



DATE: May 29, 2020

RE: BOARD OF DIRECTORS MEETING PUBLIC ADVISORY

To address public health concerns regarding coronavirus (COVID-19) and large group meetings, our offices are closed to the public. The public can watch our Board of Directors' meeting using our livestream, which will begin at **7:30 p.m. Tuesday, June 2.**

To access the livestream, visit our website homepage at www.marinwater.org and use the link in the center of the page, or you can access it during the meeting here:

<http://marinwater.org/503/Board-Meeting-Live-Stream>

We also invite you to submit your questions or comments in advance or during the meeting by emailing them to: boardcomment@marinwater.org. Depending on the number of comments received, all comments will be provided to board members and read aloud at the meeting or posted on the District's website, prior to the Board taking action. Please note that comments should be able to be read aloud within three minutes or less, or as determined by the Board President.

Thank you for your cooperation.

Marin Municipal Water District Staff



**NOTICE OF REGULAR BI-MONTHLY MEETING
BOARD OF DIRECTORS**

MEETING DATE: Tuesday, June 2, 2020

TIME: 7:30 p.m.

LOCATIONS:

Directors will participate in this meeting via teleconference pursuant to the Governor’s Executive Order N-29-20. To access the livestream, please visit our website at: <http://marinwater.org/503/Board-Meeting-Live-Stream>. If you would like to comment during the Public Expression period or on any item on the agenda, email your comment to boardcomment@marinwater.org. Comments received prior to the Board taking action on an agenda item will be read aloud at the meeting during the discussion of that item or posted on the District’s website and provided to members of the Board depending on the number of comments received.

AGENDA

ITEM		RECOMMENDATION
<input type="checkbox"/>	CALL TO ORDER	
<input type="checkbox"/>	ADOPT AGENDA	
<input type="checkbox"/>	PUBLIC EXPRESSION	
<input type="checkbox"/>	DIRECTORS’ AND GENERAL MANAGER’S ANNOUNCEMENTS	
<input type="checkbox"/>	CONSENT CALENDAR	
1.	Minutes of the May 19, 2020 Meeting	<i>Approve</i>
2.	Resolution No. 8578- Continuation of Emergency Contracting Provisions in Response to the Covid-19 Public Health Crisis	<i>Approve</i>
<input type="checkbox"/>	REGULAR CALENDAR	
3.	Resolution No. 8574- Election of Members to the District’s Board of Directors	<i>Approve</i>
4.	Future Meeting Schedule and Agenda Items	<i>Discussion</i>

MMWD BOARD OF DIRECTORS: Larry Bragman, Jack Gibson, Cynthia Koehler, Armando Quintero, Larry Russell

***All matters listed on the consent calendar are considered to be routine and will be enacted by a single action of the board, unless specific items are removed from the consent calendar during adoption of the agenda for separate discussion and action.*

ITEM		RECOMMENDATION
5.	<p data-bbox="302 216 521 247">CLOSED SESSION</p> <p data-bbox="302 296 1105 443">a. <u>Conference with Labor Negotiator</u>- Government Code Section 54957.6(a) Agency Representative: Ben Horenstein, General Manager Employee Organization: SEIU Local 1021</p> <p data-bbox="302 489 1084 558">b. <u>Public Employment- General Counsel</u>- Government Code Section 54957(b)(1)</p>	

ADA NOTICE AND HEARING IMPAIRED PROVISIONS: The board room is equipped with sound amplifying units for use by the hearing impaired. The units operate in conjunction with the room's sound system. You may request the personal sound amplifier from the Board Secretary for use during meetings.

In accordance with the Americans with Disabilities Act and California Law, it is the policy of the Marin Municipal Water District to offer its public programs, services, and meetings in a manner that is readily accessible to everyone, including those with disabilities. If you are disabled 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 accommodation, please contact Charisse Beronilla at (415) 945-1448, at least two days in advance of the meeting. Advance notification within this guideline will enable the District to make reasonable arrangements to ensure accessibility.

* * * * *

INFORMATION PACKETS ARE AVAILABLE FOR REVIEW AT THE CIVIC CENTER LIBRARY, CORTE MADERA LIBRARY, FAIRFAX LIBRARY, MILL VALLEY LIBRARY, MMWD OFFICE, AND MMWD WEBSITE (MARINWATER.ORG)

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FUTURE BOARD MEETINGS:

Thursday, June 18
Watershed Committee/Board of Directors
(Watershed), 9:30 a.m.

Friday, June 19
Operations Committee/Board of Directors
(Operations), 9:30 a.m.

