MARIN MUNICIPAL WATER DISTRICT

BOARD POLICY

No.: 0

DATE: 10-31-90
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SUBJECT: INTRODUCTION

The Board of Directors of the Marin Municipal Water District derives its power and authority from the

- United States Constitution
- California State Constitution
- California State Statutes
- Marin Municipal Water District Code

The Board of Directors periodically adopts policies which are then added to this manual. Previously issued policies have been reviewed, edited, deleted, and amended as deemed necessary to bring them up to date, and are contained in this manual.

Additions, deletions and modifications to the Board Policies are approved by a majority vote of the Board Members at a properly noticed Board Meeting.

Board of Directors Handbook
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MARIN MUNICIPAL WATER DISTRICT

BOARD OF DIRECTORS HANDBOOK

Adopted: February 2, 2021
Revised: September 21, 2021
Revised: November 6, 2024
Revised: February 24, 2026

SECTION 1: Purpose and Background

Purpose

This handbook is compiled as a guidance document to provide incumbent and newly elected members of the Marin Municipal Water District ("District") Board of Directors ("Board") with general information and specific authorities regarding oversight of the District. This handbook is intended to facilitate the handling of Board affairs, assist the Board in complying with open meeting laws, and is complementary to applicable laws and other requirements.

The proper operation of the District requires that Board members remain objective and responsive to the needs of the public they serve, make decisions within the proper channels of governmental structure, and not use public office for personal gain. To further these objectives, certain ethical principles govern the conduct of each member of the Marin Municipal Water District Board of Directors.

In addition to providing guidance to the Board on process, this handbook will also promote awareness of ethics, integrity and fidelity as critical elements in Board members' conduct and in achievement of the District's mission.

Background

The District is an independent special district, formed pursuant to the Municipal Water District Law of 1911 and approved by voters to provide specific services to residences within the District's service area. The District is a single function, enterprise special district because it charges its customers for the service provided. The District is governed by a five-member Board elected by voters within a specified limited boundary or division. Each Board member must be a resident of the division from which he or she is elected. Regular elections for Board members are held every 2 even years for staggered 4-year terms (i.e., divisions I, III & IV are elected in one 2-year election cycle and divisions II & V in the other 2-year election cycle). The District contracts with the Marin County Department of Elections to facilitate all candidate filings and services for Board member elections.

The Board holds publicly noticed meetings in accordance with the Brown Act where citizens may address the Board regarding matters within the subject matter jurisdiction of the District.

Governing Laws and Regulations

The District was formed pursuant to California Water Code Section 71000 *et seq*., commonly known as the Municipal Water District Law of 1911. The California Constitution, the Government and Water Codes and other state statutes contain a number of provisions applicable to the District and Board member activities including, but not limited to: the Ralph M. Brown Act (Open Meetings Law), Public Records Act (Public Access to Information), Government Code Section 1090 and the Political Reform Act and associated regulations (Conflict of Interest), Assembly Bill 1234 (Ethics), and Assembly Bill 1661 (Sexual Harassment Prevention), and Assembly Bill 827 (Fiscal and Financial).

Board Policies and Administrative Procedures

The mission of the District, as established by the Board of Directors, is to manage "the lands, water, and facilities in our trust to provide reliable, high-quality water and adapt and sustain these precious resources for the future". The Board communicates its direction, or its philosophy, toward fulfilling this mission by developing and periodically reviewing its values and goals, and creating and updating various policies and procedures to ensure that the District's customers and the public are treated in a fair and consistent manner. In most instances, policy is established by an affirmative vote of a majority of the members of the Board. However, some circumstances may necessitate the approval of a supermajority of the Board. The District's General Counsel will advise the Board of the approval requirements necessary to bind the Board to a given course of action.

Current District values and goals developed as part of the 2024-2028 Strategic Plan are listed below:

Values

- **Health and Safety**
  - We are committed to the health and safety of our colleagues and community.
- **Stewardship**
  - We recognize the essential connection between people and natural resources and manage our lands and facilities for sustained benefits now and in the future.
- **Innovation**
  - We strive for excellence and innovation in managing water and watersheds.
- **Efficiency and Responsiveness**
  - We value efficiency, cost-effectiveness, and timely service in our work with customers and communities.
- **Accountability**
  - We operate with the highest levels of individual and organizational accountability to each other and the community.
- **Respect**

    - We maintain a welcoming environment that embraces differences and offers respect, dignity, and fairness for all people and partners.
- **Listening and Learning**
    - We enhance ourselves and the organization by listening to others, reflecting on our performance, sharing knowledge with others, and making informed decisions.
- **One Water**
    - We work together to anticipate the challenges ahead and achieve our mission.

Goals

- **Reliable Water Supply**
    - Provide a high quality, reliable and resilient water supply now and for the future.
- **Resilient Water System**
    - Invest in and maintain a resilient water system through effective infrastructure management and planning.
- **Watershed Stewardship**
    - Protect and manage Marin Water lands for the long-term benefits for the community and environment.
- **Fiscal Responsibility**
    - Judiciously manage customer revenue and other financial resources for operating, maintaining and upgrading the water system today and in preparation for the future.
- **Organizational Excellence**
    - Support and sustain an innovative organization that lives by its values, leads by example, delivers valued benefits for its customers and is regarded as an employer of choice.

District governing documents include but are not limited to: the Marin Municipal Water District Code, Board Policies, Administrative Policies, Operating Procedures, and applicable state and federal laws, which collectively constitute the policies and procedures that District staff follow when carrying out their day-to-day duties.

District administrative and operating procedures are approved by the General Manager pursuant to the authority delegated by the Board and are implemented to ensure that the District operates in a uniform and businesslike manner, and in accordance with legal requirements and the established policies and direction of the Board.

SECTION 2: Board Officers and Board Appointed Staff

Board Officers and General Board Duties

Newly Elected Directors Time of Taking Office

Pursuant to the California Water Code section 71253, newly elected directors shall take office at noon on the first Friday in December succeeding their election. If the election results have not yet been certified by the Marin County Elections Officer by the first Friday in December, however, then the newly elected directors shall take office as soon as possible thereafter but not later than the next meeting of the Board following certification of the election results.

Appointment of Officers and Duties

The Board elects one of its members President and one of its members Vice President each year. The election of board officers shall take place at the first meeting in January following a nonelection year, and at the first meeting of the board at or after which the newly elected directors take office following district elections in November. The Board President and Vice President have no additional powers beyond those of any other Board member except that all committees of the Board are appointed by the President, with the advice and consent of other Board members. Appointment of committee chairs and vice chairs occurs in January. When a committee chair or vice chair vacancy is created following an election, the President may request another member of the board to fill in or may assume this duty until such time as new committee appointments are made.

The following are the responsibilities of the Board President:

- Serve as presiding officer of all Board meetings and maintain proper and appropriate parliamentary procedure (Robert's Rules of Order) and agenda management (e.g. ensure that actions are taken with proper motions and seconds);
- Run effective and efficient Board meetings and keep the Board discussions focused on agenda items to steadfastly move the Board toward making decisions true to its proper role and responsibility;
- Maintain proper conduct at Board meetings and diplomatically facilitate appropriate public participation in the activities of the Board in accordance with the Brown Act, while managing time and avoiding diversions from the agenda or disruptions in conducting District business;
- Allow other Board members to complete their comments on an item before offering his or her own;
- Vote, discuss, and make motions the same as other Board members; however, the President only makes motions and seconds when other Board members are reluctant to do so;
- Sign various Board-approved documents, including every original ordinance and resolution passed and adopted by the Board; and
- Act as the official representative of the District for ceremonial purposes, unless unavailable or delegated to another Board member or the General Manager.

The Vice President exercises the powers and responsibilities of the President in his or her absence.

Responsibilities of Public Office

District Board members are dedicated to the concepts of effective and democratic governance by responsible elected officials. As such, the Board members will:

- Uphold the Constitution of the United States and the Constitution of the State of California, and carry out the laws of the nation, the state and local governmental agencies;
- Comply with applicable laws regulating their conduct, including open government, conflict of interest, and financial disclosure laws;
- Fulfill all applicable training requirements, including attending two (2) hours of ethics (AB 1234) training and two (2) hours of fiscal and financial training (AB827) every two (2) years; and,
- Work in full cooperation with other public officials, unless they are legally prohibited from doing so.

District Board members promote diversity and equality in personnel matters and in contracting, consistent with state and federal laws.

- Board members, in performance of their official duties and responsibilities, will not discriminate against or harass any person on the basis of race, religion, color, creed, age, marital status, national origin, ancestry, gender, sexual orientation, medical condition or disability.
- Board members will not grant any special consideration, treatment, or advantage to any person or group beyond that available to every other person or group in similar circumstances.
- Board members will cooperate in achieving the equal opportunity objectives of the District.

The Board ensures that the District maintains a healthy work environment.

- The General Manager has primary responsibility for ensuring compliance with the District's personnel/administrative policies and procedures, and ensuring that District employees do not engage in improper activities, for investigating allegations of improper activities, and for taking appropriate corrective and disciplinary actions. The Board ensures that the General Manager is operating the District according to law and the policies approved by the Board.
- Board members will disclose to the General Manager, to the extent not expressly prohibited by law, improper activities within their knowledge. Board members will not interfere with the General Manager's responsibilities in identifying, investigating and correcting improper activities, unless the Board determines the General Manager is not properly carrying out these responsibilities.

- A Board Member will not directly or indirectly use or attempt to use the authority or influence of his or her position to intimidate, threaten, coerce, command or influence any other person for the purpose of preventing such person from acting in good faith to bring to the attention of the General Manager or the Board any information that, if true, would constitute: a work-related violation by a Board Member or District employee of any law or regulation, gross waste of District funds, gross abuse of authority, a specified and substantial danger to public health or safety due to an act or omission of a District official or employee, use of a District office or position or of District resources for personal gain, or a conflict of interest of a District Board Member or District employee.

Board members exercise responsible financial management in the conduct of District business.

- The Board ensures that the District maintains a system of auditing and accounting that completely and at all times shows the financial condition of the District in accordance with generally accepted accounting principles and legal requirements.
- The Board retains an independent auditor who conducts an annual audit of the District's books, records and financial affairs. The District's Finance Director and auditor will meet with the Board at the conclusion of the audit each year to review the audit results and recommendations.
- Board members will safeguard District property, equipment, moneys, and assets against unauthorized use or removal, as well as from loss due to criminal act or breach of trust.
- A Board Member will not ask or require a District employee to perform services for the personal benefit or profit of a Board Member or employee.
- Each Board Member will protect and properly use any District asset within his or her control, including information recorded on paper or in electronic form.
- Board members will maintain written records, including expense accounts, in sufficient detail to reflect accurately and completely all transactions and expenditures made on the District's behalf.

The Board is collectively the unit of authority within the District. Apart from a Board member's normal function as a part of this unit, an individual Board member has no authority to bind the District to a specific course of action.

The Board, as governing body of the District, is charged with full jurisdiction over all water works necessary for the acquisition, storage, treatment, sale and distribution of water served to District customers. The General Manager is charged with carrying out this responsibility on a day-to-day basis.

- The Board sets District policy and the General Manager is responsible for execution of policy.
- The Board provides policy direction and instructions to the General Manager on matters within the authority of the Board by majority vote of the Board during duly convened Board meetings.

- Members of the Board deal with matters within the authority of the General Manager through the General Manager, except as it pertains to the functions of the General Counsel.

Among other duties the Board has the authority to:

- Acquire or sell the District's real property, to construct and operate facilities, to purchase equipment and enter into contracts;
- Adopt and oversee annual District budgets and finances, set water rates and charges, and approve the purchase of resources needed by management to carry out District policies; and
- Appoint and conduct annual performance evaluations of the General Manager and General Counsel, and approve compensation for all District employees.

Communication to/from the Board

The tone and content of all communications should reflect the highest degree of professionalism and respect. Board members are responsible for the content of all text, audio, or images that they place or send, including those sent over the District computer network. Messages with fraudulent, harassing, abusive, obscene, vulgar, profane, offensive, or sexually suggestive content are prohibited. Messages with derogatory or inflammatory remarks related to a person's membership in any protected class are also prohibited.

When a Board member receives a complaint or inquiry from the public regarding the District's services and/or staff, the Board member should acknowledge the complaint or inquiry without making any promise or commitment as to what will happen on behalf of the District and forward the message to the General Manager. Board members are encouraged to engage the public on matters of District interest and concern, but cannot guarantee an outcome or result before the Board has acted.

Emails/ Text Messages

The District provides each Board member his or her own District email address. Routine communication should be by District email. Board members should refrain from using any communication method that may result in a serial meeting. For example, Board members should refrain from using the "reply all" function to respond to emails sent to the Board and should not use email or other means of communication to develop a consensus on any issue within the Board's subject matter jurisdiction outside of a public meeting. (See later reference to the Brown Act, Section 3).

Email messages related to District business, sent from either District email accounts or personal accounts, are considered "public records" and accordingly, unless exempt from disclosure pursuant to the provisions of the California Public Records Act, may be disclosed in response to a public records request. These emails may also be subpoenaed as evidence in litigation. The District reserves the right to access and disclose all messages sent over its computer network and email system for any lawful purpose. The use of personal email accounts and personal electronic devices for District business is still subject to the disclosure requirement of the Public Records

Act or a subpoena. Board members should carefully consider whether the use of personal email for District business is appropriate.

Board members are responsible for checking their incoming email frequently, reading its contents and responding in a timely manner. Messages transmitted over the District email system should only involve District-related activities for the accomplishment of business-related tasks or any communication directly related to District business, administration or practices. The District email system should not be used for personal correspondence. All email messages received at or sent through the District server system, including emails sent and received by Board members' District email addresses, are property of the District and are not private.

Board members should remain aware that the rules applicable to emails also apply to text message communications. Therefore, Board members should use good judgment when sending and receiving electronic communications of any kind, including text messages. Board members should refrain from sending any electronic communications regarding matters within the subject matter jurisdiction of the Board during Board or committee meetings. Instead, Board member comments and discussions should occur aloud during the meeting in order to ensure members of the public may properly observe their elected official's opinions on District matters.

Social Media

Board members may use social media to engage in separate conversations or communications on an internet-based social media platform to answer questions, provide information to the public, or to solicit information from the public regarding matters that are within the subject matter jurisdiction of the Board provided that a majority of the members of the Board do not use the internet-based social media platform to discuss among themselves business within the subject matter jurisdiction of the Board. Board members should remain aware that the phrase "discuss among themselves" is broadly defined to include any communications made, posted, or shared on an internet-based social media platform between members of the Board, including comments or use of digital icons that express reactions to communications made by other members of the Board, such as "like". For this reason, Board members should not comment or use any digital icons (i.e., like, dislike, etc.) expressing reactions to fellow Board members' social media posts related to District business. Board members should also refrain from taking positions on social media regarding any matter that is pending or may become before the Board.

Board members should remain aware that using social media accounts to discuss District business may create a "public forum", which may thereafter restrict the Board member's right to remove public comments on the account or block other users. It is recommended that Board members who utilize social media label personal accounts as such and do not use the accounts to speak on behalf of the District or to discuss District business. If the Board member desires to maintain an official account that is intended to speak on District issues, it is recommended that the Board member consult with the District's Communications Department and General Counsel.

Contact with Media

Because the public receives much of its information regarding District programs, policies and operations through the media, it is important that the District provide the media with the most complete and accurate sources of information available. Thus, the General Manager or his designee shall serve as the District's primary spokesperson and the media's primary source of contact with the District. Media inquiries about official District business, including requests for explanations of District policy, should be directed to the General Manager or his designee. Press releases and any other media communications are coordinated as part of the District's communications strategy and should therefore be prepared by and at the direction of the General Manager or his designee, including opinion/editorial pieces, which are reserved to address timely or critical topics, including matters of greater urgency, sensitivity or public interest.

Any Board member communications with the media, including the submission of opinion/editorial pieces by a Board member or members, in which the District is a subject matter of discussion shall be clearly identified as an expression of personal opinion of the individual Board member who is expressing his or her opinion to the media in accordance with *Use of Title/Advocacy on Non-Board Approved Matters* and as such should not use District time or resources.

Use of Title/ Advocacy on Non-Board Approved Matters

Elected or appointed officials may not take positions on behalf of the District without the express prior permission and direction of the Board. When Board members are asked for the District's opinion on an issue, the response should reflect the position of the Board. Any position of the Board is developed through a collective action taken by the entire Board. If a Board member is uncertain as to the official position of the District, he/she should contact the General Manager.

If an individual Board member elects to engage in producing any correspondence, public comment or oral presentation or to engage in advocacy on matters other than in representation of a Board position, the Board member may not use his or her Board title, or otherwise suggest or imply that their positions reflect the position of the Board or the District. If a Board member produces or engages in advocacy that does not reflect a collective action taken by the entire Board and finds that it is necessary to make reference to their Board title, the Board member must include a disclaimer that immediately precedes and follows the opinion expressed by the individual Board member. The disclaimer must indicate that the position being expressed is that of the individual Board member and does not reflect the position of the District or the Board.

Board Appointed Staff

General Manager

The General Manager is appointed by and reports to the Board to carry out the day-to-day activities of the District pursuant to adopted ordinances, resolutions and policies. The General Manager has full charge and control of the maintenance, operation and construction of the waterworks system of the District and authority to employ and discharge employees, except

those appointed by the Board, and determine employee duties necessary to carry out these responsibilities. The General Manager shall provide a written monthly report to the Board summarizing the work performed during the month and other items of importance or interest to the Board, and approve, or appropriately delegate, all requisitions for materials, supplies, equipment and services necessary for carrying out the work, with Board approval where required.

General Counsel

The General Counsel is appointed by and reports to the Board, and is the legal advisor to the District regarding all legal matters pertaining to the District. The General Counsel performs such duties in relation to the District's legal matters as the General Manager, or Board may request. The General Counsel is authorized to retain outside counsel from time to time to represent the District in various matters.

Board Secretary

The Board Secretary is appointed by the Board and reports to the General Manager and attends all Board meetings and committee meetings; keeps a complete record of the proceedings including attendance; prepares and maintains official correspondence as directed; maintains custody of the District seal; countersigns all District warrants; maintains oaths of office of all appointed or elected officials and performs such other duties as may be required by the Board.

Finance Director/Treasurer

The Finance Director/Treasurer is appointed by the Board and reports to the General Manager and is the chief financial officer of the District. He or she supervises and administers the financial accounts, records and accounting controls in accordance with generally accepted accounting procedures regarding the financial status and requirements of the District.

Consulting Auditor

The Consulting Auditor shall be an independent public accountant annually retained by and reporting solely to the Board to make an examination of the District's financial position in accordance with generally accepted accounting and auditing standards. The Consulting Auditor may perform other services as requested by the Board from time to time. The Consulting Auditor is not an employee of the District and is engaged on a fee basis for the services rendered.

Evaluation of Board Appointed Staff

Annually, the Board should conduct performance evaluations of the General Manager and General Counsel. Any discussions among the Board regarding the performance or the evaluation of the General Manager or General Counsel will occur in closed session in compliance with the Brown Act.

District Organization and Communications between Board Members and Staff

Organization

The District is organized into five divisions with each division leader reporting directly to the General Manager. The five divisions are as follows:

- Administrative Services Division, including functional responsibilities of Finance, Customer Service & Meters, and Information Technology;
- Engineering Division, including functional responsibilities of Engineering, Planning, Design, Construction and Real Property;
- Water Resources Division, including the functional responsibilities of Water Supply, Water Quality, Water Laboratory Services and Water Conservation;

- Operations Division, including Water Treatment and Distribution, Distribution System Maintenance, and the functional responsibilities of Facilities Maintenance & Support; and
- Watershed Division, including Watershed Maintenance, Watershed Protection, and Safety/ Emergency Response.

Additionally, the District's Human Resources and Communications & Public Affairs Departments report directly to the General Manager. The General Counsel's Office reports directly to the Board and provides ongoing support to the General Manager and District staff regarding legal and related matters.

Communication between Board Members and Staff

All communication between Board members and staff regarding District business should be coordinated through the General Manager, including requests from individual Board members. The General Manager will then generate a staff assignment to develop information or reports responsive to the Board member(s) request.

Responses from staff shall be communicated through the General Manager's Office or designee to the requesting Board member(s) and, if the General Manager believes that the information may be of general interest, the response may be sent to all Board members. This does not apply to requests for routine information (e.g. lake storage status, stream flows, fire conditions on the watershed, etc.). Routine information will be provided to Board members in the same way that it is provided to the general public.

SECTION 3: Board Meetings

Scheduling Meetings

Regular Meetings

The principal type of meeting at which District business is conducted is at a regular bi-monthly meeting of the Board. Regular bi-monthly meetings of the Board of Directors will normally be held the first and third Tuesdays of each month, to begin at or after 5p.m., in the boardroom located at the District office (220 Nellen Avenue, Corte Madera, California) unless otherwise stated in a Board adopted calendar for the upcoming year. The Board will endeavor to adopt a Board calendar for the upcoming calendar year prior to December 31st, but not sooner than the seating of any new Directors elected in the November election. The Board Calendar will include the calendar of regular Board and committee meetings for January into the following calendar year.

Meeting notices and agendas for regular meetings are posted online at marinwater.org, and physically posted at the District office in Corte Madera, and at the Corte Madera, Fairfax, Mill Valley and San Rafael Civic Center public libraries on the Friday (at least 72 hours) before each meeting. Reports and other materials related to the agenda items are posted on the District's website and hard copies are available for review at the District office.

Special Meetings

Occasionally, special meetings of the Board are held to consider a particular topic, conduct a workshop or study session or, if necessary, hold a meeting at a time or date other than a regularly scheduled Board meeting. Agendas for special Board meetings must be posted in a public place and online at least one-day (24 hours) prior to the meeting. However, the District makes every effort to provide more than one-day (24 hours) notice prior to the meeting, when possible.

Regular and special meetings of the Board should generally be held within the boundaries of the District's jurisdiction with certain exceptions. The Board may adjourn a regular or special meeting to another place, date or time if the business considered at that particular Board meeting has not yet been completed and/or if Board deliberations would benefit from re-convening the meeting to another place, date or time.

