

**NORTH MARIN WATER DISTRICT
MINUTES OF REGULAR MEETING
OF THE BOARD OF DIRECTORS
October 2, 2007**

CALL TO ORDER

President Petterle called the regular meeting of the Board of Directors of North Marin Water District to order at 7:30 p.m. at the District headquarters and the agenda was accepted as presented. Present were Directors Jack Baker, Rick Fraites, Dennis Rodoni and John Schoonover. Also present were General Manager Chris DeGabriele, Secretary Renee Roberts, Auditor-Controller David Bentley and Chief Engineer Drew McIntyre.

District employees Doug Moore (Construction Superintendent) and David Jackson (Associate Engineer) were in the audience.

CLOSED SESSION

President Petterle immediately adjourned the Board into closed session for: in accordance with California Government Code 54956.9 (a). Conference with Legal Counsel. Existing Litigation. One Case re Electronic Innovations, Inc.

OPEN SESSION

Upon returning to regular session at 7:37 p.m., President Petterle stated that during the closed session the Board had discussed the issues and no reportable action had been taken.

MINUTES

On motion of Director Baker, seconded by Director Schoonover and unanimously carried, the Board approved the minutes from the previous meeting as amended.

GENERAL MANAGER'S REPORT

Assemblymember Huffman

Mr. DeGabriele stated that Assemblymember Jared Huffman informed him that he sits on the subcommittee that is crafting the Assembly version of the water bond; and that Mr. Huffman agrees, in principal, with maintaining the integrated regional water management approach that has been included in the last two water bonds, Prop 50 and Prop 84. He said that Assemblymember Huffman stated that he would make sure that that approach will be included in the next Assembly bill. Mr. DeGabriele informed the Board that currently there are two Senate versions of the water bond in the Senate, one Republican and one Democrat and that there may be two Assembly versions. He said it was not clear whether a comprehensive package can be negotiated to take forward and that it may go to a ballot initiative. He stated that there is a meeting next Thursday to consider the two versions of the water bond.

Mr. DeGabriele further stated that Assemblymember Huffman advised that he intends to write a letter to Senator Dianne Feinstein opposing the proposed federal legislation for the North Bay Water Reuse Authority (NBWRA). He said that Mr. Huffman stated that his position will be to oppose the NBWRA unless local recycled water projects are the first and top priority and that only exported recycled water will happen after those projects are in place. Mr. DeGabriele stated that he was not sure if the NBWRA could satisfy Mr. Huffman. He related that Mr. Huffman said he would like to see his position reflected in either the proposed federal legislation, in the Environmental Impact Report or in the Memorandum of Understanding that formed the NBWRA. Mr. DeGabriele advised that he had crafted language to modify the MOU and that will be considered on October 15 by the NBWRA Board. He stated that it is not certain if the NBWRA is willing to state that there won't be any export of recycled water until local projects are in place. Mr. DeGabriele said that he agrees that local projects are the top priority but that the idea that only surplus recycled water will be exported is a challenge.

Intertie Agreement Negotiations

Mr. DeGabriele reported that he and Drew McIntyre participated in the initial meeting of the Intertie Agreement negotiations with Marin Municipal Water District and stated that it was a good meeting, but that there was nothing to report at this time. He said that there is another meeting planned for the end of October.

OPEN TIME

President Petterle asked if anyone in the audience or staff wished to bring up an item not on the agenda and the following items were discussed:

Director Fraites remarked on the very interesting architecture of the modern Barcelona water works building that he observed while on vacation in Spain.

CONSENT CALENDAR

On motion of Director Schoonover, seconded by Director Baker and unanimously carried, the following items were approved on the Consent Calendar:

W.R. FORDE CONSTRUCTION CONTRACT – REDUCTION OF RETENTION

The Center Road Water Tank Project is 98% complete and W. R. Forde Construction, the project contractor, has requested a release of excess retention withholding above 5%. The requested funds in excess of 5% are in the amount of \$18,244 and the Board authorized the release of the funds to W. R. Forde Construction.

AUDITOR-CONTROLLER'S ANNUAL STATEMENT OF INVESTMENT POLICY

The Board approved the Auditor-Controller's Annual Statement of Investment Policy which is presented to the Board annually. There were no changes in this investment policy from that approved by the Board last year.

DISBURSEMENTS

The Board approved and authorized for payment payroll and accounts payable vouchers totaling \$476,851.08.