Tuesday, June 23
Regular Bi-Monthly Board of Directors Meeting, 7:30 p.m.

Thursday, June 25
Finance Committee/Board of Directors
(Finance), 9:30 a.m.



**MARIN MUNICIPAL
WATER DISTRICT**

ITEM NO. 1
MEETING DATE: June 2, 2020
MEETING: Board of Directors

STAFF REPORT

SUBJECT: Minutes of May 19, 2020 Meeting
SUBMITTED BY: Board Secretary
RECOMMENDED ACTION: Approve minutes from the May 19, 2020 Meeting

ATTACHMENTS:

1. Minutes of the May 19, 2020 Special Bi-Monthly Meeting

**THE BOARD OF DIRECTORS
OF MARIN MUNICIPAL WATER DISTRICT**

Minutes of the Special Bi-Monthly Meeting of the Board of Directors held on Tuesday, May 19, 2020 at 220 Nellen Avenue, Corte Madera, California.

Directors present: Larry Bragman, John C. Gibson, Cynthia Koehler, Armando Quintero and Larry L. Russell all participated via teleconference in accordance with Governor Newsom’s Executive Order N-29-20.

Directors absent: None

CALL TO ORDER

Board President Jack Gibson called the meeting to order at 7:30 p.m.

AGENDA

On motion of President Bragman, seconded by Director Quintero, the Board adopted the agenda by the following roll call vote:

Ayes: Directors Bragman, Gibson, Koehler, Quintero and Russell
Noes: None
Absent: None
Abstain: None

PUBLIC EXPRESSION

There was one public comment by Mill Valley resident Laura Chariton.

DIRECTORS' AND GENERAL MANAGER’S ANNOUNCEMENTS

Director Bragman informed the public that the Fairfax Food Pantry continued to be open every Saturday from 8:30 a.m. to 10:30 a.m. Director Koehler mentioned that she published an opinion editorial in the Philadelphia Inquirer about opportunities for the federal government to provide relief for water agencies to spend on funding conventional infrastructure as well as sustainable water management strategies in relation to infrastructure and COVID-19. Director Gibson mentioned that he attended the Sonoma County Water Advisory Comiitee (WAC) meeting and gave an update on developments

surrounding the Potter Valley project. General Manager Ben Horenstein announced that the District was initiating plans in anticipation of the Red Flag season and the PG&E Public Safety Power Shutoff (PSPS) events.

CONSENT CALENDAR (ITEMS 1-2)

Director Bragman requested that the minutes from the May 5, 2020 meeting be amended to include the adjournment in memory of longtime Fairfax resident Dan Hennessey.

ITEM 1 Minutes of the May 19, 2020 Meeting as amended

ITEM 2 General Manager’s Report for April 2020

On motion of Director Bragman, seconded by Director Koehler, the Board approved the consent calendar by the following roll call vote:

Ayes: Directors Bragman, Gibson, Koehler, Quintero and Russell
Noes: None
Absent: None
Abstain: None

ITEM 3 MONTHLY WATER SUPPLY REPORT – APRIL 2020

Paul Sellier, Operations Division Manager, presented the staff report for the April 2020 Monthly Water Supply Report, and gave a Powerpoint presentation.

A discussion followed.

There was no public comment.

ITEM 4 AUTHORIZATION OF NEW FINANCE DIRECTOR/ TREASURER AS SIGNATORY

General Manager Ben Horenstein presented the staff report requesting that the Board: (1) approve Resolution No. 8571 authorizing the Finance Director/ Treasurer as Signatory for Local Agency Investment Fund and (2) approve Resolution No. 8572 authorizing the Finance Director/ Treasurer as Signatory on District Bank Accounts.

A brief discussion followed.

There was no public comment.

On motion of Director Quintero, seconded by Director Koehler, the Board approved Resolution No. 8571 and 8571 by the following roll call vote:

Ayes: Directors Bragman, Gibson, Koehler, Quintero and Russell
Noes: None
Absent: None
Abstain: None

ITEM 5 PIPELINE EXTENSION AGREEMENT WITH AIMCO ROBIN DRIVE, L.P., FOR EXTENSION OF DISTRICT WATER FACILITIES TO SERVE THE RESIDENCES AT PRESERVE SUBDIVISION ON ROBIN DRIVE IN CORTE MADERA

Michael Ban, Division Manager Environmental and Engineering Services Division, presented the staff report requesting that the Board: (1) approve Resolution No. 8563 Certifying Review of the Initial Study and Mitigated Negative Declaration, (2) approve Resolution No. 8564 Fees Contained in the Pipeline Extension Agreement, (3) approve Resolution No. 8565 Impending Peril, (4) approve Pipeline Extension Agreement and authorize the President of the Board to execute same and (5) authorize the General Manager to accept and execute all suitable real property, easements and rights-of-way required by the Pipeline Extension Agreement.

