



NOTICE OF THE BOARD OF DIRECTORS' REGULAR BI-MONTHLY MEETING

Tuesday, November 19, 2024 at 6:30 PM

AGENDA

LOCATIONS:

Open Session to start at or after 6:30 p.m.

Marin Water Board Room – 220 Nellen Avenue, Corte Madera, CA 94925

Outside location for Director Jed Smith - 227 Summit Ave. Apt. #e405, Brookline, MA 02446

Closed Session to immediately follow Open Session

Marin Water Mt. Tam Conference Room – 220 Nellen Avenue, Corte Madera, CA 94925

Public Participation:

The public may attend this meeting in-person or remotely using one of the following methods:

On a computer or smart device, go to: <https://marinwater.zoom.us/j/88134852296>

By phone, dial: **1-669-444-9171** and use Webinar ID: **881 3485 2296**

HOW TO PROVIDE PUBLIC COMMENT:

During the Meeting: Typically, you will have 3 minutes to make your public comment, however, the board president may shorten the amount of time for public comment due to a large number of attendees. Furthermore, pursuant to Government Code, section 54954.2 (the Brown Act), the Board may not take action or discuss any item that does not appear on the agenda.

-- **In-Person Attendee:** Fill out a speaker card and provide to the board secretary. List the number/letter (ex: 6a) of the agenda item(s), for which you would like to provide a comment. Once you're called, proceed to the lectern to make your comment.

-- **Remote Attendee:** Use the "raise hand" button on the bottom of the Zoom screen. If you are joining by phone and would like to comment, press *9. The board secretary will use the last four digits of your phone number to call on you (dial *6 to mute/unmute).

In Advance of the Meeting: Submit your comments by email in advance of the meeting to boardcomment@marinwater.org. To ensure that your comment is provided to the Board of Directors prior to the meeting, please email your comment 24 hours in advance of the meeting start time. Comments received after this cut off time will be sent to the Board after the meeting. Please do not include personal information in your comment such as phone numbers and home addresses.

AGENDA ITEMS:

- 1. Call to Order and Roll Call**
- 2. Adoption of Agenda**
- 3. Announcement of Closed Session Item(s); Public Comments on Closed Session Item(s) - None.**
- 4. Reconvene to Open Session; Closed Session Report Out - Not applicable.**
- 5. Regular Item**

a. Resolution of Commendation for Outgoing Director Monty Schmitt

RECOMMENDATION: Recognize Outgoing Director Monty Schmitt for his years of service as District Director on the Marin Municipal Water District Board of Directors

- 6. Public Comment on Non-Agenda Matters (6:45 p.m. - Time Approximate)**

This is the time when any person may address the Board of Directors on matters not listed on this agenda, but which are within the subject matter jurisdiction of the Board.

- 7. Directors' and General Manager's Announcements**

- 8. Board Committee Reports**

Each Committee Chair or Vice Chair will provide a report on recent committee meetings. Directors may ask questions or provide brief comments or requests for additional information on an item.

- 9. Consent Items (6:55 p.m. – Time Approximate)**

All Consent Items will be enacted by a single action of the Board, unless specific items are pulled from Consent by the Board during adoption of the agenda for separate discussion and action.

a. Minutes of the Board of Directors' Regular Bi-Monthly Meeting on November 6, 2024

RECOMMENDATION: Approve the minutes

b. General Manager's Report October 2024

Recommendation: Approve Report

c. 3rd Amendment to District Lease No. 67, Marin Emergency Radio Authority (MERA) at Forbes Reservoir Site, San Rafael (APN 010-261-02)

RECOMMENDATION: Approve 3rd Amendment to District Lease No. 67 with Marin Radio Emergency Authority (MERA) at Forbes Reservoir Site, San Rafael

d. Acceptance of Permanent Grant of Easement to Marin Municipal Water District for Existing Water Facilities at 1876 Centro West Street, Tiburon (APN: 059-061-42)

RECOMMENDATION: Approve the acceptance of a permanent grant of easement in favor of the District and authorize the General Manager to accept and execute the Easement Agreement

e. Resolution of Commendation for John Clark

RECOMMENDATION: Approve resolution recognizing John Clark for his 32 years of service to the at Marin Water

10. Regular Items

[a.](#) Adjustment of Board Compensation

RECOMMENDATION: Review the per diem amount of compensation paid to members of the Board of Directors and consider adjusting the per diem amount based on the regional Consumer Price Index

11. Future Board and Committee Meetings and Upcoming Agenda Items

This schedule lists upcoming board and committee meetings as well as upcoming agenda items for the next month, which may include Board interest in adding future meeting items. The schedule is tentative and subject to change pending final publication and posting of the meeting agendas.

[a.](#) Upcoming Meetings

12. Announcement of Closed Session Item(s); Public Comments on Closed Session Item(s)

Following announcement of Closed Session items and prior to recess into Closed Session, the public may speak up to three minutes on items to be addressed in Closed Session. The Board will convene to Closed Session in the Mt. Tam Conference Room after public comment.

a. Conference with Legal - Pending Litigation

(California Government Code Section 54956.9)

Prandi v. Marin Municipal Water District

Workers Compensation Board of Appeals Case No. ADJ13514441

b. Conference with Legal - Pending Litigation

(California Government Code §54956.9)

California Native Plant Society, Marin Audubon Society, and Marin Conservation League vs. Marin Municipal Water District

Marin County Superior Court, Case No. CV0004078

Adjourn closed session and reconvene to open session in the Board Room and via Zoom.

13. Reconvene to Open Session; Closed Session Report Out

14. Adjournment (8:30 p.m. – Time Approximate)

ADA NOTICE AND HEARING-IMPAIRED PROVISIONS

In accordance with the Americans with Disabilities Act (ADA) and California Law, it is Marin Water's policy to offer its public programs, services, and meetings in a manner that is readily accessible to everyone, including those with disabilities. If you are an individual with a disability and require a copy of a public hearing notice, an agenda, and/or agenda packet in an appropriate alternative format, or if you require other accommodations, please contact the Board Secretary/ADA Coordinator at 415.945.1448, at least two business days in advance of the meeting. Advance notification will enable Marin Water to make reasonable arrangements to ensure accessibility.

Information agendas are available for review at the Civic Center Library, Corte Madera Library, Fairfax Library, Mill Valley Library, Marin Water Administration Building, and marinwater.org.

Posted: 11-15-2024

Resolution of Commendation

Monty Schmitt

A RESOLUTION OF THE MARIN MUNICIPAL WATER DISTRICT BOARD OF DIRECTORS HONORING MONTY SCHMITT FOR HIS YEARS OF SERVICE AS A DISTRICT DIRECTOR

WHEREAS, throughout his time on the Board, Monty Schmitt has worked tirelessly to promote the mission of Marin Water; and

WHEREAS, he has served with distinction as Director for a total of four years; and

WHEREAS, he has attentively represented community members within the District's Division II service area; and

WHEREAS, during his years of service, he has faithfully served the Watershed Committee, Operations Committee, and Finance Committee; and

WHEREAS, he represented the District at One Tam, Tomales Bay Foundation, and Lagunitas Technical Advisory Committee meetings; and

WHEREAS, he served as President of the Board in 2023 and Vice President in 2022; and

WHEREAS, he will especially be remembered for his dedication to ensuring the District's continuous efforts to protect and enhance the watershed and all its inhabitants; and

WHEREAS, his thoughtful input and collaborative spirit throughout his service has benefitted the work of the board and the District.

NOW THEREFORE, BE IT RESOLVED THAT the Marin Water Board of Directors recognizes Monty Schmitt's achievements and his contributions to Marin Water and the greater Marin community; and expresses its appreciation and gratitude for those contributions and wishes him well in all the years to come.

RESOLUTION NO. 8798 APPROVED at the Board of Directors' Regular Bi-Monthly Meeting held this 19th day of November, 2024.

Ranjiv Khush, Board President

ATTEST:

Terrie Gillen
Board Secretary



STAFF REPORT

Meeting Type: Board of Directors
Title: Minutes of the Board of Directors' Regular Bi-Monthly Meeting on November 6, 2024
From: Terrie Gillen, Board Secretary
Through: Ben Horenstein, General Manager
Meeting Date: November 19, 2024

TYPE OF ACTION: X Action Information Review and Refer

RECOMMENDATION: Approve the minutes

SUMMARY: The Board of Directors held their regular meeting on November 6, 2024. The minutes of that meeting are attached.

DISCUSSION: None.

ENVIRONMENTAL REVIEW: Not applicable.

FISCAL IMPACT: None.

ATTACHMENT(S):

1. Draft November 6, 2024 Meeting Minutes

DEPARTMENT OR DIVISION	DIVISION MANAGER	APPROVED
Communications & Public Affairs Department	 Terrie Gillen Board Secretary	 Ben Horenstein General Manager



NOTICE OF THE BOARD OF DIRECTORS' REGULAR BI-MONTHLY MEETING

Wednesday, November 06, 2024 at 5:30 PM

MINUTES

LOCATIONS:

Open Session to start at or after 6:30 p.m.

Marin Water Board Room – 220 Nellen Avenue, Corte Madera, CA 94925

Closed Session begins at 5:30 p.m.

Marin Water Mt. Tam Conference Room, 220 Nellen Avenue, Corte Madera, CA 94925

Public Participation:

The public attended this meeting in-person or remotely using one of the following methods: on a computer or smart device, <https://marinwater.zoom.us/j/88134852296>, or by phone, 1-669-444-9171 using Webinar ID #: 881 3485 2296.

AGENDA ITEMS:

1. Call to Order and Roll Call

President Ranjiv Khush called the meeting to order at 5:30 p.m.

DIRECTORS PRESENT

Larry Russell
Matt Samson
Monty Schmitt
Jed Smith
Ranjiv Khush

2. Adoption of Agenda

Director Smith made the motion to adopt the agenda, and Vice President Samson seconded the motion.

Voting Yea: Directors Russell, Schmitt, Smith, Samson, and Khush

3. Announcement of Closed Session Item(s); Public Comments on Closed Session Item(s)

President Khush announced that the Board would go to Closed Session to discuss an existing litigation.

There was one (1) public comment.

At 5:33 p.m., the Board convened to Closed Session and went to the Mt. Tam Conference Room.

a. Conference with Legal - Existing Litigation
(California Government Code §54956.9)

California Native Plant Society, Marin Audubon Society, and Marin Conservation League vs. Marin Municipal Water District
Case No. CV0004078

4. Reconvene to Open Session; Closed Session Report Out

The Board reconvened to Open Session at 6:37 p.m.