Emergency Meetings

When an emergency occurs, such as a crippling disaster, work stoppage or other activity that severely impairs public health, safety or both, as determined by a majority of the Board, an emergency meeting may be called. Notice of an emergency meeting must be given to local media at least one hour prior to the meeting. However, in the case of a dire emergency such as mass destruction, terrorist act, or threatened terrorist activity posing peril so immediate and significant that providing one-hour notice may endanger public health, safety or both, as determined by a majority of the Board, notice need only be provided at or near the time that notice is provided to members of the Board.

Public Hearings

Public hearings are held on matters of special importance when required by law.

Closed Sessions

Meetings of the Board are either fully open or fully closed, and there is nothing in between. The Brown Act strongly favors open meetings and private discussions among a majority of the Board members are prohibited, unless expressly authorized by the Brown Act. Closed sessions are an exception to open meeting requirements, and the authority for such sessions is narrowly construed. The fact that material may be sensitive, embarrassing or controversial does not justify consideration in a closed session unless authorized by a specific statutory exception(s) to the Brown Act. The most commonly cited statutory exceptions relate to litigation (including threat of), real property negotiations, public employment issues, and labor negotiations.

Closed sessions are generally held immediately prior to or following regular bi-monthly meetings of the Board but may also be scheduled at other designated times. While public comment is permitted prior to the Board convening to closed session, only individuals having an official role in the closed session subject matter may attend and the confidential information discussed during the closed session is explicitly prohibited from unauthorized disclosure. It is incumbent upon those attending closed sessions to protect the confidentiality of those discussions.

Following a closed session the Board shall reconvene in open session and publicly report out final decisions and the votes for or against any final decisions. The Board President or General Counsel generally makes these public reports.

Committee Meetings

Board committees act in an advisory capacity to the Board. Two Board members (Chair and Vice Chair) are annually appointed to each committee by the Board President with the advice and consent of other Board members.

Committee meetings are typically held in the boardroom at the District office, 220 Nellen Avenue, Corte Madera, California, unless otherwise noticed. Committee meeting notices and agendas are prepared and posted in accordance with the Brown Act similar to regular Board meetings and minutes are prepared for each meeting. The minutes are included in the next committee meeting agenda packet and approved by the committee during a subsequent meeting of the committee.

The District dually notices some of its committee meetings as both committee meetings and meetings of the Board. This ensures that a quorum of the Board may attend and participate in the dually noticed committee meeting, while maintaining compliance with the Brown Act. If less than a quorum of the Board (less than three Board members) participates in the meeting, it is a committee meeting. When a quorum of the Board (three or more Board members) participates in the meeting, it is a Board meeting. The Board, as a practice, generally does not take final action on items during dually noticed committee/Board meetings, unless

District staff determines the urgency of the item requires immediate action that cannot be delayed until a subsequent regular bi-monthly Board meeting. This practice generally allows members of the public multiple opportunities to submit comments and participate in the Board's decision-making process prior to the Board taking final action on an item.

Currently there are three Board committees:

- Finance & Administration Committee, which generally meets on the 4th Thursday of each month;
- Planning Committee, which generally meets on the 4th Tuesday of each month; and
- Watershed Committee, which generally meets quarterly on the 3rd Thursday of the month in March, June, September and December.

From time-to-time the Board may establish ad hoc committees to address issues with a limited scope and duration. The Board President may appoint Board members to ad hoc committees. These committees are not subject to the Brown Act and a quorum of the Board (3 or more members) does not attend or participate.

Additionally, Board members may be assigned to represent the District before other broad based regional groups, such as: Tamalpais Lands Collaborative Executive Committee, Lagunitas Creek Technical Advisory Committee, North Bay Watershed Association, Tomales Bay Watershed Council, Sonoma County Water Agency Water Advisory Committee, North Bay Water Reuse Authority, and Association of California Water Agencies.

Preparation of Agenda and Order of Business

Agendas

Meeting agendas specify the date, time and location of the meeting, in accordance with Brown Act requirements, and must contain a brief general description of each item of business to be transacted or discussed at the meeting. It should be clear from the agenda wording what will be discussed and what action is being proposed so members of the public can determine if they would like to observe or participate in the meeting. The Brown Act generally prohibits any Board action or substantive Board discussion of items that are not on the agenda.

Most items on the agenda originate from the General Manager and District staff. Staff maintains a detailed list of upcoming agenda items that is updated after each Board and committee meeting. Typical types of agenda items include the following:

- Policy direction from the Board;
- Public hearings;

- Items with overarching policy implications (e.g. strategic planning, budgeting, labor negotiations);
- Actions required by law;
- Actions on the overall implementation of a Board approved project or program (e.g. award of construction contracts, consideration of an environmental review document, etc.);
- Discretionary decisions for which authority has not been delegated to the General Manager; and
- Informational items to update the Board and public on District matters.

A draft agenda for regular Board meetings is developed by the General Manager and reviewed by the Board President prior to the agenda being publicly posted. The Board formally adopts the agenda for each meeting as an initial order of business after each meeting is called to order.

Future Agenda Items

Board members may request that items be placed on agendas during discussion of the "Future Board and Committee Meetings and Upcoming Agenda Items" portion of the agenda. A motion by a Board member and a second by another Board member will initiate bringing the item to a future meeting for discussion and consideration.

Urgency Items

In rare cases, a legitimate urgent need may arise that must be acted upon even though the item was not included on a posted agenda. The General Counsel shall be consulted on all urgency items. In order for the Board to take action on an urgency item, two determinations must be approved by a two-thirds vote of the Board members present (or by unanimous vote if less than two-thirds (2/3) but more than a quorum of members are present):

- There is an immediate need to take action; and
- The need for action arose after the agenda-posting deadline.

If the above requirements are met, the Board may vote to add the urgency item to the agenda.

Attendance, Conduct, Quorum and Voting, Rules of Order, Brown Act

Board members should strive to attend all Board and committee meetings in person. If a Board member will be absent, he or she should notify the General Manager, Board President and Board Secretary as soon as possible.

Teleconferencing

A Board member may participate in meetings via teleconference when not able to attend in person. Unless a Board member has a just cause, as those events are defined under Government Code section 54953.8.3 (Brown Act), for each meeting that a Board member will participate by teleconference, the Board member should notify the Board Secretary of his or her teleconference location prior to the agenda being posted,

so that the agenda for the meeting will properly identify the teleconference location. All teleconference locations must be accessible to the public, have a copy of the agenda posted, and allow members of the public to address the Board at the teleconference location. A quorum of the Board must be located within the District boundaries, regardless of remote participation.

Alternatively, if the Board member has need to attend the meeting remotely due to familial caregiving needs, a contagious illness, physical or mental condition (not otherwise accommodated), travel on District business or that of another state or local agency or other physical family or medical emergency that prevents a member from participating in person, the Board member need not provide their remote location, but should notify the Board Secretary as soon as possible. The Board member participating under the just cause provisions of the Brown Act, will need to inform the Board of the need for remote participation, must disclose whether there is any other person over 18 years old in the room with them during the meeting and must participate in the meeting via audio and visual technology. A quorum of the Board must be physically in attendance at the meeting. The minutes will identify the specific just cause provision for such member who is attending remotely in the minutes. Use of the just cause exception for remote participation is limited to five (5) times per calendar year.

When a Board member or members, participate via teleconference meeting all votes must be taken by roll call.

Quorum/ Board Action

The Board shall act only by motion, resolution or ordinance. A majority of the board shall constitute a quorum for the transaction of business; however, no ordinance, motion or resolution shall be passed to become effective without the affirmative vote of a majority of the members of the board. A supermajority of votes is necessary to consider an urgency item not previously posted on the Board meeting agenda or to take certain actions in response to an emergency situation. The District utilizes the parliamentary procedure from Robert's Rules of Order to conduct Board meetings.

Brown Act (Opening Meetings Law)

In compliance with the Ralph M. Brown Act ("Brown Act"), all meetings of the Board are to be held in open session, unless a closed session is expressly permitted by the Brown Act, and the general public is permitted to attend all open sessions. District Board members promote fair and open public processes. Board members, and persons elected but who have not yet assumed office as members of the Board, will fully comply with California's the Brown Act. In order to ensure proper public participation and that all decisions are reached only during public meetings, Board members should refrain from participating in phone calls or emails that:

- Discuss issues within the Board's subject matter jurisdiction and are directed to a majority of the Board members;
- Take a position or make commitments on matters yet to be decided by the Board; and/or

- Communicate his/her position on a matter pending before the Board to all other members of the Board.

Meeting Minutes

Draft meeting minutes are prepared by the Board Secretary and presented to the Board and/or committee for acceptance at the next meeting of the Board or applicable committee.

Safeguard Confidential Information

Board members will not disclose information that legally qualifies as confidential to unauthorized persons without approval of the Board of Directors. This includes information that (1) has been received for, or during, a closed session Board meeting, (2) is protected from disclosure under the attorney/client or other evidentiary privilege, or (3) is not disclosable under the California Public Records Act.

A Board member may make a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of law, including disclosing facts to a district attorney or grand jury necessary to establish the alleged illegality of a District action. Prior to disclosing confidential information, however, a Board member will first bring the matter to the attention of either the President of the Board or the full Board, in a lawful and appropriate manner, to provide an opportunity to cure an alleged violation.

SECTION 4: Conference, Training, Reporting Requirements

Conferences

In accordance with Board policy, Board members may elect to attend conferences, meetings and other functions from which the District derives specific benefit through attendance, including those affiliated with District membership in various associations. After attending the conference, meeting or training, the Board member who attended on behalf of the District should provide a brief oral report during the Directors' and General Manager's Announcements portion of the agenda to share information about the event with fellow Board members and the public.

Mandatory Ethics, Fiscal and Financial and Sexual Harassment Prevention Training

This Policy promotes awareness of ethics, integrity and fidelity as critical elements in Board members' conduct and in achievement of the District's mission. The proper operation of the District requires that Board members remain objective and responsive to the needs of the public they serve, make decisions within the proper channels of governmental structure, and not use public office for personal gain. Pursuant to provisions of the California Government Code set forth in Assembly Bill 1234, Board members are required to receive two hours of ethics training within the first six months of taking office and every two years thereafter. Pursuant to SB827,

each board member must receive fiscal and financial training within the first six months of taking office and every two years thereafter.

Board members must also receive two hours of sexual harassment prevention training within the first six months of taking office and every two years thereafter. The District's current Sexual Harassment Policy is intended to prevent sexual harassment in the work environment and provides procedures for resolving complaints of sexual harassment.

The Board Secretary maintains certificates of completion and a training log for all Board member training. The Board Secretary keeps Board members informed of all training requirements and applicable due dates to ensure compliance with applicable laws.

Board members are encouraged to seek other training pertinent to local public agency officers. Such training may be found online through the Institute for Local Government at www.ca.ilg.org and other similar organizations or providers.

Public Records Act

All records of the District, except those exempt from disclosure pursuant to the California Public Records Act and/or other applicable laws, are public records. Any person may examine public records during regular business hours of the District or may obtain a copy of requested records in accordance with the California Public Records Act. For convenience to the public, the District has a Public Records Act Request form on its website and provides electronic records at no charge to the public.

The Board Secretary maintains a records retention policy and works with the General Counsel's Office in responding to Public Records Act requests. The Board Secretary and the General Counsel conduct periodic in-house trainings pertaining to the California Public Records Act. Board members are encouraged to participate in said training.

Conflicts of Interest

Board members should avoid both actual conflicts of interest and the appearance of conflicts of interest in their roles as members of the Board.

- A Board member will not have a financial interest in a contract with the District, or be a purchaser at a sale by the District or a vendor at a purchase made by the District, unless his or her participation is legally authorized.
- A Board member will not participate in the discussion, deliberation or vote on a matter before the Board, or in any way attempt to use his or her official position to influence a decision of the Board, if he or she has a prohibited interest with respect to the matter under California law.
- A Board member will not accept any honoraria.
- A Board member will not accept gifts that exceed the limitations specified in California law. Board members will report all gifts, campaign contributions, income and financial

information as required under the District's Conflict of Interest Code and the provisions of the Fair Political Practices Act and Regulations.

- A Board member will not recommend the employment of a relative to the District or to any person known by the Board member to be bidding for or negotiating a contract with the District.

Form 700

State laws attempt to eliminate any action by a Board member that may implicate a conflict of interest. The purpose of such laws and regulations is to ensure that all actions taken are in the public interest. The Political Reform Act of 1974 requires public officials and designated employees to disclose financial interests that could cause a conflict of interest. Public officials may be required to disqualify themselves from making, participating in, or attempting to influence any decision that will materially affect their financial or economic interest. If a Board member is unsure whether or not he or she may have a disqualifying economic interest, he or she should consult the General Counsel as soon as possible.

Economic interests include, but are not limited to, those items public officials are required to report on the Form 700, Fair Political Practices Commission ("FPPC") "Statement of Economic Interest" and include sources of income, business interests and real estate investments. The Form 700 also requires the annual reporting of all gifts received that are valued at $50 or greater in a calendar year. The Political Reform Act precludes the acceptance of any gifts over a specified value, currently more than $630 in a calendar year. These Form 700s are provided to Board members each calendar year, and within 30 days of assuming or leaving office, and filed with the Board Secretary who forwards them to the FPPC and makes them available for public inspection and reproduction.

Conflict of Interest Reporting at Board Meetings

A Board member may be disqualified from participating in agenda items that present a financial conflict of interest. If a Board member is disqualified due to a financial conflict, he or she must abstain from the item, state the reason for the disqualification, and leave the room during the agenda item (unless the item is listed on the consent calendar).

Incompatible Offices

Except as expressly permitted by law, Board members appointed or elected to another public office, the duties of which may legally require action contradictory or inconsistent with the interests of the first entity, will resign from the former Board.

Political Contributions/Campaign Rules

The Levine Act (the Political Reform Act section 84308) Prohibits an Official from soliciting, accepting or directing campaign contribution of $500 or more from a participant (or their agent) having any a proceeding in front of the agency. If a Board member has accepted campaign contributions within the past twelve months, he/she is prohibited from participating

in the proceeding involving the donor or donor's agent, unless the Board member has cured the conflict by returning the donation within thirty days of learning of the donation or proceeding.

Additionally:

- Board members will not solicit political funds or contributions of in-kind services at District facilities.
- A Board member will not use the District's seal, trademark, stationary, or other indicia of the District's identity or facsimile thereof in any solicitation for political contributions.

Candidate's Statement

A Board member will not include false or misleading information in a candidate's statement for a general District election filed pursuant to Section 13307 of the Elections Code.

Ethics Violations

A perceived ethics violation by a Board member should be referred to the District General Counsel for review and consideration of any appropriate action warranted. An ethics violation may be addressed by remedies available by law, including but not limited to:

- Adopting a resolution expressing disapproval of the conduct of the Board member who has violated this policy,
- Injunctive relief, or
- Referral of the violation to the District Attorney and/or the Grand Jury.

SECTION 5: Compensation/Benefits

Board Compensation

The District Board members receive a per diem amount as compensation "for each day's attendance at meetings of the Board or for each day's service rendered as a member of the Board by request of the Board." (District Code §2.10.060) That per diem amount is set by ordinance of the Board not to exceed payment for more than eight (8) days in any calendar month. This is more restrictive than State law, which provides no director may receive compensation for more than ten (10) days in any calendar month. Additionally, Board members receive medical and dental benefits consistent with other District employees.

The District Board of Directors has adopted a Board policy regarding Compensation of Elected or Appointed Officials to address Board member compensation, Board Policy No. 42. Each Board member shall review and abide by the Board Compensation Policy.

Reimbursement of Travel Expenses

Board members may attend, travel and seek reimbursement of all normal and necessary expenses incurred while attending conferences, training, meetings and other functions from which the District derives a specific benefit through attendance. Only that travel/attendance which serves a District purpose and is deemed necessary and/or advantageous to the District shall be approved and reimbursed. Travel shall be by means most economical to the District.

Board members are expected to exercise sound judgment in the incurring and submittal of travel expenses in keeping with the standards and proprieties of a visible and accountable public agency.

The District Board of Directors has adopted a Board Travel Reimbursement Policy, Board Policy No. 41. All Board members shall review and abide by the Board Travel Reimbursement Policy.

SECTION 6: Other Related Information

Human Resources

The Board has established a District objective to "*cultivate a meaningful work environment that successfully recruits, retains, and develops an engaged, high performing, mission- and vision-focused team."* This objective is based on District values of promoting diversity in and equitable treatment of its employees; providing a healthy work environment; and continuously improving through the promotion of initiatives, leadership and personal development and training. Ensuring District HR policy is current and consistent with this strategy is a shared responsibility between staff and the Board. Board members should be familiar with key HR documents including but not limited to: the Equal Employment Opportunity Policy, labor agreements with both represented and non-represented employees, benefit summaries, job descriptions and salary schedules.

Risk Management and Emergency Operations

The District maintains a range of insurance coverage to limit financial risks, which may occur from an uncertain event or loss. The District's insurance portfolio includes both a self-insured component and third-party insurance coverage. The third-party insurance coverage provides coverage for the following: Property Damage, General & Auto Liability (including vehicle physical damage), Public Officials Errors and Omissions (E&O) and Employee Practices Liability, Employee Fidelity, Workers' Compensation and Cyber Liability coverage.

The Public Officials E&O coverage insures Board members and District officers against claims made against them for "breach of duty" occurring through negligence, error or unintentional omission. Violations of certain laws and regulations by a Board member, such as discrimination, harassment or fraud, may result in that individual member being personally liable for damages that may not be covered by this insurance policy.

All insurance coverage is annually reviewed and approved by the Board. Additionally, District contract language for procuring equipment, supplies and services (including consultant services), includes general provisions that reduce potential risks to the District. These contracting provisions include, but are not limited to, the following topics: indemnification, insurance, nondiscrimination and conflict of interest.

The District maintains an active emergency preparedness program that includes an Emergency Operations Plan (EOP) to help manage District critical functions during an emergency and ensure the safety of staff. The EOP has been prepared to provide a plan of action in response to various emergencies that may involve the District and/or its facilities. The plan primarily addresses the

possible emergencies of earthquake, electrical power failure, fire, flood, hazardous or toxic spills, potential water contamination, vandalism and sabotage, and vehicle or personnel accidents. The District coordinates its EOP, functions and response with first responders from other public and private entities and organizations, and the District designates staff as liaisons with general-purpose government Emergency Operations Centers as necessary. The General Manager, or his designee, may request mutual aid assistance from other local government or public agencies, or commit District resources to other agencies requesting aid. The General Manager provides regular reports to the Board on the District's response to emergency situations and presents annual reports on the District Emergency Preparedness Program. Each Board member receives a copy of the EOP, which is updated from time to time.

When an emergency situation arises, the General Manager may award necessary contracts without competitive bidding. The Board must ratify the emergency contract award at the next regular Board meeting, or within 14 days, whichever is sooner.

Electronic Equipment, Data and Software

The District's employees are given access to the District's software, information and applications to perform the functions of the District. Information and applications developed by employees are added to the District's overall information system. The District purchased data for the District's Geographic Information System from the County of Marin.

Board members are regarded as "District employees" with respect to the use of District electronic equipment, data and software and should follow the same rules as District employees. As with any District employee, Board members should only use these materials for District business and assure no dissemination of the materials to the public. Any requests for use of District electronic data and software will be subject to approval by the General Manager.

Community Outreach

Supplementing Board member assignments to participate in broad based regional groups, the District provides extensive community outreach programs through its Water Efficiency, Watershed Resources and Communications and Public Affairs departments. Outreach activities and opportunities can be located on the District's website and through its social media accounts.

Association Memberships

The District holds memberships in and attends meetings of associations, which have applicability to District functions, and looks upon such memberships as opportunities for in-service training. Board members may participate in the following associations with which the District holds memberships: the American Water Works Association (AWWA), the Association of California Water Agencies (ACWA) and others as may be prescribed to by the District. Board members who vote or hold a formal position in these associations recognize that they are representing the District when attending these functions.

When Board members are attending meetings on their own accord, and are not requested to attend by the Board, Board members are cautioned that they are not authorized to officially represent the District at those meetings.

Orientation of New Board Members

Newly elected Board members are subject to the Brown Act immediately upon being elected to office, even though their swearing in does not occur until noon on the first Friday in December, or following certification of the election results. Current and newly elected Board members should remain cognizant of this when communicating with each other or other Board members in order to prevent an unnoticed meeting from occurring, which would constitute a violation of the Brown Act.

The Board Secretary is the point of contact for newly elected Board members regarding:

- Filing an assuming office Statement of Economic Interests Form 700 with the FPPC within 30 days of taking office;
- Completing mandatory Ethics, Fiscal and Financial and Harassment training;
- Procuring a suitable photograph and developing a brief biography to be posted on the District website;
- Completing employee on-boarding, payroll and benefit paperwork and setting up a District email account; and
- Providing important reading materials including the Brown Act, Board of Directors Handbook, District policies, recent water rate information and Cost of Service Analysis, budgets, capital improvement program information and Water Resources Plan.

The General Manager is the point of contact for newly elected Board members to tour District offices, meet staff, visit key facilities and address pertinent questions.

The General Counsel is the point of contact for all legal matters, including conflicts of interest and the Brown Act.

MARIN MUNICIPAL WATER DISTRICT

BOARD POLICY

No.: 2

DATE: Original 4/26/78
Revised 10/31/90
Revised 2/23/94
Revised 5/21/97
Revised 10/01/13

SUBJECT: RECYCLED WATER

The Marin Municipal Water District's recycled water program annually delivers 600 acre-feet of water to over 320 sites. The Recycled Water Program began in 1981 with construction of the District's 1 million gallon per day (mgd) Las Gallinas Valley Recycled Water Facility (Facility). The District increased the Facility's capacity in 1989 to 2 mgd. The Facility is owned and operated by the District and produces tertiary recycled water that meets the most stringent requirements of California Title 22. The District's recycled water customers primarily use recycled water for irrigation, however, the District also has customers that use recycled water for cooling towers, a commercial laundry, washing cars and toilet flushing.