A brief discussed followed.

There was no public comment.

On motion of Director Koehler, seconded by Director Russell, the Board approved: (1) Resolution No. 8563 Certifying Review of the Initial Study and Mitigated Negative Declaration, (2) Resolution No. 8564 Fees Contained in the Pipeline Extension Agreement, (3) Resolution No. 8565 Impending Peril, (4) Pipeline Extension Agreement and authorized the President of the Board to execute same and (5) authorized the General Manager to accept and execute all suitable real property, easements and rights-of-way required by the Pipeline Extension Agreement by the following roll call vote:

Ayes: Directors Bragman, Gibson, Koehler, Quintero and Russell
Noes: None
Absent: None
Abstain: None

ITEM 6 FILL VACANCIES
6A INTERN, SUMMER HELPER AND WATERSHED AIDE POSITIONS
6B METER OPERATIONS SUPERVISOR
6C WATER QUALITY MANAGER

Mr. Horenstein presented the staff report requesting that the Board: (1) approve to fill four

Intern, one Summer Helper and five Seasonal Watershed Aide Positions, (2) approve to recruit and hire one Meter Operations Supervisor and (3) approve to recruit and hire one Water Quality Manager.

A discussion followed.

There was no public comment on items 6A, 6B or 6C.

On motion of Director Quintero, seconded by Director Bragman, the Board approved to fill four Intern, one Summer Helper and five Seasonal Watershed Aide Positions by the following roll call vote:

Ayes: Directors Bragman, Gibson, Koehler, Quintero and Russell
Noes: None
Absent: None
Abstain: None

On motion of Director Bragman, seconded by Director Quintero, the Board approved to recruit and hire one Meter Operations Supervisor by the following roll call vote:

Ayes: Directors Bragman, Gibson, Koehler, Quintero and Russell
Noes: None
Absent: None
Abstain: None

On motion of Director Koehler, seconded by Director Quintero, the Board approved to recruit and hire one Water Quality Manager by the following roll call vote:

Ayes: Directors Bragman, Gibson, Koehler, Quintero and Russell
Noes: None
Absent: None
Abstain: None

ITEM 7 RESOLUTION 8573 – CONTINUATION OF EMERGENCY CONTRACTING PROVISIONS IN RESPONSE TO THE COVID-19 PUBLIC HEALTH CRISIS

Mr. Horenstein presented the staff report requesting that the Board approve Resolution No. 8573 continuing the invocation of the District’s emergency contracting provisions and authorizing the General Manager to execute necessary contracts, without advertisement, to ensure continued District operations during the COVID-19 public health crisis.

There was no public comment.

On motion of Director Bragman, seconded by Director Koehler, the Board approved Resolution No. 8573 by the following roll call vote:

Ayes: Directors Bragman, Gibson, Koehler, Quintero and Russell
Noes: None
Absent: None
Abstain: None

ITEM 8 FUTURE MEETING SCHEDULE AND AGENDA ITEMS

Mr. Horenstein presented the staff report listing the upcoming meetings.

There was no public comment.

ITEM 9 CLOSED SESSION:

At 8:11 p.m., the Board adjourned to closed session to discuss the following matters:

a. Conference With Legal Counsel- Existing Litigation- Government Code §54956.9(d)(1) - Graff and Cohen v. MMWD, Marin Superior Court Case No. C1700967

b. Conference With Real Property Negotiators- Government Code §54956.8
Property: 115 Sunny Oaks Road, San Rafael (APN 180-203-09) Agency Negotiator: Ben Horenstein, General Manager Negotiating Parties: Robert and Kathryn Elia
Under Negotiation: Price and Terms of Payment

c. Conference With Real Property Negotiators- Government Code §54956.8
Property: APN 180-261-10
Agency Negotiator: Ben Horenstein, General Manager Negotiating Party: James Higgins

At 8:35 p.m., the Board reconvened into open session. There was no reportable action taken during closed session.

ADJOURNMENT

There being no further business, the meeting of May 19, 2020, was adjourned at 8:36 p.m.