President Khush reported that the Closed Session adjourned at 6:35 p.m. with no reportable action.

5. Public Comment on Non-Agenda Matters

There were three (3) public comments.

6. Directors' and General Manager's Announcements

- Vice President Samson, Directors Russell and Smith, and President Khush attended the Fall Employee Recognition Event. They thanked staff for putting together the event.
- Directors Russell and Smith attended the Sonoma Water Advisory Committee/Technical Advisory Committee (WAC/TAC) Meeting and provided highlights from that meeting.
- President Khush and Director Smith attended the Association of California Water Agencies (ACWA) Tour. They thanked staff for hosting the event.
- Director Russell announced that he was re-elected and thanked his supporters.

7. Board Committee Reports

The chairs of the Watershed Committee, Operations Committee, and Finance & Administration Committee provided summaries of what occurred at their meetings last month, noting that agenda packets and recordings of the meetings are available on the District's website.

8. Consent Items

- a. Minutes of the Board of Directors’ Regular Bi-Monthly Meeting on October 15, 2024

RECOMMENDATION: Approve the minutes

- b. Amendment No. 3 to Agreement 6240

RECOMMENDATION: Authorize the General Manager to execute Amendment No. 3 to Agreement 6240 with Black and Veatch to extend the contract date and expand the scope of services in support of grant application development for critical infrastructure projects, increasing the budget by \$205,000 from the current, not to exceed amount of \$95,000, and a new total not to exceed amount of \$300,000

- c. Amendment No. 1 to Professional Service Agreement with Best, Best and Krieger LLP for Environmental Law and Litigation Legal Services

RECOMMENDATION: Approve Amendment No. 1 to MA-6328, professional services agreement with Best, Best and Krieger to add \$200,000 for environmental law and litigation legal services

- d. Amendment No. 2 to Professional Service Agreement with Kronick, Moskovitz, Tiedemann & Girard for Water Law and Environmental Legal Services

RECOMMENDATION: Approve Amendment No. 2 to MA-6200, professional services agreement with Kronick, Moskovitz, Tiedemann & Girard to add \$200,000 for water and environmental law and legal services

- e. Contract Amendment with Acclamation Insurance Management Services (AIMS) for Liability Claims Management

RECOMMENDATION: Approve a Fifth Amendment to Miscellaneous Agreement (MA) No. 5204 with AIMS to add \$50,000 for liability claims management services through June 30, 2025

- f. Adopt the 2024 Revised Marin Municipal Water District Board of Directors Handbook

RECOMMENDATION: Adopt the 2024 Revised Marin Municipal Water District Board of Directors Handbook (Board Handbook) setting forth the recently reviewed revisions and updates, including incorporation of appropriate provisions of the Board’s Ethics Policy, Board Policy No. 50, and sunset Board Policy No. 50

- g. Award of Contract No. 2019 Marin City Phase I Pipeline Replacement Project (GC25005)

RECOMMENDATION: Approve a resolution authorizing award of Contract No. 2019, Marin City Phase I Pipeline Replacement Project, to Maggiora & Ghilotti, Inc. in the amount of \$2,594,594; and, approve a reimbursement agreement with the County of Marin for paving costs and authorize the Board President to execute the agreement (*Resolution No. 8797*)

- h. Request to Fill Records Manager Position in the Engineering Division

RECOMMENDATION: Authorize the General Manager to recruit and hire one Records Manager in the Engineering Division

- i. Purchase of SCADA Replacement Equipment to Replace Outdated Equipment at the Bon Tempe Treatment Plant

RECOMMENDATION: Authorize the General Manager to execute a purchase order for replacement SCADA Equipment from Graybar to replace the outdated SCADA Equipment at the Bon Tempe Treatment Plant in the amount of \$159,576

- j. Enterprise Resource Planning (ERP) Software Modernization

RECOMMENDATION: Approve an agreement with SAP SuccessFactors for software entitlements required to modernize the District’s Enterprise Resource Planning software
Enterprise Resource Planning (ERP) Software Modernization

RECOMMENDATION: Approve an agreement with SAP SuccessFactors for software entitlements required to modernize the District’s Enterprise Resource Planning software

Director Smith made the motion to approve the Consent Calendar. Director Schmitt seconded the motion.

There were no public comments regarding the Consent Calendar.

Voting Yea: Directors Russell, Samson, Schmitt, Smith, and Khush

9. Regular Items

- a. Grant Program Update

RECOMMENDATION: Receive a staff update on the District’s recent grant activities

Watershed Resources Director Shaun Horne introduced Grants Program Coordinator Jaime Hailer, who presented the update.

Discussion followed.

There were no public comments.

This was an information Item. No formal action was taken.

- b. Nicasio Spillway Environmental Compliance Contract

RECOMMENDATION: Authorize the General Manager to execute a professional services agreement with Environmental Science Associates (ESA) for the Nicasio Spillway Modification Project Environmental Review, Permitting, and Fisheries Services Contract in the amount of \$1,738,360 with a staff requested contingency of \$260,754, for a total not to exceed amount of \$1,999,114

Watershed Resources Director Horne introduced Fisheries Program Manager Jonathan Koehler and Engineering Planning Manager Elysha Iris, who provided a presentation.

Discussion followed.

There were no public comments.

Vice President Samson made the motion to execute the professional services agreement. Director Smith seconded the motion.

Voting Yea: Directors Russell, Samson, Schmitt, Smith, and Khush

10. Future Board and Committee Meetings and Upcoming Agenda Items

a. Upcoming Meetings

The Board Secretary announced upcoming internal meetings and external meetings in November.

11. Announcement of Closed Session Item(s); Public Comments on Closed Session Item(s) - None.

12. Reconvene to Open Session; Closed Session Report Out - Not applicable.

13. Adjournment

There being no further business, the Board of Directors' Regular Bi-Monthly Meeting adjourned on November 6, 2024 at 7:13 p.m.

Board Secretary



STAFF REPORT

Meeting Type: Board of Directors
Title: General Manager’s Report October 2024
From: Ben Horenstein, General Manager
Meeting Date: November 19, 2024

TYPE OF ACTION: X Action Information Review and Refer

RECOMMENDATION: Approve Report

SUMMARY:

A. HIGHLIGHTS:

- The daily average net production for the month of October 2024 was 24.1 MGD compared to 21.8 MGD for the month of October 2023. Typical usage for October is 25.8 MGD.
- The daily average flow from Sonoma County Water Agency for the month of October 2024 was 9.2 MGD compared to 10.9 MGD for the month of October 2023.
- Staff submitted a Department of Water Resources (DWR) climate resiliency grant application for the Phoenix Lake outlet valve and hydraulic actuator. This project would replace the leaky intake structure slide gates as well as replace the old, inefficient hydraulic actuator unit with a modern reliable system allowing for quicker operation of the outlet works during emergency situations.
- Staff submitted a United States Bureau of Reclamation (USBR) grant application for the Nicasio Spillway Modifications Project which staff are currently working on. Funding would go towards the design and construction of the modification project which would increase water storage capacity at Nicasio Reservoir and providing additional drought resiliency to the Districts system.
- Staff have completed the 90% design of the Kastania Pump Station Rehabilitation Project and are looking to have completed 100% bid package early next year for an early spring 2025 advertisement. This project will replace outdated mechanical and electrical equipment with modern equipment and variable frequency drives which will provide operations flexibility across a wide range of flows thru the pump station into the North Marin Aqueduct increasing the systems reliability and efficiency.
- Staff opened bids for the Marin City Phase 1 Pipeline Replacement Project which looks to replace leak prone, seismically deficient cast iron pipe within the Community of Marin City. This first phase of the project will replace approximately 10,230 feet of pipe with new seismically

resilient welded steel pipe along with new water service laterals between the new main and customer water meter which will all help to increase system resiliency and reliability.

- Staff responded to 1,336 underground service alert tickets and marked out approximately 41,488 feet (almost 8 miles) of pipe in the month of October, helping to ensure that District underground water infrastructure is not damaged by contractors or homeowners during excavation work.
- Staff increased the transmission and distribution tank level set points, due to a Red Flag Warning that went into effect from 10/17 through 10/19. Distribution System Operators early started all distribution pumps twice a day to keep distribution tanks full in preparation for potential power outages and increased fire risks. After the Red Flag Warning was lifted, Distribution System Operators changed the transmission and distribution tank level set points back to the normal set points.
- The District continued with Year 6 of the BFFIP plan through October 2024. Highlights for October include continued work on the West Meadow Club Oak Woodland Restoration Project, the East Potrero Meadow Forestry Project, and implementation of a broadcast understory timber burn at the Mt Theater Rx Burn Unit.
- Staff continued to coordinate prescribed burning efforts with both the Marin County Fire Department and California State Parks. Air Quality permitting were secured and a prescribed burn was carried out on October 23rd with MCF near Mountain Theater. Due to low fuel moisture and relative humidity the burn was called off after the one acre test burn.
- Natural Resources Staff and Grizzly Corps led public information sessions and a guided walk on the topic of beneficial fire and ecosystem health at Rock Spring for the Mt Tam Science Quest run by Friends of Mt Tam on October 5th.
- Cal Academy of Sciences North Bay cohort of college volunteers participated in a trail stewardship and career exploration event led by GrizzlyCorps and Maintenance on October 12th on Kent Trail.
- On October 30th, Natural Resources Staff joined the ACWA tour at Rock Spring to highlight nearby BFFIP work, including prescribed burning efforts from last year and this fall.
- Construction of the Lagunitas Creek Watershed Enhancement Project Phase IA (Sites 4, 5 and 6) has been successfully completed! Phase IB is fully funded and construction is anticipated to start in the summer of 2025.
- California freshwater shrimp surveys were conducted in Lagunitas and Nicasio Creek, and abundance was found to be high.