The Marin Municipal Water District wishes to encourage the maximum use of recycled for all beneficial uses. The development and operation of recycled water facilities is consistent with the goals of the Marin Countywide Plan, and is determined to be compatible with the development of other water sources and the operation of a potable water system.

The following are offered to show the extent to which the District supports the continued development of recycled water:

1. The Marin Municipal Water District recognizes recycled water as an additional water source and an integral part of its water supply.

2. The District will from time to time determine the points, quantities, and rates of flow at which it will deliver recycled water for use by its customers. These determinations shall be made solely by the District on the basis of availability of dependable supply of recycled water, the feasibility of the distribution thereof to the point of delivery, and the water requirements of the customer.

3. At the District's discretion, certain areas in and around a water recycling facility may be designated as "recycled water use areas" which may require, as a condition of water service, the use of recycled water for irrigation, indoor water use, and other types of non-potable use.

4. The District shall continue to review, develop and pursue opportunities for expanding its recycled water program, and to support efforts to safely broaden the use of recycled water.

MARIN MUNICIPAL WATER DISTRICT

BOARD POLICY

No.: 3

Date: 2/22/78

Revised: 3/22/78, 9/13/89 and 9/23/92

Reviewed 2/23/94

Subject: WELLS AND OTHER PRIVATE WATER SOURCES

The District is charged with supplying water within its boundaries. The District has determined it is in the best interest of its consumers, both existing and future, to allow the use of wells or other private water sources only for non-potable use, and only to supplement District service. As a water conservation measure, the District wishes to encourage the use of wells for irrigation purposes; and, has developed this policy in response to planning needs of the Cities and County.

The District requests that the Cities and County require new multi-unit development to have water service from the District as the potable water source and require review by the District of any such development wishing to supplement such service. The District's review as a condition for development shall include, but not be limited to:

1. Impact of total water requirements on District's facilities in the event of well failure.

2. Need for well system to provide fire protection.

3. Need to install backflow prevention devices to protect District's system.

It is not the intent of this policy to limit or prevent the use of a private well or other private water source for irrigation of landscaping or for non-potable uses, but said private water supply shall not serve as the potable water source for two or more units. Water supply shall be located on the same property for which the water supply serves.

In the event of failure of the private water source, an application for change in the character of service shall be submitted to District and will be processed in accordance with the District's rules and regulations in effect at the time of such application. District does not assume any commitment to provide additional potable water services in the event of the failure of any private system.

The use of a private water source for a single-residential unit does not require a meter from the District but a proposal for such use should be reviewed by District prior to building permit approval.

A supplemental water system which is installed for a single-residential unit already connected to the District shall require District review and approval, and shall require installation of appropriate backflow protection.

We suggest the following section as a guide for the department or departments responsible for the issuance of well permits for single-residential units.

A. Adequate Water, Vertical Wells

Adequate Water (Vertical Wells) is defined as a well or wells which will produce a minimum of one gallon per minute for a sustained pumping test of 8 hours after the pumping level has been established or the well is pumped to the bottom. This minimum shall be accompanied at the time of residential construction, with a minimum of 1,000 gallons of storage capacity.

B. Adequate Testing Requirements

In addition to the 8-hour yield test described above, testing to meet the above yield requirements must be conducted from June 1 to November 15 and must be done by a licensed drilling or pump contractor or a registered geologist. In the case of prolonged dry weather, the time period may be extended or certification be required by a registered geologist as to the well's productivity.

C. Adequate Storage Requirements

Minimum storage facility shall be a 1,000 gallon tank. This allows 2 to 3 days of storage for consumption during periods where well is out of service for maintenance reasons or for pump repair.

D. Potable Water

Water intended for domestic use must meet all standards and conditions as the health officer deems necessary for the protection of the public health, safety, and welfare.

E. Hold Harmless Agreement

A Hold Harmless Agreement between the issuing authority and the applicant (property owner) relieving the issuing authority of any liability must be entered into prior to the issuance of a permit. This should be recorded with the Marin County Recorder.

F. Abandoned Wells, Test Wells, or Holes and Destruction of Wells

No person should abandon, construct, destruct, remodel, or reconstruct any well, test well, or hole without first submitting an application to and receiving a permit from the local jurisdiction for such construction or abandonment. Such permit should be subject to conditions necessary to comply with State laws and the rules and regulations issued thereunder that will promote the protection of public health.

G. Review by Water District

Any applicant for a well permit should submit the proposed well application to the Marin Municipal Water District for review. Well applications should include:

- Plot plan of property showing buildings, roads, sewer lines, septic systems, storage facilities, etc.
- Description of intended use (potable, irrigation, fire protection, etc.).
- Any other information pertinent to the well development.

A letter from the Water District attesting to the review should be required prior to issuance of a well permit. The letter from the District will advise the applicant that the District cannot assume in advance any commitment to provide additional potable water service to the property in the event of the failure of the well unless the applicant applies and pays for the amount of water which the District calculates is needed to serve the property without benefit of the well. The District will not reduce its calculation of the amount of District water needed by such an application because of the proposed utilization of a well due to the impossibility of determining with any certainty how long the well is likely to be productive and at what level of yield.

MARIN MUNICIPAL WATER DISTRICT

BOARD POLICY
No.: 4
Date: 10/19/93

Subject: DISPOSAL OF SURPLUS NON-WATERSHED REAL PROPERTY (per Government Code Sections 50569, 50570 and 54221 through 54238.6)

I. Determination of Surplus Property

On or before December 31 of each year, the District shall make an inventory of all of its lands to determine if any of these lands are surplus to its existing or future needs. (Government Code Section 50569)

A. A list of potentially surplus property will be prepared and reviewed by the Manager of Operations and Maintenance, the Manager of Engineering, and the Manager of Environmental Resources before recommendation of surplus status to the General Manager and the Board of Directors of the District.

B. The Board of Directors will review staff's recommendations regarding potentially surplus properties, and instruct staff to proceed with disposal of those parcels which are deemed surplus to the needs of the District.

C. A legal description of each parcel found to be surplus shall be maintained by the Secretary of the Board and be made available without charge to anyone requesting it.

II. Exchange of Property

If it is in the best interests of the District, property may be exchanged for property of like value without notification to the local agencies as outlined in Section III below.

III. Offer to Lease or Sell

A. Statutory Notification

Prior to disposing of surplus property the District shall send a written offer to lease or sell the property as follows:

1. A written offer to sell for purposes of developing low- and moderate-income housing shall be sent to any local public entity authorized to engage or assist in the development or operation of housing for persons and families of low- and moderate income;

2. A written offer to sell or lease for park and recreational or open space purposes shall be sent to any park or recreation department of a city or county within which the land is situated; any regional park authorities or open space districts having jurisdiction within the area in which the land is located; and the State Resources Agency.

3. A written offer to sell or lease land suitable for school facilities construction or use by a school district for open-space purposes shall be sent to any school district in whose jurisdiction the land is located;

4. A written offer to sell or lease for enterprise zone purposes in an area designated as an enterprise zone pursuant to Government Code Section 7073 shall be sent to the non-profit neighborhood enterprise association corporation in that zone;

5. A written offer to sell or lease any surplus property in a designated program area, as defined in Government Code Section 7082(i), shall be sent to the program area agent; and

6. Housing sponsors as defined by Health and Safety Code Section 50074 shall, upon written request, be sent a written offer to sell or lease surplus land for the purpose of developing low- and moderate-income housing.

An entity or association desiring to purchase or lease surplus land for low- and moderate-income housing purposes, or for park and recreation purposes, or for open space purposes or for public school purposes, or for enterprise zone purposes shall notify the District in writing of its intent to purchase or lease within sixty days of receipt of the District's notification of intent.

B. Notification of Others

Concurrently with the notifications given in Paragraph II A., above, the District shall send notice of its intent to sell or lease surplus property to the following groups within whose jurisdiction the property is located:

1. Local community service districts;
2. Adjacent property owners including local homeowners groups;
3. County or applicable city having planning jurisdiction over the property;
4. Conservation groups.

C. Surplus land exempt from the foregoing notification requirements is land described in Government Code Section 54221(e)(2) as follows:

Surplus land which is (A) less than 5,000 square feet in area, (B) less than the minimum legal residential building lot size for the jurisdiction in which the parcel is located, or 5,000 square feet in area, whichever is less, or (C) has no record access and is less than 10,000 square feet in area; and is not contiguous to land owned by a state or local agency which is used for park, recreational, open-space, or low- and moderate-income housing purposes and is not located within an enterprise pursuant to Section 7073 nor a designated program area as defined in Section 7082. If the surplus land is not sold to an owner of contiguous land, it is not considered exempt surplus land and is subject to the provisions of this article.

The notification requirements contained III.A. and III.B. above shall not apply to exempt surplus land.

If the District receives offers from more than one of the above, first priority shall be given to the entity which agrees to use the site for park, recreational or open space purposes if the land is already being used for such purposes or is designated for such use in the local general plan. Otherwise, highest priority shall be given to the entity which agrees to use the site for low- and moderate-income housing. When the District receives an offer from an entity to purchase the land, the District shall enter into good faith negotiations to determine a mutually satisfactory sales price. If the price or terms cannot be agreed upon after 60 days of good faith negotiation, the land may be disposed of as provided below.

IV. Public Sale

1. Once the District has met the notification requirements, above, it may sell the property via public sale in accordance with the MMWD Code Section 2.90.090 if it is unable to dispose of the property to any of the entities receiving said notification.

2. In case of public sale, the Board of Directors shall fix the time and place for the receipt of bids and shall instruct the Secretary with respect thereto.

3. A notice calling for bids shall be published at least once in a news paper of general circulation which is published and circulated within Marin County in the State of California, at least 12 days prior to the date fixed for the receipt of such bids.

4. All bids shall be accompanied by a deposit in an amount to be deter mined by the Board. The deposit shall be in the form of a cashier's check or certified check and made payable to "Marin Municipal Water District."

5. After review of the written bids by the Board of Directors as outlined above, and upon announcing the same, any person present may offer orally to increase the amount of the highest written bid by the sum of not less than five percent and to continue thereafter to bid in any amount until the highest oral bid is finally accepted, subject to the terms of Paragraph 10, below.

6. The successful oral bidder must deposit forthwith in cash, cashier's check, or certified check an amount not less than the deposit required by the Board in Paragraph 4 above.

7. Successful bidders will have 45 days (unless otherwise approved by the District) after bid acceptance to pay the balance of the bid price.

8. The Board of Directors may, at any time before acceptance by it of the final bid, reject any and all bids either written or oral, and call for new bids, or withdraw the property from sale.

9. The Board of Directors may, upon refusal or failure of the successful bidder to deposit the balance of his bid price, award the property to the second highest responsible bidder and retain the deposit of the initial bidder.

10. All sales are subject to completion of the planning agency notification process described in Section V below. The Board of Directors may elect to forego sale to a successful bidder if the planning agency disapproves of the disposal.

V. Planning Agency Notification and Approval

Upon completion of negotiations or acceptance of the highest bid, if property is sold to the highest bidder, staff shall submit the location, the purpose, and the extent of the property disposition to the planning agency having jurisdiction for determination of conformity with the applicable adopted general plan or part thereof. The responsible planning agency has 40 days to determine conformity, and if not acted upon with the 40 days, conformity is assumed.

If the planning agency disapproves the location, purpose, or extent of the disposition, the MMWD Board can overrule such disapproval. (Government Code Section 65402)

MARIN MUNICIPAL WATER DISTRICT

BOARD POLICY

No.: 5

Date: Revised 10/31/90

Revised 1/26/94

Subject: LEASES

This policy provides a uniform guideline for the leasing and management of leases upon District lands.

A. Leases within and outside of the watershed lands may be entered into by the District if any of the following circumstances apply:

1. Basis for Leasing

   a. Provides a benefit to the community or District.
   b. Preserves existing historical buildings or facilities.
   c. Allows use by public agencies, public utilities, educational institutions and emergency service organizations.
   d. Provides additional financial gain and/or benefits to the District.

2. Compliance with Existing Policies

   a. Watershed leases will be in compliance with the District's Watershed Protection Policies.
   b. Leases at pump and tank sites will be in compliance with Board Policy No. 6, entitled "Pump and Tank Sites."

B. Lease Conditions

1. As a general rule, the maximum term of any lease shall be five years with an option to renew for an additional 5 years, the rental being subject to renegotiation after each 5 year term. The Board may approve a lease for a longer period of time, if needed, to reasonably amortize the cost of the facility over its economic life.

2. As a general rule, all leases shall provide for a 90 day cancellation clause by the District.

3. Rental will be based on current market value for similar properties under similar uses in similar areas. In the event the lessee is a public agency furnishing services to the District in connection with the lease, all or part of the rental fees may be waived by the District.

4. No work shall be performed in a leased area until the plans and specifications have been reviewed and approved by District personnel.

5. District staff shall review all leases for compliance with Board policies and procedures relating to land-use plans, landscaping, public health and safety, access, earthquake vulnerability, aesthetics, etc.

6. All leases shall be on the District's standard lease form, modified as deemed appropriate for the specific application, and reviewed by the District's legal counsel.

7. The Board may call for bids if it is deemed such action is in the best public interest.

8. The Board of Directors may award the lease to the highest responsible bidder, assuming the bidder complies with the terms of the lease within 45 days after the Board accepts the bids.

9. The Board may reject any and all bids and call for new bids, or withdraw the property from consideration.

10. The Board may award the lease to the second highest responsible bidders if the highest responsible bidder fails to comply with the terms of the bid.

MARIN MUNICIPAL WATER DISTRICT

BOARD POLICY

No.: 6

Date: 11/19/75

Revised 10/31/90
Reviewed 6/22/94

Subject: PUMP AND TANK SITES

The purpose of this policy is to promote economically, environmentally and aesthetically sound tank and pump site improvements and management, minimize individual impact, utilize drought-resistant landscaping and achieve compatibility with adjacent environment.

A. New Sites

1) In choosing new sites or replacing and upsizing existing tanks and pumps, an analysis shall be made of: the site and access road; earthquake vulnerability; and whether such impact is in conformance with appropriate land-use plans of neighboring jurisdictions.

2) Where appropriate, the CEQA process shall address all environmental issues. The Environmental Resources Division will review the site prior to the time the process is implemented, advise the Board and keep it informed on progress.

3) Sites shall be purchased in fee. Access roads shall be purchased in fee, where feasible, when the road is adjacent to a property line or when fee ownership is otherwise desirable.

4) All sites will be developed with a concern for aesthetics. Paint colors and landscaping, including berms, will be used whenever appropriate to achieve this purpose.

5) Any improvements shall be made in conformance with the purposes stated above and the total plan for the site, in consultation with the community. Costs for improvements other than for the facility itself--such as landscaping and other mitigation--shall be included as part of the project when it is presented for Board approval.

B. Existing Sites

A program of upgrading existing sites which do not meet current standards, to assure conformity with the above stated purpose, will be achieved by:

1) Developing and maintaining a long-range improvement program and scheduling work over several years;

2) Cooperating with other jurisdictions in site planning to assure conformity with neighborhood plans; and,

3) Making necessary improvements to upgrade the site when any facility modifications or additions are made.

MARIN MUNICIPAL WATER DISTRICT

BOARD POLICY

NO.: 7

DATE: 9-01-10

SUBJECT: MT. TAMALPAIS WATERSHED MANAGEMENT POLICY

Overview

The Mt. Tamalpais Watershed is one of Marin's most valuable natural resources, providing and protecting the major source of domestic water for Marin Municipal Water District ("District") residents. Besides this primary purpose, the watershed is held in trust as a natural wildland of great biological diversity, as scenic open space and as an area for passive outdoor recreation for Marin and much of the Bay Area. Passive outdoor recreation is defined as those activities that are based on nature and that require little or no development or facilities.

Protection of water quality is the overriding goal for the management of the Mt. Tamalpais Watershed. Protecting the integrity of the watershed's water quality and reservoir capacity is best achieved by maintaining natural conditions on watershed lands to the greatest extent possible. The District is committed to sustaining, and restoring where needed, native biological diversity on District lands through active management and careful coordination with other resource management agencies and the research community. We realize that achieving an ideal situation is not always possible. However, it is the District's policy that control over land uses focuses on retaining the lands in their natural condition, allowing them to return to a natural condition, or actively restoring them. No activities will be allowed that jeopardize this resource.

The purpose of this policy is to maintain and improve the character of the watershed and water supply, and to discourage commercialization and misuse of the natural resources of Mt. Tamalpais watershed. Of specific concern are the quality and supply of potable water and the storage capacity of the reservoirs.

Of the 18,570 acres of Mt. Tamalpais Watershed properties owned by the District, 13,870 are in the Lagunitas Watershed, 1,350 in the Phoenix/Ross Creek Watershed; and 3,350 are adjacent watershed and buffer properties which serve both as protection to the watershed lands used for water supply and for their value as important scenic open space and recreational lands.

Water storage and distribution facilities on the Mt. Tamalpais Watershed properties include five storage reservoirs (Alpine, Bon Tempe, Kent, Lagunitas and Phoenix), miles of service roads and transmission pipelines, the Bon Tempe Treatment Plant and other related facilities. Recreation facilities include several picnic areas and miles of equestrian, bicycling and hiking routes.

PART 1 - General Use and Management of the Mount Tamalpais Watershed

1.1 Goals

The watershed lands shall be retained in perpetuity for water supply, natural wildland, scenic open space and limited passive recreational purposes, and managed in a manner that will maintain and protect their:

A. Ability to serve as water-producing lands;

B. Integrity as natural wildlands and as scenic open space; and,

C. Capacity to provide passive daytime recreation activities in keeping with potable water production and preservation as natural wildlands.

1.2 Policies

A. Land Use - Lands and facilities will be managed to protect the character of the water supply, sustain and restore the natural wildland and wildlife characteristics, and allow for limited passive recreational experiences, as defined in Title 9 of the Marin Municipal Water District Code.

B. Commodity Use of Natural Resources - The District shall not harvest and sell any natural resources from the Mount Tamalpais watershed except for the sale of water in the normal course of the District's responsibilities to provide drinking water through its infrastructure or where sound watershed preservation decisions result incidentally in the availability of excess resources.

C. Facilities Development - Any new facilities, uses or leases, or improvements to existing facilities proposed for these lands will be:

- Limited to essential public services and shall not be attractions in themselves, but incidental to the primary purpose of the watershed or enjoyment and conservation of Mt. Tamalpais in its natural condition;

- Designed, constructed and maintained to assure conformity to the District Watershed Management Policy;

- Reviewed by an appropriate citizens group and technical advisors if controversial in nature or posing a significant impact on District lands; and approved only if impacts on the water supply and natural environment are insignificant or can be adequately mitigated. Exceptions will be limited to water-related facilities and are subject to environmental assessment and public hearings and will only be granted where alternatives have been carefully evaluated and the public benefit outweighs the anticipated impact to the watershed; and

- Existing uses, leases and facilities will be reviewed annually to assure compliance with good watershed management practices and preservation of natural wildland characteristics.

D. Revenues - All revenues from Watershed Fees and Leases will be administered in accordance with Board Policy No. 35.

E. Adaptive Management - The District will implement an adaptive management strategy, using inventory, management, monitoring and evaluation. The District will assemble baseline inventory data describing the natural resources under its stewardship and monitor those resources at regular intervals to detect or predict changes. Visitor use levels and patterns will also be monitored. The resulting information will be analyzed to detect changes that may require intervention and to provide reference sites for comparison with other impacted areas. The District will encourage and support research that addresses resource management issues on the watershed.

F. Regional Cooperation – The District is committed to working cooperatively with federal, state, and local agencies, user groups, local communities, adjacent landowners, and others in the protection of the water supply, and the management of natural resources and recreational uses. In order to better achieve the District's management objectives, the District will continue to foster formal and informal lines of communication and consultation.

G. Staffing - The District will evaluate staffing levels to ensure adequate personnel are available to maintain its facilities, roads and trails, and natural resources, manage visitor use and to enforce its regulations.

H. Memorials on Watershed Lands - Individuals are prohibited from building any structure, monument or facility.

(1) Any person, group, or organization may make application to the District for placement of a memorial plaque to be affixed to any existing bench or picnic table or any other appropriate facility on watershed lands or in combination with a replacement or addition of new benches, tables, or other facility as approved by the District.

(2) All memorial furniture and plaques must conform to the standard approved style, size, material and color determined in advance by the District. Wording contained on plaques must be approved in advance by the Watershed Manager.

(3) Cost to the applicant for a memorial plaque and associated furniture or facilities will be determined by staff and will be periodically reviewed by the Board of Directors. Fees must be paid upon approval. Applicants with completed applications will be placed on a first come, first serve waiting list if there are no suitable current memorial opportunities. Funds received for memorials shall be deposited in the Mt.

Tamalpais Watershed Fund or any similar fund dedicated to the protection and enhancement of watershed lands.

(4) Memorials may only be constructed within developed areas herein described as developed picnic areas, dams, parking lots and other buildings. This policy specifically excludes memorials placed on trail sides, trail bridges, or any other location outside of developed areas. Staff will maintain a list of appropriate locations for memorials.

(5) Nothing herein prohibits the District from considering and accepting proposals for memorials and donations not set out above. Such proposals will require substantial justification for consideration, shall be considered on a case-by-case basis and must be approved by a majority vote of the Board of Directors.

I. Water Quality Protection – Land or facility management activities on the watershed, such as the use of chemicals, must be evaluated so that uses are restricted to specific targets or areas and will cause no harm to water quality.

PART 2 - Biological Diversity

2.1 Goals

Protecting the integrity of the watershed is best achieved through maintaining natural conditions on watershed lands consistent with District policies and federal and state laws. The District is committed to restoring and sustaining native biological diversity on District lands, in particular the variety of living organisms, the genetic differences among them, and the natural communities and ecosystems providing their habitat.

2.2 Policies for Biological Diversity

A. Species and Habitats -The District will protect and restore species richness and complexity of habitats on District lands, and seek to preserve or restore natural habitats to the fullest extent possible.