President, Board of Directors

ATTEST:

Secretary



STAFF REPORT

SUBJECT: Continuation of Emergency Contracting Provisions in Response to the COVID-19 Public Health Crisis

SUBMITTED BY: Ben Horenstein,
General Manager

RECOMMENDED ACTION: Approve Resolution No. 8578 continuing the invocation of the District's emergency contracting provisions and authorizing the General Manager to execute necessary contracts, without advertisement, to ensure continued District operations during the COVID-19 public health crisis.

BACKGROUND:

On April 21, 2020 the Board approved Resolution No. 8565 invoking the District's emergency contracting provisions and authorizing the General Manager to execute necessary contracts, without advertisement, to continue District operations during the COVID-19 public health crisis. In accordance with District Code Section 2.90.055, a vote of at least 4/5^{ths} of the Directors to continue the emergency action shall take place at every regularly scheduled meeting thereafter until the action is terminated. The COVID-19 public health emergency remains. Therefore, District staff recommend that the Board approve Resolution No. 8578 continuing the invocation of the District's emergency contracting provisions and authorizing the General Manager to execute necessary contracts, without advertisement, to ensure continued District operations during this public health emergency.

Staff sent out notices inviting informal bids and have executed contracts for the following services:

- Standby Emergency Pipeline Repairs- This emergency contract is necessary to ensure that critical pipeline repairs will be made even if staffing shortages occur due to COVID-19.
- Emergency Forestry Services- This emergency contract is necessary because current District contractors have been unable to perform critical fuels and fire reduction work on the watershed due to COVID-19 related reasons. Due to the limited period before fire season, staff believes it is essential to have this work performed as soon as possible.

Staff believe both of these contracts are necessary to ensure that these critical District functions continue to be performed during the COVID-19 public health crisis.

While these emergency contracts are not subject to the competitive bidding process, staff has taken several steps to ensure that these contracts adhere as closely as possible to that process. Each contract was submitted to multiple contractors, and the District will be utilizing the services of the lowest bidding contractor for each contract. However, due to critical nature of this work, staff has also included language in each contract that would allow the District to utilize the services of the next lowest bidder in the event that the lowest bidder cannot perform the work. This will ensure continued emergency pipeline repairs and critical forestry work will continue in the event that the lowest bidder is unable to perform the work due to COVID-19 or other reasons. To address the Board’s concerns regarding long-term contracts being awarded, staff also included language in each contract that specifies each contract will terminate immediately upon a determination of the Board of Directors that the emergency action is no longer needed to respond to the current COVID-19 public health crisis.

The General Manager recommends that the Board continue the emergency action and approve Resolution No. 8578 by a four-fifths vote to ensure critical District operations and staffing needs can be met during the COVID-19 public health crisis without the delay of advertising.

FISCAL IMPACT: YES _____ NO X **FISCAL YEAR:** 2019 - 2020

EXPENDITURES

Budgeted Amount	\$0
TOTAL EXPENDITURES	\$0

FUNDING SOURCES

Operating Fund	\$0
TOTAL SOURCES	\$0

FISCAL IMPACT NARRATIVE: No fiscal impact.

STRATEGIC PLAN ALIGNMENT: This action aligns with the district’s 5-Year Strategic Plan Goal 1 (Water Supply Resiliency) and Strategy 4 (Ensure facilities and equipment are maintained and sufficient to support resiliency, water quality, watershed management and a productive workforce).

REVIEWED BY:	A.S.D. Manager/Treasurer	<input type="checkbox"/>	NA	<input checked="" type="checkbox"/>
	General Counsel	<input checked="" type="checkbox"/>	NA	<input type="checkbox"/>
	General Manager	<input checked="" type="checkbox"/>	NA	<input type="checkbox"/>

ATTACHMENTS:

1. Resolution No. 8578

MARIN MUNICIPAL WATER DISTRICT

RESOLUTION NO. 8578

WHEREAS, the Marin Municipal Water District, a special purpose municipal corporation, is authorized by District Code Section 2.90.055 to award construction contracts without advertisement in certain emergency situations; and

WHEREAS, on April 21, 2020, the Marin Municipal Water District Board of Directors unanimously adopted Resolution 8565 invoking the District's emergency contracting provisions and authorizing the General Manager to execute necessary contracts, without advertisement, to ensure continued District operations during the COVID-19 public health crisis; and

WHEREAS, at the time of drafting this Resolution over 1,710,000 cases of COVID-19 have been confirmed in the United States and over 100,000 deaths have been reported with these numbers continuing to increase; and

WHEREAS, the Board of Directors finds that a local emergency situation continues to exist due to the continued rapid spread of COVID-19; and