MARIN WATER GRANT STATUS

OPPORTUNITY	FUNDER	FUNDER PRIORITIES	PROJECT DETAILS		DESCRIPTION	STATUS	REQUIREMENTS	BUDGET		
			AGREEMENT /APPLICATION DATE	MATCHING PROJECT			PREREQUISITE	FUNDS REQUESTED	MATCH REQUIREMENT %	
CURRENT GRANTS										
Prop 1. Round 2 IRWM Disadvantaged Community Forestry Corps	DWR CCNB	Water Infrastructure Vegetation Management	12/1/22 Jan 2023	Marin City/San Rafael Infrastructure Ongoing Forestry work	Replacing aging transmission lines and laterals in Marin City and San Rafael's Canal District Workforce development, state funding directly to CCNB to fund crews working on the watershed	Funded Funded	IRWM CC Approval Corps Partnership	\$6,500,000 \$500,000	0 0	
Fisheries Restoration Grant Program Lagunitas Creek Salmonid Spawning Gravel Improvement Project	CDFW DWR Riverline	Fisheries	4/20/23 11/1/22	Lagunitas Creek Restoration Lagunitas Creek Restoration	Funding for Phase II site design and CEQA Gravel augmentation for Lagunitas Creek	Funded Funded	30% designs None	\$600,000 \$500,000	50% 0	
Lagunitas Creek Salmonid Spawning Gravel Improvement Project	USBR Environmental Restoration	Fisheries	8/17/23	Lagunitas Creek Restoration	Gravel augmentation for Lagunitas Creek Sites 1-3	Funded	CEQA	\$1,400,000	30.30%	
Rain Water Harvesting Project	MCSTOPP	Conservation	Unknown	Conservation	Barrels for customers	Funded	None	\$15,032	0	
Urban Multi-Benefit Drought Relief	DWR	Water Resources	3/19/22	SWSA	Strategic Water Supply	Funded	None	\$2,000,000	0	
Water Conservation	USBR WEEG	Conservation		Conservation		Funded		\$722,925		
Water Conservation	DWR IRWMP	Conservation		Conservation		Funded		\$222,477		
Prop 1. Fisheries Restoration	CDFW	Fisheries	7/1/23	Lagunitas Creek Restoration	Lagunitas Creek Restoration Sites 1-6	Funded	60% designs	\$4,600,000	0	
CA Division of Boating & Waterways	NRA	Water Quality	7/1/23	Reservoir Water Quality	Monitor and prevent infestation of quagga and zebra mussels	Funded	NA	\$86,800	0	
Azalea Hill Trail Restoration	State Parks	Trail Restoration	2/1/20	Watershed	Azalea Hill Restoration	Funded	None	\$952,857	0	
One Tam Forest Health Strategy	CA WCB	Forestry Restoration	11/2/23	BFFIP Implementation	BFFIP Implementation for 2-3 years	Funded	CEQA	\$2,800,000	0	
WaterSMART Applied Science	USBR	Water Resource	10/15/2023	Advanced Weather Modeling	Funding for weather modeling to inform water resources management	Funded	TBD	\$150,828.00	50%	
One Tam Forest Health Phase II	Cal Fire	Forestry Restoration	1/15/2024	BFFIP Implementation	BFFIP Implementation for 2-3 years	Notice of Award	CEQA	\$3,000,000	TBD	
								TOTAL FUNDED:	\$24,140,519	
Desal Feasibility Study	USBR	Desalination	2/28/23	Desalination	Exploring new brackish desal in Petaluma	Open	None	\$200,000	50	
Hazard Mitigation Program	CalOES/ FEMA	Natural Hazards	Aug-24	Treatment Plant Clarifiers	Funds to address seismic hazards in water treatment facilities	Open	NOI APPROVAL	\$22,000,000.00	25%	
WaterSmart Energy Efficiency	USBR	Conservation	2/23/2024	AMI	Funding to expand AMI	Open	Environmental Compliance	\$1,000,000	50%	
WaterSMART Planning & Design	USBR	Water Supply	5/20/2024	Water Supply Planning	Water Supply - Nicasio Spillway	Open	TBD	\$400,000.00		
Environmental Resources Grant	USBR	Forest Health	6/24/2024	BFFIP Implementation	BFFIP Implementation for 2-3 years	Open	TBD	\$3,000,000.00		
CDFW Environmental Enhancement Fund	CDFW	Fisheries	9/11/2024	Lagunitas Creek Restoration	Phase II	Not Funded	TBD	\$3,457,044.00	0%	
USBR Drought Resiliency Program	USBR	Water Supply	10/7/2024	Water Supply Planning	Water Supply - Nicasio Spillway	Open	TBD	\$3,000,000.00	50%	
Dam Safety & Climate Resilience Local Assistance	DWR	Infrastructure	10/21/24	Phoenix and Lagunitas Valves & Actuator Replacement	Dam Safety	Open	TBD	\$2,000,000.00	50%	
								TOTAL OPEN:	\$29,600,000	
UPCOMING APPLICATIONS										
USBR WaterSmart & Energy Efficiency (WEEG)	USBR	Conservation	11/13/2024	AMI Expansion	AMI Expansion	Open	TBD	\$3,500,000.00	50%	
LONG TERM OPPORTUNITIES (ongoing development)										
2024 Water Bond	State of CA	Water supply projects	Fall 2024	SWSA Water Supply Projects	Currently in Legislature	In legislature	Water approval, District participation		TBD	
Water Resources Development Act	Army Corps of Engineers	Water supply projects	FY 2024	SWSA Water Supply Projects	Pursuing for No Regrets and regional projects	In appropriations	Authorization (secured 2022)	\$28,000,000.00		
Small Storage Program	USBR	Water Supply	Fall 2024	Phoenix Lake	Funding for new water supply projects	TBD	Approved Feasibility Study		TBD	
United States Department of Fish and Wildlife	USDFW	Water Supply	Unknown	Phoenix Lake	Habitat Conservation Planning	TBD	Habitat Conservation PI		TBD	

DISCUSSION:

B. SUMMARY:

- AF = Acre Feet
- Mg/L = milligrams per liter
- MPN = most probable number
- MPY = mils per year
- MG = million gallons
- NTU = nephelometric turbidity units

1. Water Production:

	FY 2024/25		FY 2023/24	
	(million gallons)	(acre-feet)	(million gallons)	(acre-feet)
Potable				
Total production this FY	3,068	9,414	3,009	9,233
Monthly production, October	743	2,279	676	2,075
Daily average, October	23.95	73.51	21.81	66.93
Recycled				
Total production this FY	130.39	400.16	129.48	397.34
Monthly production, October	25.81	79.19	24.29	74.53
Daily average, October	0.83	2.55	0.78	2.40
Raw Water				
Total production this FY	40.25	123.52	38.01	116.65
Monthly production, October	7.18	22.03	5.73	17.58
Daily average, October	0.23	0.71	0.18	0.57
Imported Water				
Total imported this FY	1,091	3,349	1,427	4,378
Monthly imported, October	287	880	337	1,033
Reservoir Storage				
Total storage, October	20,440	62,728	21,600	66,289
Storage change during October	-823	-2,526	3,379	11,475
Stream Releases				
Total releases this FY	923	2,831	994	3,051
Monthly releases, October	234	718	268	821

2. <u>Precipitation:</u>	<u>FY 2024/25 (in.)</u>	<u>FY 2023/24 (in.)</u>
Alpine	0.85	1.52
Bon Tempe	0.48	0.94
Kent	0.62	1.77
Lagunitas *	0.45	0.49
Nicasio	0.43	0.63
Phoenix	0.32	0.84
Soulajule	0.26	0.73
* Average to date = 0.48 inches		

3. Water Quality:

<u>Laboratory</u>	<u>FY 2024/25</u>	<u>FY 2023/24</u>
Water Quality Complaints:		
Month of Record	15	10
Fiscal Year to Date	73	31
Water Quality Information Phone Calls:		
Month of Record	23	1
Fiscal Year to Date	57	7

The WQ lab ensured that the water supplied met or surpassed water quality regulations by collecting and analyzing 1,966 analyses on treatment plants and distribution system samples.

Mild steel corrosion rates averaged 3.30 (0.25 – 9.72) MPY. The AWWA has recommended an operating level of <5 MPY with a goal of <1 MPY.

Complaint Flushing: One flushing event was performed at 65 Ivy Dr. In Ross to ensure water quality for this month on record.

Disinfection Program: 2,257’ of new pipelines were disinfected during the month of October. Performed chlorination on 45 water storage tanks to ensure compliance with bacteriological water quality regulations.

Tank Water Quality Monitoring Program: Performed 59 water quality-monitoring events on storage tanks for various water quality parameters this month to help ensure compliance with bacteriological water quality regulations.

Summary:

The lab analyzed 1,966 treatment plant and distribution water samples, and the water quality department treated 45 tanks for low chlorine and checked an additional 59 tanks for low chlorine residual in October 2024.

4. Water Treatment:

<u>Treatment Results</u>	<u>San Geronimo</u>		<u>Bon Tempe</u>		<u>Ignacio</u>	
	Average	Monthly Goal	Average	Monthly Goal	Average	Monthly Goal
Turbidity (NTU)	0.05	≤ 0.10	0.05	≤ 0.10	0.04	≤ 0.10
Chlorine residual (mg/Lv)	2.72	2.75 *	2.70	2.75 *	2.89	2.75 *
Color (units)	0.2	≤ 15	0.5	≤ 15	0.1	≤ 15
pH (units)	7.8	7.8*	7.7	7.8*	8.0	8.1**

- * Set monthly by Water Quality Lab
- ** pH to Ignacio is controlled by SCWA

5. Capital Improvement:

- a. Pine Mountain Tank Phase 1 – Rough Grading Project (D21043): The Pine Mountain Tunnel Tanks Replacement Project is a multi-year two-phased project that will replace the existing Pine Mountain Tunnel. This project (Phase 1) will excavate approximately 45,000 cubic yards of hillside and will install a soil nail retaining wall in preparation for a future project that will install two 2-million gallon pre-stressed concrete storage tanks (Phase 2). This Phase 1 project will also perform site grading and drainage improvements.
 - Project Budget: \$7,734,575
 - Monthly Activities: The Contractor is continuing to construct the retaining wall and transfer soil to the Bullfrog Quarry. Concrete Pipe Road between Taylor Trail and Fairfax-Bolinas Road remains closed Monday through Friday 8:00 AM to 5:00 PM throughout the duration of the project. The Phase I rough grading and retaining wall project is anticipated to be complete January 31, 2025.

