

**NORTH MARIN WATER DISTRICT  
MINUTES OF REGULAR MEETING  
OF THE BOARD OF DIRECTORS  
September 20, 2011**

**CALL TO ORDER**

President Schoonover 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, Steve Petterle and Dennis Rodoni. Also present were General Manager Chris DeGabriele, Acting Secretary Katie Young, and Chief Engineer Drew McIntyre.

District employees Robert Clark (Operations/Maintenance Superintendent) and Doug Moore (Construction/Maintenance Superintendent) were in the audience.

**MINUTES**

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

**GENERAL MANAGER'S REPORT**

**Point Reyes Well Grant Funding**

Mr. DeGabriele reported that Robert Clark, Operation/Maintenance Supervisor, and Pablo Ramudo, Water Quality Supervisor, have prepared responses to the Department of Public Health (DPH) questions about an emergency grant for funding Pt. Reyes Station Well Replacement. He also stated that included in the response to the questions, the larger project is the Gallagher Well and Pipeline project. Mr. DeGabriele said the emergency grant funding from the DPH is limited to \$250,000. He stated that it would not be enough for North Marin Water District to complete the Gallagher Well and Pipeline project and the District is hopeful that there is some grant funding available. He advised the Board that the plan was to request \$1.75 million dollars, enough for both a replacement well and the Gallagher Well and Pipeline project, although it was beyond what the emergency grant could accommodate, and that the District was hoping for some funding now for the replacement well and to get an elevated priority for a future SRF Loan to complete the Gallagher project.

Director Baker questioned if there were other districts going for the grant money.

Mr. DeGabriele stated that at the last meeting, Robert Clark mentioned it was very difficult to get emergency grant funding. He stated that the District may be limited in the quantity of water

that can be delivered in the future, and that these circumstances may help the District receive the grant.

#### Infineon Raceway

Mr. DeGabriele informed the Board that Drew McIntyre, Chief Engineer, was informed that Infineon Raceway is planning habitat restoration and erosion control work on the Petaluma River Watershed side of their property. He stated that Infineon Raceway has requested to truck in and use the District's Recycled Water to help with the construction work for about 2 weeks. Mr. DeGabriele thought that it was a good idea for the District to try and expand the use of Recycled Water.

Director Fraites asked what the purpose was for Infineon Raceway doing this restoration.

Mr. DeGabriele stated that it is for a clean-up effort to remove old truck tires from the drainage channels and at the same time put in plants for erosion control.

#### **OPEN TIME**

President Schoonover asked if anyone in the audience wished to bring up an item not on the agenda and there was no response.

#### **STAFF / DIRECTORS' REPORTS**

President Schoonover asked if staff or Directors wished to bring up an item not on the agenda and the following items were discussed:

#### Draft Annual Report

Administrative Assistant Katie Young, provided the Board with a draft of the Annual Report for FY 2011. Ms. Young asked that the Board review the draft report and respond with comments to be reviewed by Mr. DeGabriele and integrated into the report.

#### Director on Vacation

Director Baker stated that he would be unable to attend the next Board meeting on October 4<sup>th</sup> as he will be out of town.

#### **MONTHLY PROGRESS REPORT**

The August Progress Report was included in the agenda for the Board to review.

## **CONSENT CALENDAR**

On the motion of Director Petterle, seconded by Director Fraites and unanimously carried the following items were approved on the consent calendar:

### **WINZLER & KELLY GENERAL SERVICES AGREEMENT**

The Board authorized the General Manger to execute a General Consulting Services Agreement between NMWD and Winzler & Kelly with a not-to-exceed limit of \$30,000.

### **REQUEST GOVERNOR BROWN VETO SENATE BILL 293**

Senate Bill 293 was passed by the State Legislature and sent to the Governor on September 14, 2011. The bill limits contract payment retentions on public works projects to just 5%, down from the current 10% standard used by NMWD.

The Board authorized President Schoonover to sign a letter to Governor Brown requesting a veto of Senate Bill 293.

### **RESPONSE TO CUSTOMER LETTER RE: HIGH BILL COMPLAINT**

The Board received a letter from a customer expressing her concern about the charges on her most recent water bill, especially the bi-monthly service charge increase.

The Board approved the proposed response to the customer's letter.