WHEREAS, the Board of Directors finds that the current continual spread of COVID-19 could rapidly spread throughout the District's workforce and contractors, which would substantially impact the District's ability to perform its essential function of providing clean, safe and affordable drinking water to District customers, and due to the rapid impact that a spread of COVID-19 would have on District functions, the delay required by the competitive solicitation process generally required for public works projects could not be permitted; and

WHEREAS, the Board of Directors finds that the current COVID-19 public health crisis has already resulted in or may result in some staffing issues impacting District employees' and contractors' abilities to perform essential functions, such as emergency pipeline repairs and critical fuels and fire reduction work, and that the delay required by the competitive solicitation process necessary to secure backup labor to perform these essential functions could not be permitted; and

WHEREAS, the Board of Directors finds this continued emergency action authorizing the General Manager to execute necessary contracts, without advertisement, to ensure continual staffing levels and continued District operations during the COVID-19 public health crisis is necessary to respond to the current emergency situation; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS, that pursuant to District Code Section 2.90.055, a continued state of emergency is declared to exist due to the COVID-19 public health crisis and this continued action is necessary to respond to the current emergency situation.

PASSED AND ADOPTED this 2nd day of June 2020, by the following vote of the Board.

AYES:

NOES:

ABSENT:

President, Board of Directors

ATTEST:

Secretary



STAFF REPORT

SUBJECT: Election of Members to the District's Board of Directors

SUBMITTED BY: Board Secretary

RECOMMENDED ACTION: Approve Resolution 8574

EXECUTIVE SUMMARY:

Approve Resolution No. 8574 setting an election in MMWD's jurisdiction, requesting the County Board of Supervisors to consolidate with any other election conducted on said date, and requesting election services by the Marin County Registrar of Voters.

The terms of office for two positions on our Board of Directors, for Divisions II and V, will expire in December 2020. The Marin County Elections Department requires that our Board of Directors provide a written request for the County to consolidate our election with others held on the same day, November 3, 2020, and authorize the County to provide election services.

FISCAL IMPACT: **YES** _____ **NO** X **FISCAL YEAR:** _____

REVIEWED BY:

A.S.D. Manager/Treasurer	<input type="checkbox"/>	NA	<input type="checkbox"/>
General Counsel	<input type="checkbox"/>	NA	<input type="checkbox"/>
General Manager	<input type="checkbox"/>	NA	<input type="checkbox"/>

ATTACHMENTS:

Resolution No. 8574

RESOLUTION NO. 8574

**RESOLUTION OF THE GOVERNING BODY OF THE
MARIN MUNICIPAL WATER DISTRICT**

**A REGULARLY SCHEDULED ELECTION TO BE HELD IN THIS JURISDICTION;
REQUESTING THE BOARD OF SUPERVISORS TO CONSOLIDATE WITH ANY
OTHER ELECTION CONDUCTED ON SAID DATE, AND REQUESTING
ELECTION SERVICES BY THE MARIN COUNTY ELECTIONS DEPARTMENT**

WHEREAS, it is the determination of said governing body the regularly scheduled election to be held on the 3RD day of November, 2020, at which election the issue to be presented to the voters shall be to elect the following members to the Board of Directors:

Number of Regular Term Positions (4-year) 2

Number of Short Term Positions (2-year)

NOW, THEREFORE, BE IT RESOLVED, pursuant to Elections Code §10002, the Board of Supervisors of the County of Marin is hereby requested to:

- 1) Consolidate said election with any other applicable election conducted on the same day in the manner prescribed in Elections Code §10418;
- 2) Authorize and direct the Elections Department at District expense, to provide all necessary election services and to canvass the results of said election.

PASSED AND ADOPTED this 2nd day of June, 2020 by the following vote of the Board:

AYES:

NOES:

ABSENT:

PRESIDENT, BOARD OF DIRECTORS

ATTEST: _____
Secretary



STAFF REPORT

SUBJECT: Future Meeting Schedule and Agenda Items

SUBMITTED BY: Board Secretary

RECOMMENDED ACTION: Discussion

FUTURE BOARD MEETINGS:

Thursday, June 18
Watershed Committee/Board of Directors
(Watershed), 9:30 a.m.

Friday, June 19
Operations Committee/Board of Directors
(Operations), 9:30 a.m.

Tuesday, June 23
Regular Bi-Monthly Board of Directors Meeting, 7:30 p.m.

Thursday, June 25
Finance Committee/Board of Directors
(Finance), 9:30 a.m.