- b. Wolfback Ridge Tanks Rehabilitation Project (D20009): This project will replace the roof and recoat both the interior and exterior of each tank at Wolfback Ridge in Sausalito.
 - Project Budget: \$950,000

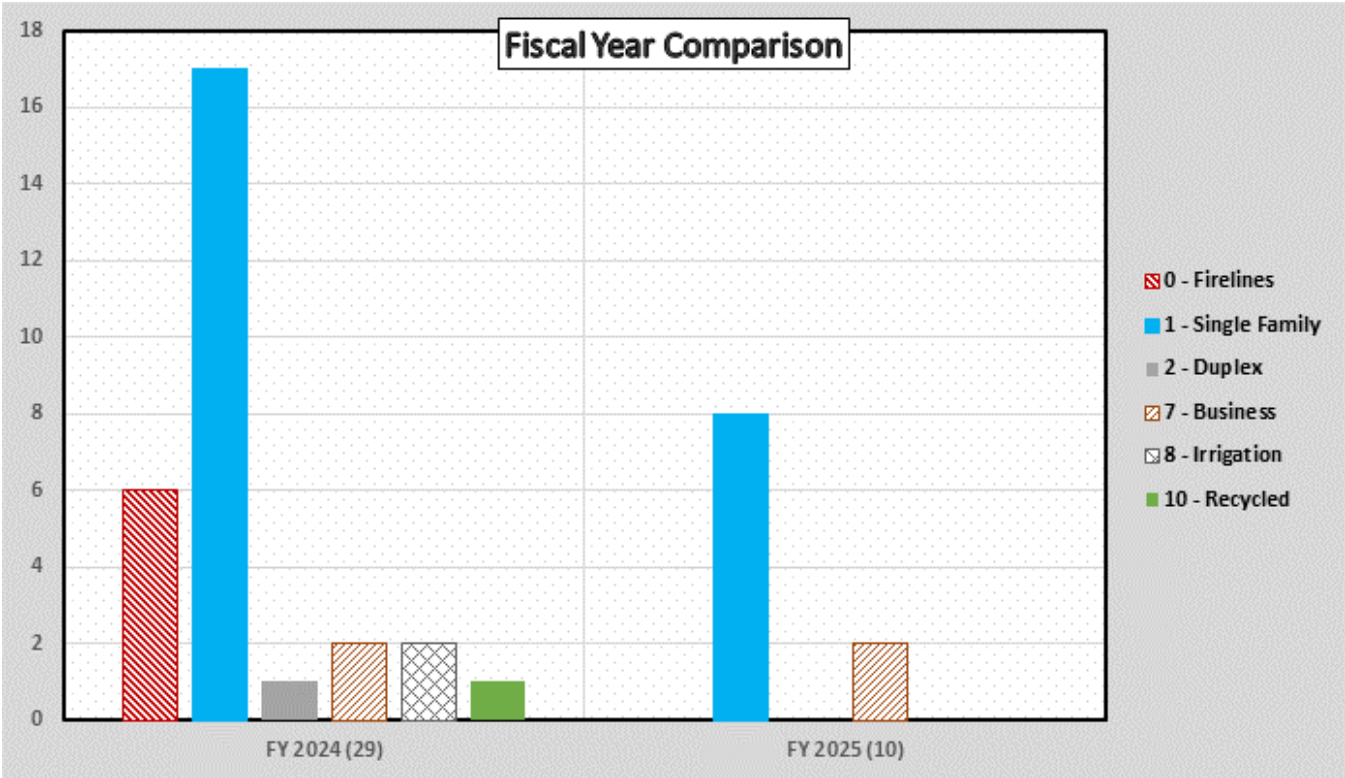
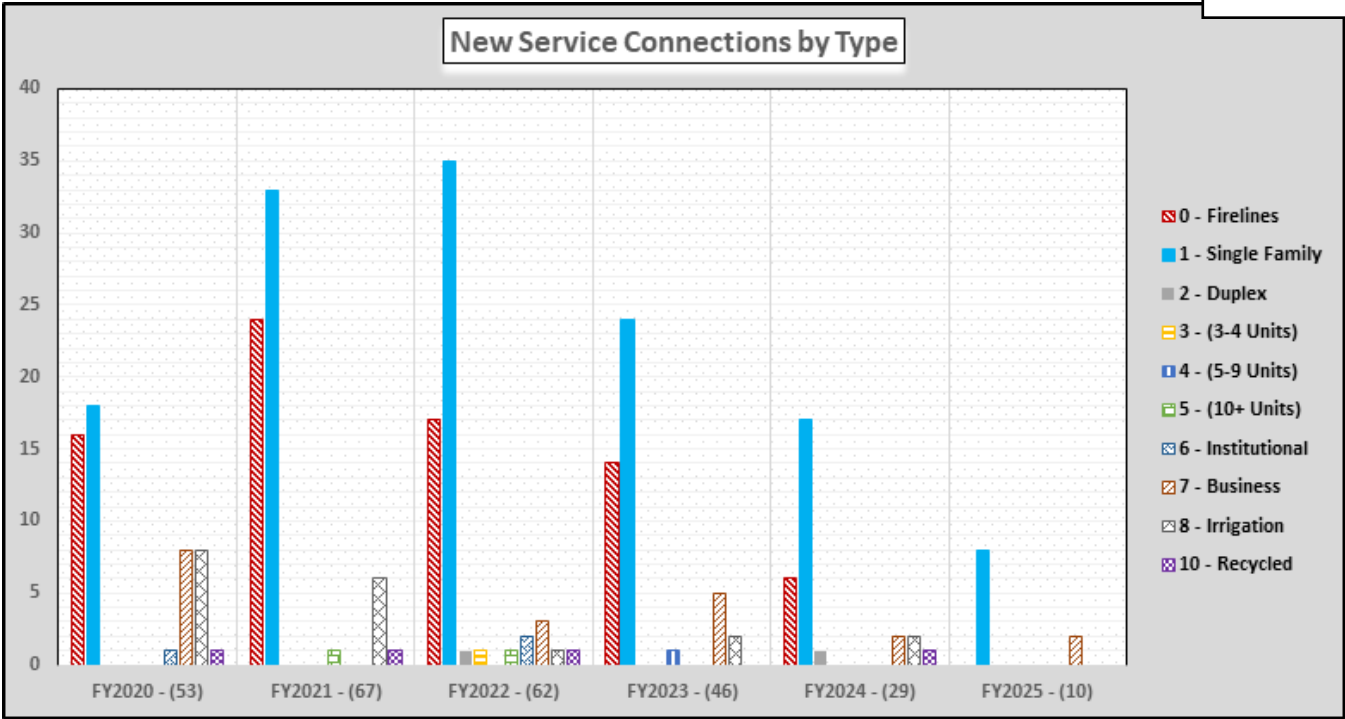
- Monthly Activities: The Contractor will mobilize and begin water tank restoration work in the middle of November. The contract completion is estimated March 2025.
- c. Sir Francis Drake Pipeline Replacement Project (D23009): This project will install approximately 4,540 linear feet of welded steel pipe to replaced aged, leak-prone cast iron pipe installed as early as 1924 on Sir Francis Drake Boulevard between San Francisco Boulevard and Butterfield Road. Water pipelines will also be replaced on Broadmoor Avenue and Saunders Avenue, each for approximately 250 feet from Sir Francis Drake.
- Project Budget: \$3,799,400
 - Monthly Activities: The Contractor completed all water system installation work and final paving will be performed throughout November as weather permits. The project will be completed in November.
- d. Granada Drive Pipeline Replacement Project (D23020): Project Budget: \$3,958,000
Monthly Activities: The Contractor is currently performing creek restoration work including installing rock and woody debris structures within the creek channel. The Cross Marin Trail remains open to recreation during construction and traffic control measures are implemented as required to protect the public. Project completion is anticipated in late November.
- Project Budget: \$5,564,384
 - Monthly Activities: The Contractor is continuing to install water services on Prince Royal Drive, Sonora Way, Endeavor Drive, and Granada Drive. The project is anticipated to be complete March 2025.
- e. Lagunitas Creek Coho Habitat Enhancement Project – Phase 1A (GC21001): Phase 1A of the Lagunitas Creek Coho Habitat Enhancement Project will implement an extensive set of habitat enhancement structures in Lagunitas Creek within Samuel P. Taylor State Park. The work includes the installation of large woody debris, rock, and gravel structures in Lagunitas Creek in support of endangered Coho Salmon, threatened steelhead populations, and freshwater shrimp.
- Project Budget: \$3,958,000
 - Monthly Activities: The Contractor has completed all contract work with the exception of minor punchlist items, final site cleanup, and demobilization. The project will be completed on schedule and within budget in late November.
- f. Tiburon Pipeline Replacement Project (D23018): The 2024 Tiburon Pipeline Replacement Project is a component of the District’s Capital Improvement Program and Fireflow Improvement Program. The project includes the installation of approximately 3,490 linear feet of 8-inch, 6-inch, and 4-inch welded steel potable water pipe with valves, fittings, laterals, and appurtenances in the Town of Tiburon. This project replaces 102 year old, leak-prone, cast iron pipe with new reliable, seismically resilient welded steel pipe.
- Project Budget: \$3,112,285
 - Monthly Activities: The Contractor has completed the installation of the all water mainline on the project and is performing system disinfection and pressure testing, tie-ins to the existing system, and water service transfers. The project is expected to be complete in the winter.
- g. 2024 Anode Well Replacement Project (D24025): The 2024 Anode Well Replacement Project will rehabilitate an existing cathodic protection well in the City of San Rafael, which was installed in 1965 and is due for replacement. The aged well will be replaced insitu with an 11-inch diameter, 41-foot deep anode well in accordance with Marin County regulations. Magnesium anodes installed in the well are used to protect the District’s infrastructure by preventing corrosion, particularly sodium-rich San Francisco Bay mud where corrosion is accelerated.
- Project Budget: \$197,500

- Monthly Activities: The project has been completed.

- h. Rock Ridge Pipeline Replacement Project (F22001): The Rock Ridge Pipeline Replacement Project (Project) is a component of the Fire Flow Improvement Program. This Project will install approximately 7,590 feet of new 8” and 6” welded steel and polyvinyl chlorine (PVC) pipe to replace the old, leak prone fire flow deficient piping installed as early as 1934.
- Project Budget: \$3,928,105
 - Monthly Activities: The Contractor has mobilized equipment and material to the project site and has begun water facility layout and pre-installation activities. The project is expected to be completed May 2025.