B. Rare Species - The District will identify and promote the conservation of all special status plant and animal species especially those listed under federal and state Endangered Species Acts.

C. Adverse Impacts - The District will minimize adverse impacts to spatial and temporal patterns of native species for reproduction, feeding, migration and dispersal.

D. Genetic Preservation - The District will wherever possible, ensure that revegetation and landscaping efforts in and immediately adjacent to natural areas will use seeds, cuttings, or transplants representing species and gene pools native to the watershed.

E. Population Management - The District will act to perpetuate viable populations of native plant and animal life within District lands. Natural processes will be relied on to govern populations of native species to the greatest extent possible. Unnatural concentrations of native species caused by human activities may be controlled where they present a threat to public health and safety or where they threaten to disrupt ecosystem processes. The District may seek to control animal populations, in coordination with the California Department of Fish and Game (DFG) and according to applicable DFG codes, when such animals present a direct threat to visitor's health and safety and in developed areas when necessary to protect property or landscaping.

F. Natural Disturbances - The District will ensure that landscape conditions caused by natural phenomena, (e.g. landslides, earthquakes, floods, natural fires, or windstorms) will not be modified unless required for public safety or operations of the water delivery facilities. The District will seek to restore the effects of fire as an ecosystem process by the careful, planned use of prescribed burning.

G. Exotic Species - The District will give high priority to the control of exotic species (exotic species are those that are not native to District lands and that bring about changes in species composition, community structure, and/or ecosystem function) that substantially impact native natural resources. The overall approach will be in keeping with the principles of Integrated Pest Management (IPM). A variety of methods including mechanical removal, chemical application, the introduction of biological control agents, and the use of prescribed burns may be used as practicable to achieve the desired results as long as these methods do not jeopardize water quality or cause harm to non-target organisms. Nonnative plants and animals will not be introduced into the District lands except in rare cases where:

- They are the nearest living relatives of extirpated native species;
- There are improved varieties of native species that cannot survive current environmental conditions;
- They are used to control established exotic species; or
- The District is legally required to do so.

H. Release of Native Wildlife that has been Rescued and or Raised in Captivity - Release onto District lands of native wildlife that has been rescued from other sites and/or raised in captivity will be allowed only on a case by case basis upon written approval from the Superintendent of Watershed Resources. Approval may be granted when it appears doing so would benefit released animals without significantly disrupting existing native wildlife and vegetation and after consideration of the following:

- The characteristics of the species, the number of individuals, and the health of the released animals;

- The likelihood of the proposed release sites being already occupied by individuals of the same species;

- The potential for acute predation of, or competition with, other species in the proposed release location; and

- The proximity of the release site to areas of human habitation where the released animals may pose a nuisance.

I. Post-fire Revegetation and Erosion Control Response - The District's post-fire watershed and vegetation recovery and restoration goals include: making every reasonable effort to ensure the protection and natural recovery of natural communities and protecting rare and sensitive animals, plants, and habitats in fire zones during rehabilitation efforts. The District will seek to allow natural reestablishment of vegetation, only using mechanical methods or seeding to reduce erosion in selected areas. Determining rehabilitation strategies for any site should take into account the following:

- Fire intensity and timing;

- Past fire frequency and its effect on the vegetation of the site;

- Effects of fire suppression activities on the vegetation;

- Potential for natural recovery of the vegetation;

- Potential for expansion and establishment of exotic plants; and

- Available information on sensitive species and habitats in the area.

Seeding is appropriate only if there is clear, scientific evidence that a given seeding mix will more effectively establish ground cover than the remaining viable seeds in the natural seedbank, and seeding has been demonstrated to be an effective restoration technique in relation to that specific incident's conditions (e.g. slope, soil-type, soil and duff damage, etc.). The District believes that seeding may be appropriate in areas where fire suppression activity has removed or destroyed the natural seedbank (e.g., bulldozing). The District acknowledges that seeding is appropriate when human safety is an issue and it would help stabilize the watershed.

During or following a fire event, the Incident Commander will establish a team to make recommendations for post-fire rehabilitation. The team should evaluate the availability of seed mixes and the site-specific appropriateness of available seed. If no appropriate seed is available, non-vegetative erosion techniques should be employed. Natural recovery of plant communities and the success of rehabilitation treatments will be monitored and the results will be integrated into future management plans.

J. Fishery Management –

Reservoirs: The District will manage its reservoirs for recreational fishing, including non-native fish species, in cooperation with the Department of Fish and Game. The goal of the Lake Lagunitas program is to manage for a self-sustaining population of rainbow trout. The District recognizes the habitat value of opportunistic lakeshore vegetation. Lakeshore vegetation removal to improve access for anglers may be accomplished in limited areas under the guidance of a written plan. The protection and management of vegetation in the lakes should not over ride the District's water management responsibilities.

Streams: The District will take actions to protect native fishery resources, in streams within the District's sphere of influence, consistent with California public trust doctrine and Fish and Game Code. The District will be an active partner in stream protection and enhancement efforts that other agencies and groups are pursuing in streams within the Districts sphere of influence. The District's sphere of influence includes those streams that are directly affected by the District's land or water management activities. Fishery protection and enhancement activities in Lagunitas Creek, below Kent Lake, complies with California State Water Resource Control Board mandates related to the raising of Peters Dam.

K. Pest Management - Strategies for managing pest populations (pests are animals or plants that threaten important resources on the watershed) will be influenced by whether the pest is an exotic or native species. Many fungi, insects, rodents, diseases, and other species are native organisms that perform important functions in a natural ecosystem. Native pests will be allowed to function unimpeded except where control is desired to:

- Prevent the loss of the host or host-dependent species from the ecosystem;
- Prevent outbreaks of the pest from spreading to forests, trees, other plant communities, or animal populations outside the watershed;
- Conserve threatened, endangered, or unique plant specimens or communities; or
- Protect against a significant threat to public safety.

Proposed pest control measures must be included in a District-approved resource management plan. All Plans must adopt a strategy that includes clear objectives, monitoring, research, and evaluation.

PART 3 - Erosion Control

3.1 Goals

Erosion resulting from roads and trails and other human development of the watershed will be controlled in order to maintain a high quality of water, prevent displacement of water storage capacity, and to maintain and enhance the stream habitat.

3.2 Policies

A. Road and Trail Management - All trails and roads on the watershed will be managed according to District standards established to reduce erosion, especially into the streams and reservoirs.

B. Management of Other Facilities - All other watershed facilities will be designed, constructed and maintained to reduce or control erosion.

C. Stabilizing Natural Erosion - Erosion resulting from natural events may be stabilized where feasible and where there are clear benefits to water quality, reservoir capacity and/or stream habitat.

PART 4 - Fire Management

4.1 Goals

The District will manage its lands to prevent loss of watershed resources from uncontrolled wildfire, will carefully restore the role of fire in ecosystem management, and will use fire as a tool for specific management objectives.

4.2 Policies

A. Fire Management – The District classifies all fires as prescribed fires or wildfires. Prescribed fires are those intentionally set for specific purposes and under controlled circumstances. All other fires are wildfires and will be suppressed. The District will work closely with local, state, and federal fire departments and land management agencies to develop effective programs to manage fire risks and benefits on a regional basis, and to meet vegetation management goals for the watershed.

B. Wildfire Prevention and Suppression - The District will maintain staff, equipment, and prepare and keep current protocols to ensure its ability to respond quickly and suppress fires on the watershed. The methods used to suppress all wildfires will be those that minimize the impact of fire fighting effort on the watershed.

C. Fuel Breaks - The District will maintain a system of fuel breaks on District-owned watershed lands to improve suppression capabilities in the event of a wildfire. These fuel breaks shall be designated in the District's most current Vegetation Management

Plan. Where appropriate, the District will work with municipalities, fire districts, and local communities to seek grants and otherwise share costs in the construction and management of fuel breaks.

The District may allow fuel breaks on District lands to be constructed and maintained by neighboring private landowners immediately adjacent to the Watershed. These fuel breaks, when identified to be of no value to the District's fire management strategy as expressed in the Vegetation Management Plan, will be constructed and maintained at the expense of the private landowner consistent with specifications contained in a written agreement with the District. Agreements will specify, at a minimum, the location of the fuel break, vegetation to be removed, timing, and maintenance requirements.

D. Prescribed Fires - The District recognizes the importance of prescribed fire as a tool for managing watershed lands. Prescribed fires (commonly referred to as prescribed burns or controlled burns) are fires deliberately ignited by District land managers to achieve predetermined resource management objectives, such as controlling exotic species, maintaining specific vegetation types (e.g. meadows, open woodlands), and reducing hazardous fuel accumulations. To ensure that these objectives are met:

- Each prescribed fire will be conducted according to a detailed written plan. The plan and its elements will be developed in coordination with, and under the approval of, appropriate fire agencies.

- All prescribed fire management plans will consider effects on air quality, visibility, and health along with other resource management objectives. Management actions to minimize the production and accumulation of smoke will be included in every written plan.
- All prescribed fires will comply with state and local smoke management and air quality regulations.

- All prescribed fires will be monitored to:
  - Record the significant fire behavior and operational decisions;
  - Determine whether specified objectives were met; and
  - Assess fire effects.

PART 5 - Recreational Use

5.1 Goals

The District will ensure that public recreation activities on watershed lands are consistent with the District's mission to safeguard water quality and protect natural resources. This will be accomplished by fostering public stewardship of the natural values of the watershed through safe and responsible use, volunteerism, and community participation in watershed management programs. The District will provide visitors with the appropriate information to inspire, educate, and encourage safe and lawful use of the watershed, and to minimize adverse impacts on natural resources.

5.2 Policies

A. Regulation of Recreational Use - The District will manage visitor use, regulating extent, type, duration, and location of visitor activities. A use or activity may be restricted or prohibited when it is inconsistent with the District's watershed management goals and policies and /or violates a state or federal law. Where practical, such determinations will be based on the results of study or research, including natural and social sciences, visitor use surveys and environmental impacts. Periodic monitoring of visitor use patterns will be conducted. Restrictions and/or regulations will be reviewed periodically by District staff to determine consistency with the District's general watershed management goals and policies. The public will be notified of restrictions on use(s) of watershed lands.

B. Recreation Use Criteria - The District will consider the purpose of the watershed and the effects on the natural resources and visitors when determining the appropriateness of a specific recreational activity in a specific area. The District will prohibit on watershed lands and discourage on adjacent lands those activities that may result in:

- Impacts detrimental to wildlife, vegetation or other watershed resources or natural processes;
- Consumptive use of watershed resources (e.g. mushroom collection, hunting, etc.);
- Impacts to sensitive habitats or special status species (e.g. increased sedimentation impacts to anadromous fish or loss of riparian habitat);
- Impacts on visitors from conflicting types of recreational use; and
- Danger to the welfare or safety of the public.

C. Management Approaches - Appropriate tools for managing recreational activities may include:

- General or special regulations;
- Permit and reservation systems;
- Local restrictions;
- Public use limits;
- Closures

- Public outreach and education (through signs, maps, notices, displays, and interpretive programs); and

- Limited and/or improved public access points necessary to control and minimize visitor impacts.

PART 6 - Watershed Commercial Use

6.1 Goals

The District's will prevent the exploitation of the watershed for commercial gain.

6.2 Policies for Commercial Use

A. Commercial Use - The District will discourage commercial use of the watershed, especially those uses that may damage or impair natural features of the watershed. The District will prohibit organized recreational activities or competitive events that involve commercialization, advertising or publicity by the participants and/or organizers. The District may permit those commercial uses or services that do not negatively impact watershed lands and are consistent with the goals and policies in the Watershed Management Policy.

B. Fund Raising Events - Fund raising events that generate revenue for watershed purposes will be considered and may be allowed on a case-by-case basis upon approval by the Board of Directors.

This Policy will be in effect upon adoption and until subsequently amended by action of the Board of Directors.

MARIN MUNICIPAL WATER DISTRICT

BOARD POLICY

No.: 8

Date: 6/16/81

Rev. 8/83
Revised 3/23/94

Subject: INSPECTION OF PUBLIC RECORDS

1. **DISCLOSURE POLICY**

   All records of the District, except those specified in paragraph 2, are public records and any person may examine such records during the hours of 8:00 a.m. to 4:30 p.m. and may obtain a copy of any such records by paying the fees presented therefor in paragraph 4.

2. **CONFIDENTIAL RECORDS**

   The following District records are not subject to disclosure either because they are specifically exempted from disclosure by Government Code Section 6254 or because the public interest served in not disclosing them in preserving the right to privacy clearly outweighs the public interest served by disclosure:

   A. Records pertaining to pending or threatened litigation or claims made including any confidential communications between the District or its officers or employees and its attorney and any work product of such attorney until the litigation or claim has been finally adjudicated or otherwise settled.

   B. Personnel, employment, medical, or similar files of employees, except contracts.

   C. Geological and geophysical data, plant production data, and similar information relating to utility systems development which have been obtained in confidence from any person.

   D. Records of complaints to or investigations conducted by the District for law enforcement purposes.

   E. Test questions, scoring keys, and other examination data used to administer employment examinations.

   F. Real estate appraisals made for or by the District relative to property acquisition until the property has been acquired, except where disclosure is required by Eminent Domain law.

G. Engineering or feasibility estimates and evaluations made by or for the District relative to prospective public supply and construction contracts until all of the contracts have been entered into.

H. Individual water bills, water usage records, and household census records, except for the requester's own household.

I. District customer list.

J. Any other records identified as not being subject to disclosure by Government Code Section 6254 as it may be amended from time to time.

3. PROCEDURE TO EXAMINE RECORDS

Any person may apply to examine District records by requesting the Manager of Personnel and Administrative Services to permit examination of specified records. The Manager of Personnel and Administrative Services shall permit such applicant to examine any such records not exempted from disclosure under paragraph 2 of this Policy. Examination shall be permitted at the earliest feasible time. If the Applicant is a member, agent, officer, or employee of a public agency acting within the scope of his or her membership, agency, office, or employment, the Manager of Personnel and Administrative Services shall permit the Applicant to examine records exempt from disclosure under paragraph 2 of the Policy if he determines that the public interest in their nondisclosure, that is, the preservation of the right to privacy, does not clearly outweigh the public interest in their disclosure. Prior to disclosing any records exempt from disclosure under paragraph 2 of this Policy to any public agency or representative thereof, the Manager of Personnel and Administrative Services will require a written agreement from said agency to keep said records confidential.

If the Applicant is a member of the public and the Manager of Personnel and Administrative Services finds that the requested records are exempt from disclosure under paragraph 2 of this Policy or that the public interest served by nondisclosure clearly outweighs the public interest served by their disclosure, Applicant's request shall be denied. Any Applicant whose request is denied shall be informed that he or she may appeal the decision to the General Manager within 5 days. Any appeal shall be in writing, dated, and signed, and shall state: (1) Applicant's name, address, and phone number; (2) specific records requested; (3) purpose of request; and (4) Applicant's statement of why the requested records are not exempted from disclosure under paragraph 2 of this Policy and/or why the public interest would best be served by disclosure of the record. The General Manager shall act to grant or deny the request within 3 working days and his decision shall be final.

4. PROCEDURE AND FEES TO COPY RECORDS

Any person may purchase a copy of any public record which he is entitled to examine. The Applicant shall pay the District in advance the current charge rate, as set by the Board, per page per side for letter and legal size documents, and the actual cost of providing copies of other records.

MARIN MUNICIPAL WATER DISTRICT

BOARD POLICY

No.: 10

Date: 4/23/80

Revised 10/31/90
Reviewed 6/22/94

Subject: FACILITIES IN GEOLOGICALLY UNSTABLE AREAS

1. Application. This policy applies to all applications for pipeline extension agreements and sets forth general practices and procedures which the District intends to follow. However, it is not intended that this policy establish or create any mandatory duty upon the District.

2. Purpose. This policy is enacted to assure that sufficient care is taken in the design and installation of water facilities in geologically hazardous areas so that members of the public and their property are safeguarded from injury and the District's liability exposure is minimized.

3. Designation of Geologically Unstable Areas. The District shall maintain hazard maps designating the following areas as geologically unstable areas in which there is a significant risk of damage to water facilities installation:

   (a) Landslide Areas 3 and 4 as shown on Official State Geological maps.

   (b) Bay Mud Zones Qm and Qaf as shown on Official State Geological maps.

   (c) Any other area about which the District has received substantial data showing it to be a geologically unstable area of comparable hazard to water facilities as the areas listed in subsections (a) and (b).

4. Location of District Water Facilities.

   (a) District water facilities shall be installed, whenever possible, only in portions of a project area free from geological instability which could cause damage to said facilities.

   (b) Where installation cannot be made in accordance with subsection (a), District facilities may be installed within an unstable area if such installation can be stabilized to the extent that no greater hazard to said facilities exists than to District facilities in geologically stable areas and if the Applicant agrees to pay all stabilization costs.

   (c) Where installation cannot be made in accordance with section 4(a) or section 4(b), District facilities may nevertheless be installed within an unstable area if:

(i) such installation can be stabilized to provide a reasonable degree of safety from the hazards of geological instability and the applicant agrees to pay all stabilization costs; and

(ii) the Applicant executes and acknowledges a Hold Harmless Agreement providing that the Applicant shall hold the District, and its officers, agents, and employees harmless from all claims by anyone for personal injury, death, or property damage arising out of failure of facilities installed for Applicant's project caused in whole or in part by geological conditions. Said agreement shall be a covenant or charge against Applicant's property to be served and shall run with said land and be binding upon Applicant's heirs, successors and assigns.

5. Findings by Board of Directors. Where District facilities are to be installed in an unstable area pursuant to section 4(b) or 4(c), the Board of Directors will, where warranted by adequate evidence, adopt a Resolution of Impending Peril pursuant to Government Code Section 865 et seq. findings: (a) that there exists on the Applicant's property to be served an impending peril to persons or property as a result of gradual earth movement, (b) that appropriate remedial action will be determined to halt, stabilize, or abate such impending peril as it relates to District facilities to be installed therein; and (c) that the carrying out of such remedial action by the Applicant at his or her sole expense shall be a condition to the provision of water service to said property.

6. CEQA Input. Whenever the District is requested to comment upon or give input to any initial study, negative declaration, or environmental impact report on a project lying partially or wholly within a designated geologically unstable area, the District will notify the lead agency that said project lies partially or wholly within such area and that the District will require specific geologic and engineering information which may be included as part of any CEQA before determining whether and upon what conditions, if any, water service can be provided to said project.

7. Information Required. Any applicant for a project for which necessary District maintained water facilities for the project may be installed partially or wholly within a designated geologically unstable area shall be notified that he must submit requested geologic and engineering information to the District.

8. Discretion of District. The determination of the extent to which an installation can be stabilized and whether and upon what conditions the District will enter into a pipeline extension agreement are matters within the sole discretion of the District.

MARIN MUNICIPAL WATER DISTRICT

BOARD POLICY

No.: 11

Date: 2/2/83

Revised 10/31/90
Revised 6/22/94

Subject: VARIANCE - CONTRIBUTION TOWARD FUTURE PIPELINE EXTENSION

The District requires any applicant for new service to install all necessary facilities required to provide service to the property being developed. Often, the condition of service to the new development requires extension of an existing system or development of a new system to serve the property under consideration. It is the District's policy that any new development install the necessary facilities to serve the property as required in the Marin Municipal Water District Code Title 11, entitled "Water Service Rules and Regulations."

In some instances, development or extension of the system will require the extension of facilities past undeveloped property. The District has provided the "Limited Purpose" option to the developer which generally allows a proportionate share of facilities' costs to be recouped from the undeveloped parcels at the time of their development.

On rare occasions, a property is so situated in relationship to the District's existing water system that a lengthy extension is required to provide service as required by Chapter 11, yet the parcel can physically be connected without a main extension from an already existing main not fronting the parcel in question. In such a case, the Board will consider granting of a variance from Chapter 11 if the following conditions exist:

1) The requirements of the fire agency allow development of the property without requiring a main extension for installation of fire hydrant, fire line or other fire suppression needs.

2) Structure is within 200 feet of an existing main where temporary service can be granted.

3) The system from which temporary service is granted has sufficient capacity to meet the water demand requirement of the parcel to be served without detriment to the service of existing consumers or anticipated future consumers for which the system was designed.

4) The system providing temporary service to the structure must be capable of maintaining 10 pounds of pressure at the highest water-using fixture within the structure when the system gradient is at its lowest level.

If the development meets the above criteria, the Board may consider the possibility of a variance with the following conditions attached:

1) Applicant must secure satisfactory rights-of-way through all intervening property before applying for temporary service.

2) Applicant must pay a proportionate share of District staff's estimate of cost to install the proper facilities to the property based on either the front footage or per-lot basis as determined by staff. Initial apportionment will be made on the basis of subdivided lots in existence at the time.

3) Applicant must pay all fees and charges required to make the temporary installation.

The District's Engineering Division will mark its maps to indicate the parcel has contributed toward a main extension and a file folder will be established indicating the methodology used to develop the contribution made toward such extension. The Finance Division will deposit the pipeline extension contribution in a special interest-earning fund which will be repository for all such contributions in lieu of pipeline extensions. At such time as the main is extended either by the development of another parcel or through a District funded installation, funds representing the proportionate share of actual costs not to exceed the amount contributed, plus accumulated interest will be drawn from the above referred to fund at completion of the project.

Board Policy No. 12
Original Adoption Date: 03-27-1985
Prior Revision Date: 02-21-2007
Revised: 03-18-2025

Low Income/Affordable Housing

The Board of Directors is aware of the lack of low income/affordable housing within the District's service area. In support of the need to address the imbalance in housing stock through economic incentives, and in accordance with California State Law, the Board developed this policy. "Housing" under this policy is defined to include rental housing, condominiums, cooperative housing, ownership housing, housing for families, housing for seniors, housing for physically and/or mentally disabled people, emergency shelters, and shared housing.