ACTION CALENDAR

ACWA REQUEST TO SUPPORT CAL WATER CRISIS OUTREACH CAMPAIGN

Mr. DeGabriele stated that he received a letter from ACWA asking for a voluntary contribution towards their public education program, "California's Water: A Crisis We Can't Ignore." He reported that currently the program is funded by donations from larger water agencies, i.e. Metropolitan Water District in Los Angeles and the Kern County Water Agency, and that he would not recommend that the District make a contribution at this time. He explained that the public education program targets the Delta crisis and that the ACWA outreach effort does not include concerns of the Russian River basin or the North Coast. Mr. DeGabriele presented a Power Point presentation provided by ACWA outlining the public education campaign.

Director Fraites stated that he supported Mr. DeGabriele's recommendation and that the biggest contributors to ACWA's public education program are the biggest users of water in the state. He further stated that, in his view, ACWA is a "stalking horse" for the Schwarzenegger campaign for water improvement initiatives in California.

Director Pettele requested that if the District contributes in the ACWA program in the future, that it be brought before the Board for input.

On motion of Director Rodoni and seconded by Director Fraites, the Board unanimously approved the General Manager's recommendation to decline to make a voluntary contribution to the ACWA public education at this time.

CENTER ROAD WATER TANK PROJECT - W.R. FORDE ASSOCIATES CHANGE ORDER NOS. 3 & 4

Mr. McIntyre stated that Dave Jackson, the project engineer, will address the Board on the Change Order request for W.R. Forde Associates for the Center Road Water Tank Project.

Mr. Jackson reported that the Center Road Water Tank Project construction went very well and that the contractor did a good job. He said that Change Order No. 3 is for Erosion Control

Blanketing of Slopes. He explained that the Marin County Open Space District requested the use of erosion control blankets on disturbed areas with slopes greater than 20%, but that the language addressing the use of erosion control blankets was omitted in the specification. He stated that the contractor claimed that he was not required to provide the blankets in these locations, and that providing erosion control blankets was extra work and a change order in the amount of \$36,855 was requested by W. R. Forde. He reported that staff negotiated the cost with the contractor who agreed to a reduced sum of \$25,655 for this work.

Mr. Jackson stated that Change Order No. 4 concerns the decision to not pave certain areas of the tank access roadway previously designated as asphalt-concrete (AC) pavement sections and to, instead, use aggregate base (AB). He explained that these areas that were specified to have AC paving did not erode as expected, even during the winter months with construction traffic, therefore, the use of AC paving was eliminated from the contract. He pointed out that by using AB, the roadway is less visible and will reduce surface runoff during wet weather periods. He stated that the contractor was impacted by the delay during District discussions of the issue and staff agreed to a credit of \$10,000 to the District for the elimination of this work.

Mr. Jackson provided a brief status of the on-going work at the tank site and reported that District crews are installing landscaping, the fence line has been moved to incorporate the landscape area (hopefully to keep out the deer), and a drinking fountain was installed for Open Space users.

Director Baker noted that this was not a harsh winter and cautioned that by deciding to delete the AC pavement that it may create a situation where the District will have to revisit this decision in the future. Mr. Jackson responded by saying that an attempt was made to negotiate a modified treatment to the pavement in steeper areas with the contractor, but that the estimate from the contractor was unreasonable. He said that there may be some erosion and future work may have to be done on the road, but that it is not prudent to do it at this time. Mr. McIntyre stated that the steeper grades, over 18%, are paved with concrete.

On motion of Director Baker and seconded by Director Rodoni, the Board unanimously authorized the General Manager to execute Change Order Nos. 3 and 4 to W.R. Ford Associates in the aggregate amount of \$15,655 (\$25,655 - \$10,000).

HYDROSCIENCE ENGINEERS CONSULTING ENGINEERING CONTRACT – NOVATO FIRE PROTECTION DISTRICT FIRE STATION NO. 2 RETROFIT

Mr. McIntyre stated that the contract with HydroScience Engineers is for engineering design and consulting services to convert the existing irrigation system from potable water use to recycled

water use at Novato Fire Protection District Fire Station No. 2 on Atherton Avenue. He stated that a plan needs to be established for separating the irrigation water away from the potable water and setting up a separate irrigation system. Mr. McIntyre further stated that the plans are typically submitted to the State for review and approval and that HydroScience will also provide assistance with this portion of the project.