6. Other:

<u>Pipeline Installation</u>	<u>FY2024/25</u>	<u>FY2023/24</u>
Pipe installed during October (feet)	2,525	811
Total pipe installed this fiscal year (feet)	13,245	1,264
Total miles of pipeline within the District	908*	908*
<i>* Reflects adjustment for abandoned pipelines</i>		
 <u>Pipe Locates (1,336 Responses)</u>	 <u>FY2024/25</u>	 <u>FY2023/24</u>
Month of October (feet)	41,488	19,076
Total this fiscal year (feet)	154,532	130,377
 <u>Main Line Leaks Repaired:</u>	 <u>FY2024/25</u>	 <u>FY2023/24</u>
Month of October	18	17
Total this fiscal year (7/1/24-5/31/25)	49	54
 <u>Services:</u>	 <u>FY2024/25</u>	 <u>FY2023/24</u>
Service upgrades during October	17	17
Total service upgrades this FY	71	67
Service connections installed during October	0	0
Total active services as of November 1st, 2024	60,617	60,775
(Total Including firelines)	62,012	62,165



7. Recruitments and Hires

The District is currently recruiting for the following positions:

- Engineering Technician Supervisor - Development Services
- Supervising Land Surveyor
- Business Systems Analyst
- Treatment Plant Trainee II / Treatment Plant-System Operator III
- Senior Administrative Assistant
- Engineering Technician

Through competitive recruitments, employees were appointed to the following positions:

- Natural Resources Technician II

The District recently hired new employees for the following positions:

- Watershed Aide

8. Demand Management:

	Oct-24	FY 24/25 TOTAL	FY 23/24 TOTAL	FY 22/23 TOTAL
WATER-EFFICIENCY PROGRAMS				
<i>Water-Use Site Surveys</i>				
Conservation Assistance Program (CAP) Consultations				
Residential properties resi 1-2 (single-family)	64	229	404	291
Residential properties resi 3-5 (multi-family units)	0	2	6	3
Non-residential properties resi 6-7 (commercial)	0	0	0	3
Dedicated irrigation accounts resi 8-10 (large landscape)	0	2	0	0
Marin Master Gardeners' Marin-Friendly Garden Walks				
Residential garden walks	6	43	173	72
<i>Public Outreach, Education, Customer Service</i>				
Public outreach events (number of people attending)	0	3500	7022	17775
Public education events (number of participants)	225	225	425	328
Department customer calls/emails	796	2830	4485	4150
Outreach to new Marin Water customers (letters sent)	0	220	1908	0
<i>School Education</i>				
School assemblies				
Number of activities	1	4	19	0
Number of students reached	1150	4600	21850	0
Field trips				
Number of activities	7	9	16	15
Number of students reached	136	177	343	307
Classroom presentations				
Number of activities	2	5	14	17
Number of students reached	79	140	457	531
Other (e.g. Earth Day booth events, school gardens)				
Number of activities	0	0	3	1
Number of students reached	0	0	400	480
<i>Incentives</i>				
Number of HECWs approved		2	98	103
Number of Rain Barrel/Cisterns approved	1	3	9	15
"Cash for Grass" Lawn Replacements approved	5	27	61	116
"Cash for Grass" (Best Practices) square ft. lawn replaced	0	1000	0	0
"Cash for Grass" (Standard) square ft. lawn replaced	4795	43218	0	0
Number of Laundry-to-Landscape Systems (kits) approved	0	0	1	7
Hot water recirculating system rebates	0	3	11	30
Pool Cover rebates	1	11	35	27
HET rebates	0	4	17	22
Number of Smart Home Water Monitor "Flume Direct Distribution" redeemed	65	230	544	271
Number of Smart Controllers rebates approved	3	16	49	35
Number of Smart Controllers "RainBird compatible w/Flume" approved	4	41	131	0
Number of Smart Controllers "Rachio Direct Distribution" approved	14	93	219	77
Rain Barrel Give-a-way (Gallons)	5115	14905	4840	0
<i>Advanced Metering Infrastructure (AMI)</i>				
AMI leak letters sent to customers (>200 GPD)	144	550	1330	1168
ORDINANCES				
<i>Water Waste Prevention</i>				
Water Waste Reports Received	17	105	224	392
Water Waste Notifications Sent	3	21	49	81
<i>Landscape Plan Review</i>				
Plans submitted	7	28	117	88
Plans exempt	0	3	23	5
Plans completed	2	4	30	20
Plans in workflow (pass & fail)	11	42	172	145
<i>Tier 4 Exemption</i>				
Inspections that resulted in a pass	0	0	2	1

9. Watershed Protection:

Rangers Assist with Prescribed Burn on Mount Tam
 In late October, the Rangers and Watershed Maintenance Staff assisted the Marin County Fire Department and State Parks with a prescribed burn on the Watershed near the Mountain Theatre. District staff helped with the burn and mop up. Staff then patrolled the site overnight and into the next day. Rangers continued to monitor the site for several days after.



Prescribed Fire on MMWD Burn Unit near Mountain Theatre

Rangers Investigate Threats

Rangers assisted Marin County DPW after threats were made against contractors working on the Fairfax Bolinas Road repair. Since August, Fairfax Bolinas Road through the Watershed has been closed to all public access Monday-Friday to allow for significant repairs to a landslide that has damaged the road. Twice during October, bicyclists ignored both posted road closure signs and a security guard at the closure gate, and then made threats against the contractors at the site.

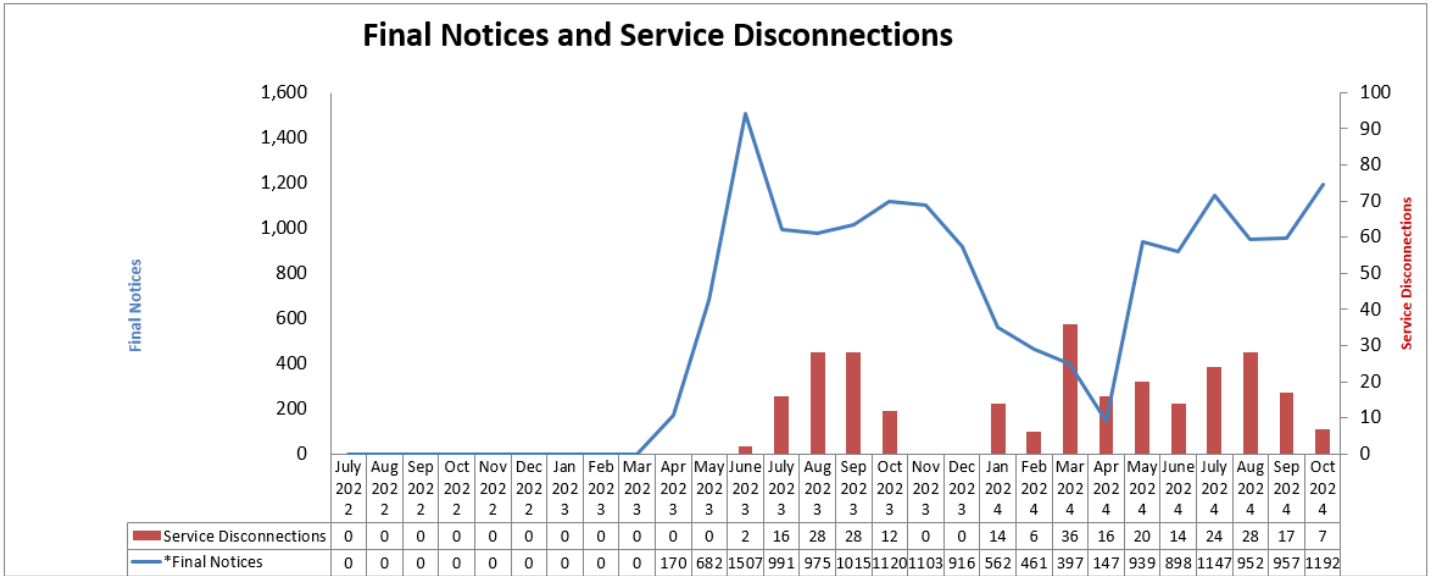
Incidents and Events	425
Visitor Assists	101
Warnings Given	73
Dam Checks	70
Assist Maintenance	51
Citations Issued	35
Fish and Game checks	30
Misc. LE Calls	18
Vandalism	12
Citizen Complaint Illegal Bike Use	5
Assist Outside Law Enforcement	3
Fire Service	3
Suspicious Circumstance	2
Medical Aid	2
Humane/Animal Related Call	2
Vehicular Hit and Run	2
Illegal Trail Work	1
Citizen Complaint: Bike Speed	1
Assist Outside Agency	1
Citizen Complaint: Vehicle Speed	1
Theft	1
Assist Other MMWD Work Group	1
Search Warrant Served	1
Illegal Fire	1
Ranger Callout	1
Red Flag Warning	1
Sexual Assault/Rape/Sex Crime	1
Misc. Call for Service	1
Assist Fire/EMS	1
Outreach/Interpretation	1
Search and Rescue	1
Found Property	1

Citations	35
Non-Payment of Parking Fees	28
Parking After Sunset	3
Parking in Front of Gate	3
No Parking	1




10. Shutoff Notices and Disconnections:

*Final Notices
Service Disconnections
* Includes 10 day and final notices



FISCAL IMPACT: None.

ATTACHMENT(S): None.

DEPARTMENT OR DIVISION	DIVISION MANAGER	APPROVED
Office of the General Manager	_____	
	Ben Horenstein General Manager	Ben Horenstein General Manager



STAFF REPORT

Meeting Type: Board of Directors

Title: 3rd Amendment to District Lease No. 67, Marin Emergency Radio Authority (MERA) at Forbes Reservoir Site, San Rafael (APN 010-261-02)

From: Alex Anaya, Director of Engineering

Through: Ben Horenstein, General Manager

Meeting Date: November 19, 2024

TYPE OF ACTION: X Action Information Review and Refer

RECOMMENDATION: Approve 3rd Amendment to District Lease No. 67 with Marin Radio Emergency Authority (MERA) at Forbes Reservoir Site, San Rafael

SUMMARY: The Marin Emergency Radio Authority (“MERA”) provides crucial communications to twenty-five member agencies, including the District, for both routine and emergency/natural disaster responses. The MERA radio communications system is the backbone of the 911 emergency response system, but it is approaching the end of its useful life. A project to replace the existing communication system with the “NextGen” system was approved by MERA in 2015.

The District currently leases land to MERA at the District’s Forbes Reservoir Site in San Rafael (APN 010-261-02). The lease is set to expire on December 31, 2024 and MERA has requested: (1) a lease term extension effective as of January 1, 2025, through June 30, 2025, and (2) a waiver of the market rent for the extension period. MERA’s construction of its new “Next Gen” communication system is nearing completion and once completed MERA will no longer need the facilities at the District’s Forbes Reservoir Site.

DISCUSSION:

Summary of Current Lease Terms

- Current Lease Term – January 1, 2024 to December 31, 2024
- Current Lease Area – 1,430-square-feet
- Initial Contract (Base) Rent – The \$36,000 per year annual rent has been waived by the District since the commencement of the Lease as MERA’s services support the District and the greater community

Summary of Proposed Lease Amendment

- Extend the Lease term from January 1, 2025 through June 30, 2025
- Waive market rent during the extended lease term

ENVIRONMENTAL REVIEW: Staff finds that this proposed 3rd Amendment to the Lease will have no impact on the environment given that the facilities are already existing and in place and therefor the approval is not subject to further review under the California Environmental Quality Act.

FISCAL IMPACT: None.