## **ACTION CALENDAR**

### **APPROVE: AMENDMENT TO MOU BETWEEN NMWD AND NMWD EMPLOYEE ASSOCIATION**

Mr. DeGabriele stated that at the closed session last meeting, the Board had the opportunity to see the counter proposal from the North Marin Water District's Employee Association. He informed the Board that he has attempted to address both parties' concerns in the proposed Amendment to the Memorandum of Understanding (MOU) between NMWD and the NMWD Employee Association and the amendment has been reviewed by Joe Wiley, District legal counsel for employment relations. Mr. DeGabriele stated that the existing MOU expires on September 30, 2011 and the MOU Amendment stipulates that there be no cost of living adjustments during the MOU Amendment term which would extend the existing agreement for 1 year. He also stated that, consistent with the current MOU, the District will conduct a salary benefit survey, expected to be completed in the spring or summer 2012. Mr. DeGabriele stated that other provisions remained the same, and provided a 1-year extension with no COLA for any District employees including

confidential employees and the General Manager as identified in an “end note” to the MOU Amendment.

Director Baker credited Mr. DeGabriele for his efforts to seek a middle ground. He stated his opinion that the end note in the MOU Amendment was not appropriate. Director Baker stated that he would abstain from voting on the item.

Director Fraites stated that he feels uncomfortable addressing the issue of the MOU Amendment and believes it should be discussed in closed session. He stated that the end note, in his opinion, removes the Board’s ability to make future decisions and does not believe it is proper.

Director Rodoni stated that he thinks the MOU Amendment is acceptable for what it is and the end note is not part of the agreement, just an added footnote. Director Schoonover stated that he thought it was fine.

Director Petterle asked the Board if they were clear that it was not part of the agreement and is not a negotiable term and it is the Board’s decision.

Mr. DeGabriele answered that is exactly what it says, it is not a negotiable term of the MOU but the Employee Association wanted to hear from the Board that there would not be COLA for the officers, GM and confidential employees.

On the motion of Director Rodoni, seconded by Director Petterle, the Board approved the Memorandum of Understanding Amendment between the North Marin Water District and the North Marin Water District Employee Association by the following vote:

AYES: Directors Petterle, Schoonover, Rodoni

NOES: None

ABSTAIN: Directors Baker, Fraites

ABSENT: None

**APPROVE: PETITION FOR CHANGE – NORTH MARIN WATER DISTRICT LAGUNITAS CREEK WATER RIGHTS**

Mr. DeGabriele presented the Board with the information about the District’s Petition for Change to the State Water Resource Control Board regarding water rights held by the District on Lagunitas Creek. He stated that in December of last year, the District submitted petitions for change to the State Board for the District’s existing water right License 4324B and the two permits that the District holds for diversion from Lagunitas Creek.

Mr. DeGabriele said that the petitions propose to add a point of diversion to the License 4324B at the Gallagher Well and also to add a point of diversion to Permit 19725 at the Gallagher Well. He stated that the petition also proposed to dedicate Permit 19724 to in stream uses and to License Permit 19725.

Mr. DeGabriele informed the Board that in the late spring/early summer, the State Board verbally indicated that under the current State Board procedures, the State Board didn't need to give notice and hold a public review process for the added point diversion. He stated that the State Board has further requested assistance in determining how much water would be licensed under Permit 19725 and how much would be dedicated in stream.

Mr. DeGabriele said that he has completed an analysis using historical data which shows the maximum amount diverted over the last 21 years is 378.1 acre/feet (AF). Mr. DeGabriele advised the Board that the District would use 378 AF as the target to seek authorization for diversion under both the existing License 4324B and the proposed Permit 19725 License.

Mr. DeGabriele requested authorization from the Board to request the State Water Resource Control Board convert the District's Permit 19725 to license and then dedicate the remainder to in stream flow dedication as shown in the analysis.

On the motion of Director Baker, seconded by Director Fraites, the Board unanimously authorized staff to submit proposals to the State Board for Permit 19725 licensing and Permit 19724 in stream dedication.

Mr. DeGabriele advised the Board that along with the analysis, he refreshed the District's water demand projection for West Marin and the District should be able to meet water demand requirements consistent with development projected in the Marin County Wide Plan.

### **INFORMATION ITEMS**

#### **ALTERNATE/FLEXIBLE WORK SCHEDULE EVALUATION**

Mr. DeGabriele reminded the Board about the provision of the existing Memorandum of Understanding with the NMWD Employee Association which addresses Alternate/Flexible Work Schedule Trial Program. He stated that he asked Department Heads for their input regarding the trial program and he developed some statistics. Mr. DeGabriele reported that there is just over 50 full-time equivalent employees currently employed, two less than authorized in the FY 2012 Budget, Forty-Seven are regular full-time employees and 6 of these employees work a 9/80 schedule. He stated that the District also has 12 regular full-time employees that work a flexible work schedule still working 8 hours a day, 5 days a week but they may start late or start early; most of which take a half-hour lunch to accommodate their schedule. Mr. DeGabriele said that

Department Heads have done a good job to make sure that there is employee coverage at all times to meet the customer needs. Mr. DeGabriele advised the Board that the District would continue the existing program although it can be stopped at any time.