On motion of Director Fraites and seconded by Director Rodoni, the Board unanimously authorized the General Manager to execute a Consulting Services Contract with HydroScience Engineers Inc. for a not-to-exceed amount of \$15,570 plus a contingency of \$1,500 for Engineering Design Services.

INFORMATION ITEMS

UPDATE ON LONG TERM 2 ENHANCED SURFACE WATER TREATMENT RULE (LT2)

Mr. DeGabriele reported that the District received a letter from the California Department of Public Health (DPH) stating that, based on District monitoring results for *Cryptosporidium* in the Stafford Lake raw water supply, additional removal of *Cryptosporidium* is required. Mr. DeGabriele advised the Board that the District has been put on notice to increase its treatment capability and is pleased to have the Stafford Treatment Plant completed and prepared for these more stringent water quality requirements. He stated that the District is confident that a 99.99% removal of *Cryptosporidium* is possible with the existing treatment process and that the District is ready to comply with that requirement by using the method to keep filter effluent turbidity below 0.15 NTU 95% of the time. He advised that there will be additional guidance from DPH later this year about what other methods would help in removing *Cryptosporidium* and staff will be looking at this as well.

GIACOMINI WETLANDS RESTORATION PROJECT

Mr. DeGabriele reported that the Giacomini Wetlands Restoration Project Environmental Impact Report was approved for Certification and the Notice of Determination and Record of Decision for the Environmental Impact Statement has been approved. He further reported that Phase 1 of the National Park Service project has begun that includes removing ranch buildings and enhancements/creation of fresh water marsh and ponded areas on the ranch property. Mr. DeGabriele stated that since raw water for irrigation on the Giacomini ranch is no longer required, District staff will be removing the Downey well.

Director Rodoni inquired if there were plans to remove the temporary pipe and Mr. DeGabriele responded that the park contractor will be removing the pipe on the ranch property.

Director Rodoni informed the Board that Argonaut of Santa Rosa is the contractor on the \$1.6 M wetlands restoration construction project, and that Winzler and Kelly is the project manager. He said that Phase 1 is demolition of ranch structures and that that area will be used as a staging area for removal of the levees to relieve flooding before the winter rains begin.

ACWA THEODORE ROOSEVELT AWARD ENTRY

Mr. DeGabriele informed the Board that the District has submitted an entry for the ACWA Theodore Roosevelt Award seeking recognition for the District's "Bottle Your Own" campaign that encourages District customers to drink District water rather than purchase bottled water. He said that Renee Roberts and Ryan Grisso did a nice job in preparing the application package.

TAC MEETING – 10/1/07

Mr. DeGabriele reported that the "Table of SCWA Contractor Water Statistics" through August was distributed and that he will ask the water contractors to provide data through September. He stated that as a region, Russian River diversions are reduced over 20% from 2004 and that all contractors have contributed to help the Water Agency meet its requirement. He further stated that the Water Agency budget and economic analysis was discussed and that the Water Agency is expecting a \$3 M to \$5 M revenue shortfall due to reduced water sales. He stated that the TAC will continue to work with the Water Agency to insure that there would be no surprise rate increases.

Mr. DeGabriele stated that the SCWA General Manager informed the TAC that he had a conversation with PG&E management regarding operation of the Potter Valley Project for the protection of the fisheries and that he had also met with NOAA Fisheries to discuss the Biological Opinion terms and conditions. He said that Mr. Poole reported that the Biological Opinion might be completed by January.

NBWA MEETING -10/5/07

Mr. DeGabriele stated that he is unable to attend the North Bay Watershed Association meeting on October 5, 2007 and that Director Fraites will be in attendance.

MISCELLANEOUS

The Board received the following miscellaneous items: Review of Scheduled Agenda Items, Health Plan Open Enrollment, HET Distribution Status Report, Department of Public Health Lab Audit Report w/Commendation, Community Choice Aggregation Information (3).

Mr. DeGabriele brought to the attention of the Board the comment from the Department of Public Health auditor who said that he is “particularly impressed with the performance of your microbiology section. It is truly commendable.”

The Board received the following news article: Bay Institute Leader Lands Key Utility Job (9/20).

ADJOURNMENT

President Petterle adjourned the meeting at 8:25 p.m.

Submitted by

Renee Roberts
District Secretary