ATTACHMENT(S):

1. 3rd Amendment to Lease No. 67
2. Location map

DEPARTMENT OR DIVISION	DIVISION MANAGER	APPROVED
Engineering	 Alex Anaya Engineering Director	 Ben Horenstein General Manager

THIRD AMENDMENT TO
MARIN MUNICIPAL WATER DISTRICT
LEASE NO. 67
FORBES HILL RESERVOIR SITE
APN 010-261-02

This Lease Amendment (“Third Amendment”) is entered into by and between Marin Municipal Water District (“District”), and Marin Emergency Radio Authority (“MERA”).

For good and valuable consideration the receipt and adequacy of which is hereby acknowledged, the parties hereto agree as follows:

Section 1. Recitals:

- A. District and MERA entered into a Lease fully executed on May 11, 2002 (“Lease”), which commenced on March 12, 2001 (“Commencement Date”), which was subsequently amended (the lease and the subsequent amendments are hereinafter referred to collectively as the “Lease”) whereby MERA, in order operate a communications facility, leased certain real property described in Section 1 and Exhibits A and B of the Lease (the “Premises”), together with access and utility easements described in Section 5 of the Lease (“Access Easement”), all located within certain real property commonly known as the Forbes Hill Reservoir, owned by District (the “Property”) as described in Section 1 of the Lease.
- B. The Lease was due to expire on December 31, 2024 and MERA desires to extend the term of the Lease from January 1, 2025 through June 30, 2025.
- C. MERA is requesting, per Section 4 of the Lease, a waiver of the market rent during the extended term of the Lease.
- D. District and MERA desire to amend the Lease to extend the term of the Lease and to waive the market rent for the extension period.

Section 2. Terms:

- A. This Third Amendment modifies the Lease. Except for the modifications contained herein, all other terms of the Lease shall apply.
- B. The Lease is amended to extend the term of the Lease through June 30, 2025 (“Extension Period”) and to waive the market rent during the Extension Period.

MARIN MUNICIPAL WATER DISTRICT

By: _____

Benjamin Horenstein

General Manager

Date: _____

MARIN EMERGENCY RADIO AUTHORITY

By: _____

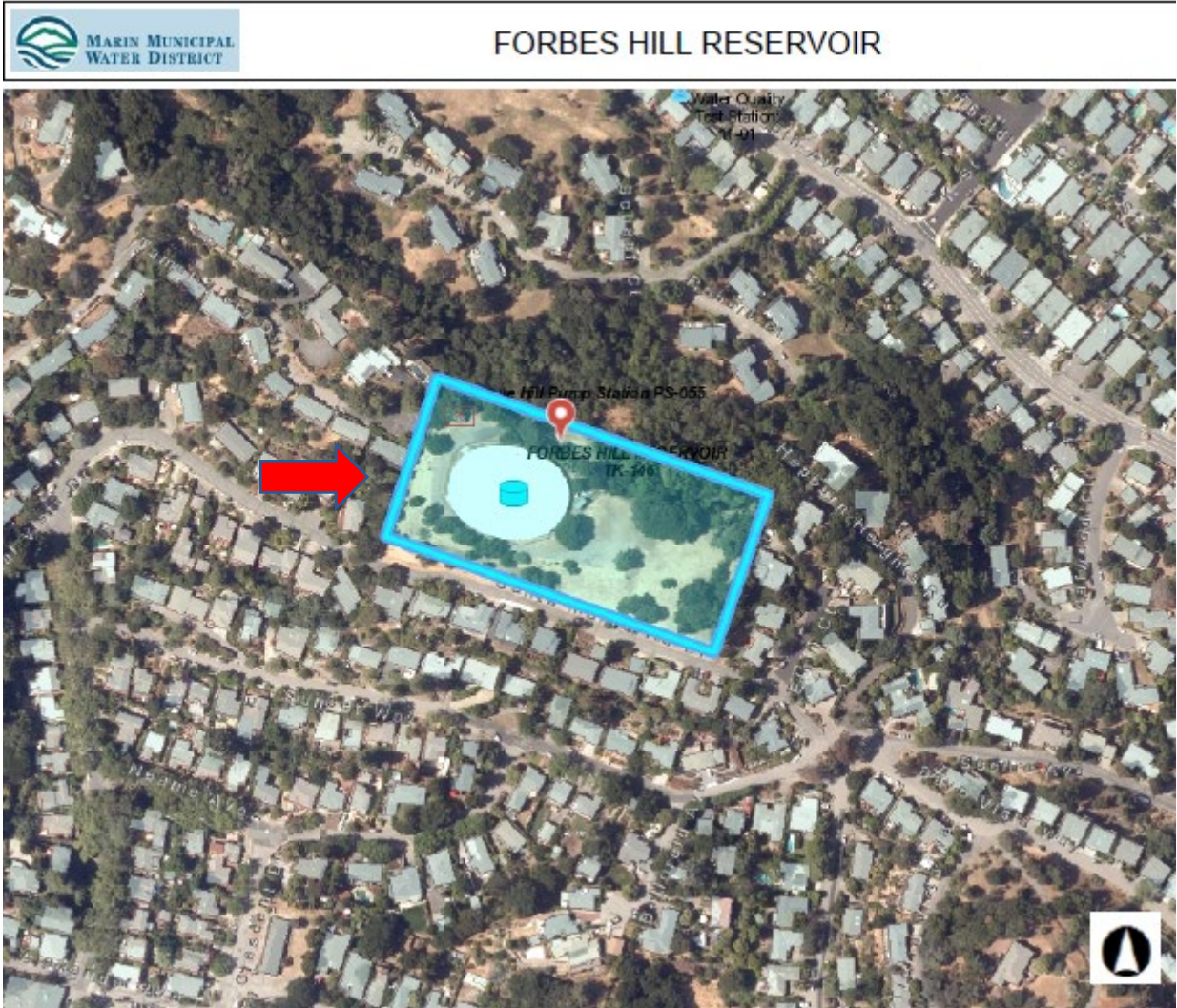
Heather Tannehill-Plamondon

Executive Officer, MERA

Date: _____

Attachment 2

LOCATION MAP





STAFF REPORT

Meeting Type: Board of Directors

Title: Acceptance of Permanent Grant of Easement to Marin Municipal Water District for Existing Water Facilities at 1876 Centro West Street, Tiburon, APN: 059-061-42

From: Alex Anaya, Director of Engineering

Through: Ben Horenstein, General Manager

Meeting Date: November 19, 2024

TYPE OF ACTION: X Action Information Review and Refer

RECOMMENDATION: Approve the acceptance of a permanent grant of easement in favor of the District and authorize the General Manager to accept and execute the Easement Agreement

SUMMARY: The District owns and maintains a 6-inch water main located along the easterly property line of 1876 Centro West Street, Tiburon. The pipeline, installed in 1950, is an important part of the water system in the area helping to improve redundancy and currently provides water service to three properties. Unfortunately, District staff have been unable to locate documentation of District’s real property rights for these facilities.

Therefore, in an effort to memorialize the District’s rights by obtaining an easement agreement, District staff contacted the underlying property owner. The property owner has agreed to grant the District an easement in the location of its existing facilities. The signed easement agreement, easement legal description and map have been prepared and are attached to this staff report.

Easement Characteristics

- Length 115-linear-feet
- Easement Area 1,005-square-feet

ENVIRONMENTAL REVIEW: Staff finds that this easement agreement will have no impact on the environment given that the facilities are already existing and in place and therefore the approval is not subject to further review under the California Environmental Quality Act.

FISCAL IMPACT: None.

ATTACHMENT(S):

- 1. Easement Agreement with Legal Description
- 2. Easement map

DEPARTMENT OR DIVISION	DIVISION MANAGER	APPROVED
Engineering		
	Alex Anaya Engineering Director	Ben Horenstein General Manager

Recording for the Benefit of MMWD, No Fee, Gov't. Code 27383.
Value less than \$100.00

Recording Requested By:
Marin Municipal Water District

When recorded return to:
Real Property Agent
Marin Municipal Water District
220 Nellen Avenue
Corte Madera CA 94925-1169

EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT (“Agreement”), is made and entered into as of this _____ day of _____, 2024, by and between **REGAN FAMILY TRUST** (“Grantor”), and the **MARIN MUNICIPAL WATER DISTRICT**, a municipal corporation (“District”).

For valuable consideration, receipt of which is hereby acknowledged, the parties agree as follows:

Section 1. Recitals:

- A. Grantor is the owner of a certain piece of real property described in the Re-recording Grant Deed from January 30, 2020 recorded in Book 2021 of Official Records Page 50, Marin County Records, Marin County, CA (“Property”).
- B. There are currently existing water District facilities located on the Property that are part of the District’s water system including a 6-inch water main, two service laterals, two water meter boxes and two water meters. One of the meters provides water to the Grantor’s property while the other provides water service to the adjacent property, 1880-1882 Centro West Street (“Adjacent Parcel”).
- C. Grantor desires to convey a non-exclusive easement over a portion of the Property to the District on the terms and conditions set forth herein.

Section 2. Grant of Easements:

- A. As owners of the Property, Grantor hereby grants to the District and its successors and assigns in interest, a non-exclusive easement described in “Exhibit A”, attached hereto and incorporated herein as if fully set forth (“Easement”).
- B. The Easement described in Section 2(A) shall be held subject to the following terms and conditions:
 - i. The Easement granted herein is non-exclusive. The District is granted the right to lay, maintain, repair, remove, replace and operate a pipeline or pipelines of such dimension or dimensions as the District elects to install, together with the right to construct and maintain such meters, valves and other facilities as may be necessary or convenient in connection with storage, transmission and delivery of water,

including reasonable ingress and egress over paved adjoining lands for the construction, repair and maintenance of such pipeline(s) and facilities (“Improvements”).