Director Schoonover asked if an employee can change within the program. Mr. DeGabriele responded that the District has developed a request form with reasoning why there would be an alternate or flexible schedule. He stated that the schedule has to be approved by Supervisor, Department Head and the General Manager.

### **STAFFORD TREATMENT PLANT PROGRAM QUALITY VERIFICATION**

Robert Clark informed the Board about the inspection that took place in June by the California Division of Occupational Safety and Health. He stated that periodically CalOSH inspects facilities like the Stafford Treatment Plant to confirm chlorine gas safety. Mr. Clark said that Marco Jennison, the Treatment Plant Operator on duty, gave the CalOSH inspector a tour of the Treatment Plant and the inspector identified three items for corrective action. He said CalOSH requested copies of several documents that they would review further but indicated that the facilities looked great overall.

Mr. Clark stated that on September 6<sup>th</sup>, the District received a Citation and Notification of Penalty that there were eight issues that were not in compliance with CalOSH standards. Mr. Clark informed that Board that during the inspection, three items were noted: the chain at the top of a ladder to the chlorine scrubber was not attached; respirators were not stored properly; and the need to replace the windsock. He stated that all of those items were corrected the next day. Mr. Clark stated that the five remaining items did come with a penalty: the grinding machine did not have proper clearance for the work rest platform and tongue guards; three propane cylinders needed to be properly stored; there were no covers on the eyewash station; and documentation and tracking issues from the 2006 Process Hazard Analysis for the Chlorine system were not found. Mr. Clark stated that as of the meeting, all of the tasks had been completed and he had spoken with the CalOSH representative and was able to get the fine reduced from \$900 to \$500.

### **NBWRA UPDATE**

Drew McIntyre informed the Board that the North Bay Water Reuse Authority (NBWRA) held its quarterly meeting on August 15<sup>th</sup> and he included the draft minutes for the Phase 1 meeting along with the Phase 2 meeting, (although the District is only involved with Phase 1, Recycled Water Project). Mr. McIntyre stated that some of the highlights from the meeting were that all of the member agencies submitted quarterly invoices to the U.S. Bureau of Reclamation and that the

District should receive approximately \$177,000 in the next month as part of the first American Recovery and Reinvestment Act (ARRA) grant payment.

Mr. McIntyre stated that there was a summary on the conservations credits with Ohlone Mitigation Bank that deals with acreage that has a potential to impact California Red-Legged Frog and for the Recycled Water North and South Project it was identified in the Environment Impact Report that the District has a potential to disturb Red-Legged Frog habitat of up to 1.7 acres in the North and 5.4 acres in the South. Mr. McIntyre continued to state that there was a ratio of 0.1 to 1 that was required through the Biological Opinion for the District to mitigate by purchasing through the Ohlone Mitigation Bank 0.17 acres for the Red-Legged Frog Mitigation, costing \$12,700.

Mr. McIntyre advised the Board that the NBWRA does need to adopt a Conflict of Interest Code and there will be a hearing on the November 14<sup>th</sup> meeting. He stated that once that is approved, there will be a standard Form 700 for NBWRA Board Members to file.

Mr. McIntyre informed the Board that in addition to the ARRA grant funds, Las Gallinas Valley Sanitary District and North Marin Water District were successful in getting a WaterSMART grant for \$296,000 for the South Service Area. He stated that the grant also covers Phase 2 on the South Service Area project which is the final part in the Hamilton Area. Mr. McIntyre stated that at the last Board meeting, he gave the District's project costs for the South Service Area and identified to the Board that the District had higher project costs than what had originally been submitted with the original grant applications. He said that the District will get an extra \$375,000 in grant money to help with higher projects costs.

Mr. McIntyre stated that the NBWRA will receive \$2 million in Proposition 84 State grant funding and of that \$2 million, the District will receive about \$200,000 for the South Service Area and \$200,000 for the North Service Area.

### **MISCELLANEOUS**

The Board received the following miscellaneous information: Disbursements.

The Board also received the following news articles: Wilfred "Will" Leib Obituary, Salinity Notices and State water board adopts Russian River frost plan.

**ADJOURNMENT**

President Schoonover adjourned the meeting in the memory of Wilfred "Will" Leib, a long-time Novato resident and friend of the North Marin Water District at 8:20 p.m.

Submitted by

Katie Young

Acting District Secretary