continuing the Emergency Contracting Provisions for Repair of Pipe Failure on Paradise Drive, Tiburon (Resolution No. 8732)

On motion made by Vice President Schmitt and seconded by Director Smith, the board approved the Consent Calendar

Ayes: Directors Khush, Samson, Schmitt, Smith, and Russell
 Noes: None

There were no public comments on the Consent Calendar items.

REGULAR CALENDAR (ITEMS 9-14)

- Item 9** Organization of the Board of Directors for 2023: (A) Election of President and (B) Election of Vice President

On motion made by Director Samson and seconded by Director Khush, the board elected Director Monty Schmitt as 2023 Board President.

Ayes: Directors Khush, Samson, Schmitt, and Smith
Noes: Director Russell

On motion made by President Schmitt and seconded by Director Samson, the board elected Director Ranjiv Khush as 2023 Board Vice President.

Ayes: Directors Russell, Khush, Samson, Smith, and Schmitt
Noes: None

After the elections, President Schmitt thanked Director Russell for his service and commented on the role of the District's board president.

General Manager Horenstein presented Director Russell with a gavel plaque for his service as 2022 Board President.

Directors Smith and Khush also provided comments.

There were no public comments.

Item 10 2023 Calendar of Marin Municipal Water District Board and Committee Meetings

Communications & Public Affairs Manager Adriane Mertens presented to the board opportunities for the directors to establish their board and committee meetings schedule for the 2023 calendar year consistent with Board Policy. Much discussion ensued.

There were three (3) public comments.

The board tabled this item for further discussion and consideration at the next Board meeting, but confirmed two upcoming meetings.

On motion made by Director Smith and seconded by Vice President Khush, the board confirmed that there would be an Operations Committee meeting on January 13 and the next regular board meeting would occur on January 17.

Ayes: Directors Khush, Russell, Samson, Smith, and Schmitt
Noes: None

Item 11 Resolution to Allow Continuation of Virtual Meetings Pursuant to AB 361 (Resolution No. 8733)

General Manager Horenstein presented this item. Discussion followed.

There was one (1) public comment.

More conversation ensued between the board and staff.

On motion made by Vice President Khush and seconded by Director Samson, the board approved the resolution (Resolution No. 8733).

Ayes: Directors Khush, Russell, Samson, Smith, and Schmitt
Noes: None

Item 12 Water Supply Update

Water Resources Director Paul Sellier presented the update of the current water supply, water projection, weather forecast, and strategic water supply. A brief conversation between the board and staff followed.

There were no public comments.

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

Item 13 Rate Setting Process Update – Reserve Targets and Capital Investments

Finance Director Bret Uppendahl presented this item. There was much discussion throughout the presentation.

There were two (2) public comments.

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

Item 14 Future Meeting Schedule and Agenda Items

The board secretary reported on changes to the internal meetings mentioned on the staff report due to the earlier discussion of Item #10 and on the upcoming external meetings.

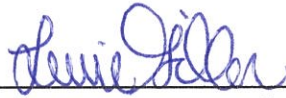
Director Russell also announced that immediately following this board meeting were the Financing Authority and Financing Committee meetings.

There was no public comment.

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

ADJOURNMENT

There being no further business, the regular Board of Directors' meeting of January 3, 2023, adjourned at 9:58 p.m.



Terrie Gillen, CMC
Board Secretary

The minutes were approved at the Board of Directors' Regular Bi-Monthly Meeting of January 17, 2023.