It is the policy of Marin Municipal Water District (District) not to deny or condition the provision of water service, nor to reduce the amount of service applied for on the behalf of any development that includes housing units affordable to lower and very low income households, unless it makes specific findings that the denial, condition, or reduction is necessary due to the existence of one or more of the following:

a. District does not have “sufficient water supply,” as defined in paragraph (2) of subdivision (a) of Section 66473.7 of the Government Code, or is operating under a water shortage emergency as defined in Section 350 of the Water Code.
b. District does not have sufficient water treatment or distribution capacity to serve the needs of the proposed development, as demonstrated by a written engineering analysis and report.
c. District is subject to a compliance order issued by the State Department of Health Services that prohibits new water connections.
d. The applicant has failed to agree to District’s terms and conditions relating to the provision of service generally applicable to development projects seeking water service from District, including, but not limited to, the requirements of local, state or federal laws, regulations and ordinances, payment of necessary fees or charges, and construction of on-site or off-site improvements as needed to serve the proposed development to standards established by District.

Should a water shortage occur, resulting in limited water supplies available for new development, the District shall give preference and priority to any project containing an affordable housing component. Should supplies be so limited that all projects with an affordable housing component cannot be serviced, the District shall grant water service to the project or projects with the highest percentage of units considered affordable to lower or very low income residents. Should two or more competing developments be considered

equal in their provision of affordable housing units, service will be allocated on a first come first served basis, based upon the date that complete submittals were provided to the District, to the project or projects.

The District shall review this policy at least once every five (5) years.

Because capacity charges are based on the estimated reasonable cost of providing service, the District generally does not grant fee reductions. However, the District may grant requests for up to 50% reduction in the capacity charge on any new project or conversion developed by a governmental or non-profit agency or as a part of a for-profit development if such project or conversion meets the following tests:

I. **PROJECTS DEVELOPED BY GOVERNMENTAL OR NONPROFIT AGENCIES**

A. The District will grant requests for a 50% reduction in the capacity charge on any new or conversion housing project which:

1. Is eligible for Community Development Block Grant (CDBG) assistance; and,

2. Is comprised entirely of units which are:

a) In the case of rental projects, for low and moderate income residents whose incomes do not exceed 100% of the area median income as defined in Section 50079.5 of the California Health and Safety Code; or,

b) In the case of homeownership projects, for low and moderate income residents, as defined in Sections 50079.5 and 50093 of the California Health and Safety Code; and,

c) Legally restricted to retain affordability for at least thirty (30) years; and

3. Reserves at least 50% of the units for persons or households defined as lower income households by the California Health and Safety Code, Section 50079.5; and,

4. Has a commitment of public or foundation funding.

B. The following information shall be provided to the District to support the request:

1. Evidence that the project is being developed and operated by a governmental or non-profit organization.

2. Evidence that the project is legally restricted for a period of not less than thirty (30) years to house only low-income tenants.

3. A statement showing that financing has been obtained and itemizing sources and terms of such financing.

4. Tabulation of types of units and income level parameters.

5. A statement of need and effect of not receiving a capacity charge reduction.

II. FOR-PROFIT DEVELOPMENTS

A. The District will grant requests for a 50% reduction in the capacity charge on those rental or homeownership units in any for-profit development which:

1. Are for lower income households whose incomes do not exceed 80% of the area median income as defined in Section 50079.5 of the California Health and Safety Code.

2. Are legally restricted to retain affordability for at least thirty (30) years.

B. The following information shall be provided to the District to support the request:

1. Evidence that the units are legally restricted for a period of not less than thirty (30) years to house only said lower income households.

2. Tabulation of the units which qualify for the reduction in capacity charges and the income level parameters applicable thereto.

3. The planning agency's stated conditions of project approval.

III. SECOND LIVING UNITS (JUNIOR AND ACCESSORY DWELLING UNITS (JADUs AND ADUs))

The Board recognizes that second living units, JADUs and ADUs, may provide affordable housing within the District's service area. To support the development of such units, the District will make the following special allowances:

A. A payment plan may be available for capacity charges in excess of $5,000 for any second living unit, either new or the legalization of an existing unit, whereby the payments can be amortized for up to five years. (See Board Policy No. 27 – Capacity Charge Installment Plan &

Deferred Payment of Charges for Qualifying Affordable Housing Projects).

B. The District may also waive capacity charges for qualifying JADUs and ADUs. (See District Code Section 11.56.040(h)).

IV. DISTRICT REVIEW AND REQUIREMENTS

When staff has received sufficient information about a project to assure the requirements listed above have been met, the request for capacity charge reduction may be granted subject to the entire project meeting the following conditions:

1. Projects shall incorporate water conserving fixtures into their designs and shall install and maintain water conserving landscaping in compliance with District requirements in effect at that time.

2. Application for water service shall be completed within one year after approval for reduction is granted.

MARIN MUNICIPAL WATER DISTRICT

BOARD POLICY

No.: 13

Date: 5/17/94

Subject: RETENTION OF OWNERSHIP OF DISTRICT WATERSHED LANDS

District watershed lands shall remain in the ownership of the District. "Watershed lands" as used here includes all District owned lands surrounding all District reservoirs even when these lands do not drain within the catchment area of the reservoirs.

The purposes of this policy are to preserve water quality, protect ecological resources, and preserve open space and aesthetic values for all time for the people of Marin County.

This policy will not preclude the consideration of the donation or sale of lands to another public agency whose purposes in managing the land are at least as constraining as those stated above. Even then, proposals for such dispositions will be thoroughly studied with extended opportunities for public input before any decision is made for relinquishment.

MARIN MUNICIPAL WATER DISTRICT

BOARD POLICY

No.: 14

Date: 3/12/80

Revised 10/31/90
Reviewed 1/26/94

Subject: LAND USE IN THE NICASIO, SOULAJULE AND SAN GERONIMO WATERSHEDS

The Marin Municipal Water District must protect water quality within the watershed of its several potable water supply reservoirs. It intends to protect and enhance the fishery habitat of Lagunitas and Walker Creeks and is bound by legal agreements with the State of California, Department of Fish and Game, to that purpose.

Certain land uses may impact upon and be harmful to water quality of our Nicasio and Soulajule Reservoirs and may impact upon and be harmful to fishery habitat within Lagunitas and Walker Creeks.

To ensure that the District's water supply is adequately protected, the following actions shall be taken:

1. All proposed land use changes within the Nicasio watershed, the Soulajule watershed, and the San Geronimo Valley will be monitored and reviewed by the District; and District's recommendations regarding methods to protect water quality will be energetically pursued.

2. The review of proposed land uses includes, but is not limited to, a review of all applications to or initiations by the County of Marin within the specified areas for Environmental Impact Reports or Assessments, or Notices of Intent to File a Negative Declaration; all proposed projects, grading plans, storage ponds, all grading activities including roadways, tentative subdivision maps, proposed land or lot divisions, notices of building permit applications, zoning or rezoning applications, proposed zoning changes, use permits, and applications for the construction of septic tanks.

3. The District recommends or requires, as appropriate, that applicants enter into a Watershed Protection Agreement with the District. The District further recommends that applicants conform to acceptable standards of grading, drainage, service road construction, excavation and embankment in connection with the construction of small earth dams, and the construction of wells. Whenever the District is requested to provide water service within these sensitive areas, District may require that applicant conform to reasonable and uniform policies and standards that District has adopted for the safeguarding of water quality.

4. District approval for the construction for wells and ponds requires recognition of District's water rights and agreement by applicant that said construction will not be the basis of a claim for such water rights under prescriptive use.

5. All such agreements and/or standards requested by District and agreed to by applicant shall become a covenant upon the land and shall remain in full force and effect regardless of change in ownership of the land.

MARIN MUNICIPAL WATER DISTRICT

BOARD POLICY

No.: 15

Date: 9/28/77

Revised 10/31/90
Revised 7/13/94

Subject: DISTRIBUTION OF BOARD PACKETS AND REPORTS

The Directors' packets for Board meetings and all reports shall be made available, at the same time they are sent to Directors, at MMWD offices, and at the Civic Center and one or more other appropriate libraries in the District. Reports should be clearly marked "Draft" or "Preliminary" if they have not yet been acted upon by the Board.

MARIN MUNICIPAL WATER DISTRICT

BOARD POLICY

No.: 16

Date: 9/7/94

Subject: WATER CONSERVATION

The Marin Municipal Water District recognizes water not just as a commodity to be sold, but as a precious, essential, and limited resource which must be managed and conserved efficiently and prudently. Water use should recognize the unique life-giving properties of the resource itself and reflect planned conservation independent from availability of supply, seeking to avoid rationing and drastic lifestyle modifications. Conservation is an integral part of the District's long term resource planning. This policy serves as a mission statement and guiding philosophy in the operation and development of the District's water resource plans and programs. It reflects the District's commitment to resource management and conservation.

Consistent with this policy, the District seeks to encourage effective use and preservation of the community's water resources through:

- education and awareness;
- technical support services;
- District management policies and practices;
- innovation; and,
- economic incentives.

Consideration of any water management program or policy shall include an assessment or review of the:

- targeted group(s) and effects on the group(s);
- water savings potential and monitoring capability;
- fiscal commitment, including support costs for implementing conservation programs;
- cost effectiveness, including avoided costs;
- impact on supply reliability;
- administrative guidelines; and,
- conformance with this policy.

The Conservation Master plan will provide a mechanism for evaluating and implementing programs. When necessary, the District may enact certain regulations designed to further protect the resource and ensure responsible water management. The District will also encourage water management and conservation-related legislation at the local, state, and federal levels.

MARIN MUNICIPAL WATER DISTRICT

BOARD POLICY

No.: 17

DATE: 9-29-88
REVIEWED 2-23-94
REVISED 3-8-95
REVISED 3-5-03

SUBJECT: Fire Flow Program – Chief's Fund

Purpose. The Board of Directors of Marin Municipal Water District desire to continue cooperating with the county, cities, towns and fire agencies within its jurisdiction as to the administration of the Fire Flow Program – Chief's Fund. The program was formerly known as the Fireflow Program and has been renamed so as to differentiate it from the Fire Flow Master Plan Program (FFMP). This policy delineates responsibilities in relation to fire flow improvements and the installation, repair and replacement of fire hydrant laterals and hydrant bodies. The following procedures and practices shall be followed:

Fire Flow Program Chief's Fund:

- The District will fund the Fire Flow Program – Chief's Fund in the amount of $150,000 annually. Funds not expended during each fiscal year shall be rolled forward and will be available during the next fiscal year. The Fire Chiefs Fire Flow Committee may elect to "bank" funds for one or more years to construct a project in a future year.

- The Marin County Fire Chief's Association is encouraged to submit a consolidated and prioritized list of their top 20 fire flow improvement projects to the District by January 31st of each year. The list is to contain requests for the installation or replacement of individual fire hydrants, new pipelines, replacement pipelines, or other such fire flow improvements.

- The District will consider the Fire Chief's Association's list of suggested fire flow projects when developing and scheduling the District's pipeline rehabilitation projects each year. Should the Chief's list contain projects that the District has already planned to construct, the District will cover the full cost of such improvements. Should the District not have plans for such construction, funding is available through the Fire Flow Program – Chief's Fund.

- Each year, the District will compile a list of improvement projects that will be constructed, based on the list supplied by the Fire Chiefs, but not necessarily in the requested order of priority.

- The fire agencies, through their own resources or through the Fire Flow Program – Chief's Fund are responsible for the cost of any requested and installed fire flow improvements that are not included in the District's scheduled pipeline rehabilitation program or funded through an alternate source such as an assessment district.

- All requests to fund projects through the Fire Flow Fund – Chief's Fund shall be submitted in writing to the Fire Chief's Fire Flow Committee from the various fire agencies. Requests for projects approved by the Chief's Fire Flow Committee, will be forwarded to the District by the chairman of the committee, with the chairman's written authorization to utilize Fire Flow funds for the project.

- Cost-sharing arrangements between fire agencies and the District for fire flow improvements will be considered on an individual basis.

- The fire agencies are responsible for the costs of providing, repairing and maintaining fire hydrant bodies installed under this program.

- The Board of Directors reserves the right to terminate the annual $150,000 contribution to the Fire Flow Program – Chief's Fund after giving the county, cities, towns and fire agencies a one-year advance written notice of its intention to do so.

Facility Responsibilities:

- The District is responsible for repairing and maintaining the pipelines, valves, services and hydrant laterals after they are installed.

- The fire agencies are responsible for the cost of providing, repairing and maintaining fire hydrant bodies. New fire hydrants (lateral and body) installed in conjunction with a FFMP project will be funded by the FFMP.

- To facilitate reimbursement for costs incurred in repairing hydrants damaged by vehicles, fire agencies will be responsible for assisting the District in identifying the responsible parties. The local fire agency will submit a damaged hydrant report and police report to the District following each occurrence.

MARIN MUNICIPAL WATER DISTRICT

BOARD POLICY

No.: 18

Date: 3-14-79

Revised 10/31/90
Revised 3/23/94

Subject: DISTRICT ANNEXATIONS

The District receives requests for properties to be annexed to its service area for purposes of receiving water service. This policy sets forth the manner in which annexations occur and how the District's charges and fees associated with processing an annexation are levied.

The types of annexation that are expected to occur fall into three broad categories:

(1) System Extension - where the property to be annexed is contiguous to the District's existing treated water system or where, while not contiguous, extension of the existing treated water system is the most economically feasible means of treated water supply;

(2) Reservoir Use - where the area to be annexed is contiguous to or in close proximity to a District reservoir and where water system development will include installation of treatment facilities as well as a distribution system; and,

(3) Independent System - where the location of the property to be annexed will require development of a water supply and installation of treatment and distribution facilities.

Any annexation request shall be accompanied by a deposit to cover general costs associated with annexation. The general annexation costs include a variety of expenses, such as the cost of preliminary engineering work, publishing notices, map preparation, and other miscellaneous processing costs which by their nature are required of any annexation proposal.

For the three annexation categories, the following conditions of annexation will be set and payment of the estimated costs will be required prior to the start of development.

(1) SYSTEM EXTENSION:

At the time of development, the annexed area will be treated in the same manner as any other developing District area, and will be required to pay all necessary fees and charges for extension of the transmission and distribution systems.

(2) RESERVOIR USE:

Upon development, the area will be subject to all the standard requirements, minus the "Districtwide Facilities/Projects" portion of the connection fee, which is required for extending the system within the District, as well as for the cost of installation of treatment and transmission facilities. This area will be considered a separate service area and water rates and service charges will be set based on the operational costs of this particular system.

(3) INDEPENDENT SYSTEM:

Development of the area will require payment for supply development, treatment facilities, transmission and distribution facilities. As this system has an independent water source and water system, the District's connection fee will not be imposed. Water rates and monthly service charges will be set to meet the operating expenses of the system.

ANNEXATIONS SUSPENDED: The Board of Directors may suspend all annexations during periods when there are restrictions on new services.

MARIN MUNICIPAL WATER DISTRICT

BOARD POLICY

No.: 19

Date: 6/6/90

Reviewed 7/13/94

Subject: RESTAURANTS URGED TO SERVE WATER ONLY UPON REQUEST

Water is a limited resource and to improve the effectiveness of water use within the District's service area, citizens are encouraged to use water wisely. Water used for non-essential needs may endanger the adequacy of the District's supply for human consumption, sanitation and public safety. Water conservation practices are an integral part of the District's water supply management program.

All operators and employees of restaurants, cafes, cafeterias, or other public places where food is sold, are requested to serve water to a customer only when water is expressly requested by that customer.

MARIN MUNICIPAL WATER DISTRICT

BOARD POLICY

No.: 20

Date: 5/16/90

Reviewed 1/26/94

Subject: USE OF PHOENIX LAKE CABIN

Public use of the newly renovated log cabin at Phoenix Lake must, of necessity, be managed in the interests of public safety and to the satisfaction of the many visitors who utilize the Phoenix Lake area. Safety along the half-mile road leading from the Natalie Coffin Greene parking area to the cabin site is of special concern.

Large numbers of visitors walk, jog and bicycle along the trail to the cabin. Vehicular use of the same will necessitate special safeguards for public safety.

The cabin itself is small. The main room is 383 square feet in size and can only safely and comfortably accommodate small groups.

District policy precludes the creation of attractions within the watershed for unrelated recreational purposes. Clearly, the utilization of the Phoenix cabin for social functions in an area already impacted by visitor use would conflict with existing policy.

In consideration of the factors explained above, the Phoenix cabin will be limited to small groups which can be managed safely and which conform with the District's policy against recreational attractions. Specifically, the Phoenix Lake cabin will be used for official business of the Marin Municipal Water District. In addition, the cabin will be made available to the public subject to the conditions as follows:

Conditions for Public Use

1. Activities permitted will be limited to education, interpretation, research, conservation, and the official business of public agencies. Social activities are not permitted.

2. No weekend or holiday use is permitted between April 1 and September 30 of each year.

3. No more than six vehicles at one time may be brought on the watershed by groups using the cabin.

4. Groups are limited to no more than 25 persons at one time in the cabin or on the grounds.

5. Alcoholic beverages, as well as amplified music or sound, are prohibited at the cabin or on the grounds.

6. No use will be made of the cabin between the hours of 10:00 p.m. and 6:00 a.m.

7. Advance reservations will be required for groups wishing to use the cabin.

8. A $150 fee will be charged for normal use of the cabin.

9. A key, cleaning, damage, and non-compliance deposit of $150.00 will be required.

10. District staff may require additional conditions, as necessary, on a case-by-case basis, to assure the safety and welfare of the public as well as the protection of the building. The District also reserves the right to deny future use of the cabin to any group which fails to comply with this policy or on-site directives of District staff.

11. The group using the cabin will be issued a key to the cabin and the gate, and will be responsible for gate control and a 5 mph speed limit by the group's users during the period of use of the cabin.

MARIN MUNICIPAL WATER DISTRICT

BOARD POLICY

No.: 21

Date: 6/27/90

Reviewed 1/26/94
Revised 7/7/99

Subject: COMMERCIAL FILMING ON DISTRICT LANDS

Commercial filming on District lands is permitted subject to the District's regulations and the guidelines set forth herein.

- As a general rule, there can be no endangerment or change in the watershed resulting from the filming activities.
- A special use permit must be attained in advance from the Facilities and Watershed Management Department.
- All fees and charges must be paid in advance, including estimated supervision charges and equipment rental costs. Any overpayments will be refunded.
- Evidence of a Comprehensive General Liability Insurance Policy which names the District as additional insured is required.
- The District's commercial filming fees and charges shall be determined by the Board of Directors and revised as needed by Board resolution.

MARIN MUNICIPAL WATER DISTRICT

BOARD POLICY

No.: 22

Date: 8/8/90

Replaced 2/23/94

Subject: DISPOSITION OF WATER SAVED THROUGH PLUMBING RETROFITS AND LANDSCAPE RENOVATIONS

The Marin Municipal Water District Board of Directors adopted its Integrated Water Resources Management Program in June 1992. Two goals of the Program are to encourage water conservation and to achieve improved water supply reliability through a variety of measures. These measures include modifications to existing water use through the implementation of water conservation measures described as water efficiencies.

Water saved through retrofitting of toilets, faucets, and showerheads, as well as landscape renovations shall, to the extent that it is not applied to other uses by the existing consumers, be applied to reduce the frequency and depth of rationing, thereby generally improving the reliability of supply to the existing consumers. Once reliability goals have been met, savings shall be applied to the supply deficit of existing consumers.

The District, through its various policies and procedures, will endeavor to recognize a service's level of conservation:

(1.) by making residential and non-residential services using above a prescribed consumption level responsible for funding additional water conservation and water supply projects; and

(2.) by setting use reduction levels for future dry periods based on per capita or per service amounts for residential services and on percentage-of-assigned-water budget for non-residential services when establishing use reduction measures and programs.

MARIN MUNICIPAL WATER DISTRICT

BOARD POLICY

No.: 23

Date: 6/22/94

Subject: EMPLOYEE CONTACT WITH MEDIA

Because the public receives much of its information regarding District programs, policies and operations through the media, it is important that the District assure that the media has access to the most complete and accurate sources of information available. Thus, the General Manager or his designee shall serve as the media's primary source of contact with the District. Media inquiries about official District business, including requests for explanations of District policy, should be directed to the General Manager or his designee.

All other communications with the media by District employees in which the District is a subject matter of discussion shall be conducted out of an employee's work hours with the District and clearly identified as the expression of the personal opinion of the employee.

MARIN MUNICIPAL WATER DISTRICT

BOARD POLICY

No.: 24

Date: 2-8-84

Revised 9-20-94
Revised 9-18-96

Subject: COMPETITIVE BIDDING

Bidding and purchasing is governed by MMWD Code Chapter 2.90.

It is the policy of the District to seek competitive bids whenever feasible when the estimated cost is greater than $10,000, unless specifically directed otherwise by the Board of Directors. For goods and services estimated in value to be under $10,000, three competitive quotes will be sought.

Where there is no significant price differential, preference will be given to Marin County contractors, vendors and providers.

MARIN MUNICIPAL WATER DISTRICT

BOARD POLICY

No.: 25

Date: 9/11/85

Revised 3/23/94

Subject: SEXUAL HARASSMENT

The purpose of this policy is to prevent sexual harassment in the work environment and to provide a method of resolving complaints of sexual harassment.

Sexual harassment occurs when unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature are:

> (1) made either explicitly or implicitly a term or condition of an individual's status of employment: (2) used as a basis for employment decisions affecting such individuals: (3) have the purpose or affect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Under State and Federal laws, sexual harassment is prohibited. Title VII of the Civil Rights Act of 1964 prohibits discrimination because of sex in all employment practices, including conditions of employment. The Fair Employment and Housing Act outlaws sexual discrimination in hiring, retention and promotion of employees in California.

Sexual harassment will not be tolerated at this District. Any allegations of sexual harassment will be promptly reviewed. When warranted, sexual harassment by any employee will result in prompt and appropriate disciplinary action, up to and including the termination of employment.

Any complaint of sexual harassments and the results of its investigation shall be confidential to the extent reasonably possible under the investigation process. Witnesses and those interviewed shall be informed of the confidential nature of the issues of the investigation and also are informed that it will be a violation of this policy to disclose the complaint or the nature of the investigation to others. Violation of confidentiality shall be subject to disciplinary action.

