

**NORTH MARIN WATER DISTRICT**  
**MINUTES OF REGULAR MEETING**  
**OF THE BOARD OF DIRECTORS**  
October 1, 2013

**CALL TO ORDER**

President Fraites 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, Stephen Petterle, Dennis Rodoni and John Schoonover. Also present were General Manager Chris DeGabriele, Secretary Katie Young, Auditor-Controller David Bentley and Chief Engineer Drew McIntyre.

Employee Association Members, Brad Stompe (Treatment and Distribution Supervisor), Pablo Ramudo (Water Quality Supervisor), Nancy Holton (Sr. Accountant), Kerry Lemos (Maintenance Supervisor), Dianne Landeros (HR/Accounting Supervisor), Stacie Goodpaster (Sr. Chemist), Nancy Williamson (Sr. Accountant), Carmela Chandrasekera (Associate Engineer), Robert Clark (Operations/Maintenance Superintendent), and Doug Moore (Construction/Maintenance Superintendent) were in the audience.

**MINUTES**

On motion of Director Petterle, seconded by Director Schoonover and carried by the following vote, the Board approved the minutes from the previous meeting as presented:

AYES: Directors Baker, Petterle, Rodoni, Schoonover

NOES: None

ABSENT: None

ABSTAIN: President Fraites

**GENERAL MANAGER'S REPORT**

**Recycled Water Subcommittee**

Mr. DeGabriele informed the Board that he, Drew McIntyre, Directors Baker and Schoonover and Novato Sanitary District's Board Members, Long and Di Giorgio, and Deputy Engineer Karkal met on Tuesday, September 24<sup>th</sup> as the Recycled Water Subcommittee to review last year's performance and future expansion. He stated that the reason for the meeting was to discuss the District's potential to continue its membership in the North Bay Water Reuse Authority phase 2 project. Mr. DeGabriele said that he was willing to meet with Ms. James to discuss some options to bring back to the Board for consideration.

Director Schoonover asked if Mr. DeGabriele has given any thought about the future participation in of the NBWRA Phase 2. Mr. DeGabriele stated that he has sent an email to the General Manager at Novato Sanitary District to start that discussion.

#### Water Shortage Update

Mr. DeGabriele provided an update to the Board on the water storage in Lake Mendocino. He noted that the storage is still above the critical storage curve and that the Temporary Urgency Change Order ends October 28<sup>th</sup>. He stated that flows have been reduced to reserve lake water for the fish and that Chinook salmon are starting to appear in the Russian River system. Mr. DeGabriele informed the Board that he has suggested the water contractors and SCWA still meet regularly throughout the fall and that the flows are scheduled to increase at the end of October.

#### Doug Moore Retirement

Mr. DeGabriele advised the Board that Doug Moore, Construction/Maintenance Superintendent has submitted his retirement notice for the end of this calendar year. He stated that Doug is a good man and he will be sorely missed.

The Board expressed its' gratitude and wished him well.

#### **OPEN TIME**

President Fraités 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 Fraités asked if staff or Directors wished to bring up an item not on the agenda and there was no response.

#### **CONSENT CALENDAR**

On motion of Director Petterle, seconded by Director Schoonover and unanimously carried, the following item was approved on the Consent Calendar:

#### **SALARY SCHEDULE REVISION**

Title 2 of the California Code of Regulations, Section 570.5, requires that the pay schedule of every CalPERS agency be approved and adopted by the agency's governing body pursuant to public meeting laws. The Board approved the Salary Schedule Revision, which increased total salaries by 3.36% effective October 1, 2013.

## **ACTION CALENDAR**

### **DUPLICATE MEDICAL APPEAL**

David Bentley provided an overview of the duplicate medical appeal continued from the previous Board meeting. He stated that pursuant to the Board's request staff has surveyed ten agencies to determine their handling of duplicate medical coverage and found that two agencies do not have a sharing program, five agencies allow a sharing program when all family members are covered by alternate insurance and three agencies have some sort of "hybrid" plan. Mr. Bentley advised the Board that he spoke with the District's employment attorney, Joe Wiley, who provided options for the Board to consider: 1) Reopen the Memorandum of Understanding to renegotiate the policy; 2) Grandfather in the existing employees, not allowing new employees to be added in the future; and 3) Stick with the policy as written. He informed the Board that Mr. Wiley suggests sticking to the policy as written as it would be the least risky choice. Mr. Bentley stated that staff continues to recommend that the Board confirm that employees without alternative health insurance for their entire family are not eligible to receive the cafeteria plan contribution in cash.

Kerry Lemos, President of the Employee Association, reminded the Board of the 2010 change in the policy to match the practice at that time. He stated that in 2011 there was an extension to the contract and in 2012 the policy was brought up as a statement, not on the table in writing. Mr. Lemos reiterated the Employee Association position that the issue was never brought back to negotiate and that it should still be in the contract today.

Director Baker stated that he believes the District should stick with the policy that was originally negotiated in 2005 as part of a comprehensive agreement and he supported the staff recommendation.

Director Patterle asked about grandfathering in the current "hybrid" employees. David Bentley stated that attorney Joe Wiley indicated that the District could be subject to a claim and have to defend their reasoning for not letting another employee in a similar situation into the group.

Director Patterle asked when the next negotiations would be. David Bentley responded 2018.