- ii. Grantor reserves the right to use the Easement for any and all purposes that will not interfere with District’s use of the Easement and operation of the Improvements. No structures, fill, or other improvements shall be placed on or over the Easement that interferes with or impedes access to the use, repair, replacement, or maintenance of the installations in the Easement, excepting that it is herein agreed that Grantor may construct a fence along the boundary between Grantor and the Adjacent Parcel, provided that (A) Grantor shall position the new fence so that the existing meter box serving the Adjacent Parcel is accessible to both the District and the owner of the Adjacent Parcel, (B) Grantor shall, to the extent necessary, provide reasonable access to the owner of the Adjacent Parcel to existing water lateral service on Grantor’s property for reasonable maintenance, repair or replacement, and (C) in the event that the District requires access to the water facilities underlying the new fence, Grantor shall upon not less than ten (10) days’ notice, remove the area of the fence that is over laying District facilities to accommodate the District’s access to same. Furthermore, notwithstanding the foregoing, Grantor hereunder understands and acknowledges that in the event of an emergency, such as a water leak, the District retains the right to immediately access its facilities to make any necessary repairs, up to and including, removal of some or all of the fence, at Grantor’s expense. Provided there is no interference with the District’s use as described herein and subject to all applicable terms and conditions herein, Grantor may use or grant additional easements to other property owners for uses including, but not limited to, ingress and egress.
- iii. Grantor reserves and shall have the right to revise the grade of the surface or the location of the Easement, if and when Grantor shall first pay to the District the full expense of changing the grade or location of the pipeline(s) and other installations of the District therein. In the event of a change in grade, the District will determine if the grade change requires the raising or lowering of the pipeline or other installation. The District, in its sole discretion, shall determine all costs associated with the change in grade. If Grantor desires a change in the location of the Easement, Grantor shall first grant a suitable new easement acceptable to the District.
- iv. The District is under no obligation to install or to maintain any additional paving or other surfacing on the Easement, unless it is a condition of improving District access to repair, replace, maintain, or to use the installations in the Easement. The District will not be responsible for non-standard hard scape surfacing and will only restore hard scape surfaces with standard asphaltic concrete (Uniform Standards All Cities and County of Marin Drawing No. 330) and concrete (brush or exposed finish with 2.0 lb. lampblack per yard) that meets construction industry standards, or as required by local encroachment permits. The District shall not be liable for any contribution under the provisions of California Civil Code Section 845.

Section 3. Construction of Improvements:

The District may construct Improvements in the Easement as described in Section 2(B)(i). The District shall give Grantor at least ten (10) business days written notice prior to the

commencement of construction of the Improvements in the Easement. Except as expressly provided herein, if any portion of the Property is damaged during the duration of the construction project, the District shall assume the loss.

Section 4. Damages to the Property:

If any portion of the Property is damaged by reason of leakage or other failure of any part of the underlying existing District pipelines or facilities, or by reason of the District, its officers', agents', employees' and/ or contractors' actions in gaining access to the Easement, except as otherwise expressly set forth herein, District facilities, or underlying pipelines for purposes of repair, maintenance, connection, or for any other purpose, then the District shall assume the loss and pay for the reasonable repair of such damage taking into consideration issues of depreciation and betterment.

If the District undertakes any repair on any portion of the Property, the District's work shall conform to applicable standards of the construction industry. The District shall replace or repair any portion of the Property, excepting the fence as stated above, damaged by the District, as reasonably as possible, to the conditions that previously existed subtracting any reasonable depreciation taking into consideration issues of depreciation and betterment.

Section 5. Damages to the Improvements:

Any damage to the Improvements by Grantor, directly or indirectly, to (a) the District's pipelines or other District facilities maintained in the Easement, or (b) to property in the Easement for which the District is held responsible, shall be assumed by Grantor, and Grantor agrees to and will pay the entire cost of the loss sustained by the District.

Section 6. Hold Harmless:

Grantor, for themselves, their heirs, executors, administrators, successors, assigns and for any person or company in the Easement by invitation expressed or implied, shall indemnify, hold harmless, release and defend the District, its officers, directors, volunteers, agents and employees, from any and all liability, actions, claims, damages, costs or expenses, including attorneys' fees and costs and expenses of suit which may be asserted by any person, including Grantor, arising out of or in connection with this Agreement, except an action to enforce the terms of this Agreement.

Section 7. Representation:

This Agreement is executed voluntarily by each of the parties hereto, all of whom have had the opportunity to obtain legal advice by independent counsel of their choice as to the content and effect of this Agreement.

Section 8. Authorization:

Each signatory to this Agreement warrants that he or she has full authority to execute this Agreement on behalf of and thus bind the individual, or entity represented.

Section 9. Entire Agreement:

This Agreement contains the entire agreement and understanding between the parties.

Section 10. Binding on Successors:

This Agreement shall bind and inure to the benefit of the respective successors, assigns, legatees, heirs, executors, administrators and estates of each of the parties; provided, that Grantor and each succeeding owner of the property and the easements granted herein shall have no liability hereunder with respect to matters arising from and after the date when they cease to be owner of the Property and said easements. In the event Grantor, or the successors and assigns in interest of Grantor, fail to make a payment reasonably required therein to be made by them to the District, and such failure continues for sixty (60) days following the date that the District notifies Grantor or such successors and assigns in writing of their liability, the District shall secure Grantor or their successors' and assigns' obligation to pay by filing a lien on the property.

Section 11. Paragraph Headings:

Paragraph headings are used for reference purposes only and are not intended to describe, interpret, define or limit the scope or extent of this Agreement or any of its provisions.

Section 12. Governing Law:

This Agreement shall be governed by and construed in accordance with the laws of the state of California.

Section 13. Counterparts:

This Agreement may be executed in any number of counterparts, each of which shall be an original, but all of which taken together, shall constitute one instrument.

Section 14. Facsimile Signatures:

The parties agree that this Agreement, documents ancillary to this Agreement and related documents to be entered into in connection with this Agreement will be considered signed when the signature of a party is delivered by facsimile transmission. Such facsimile signature shall be treated in all respects as having the same effect as an original signature.

Section 15. No Presumption Regarding Drafter:

The parties acknowledge and agree that the terms and provisions of this Agreement have been negotiated and discussed between the parties and their attorneys, and this Agreement reflects their mutual agreement regarding the same. Because of the nature of such negotiations and discussions, it would be inappropriate to deem any party to be the drafter of this Agreement, and therefore no presumption for or against validity or as to any interpretation hereto, based upon the identity of the drafter shall be applicable in interpreting or enforcing this Agreement.

Section 16. Mediation:

Any dispute or claim in law or equity between Grantor and the District arising out of this Agreement, if not resolved by informal negotiation between the parties, shall be mediated by referring it to the nearest office of Judicial Arbitration and Mediation Services, Inc. (JAMS) for

mediation. Each party shall provide the others with a list of four mediators. The parties shall confer on the list and select a mutually agreeable mediator. Mediation shall consist of an informal, non-binding conference or conferences between the parties and the judge-mediator jointly, then in separate caucuses wherein the judge will seek to guide the parties to a resolution of the case. If the parties cannot agree to a mutually acceptable member from the JAMS panel of retired judges, a list and resumes of available mediators with substantial experience in mediating claims of the type at issue between the parties, numbering one more than there are parties, will be sent to the parties, each of whom will strike one name leaving the remaining name as the mediator. If more than one name remains, JAMS arbitration administrator will choose a mediator from the remaining names. The mediation process shall continue until the case is resolved or until such time as the mediator makes a finding that there is no possibility of resolution.

OWNER: REGAN FAMILY TRUST

Dated: OCT 15 2024

Signed: [Signature]
Name
Title

DISTRICT: MARIN MUNICIPAL WATER DISTRICT

Dated: _____

By: _____
Bennett Horenstein
General Manager

Attest: _____
Secretary

- Attachments:
Exhibit A – Legal description
Exhibit B – Record Map

MMWD Seal:

CALIFORNIA CERTIFICATE of ACKNOWLEDGEMENT

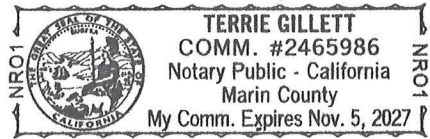
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Marin

On OCT 15 2024, before me *Terrie Gillett, Notary Public*, personally appeared Stephanie Regan, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Terrie Gillett
Terrie Gillett, Notary Public

(Seal)

..... Optional Information

DESCRIPTION OF ATTACHED DOCUMENT

Easement Agreement

TYPE OF IDENTIFICATION

- Satisfactory Evidence – photo ID card
- One credible witness acknowledging identity of principal
- Two credible witnesses acknowledging identity of principal

Certificate of Acceptance

THIS IS TO CERTIFY that the interest in the real property conveyed by the Easement Agreement, dated _____, 20__ from _____ to the **MARIN MUNICIPAL WATER DISTRICT**, a local public agency, was hereby accepted by order of the **BOARD OF DIRECTORS** of the **MARIN MUNICIPAL WATER DISTRICT** on _____, subject to the terms and conditions of said Easement Deed, and the **MARIN MUNICIPAL WATER DISTRICT** consents to the recordation thereof by its duly authorized Officer.

DATED: _____ BY: _____
Real Property Department

EXHIBIT 'A'
WATERLINE EASEMENT (WLE)
OVER THE LANDS OF REGAN FAMILY TRUST
APN 059-061-42

Lying within the Town of Tiburon, County of Marin, State of California, and being a portion of the lands of Regan Family Trust, as described in the Re-recording Grant Deed recorded January 30, 2020, under Document Number 2020-0003811, Marin County Records, said portion of land more particularly described as follows:

Parcel 'A':

The EASTERLY 10 feet of said lands of Regan Family Trust, as said lands are also delineated on that certain Record of Survey map filed in Book 2021 of Maps at page 50, Marin County Records.

Together with:


Parcel 'B':

COMMENCING at the northeast corner of said lands of Regan Family Trust; thence along the southeasterly line thereof South 22°01'00" West 18.19 feet; thence leaving said line North 67°59'00" West 10.00 feet to the POINT OF BEGINNING; thence along a line coincident with the westerly line of Parcel 'A' herein above described, South 22°01'00" West 10.00 feet; thence leaving said line, North 67°59'00" West 2.00 feet; thence North 22°01'00" East 10.00 feet; thence South 67°59'00" East 10.00 feet to the POINT OF BEGINNING.

Containing a total of 1,005 square feet, more or less.