The initiation of a complaint of sexual harassment will not cause any reflection on the complainant or witnesses nor will it affect such persons' compensation or work assignments. It shall be a violation of this policy to engage in such retaliation. The District will discipline, up to and including termination, any individual who retaliates against any person who reports alleged sexual harassment, or who retaliates against any person who testifies, assists or participates in an investigation, proceeding or hearing relating to a sexual

harassment complaint. Retaliation includes all forms of intimidation, reprisal or harassment.

SEXUAL HARASSMENT COMPLAINT PROCEDURE

I. Informal Procedure

Prompt, appropriate action may stop sexual harassment and prevent further incidents. The employee is advised to tell the offending individual that the conduct is unwelcome, offensive and inappropriate.

If such communication with the individual is ineffective, or if an employee is reluctant to make such a statement directly to the offending individual, the employee should contact the Personnel Department to report incidents of sexual harassment, or to seek assistance concerning sexual harassment.

II. Formal Procedure

If the employee is unable to satisfactorily resolve the complaint through the informal procedure, a formal grievance may be filed pursuant to the process specified in Section 18.2 of the M.O.U. between the District and the Marin Municipal Water District Employees Association dated July 1, 1991 except that the employee shall move immediately to step two of said procedure. The complainant shall identify the offending person or persons, include reference to specific examples of offensive conduct, identify the remedy sought, and describe informal efforts if any made to correct the situation.

III. External Procedure

Should this policy not provide a satisfactory resolution to the employee's complaint, there is recourse available through State and Federal administrative agencies.

Sexual harassment is a violation of Title VII of the Civil Rights Act of 1964. It is the employee's right to file a charge of sexual harassment with the Equal Employment Opportunity Commission.

Sexual harassment is a violation of the California Fair Employment and Housing Act. It is the employee's right to file a complaint of sexual harassment with the California Department of Fair Employment and Housing.

Any questions regarding sexual harassment and the provisions of this policy should be directed to the Personnel Department.

MARIN MUNICIPAL WATER DISTRICT

BOARD POLICY

No.: 26

Date: 10/26/83

Revised 5/17/94

Subject: CONFLICT OF INTEREST

1. No MMWD officer or employee shall hold a financial interest in any party which:

   (a) Has completed a contract with MMWD within one year; or
   (b) Currently has a contract with MMWD which has not been fully performed by both parties; or
   (c) Is on MMWD's current vendor or contractor lists,

   if his or her job description (regardless of actual participation) includes any opportunity for participation in making of such past, current, or potential future contracts with such party. "Participation" is broadly defined to include not only the actual drafting or signing of the contract, but also research or investigation regarding the matter, preparation of plans, reports, analyses, drawings, or specifications, preliminary discussion or negotiations, bid solicitation, inspection, contract administration and advising or making recommendations to the decision maker.

2. If any MMWD officer or employee holds a financial interest in any party not falling within categories 1(a), 1(b), or 1(c) and that party wishes to enter into a contract with MMWD, the MMWD will not enter into such contract unless the officer or employee first voluntarily divests himself of such financial interest.

3. MMWD officers or employees submitting requests to the Auditor-Controller for payments to contracting parties under MMWD contracts must include with such requests a certificate under penalty of perjury declaring that they have no financial interest in the contracting party and know of no MMWD officer or employee who has participated in the making or administration of the contract who has a financial interest in the contracting party. The Auditor-Controller shall not make payment upon such contracts without such certification.

4. A "financial interest" means any financial interest, other than a remote or minimal interest, which would prevent the involved officer or employee from exercising absolute loyalty and undivided allegiance to the best interests of the MMWD. This definition is subject to several exceptions which are found in the Government Code. They are complicated and hedged with numerous conditions and should be relied upon only after consulting the MMWD's legal counsel. Some of the principal exceptions are as follows:

(A) That of an officer who is an employee or agent of the contracting party when the officer has been an employee or agent of such contracting party for at least 3 years and such contracting party has 10 or more other employees. (Government Code Section 1091(b)(2)

(B) That of an officer in a supplier of goods or services to the contracting party when such goods or services have been so supplied for at least 5 years prior to the officer's appointment or election. (Government Code Section 1091(b)(8)

(C) That of an officer or employee who owns less than 3% of the shares of a corporation for profit, which is a contracting party, provided the value of cash and stock dividends from such corporation do not exceed 5% of the officer's or employee's annual income and any other payments from such corporation do not exceed 5% of the officer's or employee's annual income. (Government Code Section 1091.5(a)(1)

(D) That of an officer or employee in his or her spouse's employment or office-holding with a contracting party, provided such employment or office-holding has existed for at least one year prior to the officer's or employee's election or appointment. (Government Code Section 1091.5(a)(6)

(E) That of an officer in the earnings of his or her minor child for personal services rendered to a contracting party. (Government Code Section 1091(b)(4)

(F) That of an officer as a landlord or tenant of any contracting party Government Code Section 1091(b)(4) or that of a landlord or tenant of most governmental contracting parties. (Government Code Section 1091.5(a)(4)

(G) That of an officer who is an officer, director, or employee of a bank, bank holding company, or savings and loan with which the contracting party has the relationship of borrower, depositor, debtor, or creditor (Government Code Section 1091(b)(10) or that of an officer or employee who is an officer, director, or employee of a bank or savings and loan with which the contracting party under a competitive bidding procedure has the relationship of borrower, depositor, debtor, or creditor. (Government Code Section 1091.5(b)

5. Any officer or employee who believes he may have a conflict of interest should bring it to the attention of his Division Manager or the General Manager and consult MMWD's legal counsel. Even if the interest is a "remote interest" of an officer or member, the fact of that interest must be

disclosed to the Board and noted in its minutes, and thereafter any vote authorizing, approving or ratifying a contract in which an officer or member has a remote interest must be sufficient without counting the vote of the officer with the remote interest holder.

MARIN WATER

Board Policy No. 27
Original Adoption Date: 03-27-1985
Prior Revision Date: 07-07-2004
Revised: 03-18-2025

Capacity Charge Installment Plan & Deferred Payment of Charges for Qualifying Affordable Housing Projects

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The Board of Directors is aware that some applicants for water service may have difficulty paying the full capacity charge for their project in one lump-sum payment. To accommodate those applicants, the capacity charge installment plan ("Installment Plan") allows applicants to pay the capacity charge for a new water service, or upgrade of an existing water service, on a payment schedule. Requests for payment under the Installment Plan may be approved by the General Manager, with concurrence of the Finance Division Manager, provided that the following conditions are met:

A. INSTALLMENT PLAN – REQUIREMENTS

1. The applicant must make a written request for an Installment Plan at the time of submitting an application for new or increased service. The request shall include a statement that payment of the capacity charge in one lump sum will constitute a financial hardship, which should include supporting documentation specific to the Applicant's project including statements from lenders or public agencies supporting the project, as applicable.

2. The minimum capacity charge to be considered for the installment is $5,000 per new or increased water service. The maximum term for any installment plan is five (5) years. Applicant may request a shorter term if desired.

3. Service installation fees, as defined in Section 11.56.010 of the District Code, are not included under the Installment Plan and must be paid at the time of application for service.

4. For each Installment Plan, the property owner must enter into an Installment Plan payment agreement with the District addressing the terms of payment. Payments under the plan shall be paid in monthly installments, with the first payment due at the time the water service application, or water capacity upgrade, is approved. Interest will be charged on the unpaid balance at a rate that is 1% above that which the District receives on its Local Agency Investment Fund (LAIF) Pooled Money Investment Account monthly yield ("Interest Rate") for the most recent month for which data is available prior to execution of the Installment Plan agreement.

5. In connection with the Installment Plan Agreement, the applicant will pay all costs associated with placing a lien on the property, pending payment of all Installment Plan payments, and subsequent removal of the lien.

6. Should the property owner elect to sell the property prior to payment in full of the capacity charge, the monies due to the District shall be paid in full prior to the sale or shall be paid out of escrow at the time of closing the sale.

7. The District may cancel the water service application approval if any Installment Plan payment is late by more than ten (10) business days whereas the full remaining balance of the capacity charge shall be due and payable. If any such cancellation occurs, the District will assess an administrative fee of $500.

B. EXTENDED PERIOD FOR PAYMENT OF CAPACITY CHARGES FOR QUALIFYING AFFORDABLE HOUSING PROJECTS

1. While District capacity charges are collected to reimburse the District for expenditures previously made, Government Code Section 66007, prohibits the District from collecting capacity charges for certain affordable housing projects until the time of final inspection.

2. When submitting a water service application to the District, Applicants shall notify the District if they believe their proposed development project qualifies for delayed payment of capacity charges pursuant to Government Code Section 66007.

3. Water service installation fees, as defined in Section 11.56.010 of the District Code, shall be paid at the time of application for service.

4. Applicants may elect to receive deferred payment of capacity charges for qualifying affordable housing projects, pursuant to Government Code 66007, as well as receive a capacity charge Installment Plan permitted by this policy. If such Installment Plan is elected by applicant, it will be offered to the applicant in compliance with Government Code section 66007 and on the terms set forth herein.

MARIN MUNICIPAL WATER DISTRICT

BOARD POLICY

No.: 28

Date: 2/27/91

Revised 3/23/94

Subject: BOARD MEETING AGENDA ITEMS

To standardize procedures and to ensure that Board Members, staff and the public have adequate time to study, research and respond to Board agenda items before they are discussed in public, the following guidelines are hereby adopted:

Board Member Requested Board Agenda Items

Board members shall request items for placement on agendas at regular Board meetings under Future Agenda Items. In the case of an urgent item, Board members may request the General Manager, up to nine days prior to a meeting, to place an item on the next Board meeting agenda.

Staff Requested Board Agenda Items

Division Managers shall request the General Manager to place an item on the agenda for the next appropriate Board meeting.

Items Discussed at Committee

A Board member shall consult with the President of the Board if he/she desires to place an item on the Board agenda that was rejected at the Committee level. The President shall direct the General Manager to place the item on the agenda for an appropriate Board meeting.

Items Discussed at a Board Meeting

Agenda items reviewed by the Board will not be considered again for one year, unless there is either a compelling reason (new information, for example) or a majority of Directors who wish to place the item on the agenda.

MARIN MUNICIPAL WATER DISTRICT

BOARD POLICY

No.: 29

Date: 9/11/91

Revised 5/17/94

Subject: STATEMENT OF PRINCIPLE REGARDING COOPERATION WITH LOCAL AGENCIES

The District subscribes to cooperating to the maximum extent possible with other local agencies in attempting to be consistent with local general plans. The following statement of principles sets forth its intent to cooperate.

1. Publicly acquired open space represents a public trust. Use of such open space by the District will occur only after thorough evaluation of alternatives by its Board of Directors indicates its use is in the best interests of the public.

2. When the District makes facility decisions concerning supply, storage and transmission, every reasonable effort will be made to have such decisions conform with local general plans.

3. When local land use policies either are or appear to be at odds with proposed water system improvements, the District will willingly agree to fully explore all reasonable options with the affected jurisdictions in an effort to eliminate or minimize such conflict.

4. In making water system improvement decisions which involve land use conflicts between local jurisdictions, the integrity and intrinsic value of public open space will be balanced with other technical and environmental factors.

5. During times of conflict or disagreement, the District pledges to work with local jurisdictions in order to promote cooperation, creative problem solving and to demonstrate that the overall public interest is always at the forefront.

MARIN MUNICIPAL WATER DISTRICT

BOARD POLICY

NO.: 30

DATE: 10-9-91
Reviewed 5-17-94,
Revised 6-21-16

SUBJECT: DRUG-FREE WORKPLACE

It is the policy of the Marin Municipal Water District to provide a safe, drug-free work environment for our employees and to comply with the Federal Drug-Free Workplace Act of 1988 and the California Drug-Free Workplace Act of 1990. This policy applies to all District employees.

In order to comply with the above Act, the following shall apply:

a. The District will provide every new and existing employee with a copy of the District's drug-free workplace policy (District Administrative Policy #32).

b. Consistent with the Federal Drug-Free Workplace Act of 1988, and the California Drug-Free Workplace Act of 1990, the District strictly forbids employees from the unlawful manufacturing, distribution, dispensation, possession or use of controlled substances in the workplace.

c. As a further condition of continued employment with the District, any employee who is convicted of a violation of any criminal drug statute relating to paragraph (c) must inform the District no later than five (5) days after such conviction.

d. Any employee who is found to violate the workplace drug policy against unlawful manufacturing, distribution, dispensation, possession or use of controlled substances in the workplace and/or is convicted of a violation of any criminal drug statute relating thereto shall be subject to disciplinary action, up to and including termination of employment. The District, in its sole discretion, may require said employee to satisfactorily participate and complete a drug use/abuse assistance or rehabilitation program as a condition of continued employment.

Board Policy
No.: 31
Date: 07-22-1992
Last Revised: 04-04-2023

Grievance Procedures for Resolution of Complaints under Title II of the Americans with Disabilities Act

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Purpose

The Marin Municipal Water District (the "District") has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Justice regulations implementing Title II of the Americans with Disabilities Act (herein referenced as ADA or Title II). Title II states, in part, that "…no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of services, programs, or activities of a public entity, or be subjected to discrimination by any such entity." This policy will establish clear procedures for the prompt and equitable resolution of complaints alleging any violation of Title II of the ADA.

Scope

This policy shall be applicable to all complaints alleging violations of Title II of the ADA.

Procedure for Resolution of Complaints

Any individual with a disability who feels discriminated against under Title II has the right to file a complaint with the District. Complaints should be addressed to the applicable ADA Coordinator(s).

1. A complaint shall be filed in writing using the District's Complaint Form Regarding Title II of the Americans with Disabilities Act, which is attached hereto and may be requested from the applicable ADA Coordinator(s).

2. A complaint should be filed within ten (10) calendar days after the complainant becomes aware of the alleged violation.

3. An investigation, if deemed appropriate by the applicable District ADA Coordinator(s), shall follow the filing of a complaint. The investigation shall be conducted by the ADA Coordinator(s) or designee. As a part of an investigation, all interested persons and their representatives, if any, shall be given an opportunity to submit evidence relevant to the complaint.

4. A written determination as to the validity of the complaint and a description of the resolution, if any, shall be issued by the applicable District ADA Coordinator(s) or designee and a copy forwarded to the complainant.

5. A complainant may request a reconsideration of the written determination issued by the District ADA Coordinator(s) or designee in instances where there is dissatisfaction with the determination. The request for reconsideration should be made in writing to the District's General Manager or designee within ten (10) calendar days after receipt of the written determination. The General Manager or designee will review the request. The decision of the General Manager or designee shall be final.

6. The applicable ADA Coordinator(s) or designee shall maintain the files and records of the District relating to complaints filed in their respective areas.

7. The right of the person to a prompt and equitable resolution of the complaint filed shall not be impaired by the person's pursuit of other remedies such as the filing of an ADA complaint with the responsible federal and state departments or agencies. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.

8. These rules shall be construed to protect the rights of the individual with disabilities and to assure that the District complies with all applicable laws, rules and regulations, including Title II. This procedure is not applicable to complaints emanating from Title I of the ADA applicable to District employees and pertaining to equal employment opportunity for individuals with disabilities. Employees shall direct all complaints under Title I of the ADA to the District's Human Resources Department.

ADA Coordinator(s)

The District General Manager shall identify and regularly update the name(s) of District personnel who will be identified as the District's ADA Coordinator(s). The name(s), phone

number(s) and email address(es) of the identified ADA Coordinator(s) will be included on the District's website and other outreach materials.

Complainants may contact the respective ADA coordinator(s) by phone, email or by mailing the attached "Form for Resolution of Complaints under Title II of the Americans with Disabilities Act" addressed to: ADA Coordinator, 220 Nellen Avenue, Corte Madera, CA 94925.

Attachment:

1. Form for Resolution of Complaints under Title II of the Americans with Disabilities Act

Legal Authorities: 42 U.S.C.A. Section 12132; 28 C.F.R. Section 35.107

Form for Resolution of Complaints under Title II of the Americans with Disabilities Act

NAME: _____

ADDRESS: _____

TELEPHONE: _____

EMAIL: _____

DATE OF OCCURRANCE: _____

DESCRIPTION OF COMPLAINT (Attach additional pages if needed):

REMEDY SOUGHT:

SIGNED: _____ DATED: _____

PLEASE MAIL A COPY OF THE COMPLETED FORM TO:

(Positions to be identified and updated as needed by the District General Manager)
Attention: ADA Coordinator, 220 Nellen Avenue, Corte Madera, CA 94925.

MARIN MUNICIPAL WATER DISTRICT

BOARD POLICY

No.: 32

Date: 2-24-93

Reviewed 2-23-94
Revised 10-12-95

Subject: TREE MAINTENANCE

PURPOSE

The District appreciates the importance of trees and their contribution to the character of a city and neighborhood. The District acknowledges that the location of its trees may come into conflict with adjacent uses. However, the District desires to work cooperatively and values public input on tree work that may significantly impact the community. The purpose of this policy is to clarify District goals, define responsibilities, specify a notification process and outline procedures for processing tree maintenance requests which are non-essential to District activities.

DISTRICT GOALS

1. Screen view(s) of tank and pump facilities where feasible.
2. Remove recognized tree hazards or manage potential hazards whenever practical.
3. Remove fire hazards and noxious plants.

DISTRICT RESPONSIBILITIES

The District is responsible for and has sole control over its trees and landscaping. The overall intent of this policy is to assure that adequate tree care is provided at all its facilities. In addition, the District has the responsibility to remove recognized tree hazards that may damage its facilities or neighboring property.

The District is not responsible for creating or maintaining vistas for adjacent neighbor(s). The District may consider a request for such work if it does not reduce screening, create a hazardous condition, cause erosion or compromise existing tree(s) and is paid for by the requesting party.

NOTIFICATION PROCESS

While the District does not need permits for its tree maintenance or removals, it desires to work in concert with cities and neighbors. The District will make every reasonable effort to notify neighbors and appropriate local jurisdiction of plans for significant pruning work or tree removal exceeding a circumference, at breast height, of 56 inches (18 inch diameter). The

District will notify neighbors whose properties are directly across the street or adjoining the facility, and post public notices at the site a minimum of five calendar days before starting this type of work. Notification will include reason for and description of the work, the date of proposed work, and a contact person for questions.

The District will not notify neighbors of routine and safety pruning activities nor removal of noxious plants. The District reserves the right to suspend the notification process when undertaking emergency work and other related clean-up work.

PROCEDURE FOR PROCESSING TREE MAINTENANCE REQUESTS

1. Site Inspection
The District requires all maintenance requests to be in writing. The requester must clearly state the reason for work and pay all costs associated with its completion. The requester must also provide a simple site drawing showing locations of tank, pump house, tree work, streets and North arrow.

A $50.00 charge, non-refundable, is required to cover the administrative cost of a site visit by a District representative and evaluation of a request. All payments must be by certified check, payable to Marin Municipal Water District. If additional field work is necessary to develop a plan for tree maintenance or removal, the District will engage either a consulting arborist or forester, paid for by the requester in advance.

2. Execution
If the District elects to proceed with the tree maintenance or removal pursuant to a request, it will, at its discretion, have the work performed under contract or with District forces.

A. Administration Charge
An administration fee of $100.00 is required for notification, documentation, review of contractor's bid, insurance requirements, and preparation of a District contract. This fee will cover up to two hours of staff time. The requestor must deposit with the District the administration fee and the estimated cost of inspections prior to performance of the work. However, if additional administration time is needed, this will be charged on an hourly basis as required. Any overpayment will be refunded to requestor upon satisfactory completion of the contract.

B. Payment
A certified check from requestor covering all costs must be received

by the District prior to starting any work. The District shall notify requestor prior to final payment to verify satisfaction of work. Any over payment made by requestor will be refunded within 15 to 30 days after completion of contract.

3. All wood and chips are property of the District. All woody material generated by work must be taken to a location determined by the District.

BOARD POLICY No. 33

DATE: Revised 2-25-21
Reviewed 6-22-23
Reviewed 2-15-24
Revised 5-06-25

SUBJECT: INVESTMENT POLICY

I. Introduction

The purpose of this document is to identify various policies and procedures that enhance opportunities for a prudent and systematic investment policy and to organize and formalize investment-related activities.

The investment policies and practices of the Marin Municipal Water District ("District") are based on State law and prudent money management. All funds will be invested in accordance with the District's Investment Policy and the authority governing investments for local agencies as set forth in the California Government Code, §53601 et sec.

II. Scope

It is intended that this policy cover all funds and investment activities of the District, except investments governed by employment retirement funds and bond documents. The provisions of relevant bond documents will restrict the investment of bond proceeds.

III. Prudence

Investments shall be made with judgment and care - under circumstances then prevailing - which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

The standard of prudence to be used by investment officials shall be the "prudent person" standard and shall be applied in the context of managing an overall portfolio. All persons investing, reinvesting, purchasing, acquiring, exchanging, selling and managing public funds shall act with care, skill, prudence and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the District.

IV. Objectives

The primary objectives, in priority order, of the District's investment activities shall be:

1. **Safety**. Safety of principal is the foremost objective of the investment program. The District's investments shall be undertaken in a manner that seeks to ensure preservation of capital in the overall portfolio. The District shall seek to preserve principal by mitigating the two types of risk: credit risk and market risk.

2. **Liquidity**. The District's investment portfolio will remain sufficiently liquid to enable the District to meet its cash flow requirements.

3. **Return on Investment**. The District's investment portfolio shall be designed with the objective of attaining a market rate of return on its investments consistent with the constraints imposed by its safety objective and cash flow considerations.

4. **Public Trust.** All participants in the investment process shall act as custodians of the public trust. Investment officials shall recognize that the investment portfolio is subject to public review and evaluation. The overall program shall be designed and managed with a degree of professionalism that is worthy of the public trust.

It is the District's intent at time of purchase, to hold all investments until maturity to ensure the return of all invested principal dollars.