Director Rodoni stated that the Board has been more than cooperative over the last couple of years not following the policy and that if the employees wanted to revisit this they could do so in the next negotiations. He continued to state that the District needed to stick with what was decided in 2005.

Director Schoonover stated that he has been extremely conflicted with this issue but agrees that the District should stick to the policy.

President Fraites stated that he has to follow the attorney's recommendation and he was not happy about it but stated that it was a policy.

On motion of Director Baker, seconded by Director Rodoni and approved by the following vote, the Board confirmed that employees without alternative health insurance for their entire family are not eligible to receive the cafeteria plan contribution in cash.

AYES: Director Baker, Fraites, Rodoni, Schoonover

NOES: Director Petterle

ABSENT: None

ABSTAIN: None

**ATHERTON TANK RECOAT/MIXING SYSTEM – APPROVE FILING OF NOTICE OF EXEMPTION**

Drew McIntyre informed the Board that the purpose of the Atherton Tank Recoat Project is to replace the interior and exterior protective coating of the tank, install a new mixing system, and perform miscellaneous repairs as necessary to maintain the structural integrity of the tank. He noted that the existing tank coating is approximately 40 years old and may require lead. Mr. McIntyre stated the project is scheduled to be completed over a two fiscal year period. He stated that staff has reviewed the project to determine the level of environmental review required per the California Environmental Quality Act (CEQA) and because of the small size of the project staff determined that the project is categorically exempt from CEQA. Mr. McIntyre stated that staff recommends that the District file a Notice of Exemption for the construction of the said project.

On motion of Director Baker, seconded by Director Schoonover and unanimously carried, the Board approved filing the Notice of Exemption for the Atherton Tank Recoat/Mixing System Project.

**INFORMATION ITEMS**

**CITY OF NOVATO REQUEST TO CONSIDER REDUCTION IN FEES FOR NEW ACCESSORY DWELLING UNITS**

Mr. DeGabriele informed the Board that he received a letter from the Novato Mayor requesting the District to consider a reduction in fees for new accessory dwelling units. He reminded the Board that there was a discussion in July with City of Novato's Community Development Director, Bob Brown, urging the Board to take action on this issue. Mr. DeGabriele stated that the Novato's Mayor has requested the District consider the reduction to encourage construction of new second units in Novato. He informed the Board that currently the connection fee is set equivalent to an apartment for an accessory dwelling unit and suggested reducing the fee to that equivalent to a mobile home. Mr. DeGabriele asked for suggestions and comments from the Board.

President Fraites asked what the motivation behind this request is. Mr. DeGabriele stated that the City would like to promote accessory dwelling unit development as a means of addressing affordable housing needs.

Director Schoonover stated he was curious about the consensus of the Novato community. Mr. DeGabriele stated that the letter is from Mayor Eklund and there has been a lot of debate in public meetings about affordable housing and which likely included a suggestion to reduce the development fees.

Director Schoonover asked if the reduction would be enough and Mr. DeGabriele responded that he would hope it would be a step in the right direction and that it was indicated that the Mayor planned outreach to President Fraites. He stated that one option could be to wait until the City reaches out again.

Director Petterle stated that he would be okay with dropping the fee to that equivalent to a mobile home but no more than that.

Director Rodoni suggested putting a time limit on the fee reduction and including a deed restriction, insuring the property would remain a long term rental and not be converted to a commercial operation such as a Bed and Breakfast. Director Petterle agreed with Director Rodoni and the deed restriction along with affordable rates. Mr. DeGabriele stated in his prior discussions with Bob Brown, the City did not intend to include deed restrictions on accessory dwelling units.

Mr. DeGabriele thanked the Board for their input and stated that he will wait to hear from the City again.

#### **RECYCLED WATER EXPANSION NORTH SERVICE AREA – CLOSE OUT SUMMARY**

Drew McIntyre provided a close out summary for the Recycled Water Expansion North Service Area project. He stated that all planned on-site irrigation retrofits have not been completed and the current North Service Area Project cost is \$6.44M paid for with \$1.54M from federal and state grants, \$4.4M from state low interest loans, and \$500K from District reserve funds.

#### **NORTH BAY WATERSHED ASSOCIATION – OCTOBER 4, 2013**

President Fraites advised the Board that he and Director Baker will be attending the NBWA meeting on October 4<sup>th</sup>.

#### **MISCELLANEOUS**

The Board received the following miscellaneous items: Disbursements and Marin County Invitation to Provide Debt Information.

The Board also received the following news articles: Bill would create California quake warning system, City Urges Water Conservation, Letter to Editor – North Marin Water District, and Weather forecasting a key concern for Sonoma County Water Agency.

**CLOSED SESSION**

President Fraitas adjourned the Board into closed session at 8:16 p.m. in accordance with Government Code Section 54956.8 Conference with Real Property Negotiator (Chris DeGabriele & David Bentley) regarding 15 Gustafson Ct, Novato, CA and Government Code Section 54956.8 Conference with Real Property Negotiator (Chris DeGabriele & David Bentley) regarding 42 Spinosa, Novato, CA.

**OPEN SESSION**

Upon returning to regular session at 8:29 p.m., President Fraitas stated that during the closed session the Board had discussed the issues and no reportable action had been taken.

**ADJOURNMENT**

President Fraitas adjourned the meeting at 8:30 p.m.

Submitted by

A handwritten signature in black ink, appearing to read "Katie Young". The signature is written in a cursive, flowing style.

Katie Young  
District Secretary