END DESCRIPTION

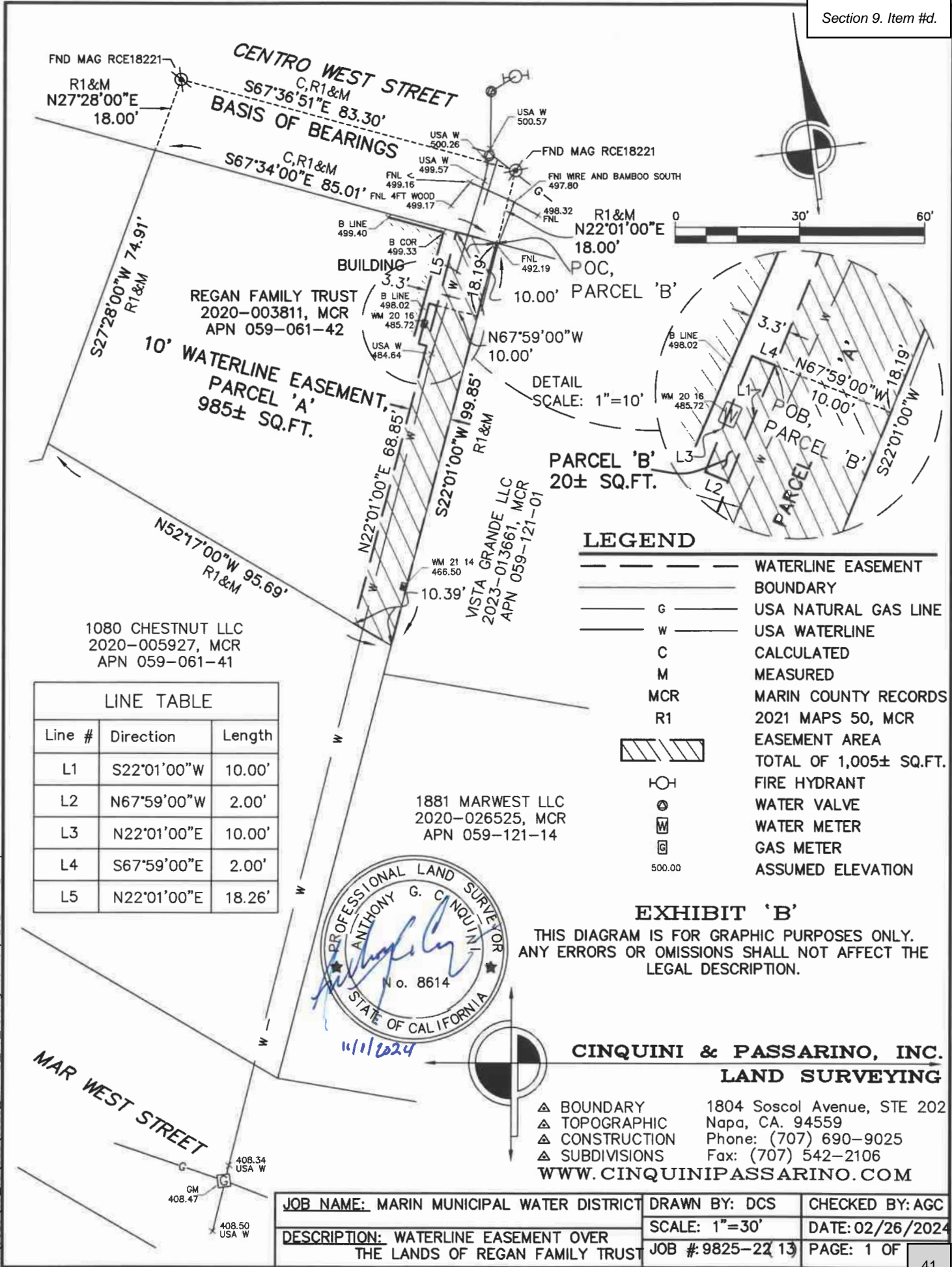
Prepared by Cinquini & Passarino, Inc.


Anthony G. Cinquini, PLS 8614



11/1/2024
Date

Section 9. Item #d.



CENTRO WEST STREET
 C,R1&M
 S67°36'51"E 83.30'
BASIS OF BEARINGS
 C,R1&M
 S67°34'00"E 85.01'

REGAN FAMILY TRUST
 2020-003811, MCR
 APN 059-061-42

10' WATERLINE EASEMENT,
 PARCEL 'A'
 985± SQ.FT.

1080 CHESTNUT LLC
 2020-005927, MCR
 APN 059-061-41

VISTA GRANDE LLC
 2023-013661, MCR
 APN 059-121-01

1881 MARWEST LLC
 2020-026525, MCR
 APN 059-121-14

LINE TABLE		
Line #	Direction	Length
L1	S22°01'00"W	10.00'
L2	N67°59'00"W	2.00'
L3	N22°01'00"E	10.00'
L4	S67°59'00"E	2.00'
L5	N22°01'00"E	18.26'

- LEGEND**
- WATERLINE EASEMENT
 - BOUNDARY
 - G --- USA NATURAL GAS LINE
 - W --- USA WATERLINE
 - C --- CALCULATED
 - M --- MEASURED
 - MCR --- MARIN COUNTY RECORDS
 - R1 --- 2021 MAPS 50, MCR
 - ▨ EASEMENT AREA
 - TOTAL OF 1,005± SQ.FT.
 - ⊙ FIRE HYDRANT
 - ⊙ WATER VALVE
 - ⊙ WATER METER
 - ⊙ GAS METER
 - 500.00 ASSUMED ELEVATION



EXHIBIT 'B'
 THIS DIAGRAM IS FOR GRAPHIC PURPOSES ONLY.
 ANY ERRORS OR OMISSIONS SHALL NOT AFFECT THE
 LEGAL DESCRIPTION.

CINQUINI & PASSARINO, INC.
LAND SURVEYING

△ BOUNDARY 1804 Soscol Avenue, STE 202
 △ TOPOGRAPHIC Napa, CA. 94559
 △ CONSTRUCTION Phone: (707) 690-9025
 △ SUBDIVISIONS Fax: (707) 542-2106
WWW.CINQUINIPASSARINO.COM

JOB NAME: MARIN MUNICIPAL WATER DISTRICT	DRAWN BY: DCS	CHECKED BY: AGC
DESCRIPTION: WATERLINE EASEMENT OVER THE LANDS OF REGAN FAMILY TRUST	SCALE: 1"=30'	DATE: 02/26/2024
	JOB #: 9825-22 13	PAGE: 1 OF

Y:\9825\TO_13\Cad\9825_EXH-B_TO_13.dwg Nov 01, 2024 - 2:47pm

Resolution of Commendation John 'JaMike' Clark

A RESOLUTION OF THE MARIN MUNICIPAL WATER DISTRICT BOARD OF DIRECTORS HONORING JOHN CLARK FOR HIS 32 YEARS OF SERVICE

WHEREAS, John began as a Meter Reader and Repair Worker on January 23, 1992, then advanced to Warehouse Worker in January 1993, continued advancing to Mechanical & Electrical Maintenance Worker in January 1994, and finally became a Water Quality Field Technician in the Water Resources Division in 2000, where he finished his career at the District on October 14, 2024; and

WHEREAS, John could be counted on under all circumstances and "stepped up" many times to handle difficult situations, as well as working overtime to help maintain water quality in our drinking water distribution storage tanks and managing taste & odor control on our reservoirs on the watershed; and

WHEREAS, he always told it like he saw it, and never seemed to hold back when describing his field experiences; and

WHEREAS, with John's 32 years of service, he knew the ins and outs of the District's complex distribution system well, and you could always rely on him to give insight on unique situational questions that would arise in the field; and

WHEREAS, John was known for his ability to handle tricky customer concerns and had a knack for solving any customer issue that came his way; and

WHEREAS, he gave many years of dedicated service to the District and particularly in the Water Quality Department where he worked for nearly 24 years; and

WHEREAS, John will be greatly missed by all of his friends at MMWD; and

NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF DIRECTORS expresses its sincere appreciation to **John "JaMike" Clark** for his many years of hard work and dedication to the District and wishes him good health and happiness in his retirement.

RESOLUTION NO. 8799 APPROVED at a regular meeting of the Board of Directors held this 19th day of November, 2024.

Ranjiv Khush, Board President

ATTEST:

Terrie Gillen
Board Secretary



STAFF REPORT

Meeting Type: Board of Directors
Title: Adjustment of Board Compensation
From: Molly MacLean, General Counsel *MM*
Through: Ben Horenstein, General Manager *BH*
Meeting Date: November 19, 2024

TYPE OF ACTION: Action X Information Review and Refer

RECOMMENDATION: Review the per diem amount of compensation paid to members of the Board of Directors and consider adjusting the per diem amount based on the regional Consumer Price Index

SUMMARY: Staff will review legal requirements and comparisons to other similar agencies and is proposing that the Board consider an adjustment to the per diem amount based on the regional Consumer Price Index to keep pace with inflation.

DISCUSSION: Board Member Compensation is governed by the applicable provisions of the California Water Code, specifically sections 20200 et seq. State law also governs the amount and the manner of compensation for municipal water district directors and requires that district director compensation be paid on a per diem basis, which rules out the adoption of a fixed month stipend. California Water Code section 20202 provides that the per diem compensation may be increased each calendar year by not more than five percent (5%). Staff is proposing that the Board consider increasing the per diem amount, which has not been adjusted since 2017, by the San Francisco Bay Area Consumer Price Index, which is the index used for District employee compensation adjustments. Using the increase in this index from February 2017 to August 2024 (the most recent data available) would result in an increase to the per diem amount from \$200 to \$252.70, or approximately three percent (3%) per year. Based on this, staff is proposing a new per diem amount of \$250. The per diem amount increase is proposed to keep pace with inflation, recognize the time dedicated by each Board Member to the work of the District, help to offset loss of income incurred by Board Members in dedicating time to District work, and encourage members of the community to consider participation in this public service.

State law requires an increase in Board Member compensation be done by ordinance at a public hearing noticed pursuant to California Government Code section 6066, which requires publication twice in a two week period. Staff has published notice of a public hearing for the November 21st Finance and Administration Committee meeting to allow the Board to proceed with the adoption of an

ordinance, which would become effective 60 days following adoption pursuant to Water Code section 20204.

ENVIRONMENTAL REVIEW: Not Applicable.

FISCAL IMPACT: Negligible. Board compensation amounts vary from month to month but as proposed would not exceed \$2,500 per month, which would be a very minor piece of the District's overall budget.

ATTACHMENT(S): None.



UPCOMING MEETINGS

This schedule lists upcoming board and committee meetings as well as upcoming agenda items for the next month, which may include Board interest in adding future meeting items. The schedule is tentative and subject to change pending final publication and posting of each meeting agenda.

Internal Meetings		
Meeting Date	Meeting Type	Key Item(s)
Wednesday, Nov. 20, 2024 9:30 a.m.	Communications & Water Efficiency Committee Meeting/Special Meeting of the Board of Directors	
Thursday, Nov. 21, 2024 9:30 a.m.	Finance & Administration Committee Meeting/Special Meeting of the Board of Directors	
Tuesday, Dec. 10, 2024 6:30 p.m.	Board of Directors’ Regular Bi-Monthly Meeting	Board of Directors’ Reorganization

External Meetings	
Meeting Date	Meeting Type
Tuesday, Dec. 3 thru Thursday, Dec. 5, 2024	Association of California Water Agencies’ Fall Conference
Friday, Dec. 6, 2024 9:30 a.m.	North Bay Watershed Association Meeting