V. Delegation of Authority

The management and oversight responsibility for the investment program is hereby delegated to the Finance Director /Treasurer who shall monitor and review all investments for consistency with this investment policy. This delegation of authority shall remain in place until revoked by the Board of Directors. The Finance Director/Treasurer may delegate the day-to-day operations of investing to his/her designee(s), but not the responsibility for the overall investment program. No person may engage in an investment transaction except as provided under the limits of this policy.

VI. Ethics and Conflict of Interest

Officers and employees involved in the investment process shall refrain from personal business activities that could conflict with proper execution of the investment program, or which could impair their ability to make impartial decisions.

VII. Selection of Financial Institutions and Broker/Dealers

The Finance Director/Treasurer shall maintain a list of authorized broker/dealers and financial institutions which are approved for investment purposes in the State of California, and who have proof of National Association of Security Dealers certification. It shall be the policy of the District to purchase securities only from authorized institutions or firms. All authorized firms must also provide certification that they have received and read the District's Investment Policy.

VIII. Permitted Investment Instruments

1. United States Treasury notes, bonds, bills, or certificates of indebtedness, or those for which the full faith and credit of the United States Government is pledged for the payment of principal and interest.

2. Registered state warrants or treasury notes or bonds of the State of California, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by the state or by a department, board, agency, or authority of the state.

3. Bonds, notes, warrants, or other evidences of indebtedness of a local agency within the state of California, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by the local agency, or by a department, board, agency, or authority of the local agency.

4. Federal agency or United States government-sponsored enterprise obligations, participations, or other instruments, including those issued by or fully guaranteed as to principal and interest by federal agencies or United States government sponsored enterprises..

5. Banker's Acceptances issued by domestic or foreign banks, which are eligible for purchase by the Federal Reserve System, the short-term paper of which is rated in the highest category by Moody's Investors Services or by Standard & Poor's Corporation.

    a. Purchases of Banker's Acceptances may not exceed 180 days maturity or 40 percent of the District's surplus money. However, no more than 30% or $2,000,000 of the District's surplus funds, whichever is less, may be invested in the Banker's Acceptance of any one commercial bank.

6. Commercial paper issued by an entity meeting the following conditions in Option 1 or Option 2 below:

    Option 1:

    1. Is organized and operating in the United States as a general corporation and has total assets in excess of $500 million.

2. Has debt other than commercial paper, if any, that is rated “A” or higher by a nationally recognized rating agency.

Option 2:

1. Is organized within the United States as a special purpose corporation, trust or limited liability company.

2. Has program-wide credit enhancements including, but not limited to, over-collateralization, letters of credit or surety bond.

3. Has commercial paper that is rated “A-1” or higher by a nationally recognized rating agency.

a. Purchases of eligible commercial paper may not exceed 270 days to maturity nor represent more than 10 percent or $1,000,000 from an issuing corporation, whichever is less.

b. Purchases of commercial paper may not exceed 15 percent of the District's surplus money that may be invested.

7. Negotiable certificates of deposit or deposit notes issued by a nationally or State chartered bank or a State or Federal savings and loan association or by a Federally licensed or State licensed branch of a foreign bank; provided that the senior debt obligations of the issuing institution are rated "AA" or better by Moody's or Standard & Poor's.

a. Purchase of negotiable certificates of deposit may not exceed 20 percent of the District's surplus money.

8. Federal Deposit Insurance Company (FDIC) insured or fully collateralized time certificates of deposit in financial institutions located in California, including United States branches of foreign banks licensed to do business in California. The maximum maturity of a time deposit shall not exceed 180 days. All time deposits must be collateralized in accordance with California Government Code §53651 and §53652, either at 150 percent by promissory notes secured by first mortgages and first trust deeds upon improved residential property in California eligible under Section 53651(m) or 110 percent by eligible marketable securities listed in subsections (a) through (l), (n) and (o) of §53651, or 105% of letters of credit issued by the Federal Home Loan Bank of San Francisco per subsection (p) of §53651.

9. Repurchase Agreements used solely as short-term investments not to exceed 90 days.

a. The following collateral restrictions will be observed: Only United States Treasury securities or Federal Agency securities will be acceptable collateral. All securities underlying Repurchase Agreements must be delivered to the District's custodian bank vs. payment. The market value of

securities that underlay a Repurchase Agreement shall be valued at 102 percent or greater of the funds borrowed against those securities and the value shall be reviewed on a regular basis and adjusted no less than quarterly. Collateral shall not include strips, zero-coupon instruments or instruments with maturities in excess of five years. The right of substitution will be granted, provided that permissible collateral is maintained.

10. Medium term corporate notes issued by corporations organized and operating within the United States or by depository institutions licensed by the United States or any state and operating within the United States. Medium term corporate notes shall, at the time the note is purchased, be rated as follows:

a.	1 year or less	A rating by two major rating agencies
	1 - 2 years	AA rating by at least one major rating agency
	2 - 4 years	AA rating by two major rating agencies
	4 - 5 years	AAA rating by two major rating agencies

b. Investments will be limited to a maximum of 30 percent of the District's portfolio.

11. Shares of beneficial interest issued by diversified management companies (Money Market Mutual Funds and Mutual Funds) investing in the securities and obligations authorized by sections (a) through (k) and (m) through (q) of California Government Code §53601. To be eligible for investment pursuant to this subdivision these companies shall either: (1) attain the highest ranking letter or numerical rating provided by not less than two of the three largest nationally recognized rating services; or (2) have an investment advisor registered with the Securities and Exchange Commission with not less than five years experience investing in securities and obligations authorized by California Government Code §53601 and with assets under management in excess of $500,000,000.

The purchase price of shares shall not exceed 20 percent of the District's surplus money and no more than 10 percent invested in shares of any one mutual fund.

12. Shares of beneficial interest issued by a joint powers authority organized pursuant to California Government Code § 6509.7 that invests in the securities and obligations authorized in this policy. Each share shall represent an equal proportional interest in the underlying pool of securities owned by the joint powers authority. To be eligible under this section, the joint powers authority issuing the shares shall have retained an investment adviser that meets all of the following criteria:

a. The adviser is registered or exempt from registration with the United States Securities and Exchange Commission.

b. The adviser has not less than five years of experience investing in the securities and obligations authorized in this policy.

c. The adviser has assets under management in excess of five hundred million dollars ($500,000,000).

13. State of California's Local Agency Investment Fund up to the maximum permitted by the State Treasurer.

The following summary of maximum percentage limits, by instrument, are established for the District's total investment portfolio:

Investment Type	Maximum % of Portfolio
U.S. Treasury Bonds/Notes/Bills	None
U.S. Government Agency Obligations	None
Registered State Warrants or Local Agency Indebtedness	20%
Banker's Acceptances	40%
Commercial Paper	15%
Negotiable Certificates of Deposit	20%
Time Certificates of Deposit	20%
Repurchase Agreements	10%
Medium Term Corporate Notes	30%
Mutual Funds and Money Market Mutual Funds	20%
Joint Powers Authority Pool	None
Local Agency Investment Fund	None

IX. Safekeeping of Securities and Internal Controls

To protect against fraud, embezzlement or losses caused by collapse of an individual securities dealer, all securities owned by the District shall be held by an independent third party safekeeping institution, acting as agent for the District under the terms of a custody agreement or Purchased Securities Agreement agreement (repurchase agreement collateral). All trades executed by a dealer will settle on a delivery vs. payment basis to ensure that securities are deposited in the District safekeeping institution prior to the release of funds.

The safekeeping institution shall annually provide a copy of its most recent report on internal controls – Service Organization Control Reports (formerly 70, or SAS 70) prepared in accordance with the Statement on Standards for Attestation Engagements (SSAE) No. 18 (effective May 1, 2017).

Securities held in custody for the District shall be monitored by the Finance Director/Treasurer to verify investment holdings.

Management shall establish a system of internal controls, which shall be documented in writing and reviewed with the independent auditor. The controls shall be designed to prevent the loss of public funds arising from fraud, employee error, and misrepresentation by third parties, unanticipated changes in financial markets, or imprudent actions by employees and officers of the District.

X. Maximum Maturity

Investment maturities shall be based on a review of cash flow forecasts. Maturities will be scheduled to permit the District to meet all projected obligations.

The maximum maturity will not exceed five years.

XI. Ineligible Investments

Security types which are prohibited include, but are not limited to:

a. "Complex" derivative structures such as range notes, dual index notes, inverse floaters, leveraged or de-leveraged floating rate notes, or any other complex variable rate or structured note.

b. Interest only strips that are derived from a pool of mortgages, or any security that could result in zero interest accrual if held to maturity.

c. Reverse Repurchase Agreements.

XII. Portfolio Adjustments

Portfolio percentage limitations for each investment category are applicable only at the date of purchase. Should an investment percentage limitation be exceeded due to an incident such as a fluctuation in portfolio size, the Finance Director/Treasurer is not required to sell the affected securities.

Should a security held in the portfolio be downgraded below the minimum criteria included in this Investment Policy, a determination will be made by the Finance Director/Treasurer whether to sell the investment. Any sale of an investment due to a downgrade will be done in a manner to minimize losses on sale of such security.

If a security is downgraded to a level that is less than investment grade (rating less than Ba1 or BB+), the Finance Director/Treasurer shall sell such affected security immediately. If the immediate liquidation of the security is not in the best interest of the District, the Finance Director/Treasurer, in consultation with an ad hoc committee made up of the General Manager and the Finance and Administration Committee Chair, may dispose of the security in an orderly and prudent manner considering the circumstances, under terms and conditions approved by the ad hoc committee.

The description and amounts of any securities downgraded below the District investment criteria are to be included in the quarterly investment report.

XIII. Reporting Requirements

The Finance Director/Treasurer shall render to the District Board a quarterly investment report as per California Government Code §53646, which shall include, at a minimum the following information for each individual investment:

Type of investment instrument (i.e., Treasury Bill, medium term note):

- Issuer name (i.e., General Electric)
- Purchase date (settlement date)
- Maturity date
- Par value
- Purchase price
- Current market value and the source of the valuation (quarterly)
- Overall portfolio yield based on cost

The quarterly report also shall (i) state compliance of the portfolio to the statement of investment policy, or manner in which the portfolio is not in compliance, (ii) include a description of any of the District's funds, investments or programs that are under the management of contracted parties, including lending programs, (iii) include a description of investments downgraded below the District's investment criteria or below investment grade and hold or sell status, and (iv) include a statement denoting the ability of the District to meet its expenditure requirements for the next six months, or provide an explanation as to why sufficient money shall, or may, not be available.

This quarterly report shall be submitted to the General Manager within 45 days following the end of the quarter and presented to the next regularly scheduled Finance and Administration Committee.

The Finance Director/Treasurer shall annually render to the Board a statement of investment policy, which the Board shall consider at a public meeting.

GLOSSARY OF TERMS

Bankers Acceptances. Are negotiable time drafts or bills of exchange drawn on and accepted by a commercial bank. Acceptance of the draft obligates the bank to pay the bearer the face amount of the draft at maturity. In addition to the guarantee by the accepting bank, the transaction is identified with a specific commodity. The sale of the underlying goods will generate the funds necessary to liquidate the indebtedness. Banker's Acceptances are usually created to finance the import and export of goods, the shipment of goods within the United States and the storage of readily marketable staple commodities. Banker's Acceptances are sold at a discount from par and the amount and maturity date are fixed. Bankers Acceptances have the backing of both the bank and the pledged commodities with no known principal loss in over 70 years. State law permits agencies to invest 40 percent of a portfolio and 30 percent with a single issuer in Bankers' Acceptances with a maximum maturity of 180 days.

Certificate of Deposit. A deposit insured up to $250,000 by the FDIC, or collateralized at a minimum of 110 percent by the financial institution if over $250,000, at a set rate for a specified period of time.

Collateral. Securities, evidence of deposit or pledges to secure repayment of a loan. Also refers to securities pledged by a bank to secure deposit of public moneys.

Corporate Medium Term Notes. Are unsecured promissory notes issued by corporations operating within the United States. The notes are in the one-to-five year maturity range. Notes must have at least an "A" rating by a nationally recognized rating service. State law permits agencies to invest 30 percent of the total portfolio and 10 percent with a single issuer in corporate medium term notes with a maximum maturity of 5 years.

Commercial Paper. Is an unsecured promissory note of industrial corporations, utilities and bank holding companies having assets in excess of $500 million and an "A" or higher rating for the issuer's debentures. Interest is discounted from par and calculated using the actual number of days on a 360-day year. The notes are in bearer form, mature from one to 270 days and generally start at $100,000. There is a secondary market for commercial paper and an investor may sell them prior to maturity. Commercial paper is backed by unused lines of credit from major banks. State Code permits agencies to invest 25 percent and 10 percent with a single issuer in commercial paper with a maximum maturity of 270 days.

Credit Risk. Defined, as the risk of loss due to failure of the issuer of a security shall be mitigated by investing in investment grade securities and by diversifying the investment portfolio so that the failure of any one issuer does not unduly harm the District's capital base and cash flow.

Current Yield. The interest paid on an investment expressed as a percentage of the current price of the security.

Custody. A banking service that provides safekeeping for the individual securities in a customer's investment portfolio under a written agreement which also calls for the bank to collect and pay out income, to buy, sell, receive and deliver securities when ordered to do so by the principal.

Delivery vs. Payment (DVP). Delivery of securities with a simultaneous exchange of money for the securities.

Fannie Mae. Trade name for the Federal National Mortgage Association (FNMA), a United States sponsored corporation.

Federal Reserve System. The central bank of the United States which consists of a seven member Board of Governors, 12 regional banks and 5,700 commercial banks that are members.

Federal Deposit Insurance Corporation (FDIC). Insurance provided to customers of a subscribing bank that guarantees deposits to a set limit (currently $250,000) per account.

Freddie Mac. Trade name for the Federal Home Loan Mortgage Corporation (FHLMC), a United States sponsored corporation.

Ginnie Mae. Trade name for the Government National Mortgage Association (GNMA), a direct obligation bearing the full faith and credit of the United States Government.

Interest Rate. The annual yield earned on an investment, expressed as a percentage.

Joint Powers Authority. Trust established in accordance with State law that invests exclusively in securities permitted by California Government Code §53601.

Liquidity. Refers to the ability to rapidly convert an investment into cash.

Local Agency Investment Fund (LAIF) Demand Deposit. A voluntary investment fund open to government entities and certain non-profit organizations in California that is managed by the State Treasurer's Office.

Market Risk. Defined as market value fluctuations due to overall changes in the general level of interest rates, shall be mitigated by limiting the maximum maturity of any one security to five years, structuring the portfolio based on historic and current cash flow analysis eliminating the need to sell securities prior to maturity and avoiding the purchase of long-term securities for the sole purpose of short-term speculation.

Market Value. The price at which a security is trading and could presumably be purchased or sold.

Maturity. The date upon which the principal or stated value of an investment becomes due and payable.

Mutual Fund. Pooled investments managed by professional money managers that trade on exchanges and provide a way for investors to access a wide mix of assets that are selected for the fund.

Money Market Mutual Fund. A money market fund is a kind of mutual fund that invests in highly liquid, near-term instruments including cash, cash equivalent securities, and high-credit rating debt-based securities with a short-term maturity (such as U.S. Treasuries).

Passthrough Security. A fixed-income security that represent an undivided interest in a pool of loans or mortgages. For example, a mortgage passthrough security may be backed by federally insured mortgages put together by a government-sponsored agency, such as the Government National Mortgage Association (Ginnie Mae).

Portfolio. Collection of securities held by an investor.

Purchase Date. The date in which a security is purchased for settlement on that or a later date.

Rate of Return. The yield obtainable on a security based on its purchase price or its current market price. This may be the amortized yield to maturity on a bond or the current income return.

Repurchase Agreement (REPO). Contractual arrangement between a financial institution or dealer and an investor. The investor puts up their funds for a certain number of days at a stated yield. In return, they take title to a given block of securities as collateral. At maturity, the securities are repurchased and the funds are repaid with interest.

Reverse Repurchase Agreement (Reverse REPO). A transaction where the seller (District) agrees to buy back from the buyer (bank) the securities at an agreed upon price after a stated period of time.

Sallie Mae. Trade name for the Student Loan Marketing Association (SLMA), a United States sponsored corporation.

United States Government Obligations. Treasury Bills are short term, direct obligations of the United States Government issues with original maturities ranging from a few days to 52 weeks. Treasury Notes have original maturities from two to 10 years. Treasury Bonds have original maturities of 20 or 30 years.

United States Government Agencies. Instruments issued by various United States Government Agencies most of which are secured only by the credit worthiness of the particular agency.

MARIN MUNICIPAL WATER DISTRICT

BOARD POLICY

No.: 34

Date: 10-14-93

Revised 4-12-95

Subject: BOARD REQUESTS FOR INFORMATION

Purpose:

It is the responsibility of the Board to provide guidance to the District through the development of policies and setting of the District's general direction and goals. To fulfill this responsibility the Board works through the District's General Manager and Division Managers to develop or modify policies and programs. Part of this process may find Board members requesting information be provided by staff. This policy is prepared to speak to these types of request.

Policy:

Any requests from individual Board members which will generate a staff assignment to develop information or reports, oral or otherwise, are to be directed only to the General Manager or Division Managers. Responses from staff shall be communicated through the General Manager's office to the Board member. If, in the opinion of the General Manager, the information may be of general interest to all Directors, the information will be provided to all Directors and appropriate staff.

This policy does not apply to requests for routine information, e.g. lake storage status, stream flows, fire conditions on the watershed, etc. This general information will be provided to any Board member in the same way that it is provided to the general public.

MARIN MUNICIPAL WATER DISTRICT

BOARD POLICY

No.: 35

Date: 11/22/93

Revised 12/9/98

Subject: WATERSHED FEES AND FUNDING

On November 22, 1993, the Board approved certain policy objectives regarding watershed operations and funding, namely:

1. Revenues derived from watershed fees, leases, permits, programs, and donations should be clearly identified in the annual budget and also listed in the watershed management section.

2. Watershed revenues should be utilized exclusively for budgeted programs and projects which enhance the ecology, maintenance, aesthetics, and visitor enjoyment of the watershed. Watershed revenues may also be applied to accommodate new unbudgeted staff for necessary watershed beneficial activities.

3. Large reserves should not be allowed to accumulate from watershed revenues unless needed for a major budgeted project. Instead, revenues should be regularly used to accomplish needed enhancement projects on the watershed.

4. New fee recovery systems for the watershed should fulfill the following criteria:

   a. Fees should be consistent with the underlying philosophy of the agency and the policies governing the use of the area.

   b. Fees collected must find a reasonable level of public acceptance.

   c. Revenues from the fee recovery systems should significantly exceed the costs associated with collection.

   d. Fee systems should not adversely impact future management, protection, or use trends of the area.

   e. Fees should be "fair", a highly subjective term which almost defies definition, but which each agency must best define for itself.

   Proposals to erect automated collection units at watershed points of entry or to require all users to purchase an annual pass and badge as a condition of entry should not be implemented at this time.

5. A permitting system for bicycles will not be implemented at this time.

6. The watershed will continue to be funded through the District's general fund for its normal operations and not be placed on an enterprise system.

MARIN MUNICIPAL WATER DISTRICT

BOARD POLICY

No.: 36

Date: 9/20/94

Subject: IMPOSITION OF TIME LIMITS ON PUBLIC EXPRESSION AND PUBLIC TESTIMONY RIGHTS

The Chairman of the Board of Directors may, at the outset of any Board meeting or at the beginning of Public Expression or any specific agenda item, poll the audience and set a time limit on individual public expression or testimony based on his or her determination that such a time limit is necessary to conclusion of the Board meeting at a reasonable time.

MARIN MUNICIPAL WATER DISTRICT

BOARD POLICY

No.: 37

Date: 5-17-95

Subject: DISTRIBUTION OF DISTRICT ELECTRONIC DATA AND SOFTWARE

Purpose:

The District has made a significant investment in its information system activities over the past several years and considers all software, information and applications as proprietary. The Public Records Act does not consider software and programs as public records. This, coupled with the possible misuse or demands on staff to respond to the use of and manipulation of these materials, has been the basis of the District's refusal to release these types of materials.

Policy:

The District's employees are given access to the District's software, information and applications to perform the functions of the District. Information and applications developed by employees are added to the District's overall information system.

The District purchased data for the District's Geographic Information System from the County. The County's License Agreement states that the District "may use the Parcel Base Map and data for its internal use only and for purposes of carrying out its function as a public agency." The Board believes this is a reasonable approach to the District's use of its data and related software.

Board Members are regarded as "District employees" with respect to use of these various materials. As with any District employee, the use is only constrained by the need to keep these materials restricted to use for District business and to assure no dissemination of the materials to the public.

Any requests for use of District's electronic data and software will be subject to the approval of the General Manager.

MARIN MUNICIPAL WATER DISTRICT

BOARD POLICY

NO.: 40

DATE: 12-08-04

SUBJECT: EMERGENCY OPERATIONS

The Marin Municipal Water District wishes to create and maintain an active emergency preparedness program that includes an emergency plan that will help manage the District's critical functions during any emergency and protect the safety of staff. The District will coordinate the emergency plan, function and response with those responders from other public and private entities and organizations charged with emergency duties.

Declared Emergency: For purposes of this policy, declared emergency means the actual or threatened existence of conditions of disaster or of extreme peril to the provision of critical District functions and the health and safety of staff or the public, caused by such conditions as fire, severe storm, riot, hazardous materials releases, earthquake, power outages, dam failures, freezes, water supply contamination, terrorist acts and other conditions which may be beyond the capability of the services, personnel, equipment and facilities of this District, and may require the combined forces of other political subdivisions to help respond.

Emergency Preparedness: The Board of Directors has authorized the establishment of an Emergency Preparedness Program, which consists of the nationally recognized four phases of emergency management: mitigation, preparedness/planning, response and recovery. The District will develop and maintain a District-wide emergency plan, identify and train District staff to activate and use the plan, appoint District staff to critical positions identified in the emergency plan, and appoint staff to represent the District in negotiations or consultations with public and private agencies on matters pertaining to (1) response to the emergency and (2) recovery of damaged systems and financial costs incurred during the emergency. The District's Emergency Preparedness Coordinators will facilitate the implementation of this program.

Standardized Emergency Management System: The State Office of Emergency Services regulates the Standardized Emergency Management System (SEMS), which was created by Government Code §8607 following the East Bay Hills Firestorm. To ensure reimbursement for claims filed after a disaster, all District emergency plans, procedures, and training will follow the SEMS regulations and coordinate with the District-wide emergency plan.

District Emergency Declaration: When an emergency condition arises, the General Manager may, in consultation with the Board President, declare a "District Emergency". The declaration must be ratified by the Board within 14 days at either a scheduled or emergency Board Meeting.

Authorizations During District Emergencies: The General Manager's declaration of a District Emergency is a public acknowledgment of the serious situation the District faces and that the District's resources may not be adequate to respond to the emergency. The General Manager or successor, in consultation with the President of the Board of Directors, is authorized to suspend competitive bidding and enter into all necessary emergency contracts as authorized by District Code §2.90.055.

Emergency Operations Coordinator: The District emergency plan will identify a District staff to serve as the Emergency Operations Coordinators (EOCs) who will have the authority for developing plans, training staff and activating the emergency plan. In consultations with the General Manager, the EOCs will identify staff to fulfill the planning and response duties listed in the emergency plan. As the need arises, the EOC, in consultation with the General Manager, may direct all human or material resources owned by the District to combat the effects of a threatened or actual emergency.

Mutual Aid: The California Master Mutual Aid Agreement (Government Code §8561, §8615 and §8617) allows for the implementation of mutual aid during threatened, actual, or declared emergencies. The General Manager, Emergency Operations Coordinators in consultation with the General Manager, and their successors, in accordance with the emergency plan, may request mutual aid assistance from other local government and public agencies, or commit District resources to other agencies requesting aid. The General Manager may sign appropriate documents to effectuate mutual aid and other emergency response agreements.

Continuity of Management: The District's emergency plan will list at least three successors to critical staff identified in the plan, including the General Manager. In the event the primary person is unable to respond to an emergency, each successor, in order, may assume all the duties and powers of the primary staff.

Status Reports: The General Manager will provide annual reports to the Board of Directors on the progress of the Emergency Preparedness Program. Additional reports will be given to the Board on the effectiveness of the plan and District response within 60 days of the occurrence of a declared District Emergency.

Board Policy No. 41

Original Policy Date: 01-18-06
Revised Policy Date: 05-21-24

REIMBURSEMENT OF TRAVEL EXPENSES FOR MARIN MUNICIPAL WATER DISTRICT DIRECTORS

Introduction

The purpose of this document is to establish a consistent policy for authorizing reimbursement of travel expenses for Marin Municipal Water District (District) Directors, which includes those officials elected or appointed to fill a position on the District Board of Directors, for attending conferences, training, meetings, and other official District business.

Scope

It is intended that this policy cover when a Director is eligible to seek reimbursement from the District for Directors' travel for District business activities, which includes attendance at conferences, training, meetings, and other official business on behalf of the District.

General

The District recognizes the benefit in Directors' participation in training and attendance at meetings and functions that advance professional knowledge and provide opportunities to exchange information related to water district operations and related policy issues. Authorization for travel and expense reimbursement shall be limited to conferences, meetings and other functions from which the District derives a specific benefit through attendance. Only travel and attendance that is directly related to District business and is deemed necessary and/or advantageous to the District will be eligible for reimbursement consistent with this policy. Travel shall be by means most economical to the District. Directors, as public officials, are expected to exercise sound judgment in the incurring and submittal of travel expenses, in keeping with the standards and proprieties of a transparent and accountable public agency.

It is the intent of the District to assure compliance with IRS regulations. Reimbursement of business-related expenses paid to Directors is generally tax free, however, Directors must substantiate the expenses with original receipts.

No reimbursement shall be provided for travel outside of North America, unless there is prior Board approval for such travel.

Policy

Travel by Air. If travel is by air, coach or economy fares are to be used. If a Director elects a layover in route to or from his or her final destination, in no case shall the expense exceed the total round trip cost by coach or economy air. Directors shall be responsible for obtaining the total round trip airfare costs at the time of booking in order to submit with the actual receipts and request for reimbursement. If any Director desires to upgrade from coach or economy class, they may do so but will be required to pay the difference between the coach or economy fare and the upgraded fare for the flight.

Frequent Flyer and other Compensatory Offers. Frequent flyer credits or complimentary travel tickets are occasionally offered to Directors while traveling at District expense. These are generally not transferable to the District or another traveler; therefore, they may remain the property of the Director provided the original ticket was not sold at a premium expense to the District for purposes of obtaining special credits or complimentary travel tickets. Directors should use the least costly fares available, and the District shall not be responsible for any additional costs associated with obtaining special credits or complimentary travel tickets.

Public Transit or Carpooling. When feasible, Directors are encouraged to make optimum use of available carpooling and public transit services for local area travel. The following modes of transportation are to be used in the priority indicated:

(1) privately-owned motor vehicles; (2) public transportation; (3) ride share, such as taxis, Uber or Lyft, and (4) rental cars, only after exhausting all other available options, or when the location would make this a less expensive option. When vehicles, either private or District-owned, are provided for authorized travel, Directors shall pool rides whenever possible.

Directors using private vehicles for District use shall have on file, on forms provided by the District, a signed certification of insurance for a minimum amount prescribed by the District. It is not necessary to name the District as an additional insured. The Director's insurance coverage will be deemed primary, and the District will not become involved unless named specifically in the claim.

Airport Parking. Long-term parking must be used for travel exceeding 24 hours.

Mileage Allowance. When authorized, private vehicle usage will be reimbursed at a rate equal to the then current rate set by the Internal Revenue Service (IRS) for mileage deduction.

Meal Allowance. Directors may receive a meal allowance consistent with the Federal General Services Administration's per diem rates for the locality where the conference, training, meeting, and other official District business occurs. Directors will be responsible for identifying

meals for which they will seek reimbursement. If a Director eats a meal that is provided as part of their conference, meeting or seminar, they should indicate this on any reimbursement request so that it is not included in the reimbursement amount.

Per diem rates for the locality where the conference, training, meeting, and other official District business occurs can be located on the Federal General Services Administration's website (https://www.gsa.gov/travel/plan-book/per-diem-rates)[1].

Alcoholic Beverages. No reimbursement will be allowed for expenses incurred by Directors as a result of the consumption of alcoholic beverages.

Lodging. Reimbursement is allowable for lodging expenses associated with attendance at out-of-region conferences or meetings provided the destination is beyond seventy (70) miles from the District or the Director's primary residence within the District. In rare instances, overnight lodging expenses associated with meeting attendance within the Bay Area region may be permitted if the overnight stay is justified based on early morning or late hour attendance requirements. Directors should utilize the group rate for lodging whenever available. If no group rate for lodging is available, Directors shall select a reasonable alternative.

Authorization and Approval of Requests and Expenses.

To ensure proper accounting of expenses, receipts and expense statements are to be submitted to the Finance Division for processing and filing within ten (10) days of the Director's return from travel. Receipts are required to be filed for all expenses over $25, unless based on a per diem allowance as described above (i.e., breakfast to be paid at the GSA locality rate does not require receipt submittal).

Reimbursement of costs shall be based on the minimum number of days and hours required to transact District business. Early departures and late arrivals shall be at the Director's own expense except where savings to the District can be demonstrated. Reimbursement will not be allowed for travel between a Director's residence and the location of a meeting or conference which does not exceed the Director's normal commute distance from his or her residence to the District's Administrative office. Expenses are to be submitted on the "Payment Request" form to be provided by the Finance Division accompanied by a Travel Expense Report with all required receipts and documentation. All reimbursement requests will be reviewed by the Finance Division to assure compliance with this policy.

[1] If the U.S. General Services Administration does not calculate a per diem rate for the locality where conference, training, meeting, and other official District business occurs, such per diem rates will be determined by using the rates established by the federal agency responsible for calculating such per diem rates, including but not limited to the U.S. Department of Defense and the U.S. Department of State.

For reimbursement of expenses that exceed the limitations set forth in this policy, the Board of Directors shall review and approve such additional reimbursements during an open and public meeting of the District's Board of Directors.

Unauthorized expenses.

Items of a personal nature are not reimbursable, including but not limited to: movies, entertainment, premium television services, alcoholic beverages, dry-cleaning, spas, gyms, barber, magazines, shoe shines, travel insurance, purchase of clothing or toiletries, loss of tickets, fines or traffic violations, excess baggage costs, spouse and/or guest accommodations, repairs to personal vehicles, office equipment and other items of a personal nature. Optional tours, banquets or other activities not related towards professional advancement offered through the conference, but as an additional cost to registration, are solely at the discretion of the Director and will be considered as a personal expense.

If the District has paid unauthorized expenses by credit card, cash advance or petty cash, the Director will be responsible for reimbursement to the District within ten (10) days of returning from the trip.

Family Members or Guests: Travel and payment of costs for family members and/or guests are not eligible for reimbursement by the District. Travel and payment of costs for family members and/or guests are to be handled directly by the Director as a personal expense.

Reports to Governing Board.

At a District board meeting, after expenses are incurred or the event takes place, each Director shall briefly report on conferences, trainings, meetings, and other official District business attended at District expense. If more than one Director attends, a joint report may be made.

Board Policy No. 42

Original Policy Date: 01-18-06
Revised Policy Date: 05-21-24
Revised Policy Date: 02-24-26

COMPENSATION OF MARIN MUNICIPAL WATER DISTRICT DIRECTORS

Introduction

The purpose of this document is to establish a consistent policy for compensating Marin Municipal Water District (District) Directors, which includes those officials elected or appointed to fill a position on the District Board of Directors, for attending Board meetings, committee meetings and other official District business.

Policy

The District is subject to various provisions of state law concerning compensation of its Board of Directors for attending meetings of the Board and serving as a representative of the District at other functions. Assembly Bill 1234, which became effective on January 1, 2006, instituted in part the following sections of the Government Code.

> 53232.1(a) When compensation is otherwise authorized by statute, a local agency may pay compensation to members of a legislative body for attendance at the following occurrences:
>
> (1) A meeting of the legislative body.
>
> (2) A meeting of an advisory body.
>
> (3) A conference or organized educational activity conducted in compliance with subdivision (c) of Section 54952.2, including, but not limited to, ethics training required by Article 2.4 (commencing with Section 53234).
>
> (b) A local agency may pay compensation for attendance at occurrences not specified in subdivision (a) only if the governing body has adopted, in a public meeting, a written policy specifying other types of occasions that constitute the performance of official duties for which a member of the legislative body may receive payment.

This policy authorizes compensation for all functions set forth in Government Code section 53232.1(a)(1-3), as may be amended from time to time, and pursuant to section

53232.1(b), specifies the other types of occasions for which the Board of Directors has determined the activities constitute performance of official District duties and are compensable.

District Code Regarding Director Compensation

The District's Code includes the following section related to compensation for Board members.

> 2.10.060 Compensation. Each director shall receive as compensation $250.00 per day for each day's attendance at meetings of the board or for each day's service rendered as a member of the board by request of the board. No director may receive compensation for more than eight days in any calendar month.

This policy is intended to further elucidate District Code, which shall take precedence, with respect to what may constitute services rendered for purposes of compensation. Consistent with District Code, payment of compensation shall be limited to a maximum of 8 days in any calendar month.

Activities Authorized for Compensation

In addition to those compensable events set forth in Government Code section 53232.1(a), the following shall constitute service rendered to the District for purposes of receiving compensation:

1. Attendance, in the Director's official role as a representative of the District, at events or functions of civic, business, and nonprofit organizations as well as meetings of local, regional, statewide or federal public officials, public agencies or regulatory or judicial entities on topics related to the water industry or other work of the District that could impact the District or provide relevant information for the benefit of the District.
2. Official attendance at orientation, evaluation, educational activities, and briefings for Board member(s) organized by District staff (e.g., Staff-organized Board Member training or site visits to regional water or District-owned facilities, special briefings with the General Manager or Executive Staff to prepare Board Member(s) for other meetings, etc.).
3. Official attendance by a Director on behalf of the District at community, ceremonial or public outreach events held by or supported by District staff.
4. Official attendance by any Director at meetings, conferences, seminars, educational events, regional and committee meetings and trainings and webinars on topics related to the water industry, water policy, or other issues that could impact the District.
5. Other official District business with prior authorization by the Board of Directors.

For purposes of this policy, “official attendance” shall mean attendance attributable to duties assigned by the Board of Directors (such as committee assignments) or those performed at the request of the District General Manager or the Board (i.e., this would exclude compensation for attendance of non-committee members at committee meetings and attendance at stakeholder group meetings unless specifically requested by the Board or the General Manager).

Compensation for days of travel will only be provided if such travel days are reasonably necessary to attend the meeting or activity. Travel days are considered reasonably necessary if attendance at the meeting or activity would require travel outside the hours of 7:00 a.m. to 8:00 p.m. on the actual beginning or ending days of the activity. Unless specifically approved by the Board in advance, a Director will not be eligible for compensation for more than one travel day before the beginning, nor more than one travel day after the end of the activity attended, respectively.

Authorization and Approval of Compensation

To ensure proper accounting of expenses, Directors will notify the Board Secretary on a monthly basis concerning the days of service during that month. The Board Secretary will compile the compensation report and verify its accuracy with each of the Directors.

The General Manager shall review and approve the compensation requests submitted by the Board Secretary.

MARIN MUNICIPAL WATER DISTRICT

BOARD POLICY

No.: 43

DATE: February 15, 2006

SUBJECT: USE OF FORCE

A. Policy

Watershed Rangers shall use only that amount of physical force that is reasonably necessary to: (1) defend themselves; (2) defend other Rangers or employees; and (3) defend other persons.

B. Purpose

To provide Watershed Rangers with guidelines on the use of force and the use of defensive equipment.

C. Definitions

1. Chemical Agents: Includes Pepper Spray or similar chemical agent approved by the District for such use.

2. Impact Weapons: District approved expandable baton.

3. Personal Weapons: Hands, elbows, knees, and feet, can be considered impact weapons.

4. Drawn: To remove a weapon (chemical agent or baton) from its holster/carrying case and present it in a position ready to use.

D. Procedures

1. Rangers shall not initiate the use of physical force to prevent escape or to enforce District Regulations. Rangers are authorized to use reasonable force solely for defensive purposes, and in doing so shall not be deemed the aggressor. Any other situation requiring the use of physical force or the physical restraint of a person shall be directed to the MCSO Deputies or other Peace Officers as required.

2. For defensive purposes, Rangers have been issued handcuffs, a chemical agent and a baton to be used against an immediate physical assault upon them, another Ranger/employee or member of the public.

3. Escalation/De-Escalation of Force: Various degrees or levels of force are commonly recognized and practiced by enforcement officers. Sometimes called Force Options, they range from the lowest level to the highest level and are generally grouped in the order of the probability of injury or death to the suspect.

    a. Low Level: Uniform, presence, verbal commands, demeanor, firm grip or gestures.

    b. Medium Level: Use of defensive tactic techniques and chemical agents.

    c. High Level: Use of personal weapons and impact weapons.

    d. Watershed Rangers are not required to progress through the levels of force one level at a time in order to defend themselves or the public. An assessment of the specifics of each situation may indicate to the Ranger that a particular level of force may be ineffective or inappropriate and another level of force would be more effective or appropriate.

    e. Watershed Rangers shall assess the incident in order to determine which option will best de-escalate the incident and bring it under control in a safe manner. Rangers shall recognize that reasonable force is legally defined as that minimum amount of force necessary to accomplish the intended objective.

4. Written Reporting of the Use of Force: Watershed Rangers, in the performance of any defensive action or enforcement duty, shall report in writing the use of the following types of force within the required incident report.

    a. Any physical contact with a watershed visitor/public.

    b. Use of pain compliance or physical control techniques.

    c. Chemical agents: Whenever a chemical agent is drawn or its use is necessary in the control of a subject, its use and all surrounding circumstances shall be noted in the narrative of the incident report.

    d. Whenever impact weapons, including personal weapons, are used or whenever an approved expandable baton is drawn in the ready position or used, all surrounding circumstances shall be noted in the narrative of the incident report.

E. Defensive Tools

The District authorizes Rangers' use of certain defensive tools as protection against violence or threatened violence to Rangers, other employees, or other persons. Only expandable batons and chemical agents approved and issued by the District shall be used.

1. Pepper Spray

Pepper Spray should only be used as a defensive weapon in those instances that threaten the safety of a Watershed Ranger or other persons. Pepper Spray may be used only when lesser physical means are deemed impractical or ineffective and a higher level of force (i.e., use of a chemical agent) is needed to subdue and control a combative person or persons.

Pepper Spray shall not be used against compliant and/or non-combative persons or against persons who are confined, handcuffed, or otherwise immobilized unless the subject attempts to assault other persons. Indiscriminate use of Pepper Spray is strictly prohibited.

Pepper Spray must be directed at the subject's face to ensure contact with the mucus membranes of the eyelids, nose and mouth, the only portions of the body where effective.

a. After use, immediately request a sheriff's deputy or other peace officer to respond. Evaluate need for decontamination and/or medical care, whenever possible.

b. If Pepper Spray is on dry skin, the active ingredients will evaporate within 15 to 30 minutes. The remaining residue can be blown or whisked away.

c. If, due to sweating, etc., the Pepper Spray is absorbed into the skin and begins to bother the suspect, whenever possible, the area can be gently flushed with cool water, or gently washed with mild soap and cool water. Care must be exercised to ensure that the runoff does not spread the Pepper Spray into wounds or mucus membranes.

d. If Pepper Spray enters the suspect's eyes, within 30 minutes, whenever possible, flush or have the subject wash the area with cool water (or saline solution), or keep in fresh air and uncovered. Careful irrigation with water (or saline solution) should allow the Pepper Spray not already in contact with the mucus membrane to be washed away. Caution must be used to

ensure no new Pepper Spray is washed into the eyes. Anyone who has been sprayed in his/her eyes should be taken to a hospital emergency room as soon as practicable for treatment.

e. If a suspect has inhaled Pepper Spray, if practicable, provide them with fresh air.

f. Anyone who has been sprayed and is under the control of either a Ranger or a peace officer shall be taken to a hospital emergency room as soon as practicable for evaluation and treatment.

g. As soon as practicable, a supervisor shall be notified and all details concerning the use of the chemical agent is to be prepared in writing, with a copy sent to the General Manager and General Counsel.

h. Misuse of Pepper Spray may result in disciplinary action up to and including termination.

i. Pepper Spray may be used against dogs and other animals when they threaten the safety of the Watershed Ranger, other persons, or animals.

2. Baton/Impact Weapons

The baton/impact weapon will only be used as a defensive weapon where a higher level of physical force is needed to stop or prevent a physical assault in order to protect the Ranger or other persons. Within the limits of physical confrontations, the Ranger shall always attempt to avoid strikes and blows to the head and central spine area, as well as the neck, throat, and groin.

The baton/impact weapon, unlike chemical agents, can be used in windy conditions, and the infliction of additional pain can be immediately halted. The baton/impact weapon shall not be used against individuals who are known to have their pain reception seriously impaired, unless other means of control or escape are impractical.

a. The baton is used only as a defensive tool.

b. Whenever a baton is drawn, the Watershed Senior Ranger or Ranger Supervisor and Watershed Management shall be notified prior to the Ranger going off duty. Rangers are required to complete an incident report prior to going off duty.

c. The defensive techniques will depend upon the Ranger's certified training methods undertaken/instructed for the specific baton.

d. Misuse of the baton may result in disciplinary action up to and including termination. Examples of misuse could include wild swinging in an incident situation, loan of a baton to a non-certified person or use of batons in an unapproved manner.

e. Batons may be used against dogs and other animals only when they threaten the safety of the Watershed Rangers, other persons or animals.

F. Defensive Tactics and Personal Weapons

Use of these techniques will be limited to that necessary for defensive purposes while providing necessary safety for Rangers and other persons involved.

G. Restraint Devices

Restraint devices (i.e. handcuffs) approved by the District may be used by Rangers who have been trained in their use to safely control the movements of a subject in the following circumstances: when medical care is needed in response to the use of force, if immediate and direct physical assault on the Ranger or the public is likely to continue if the suspect is left unrestrained or when assisting a peace officer under posse comitatus (Penal Code Section 150).

1. Handcuffs are used to restrain a subject when assisting a deputy or other peace officer, for defensive purposes to restrain someone who poses an immediate threat to the Ranger, themselves or the public. Handcuffs should be kept clean and checked for function regularly. Handcuffs, like other tools, shall not be misused.

H. Training

All Watershed Rangers must successfully complete the required training and periodic refresher courses established by the District. See the Training Section of this Manual.

MARIN MUNICIPAL WATER DISTRICT

BOARD POLICY

NO.: 44

DATE: September 6, 2006

SUBJECT: Responses to Grand Jury Reports

Penal Code Section 933 and the Ralph M. Brown Act require that public agencies such as the Marin Municipal Water District respond to reports concerning their operations that are issued by a grand jury. The MMWD Board is required to comment on the findings and recommendations of the grand jury that are relevant to MMWD's operations within 90 days of the issuance of the report.

In preparing the response, the Board shall consider the proposed response to the Grand Jury at a public meeting of the Board. The Board shall consider the draft response during the public calendar portion of the meeting.

MARIN MUNICIPAL WATER DISTRICT

BOARD POLICY

NO.: 45

DATE: 1-17-07

SUBJECT: **RATE REVIEW POLICY**

Introduction

The purpose of this document is to establish a consistent policy for regularly reviewing water rates charged by the District.

Scope

It is intended that this policy cover all rates, fees, and charges for the sale of potable, raw, and reclaimed water sales made by the District in the normal course of business.

General

The Board recognizes the need and benefit of regularly and routinely reviewing the rates, fees and charges for the sale of potable, raw, and reclaimed water made by the District in the normal course of business. This policy is established to set the minimum timeframe between those reviews.

Policy

The Board of Directors of the Marin Municipal Water District shall review the rates, fees, and charges for the sale of potable, raw, and reclaimed water made by the District in the normal course of business with the adoption of each two-year preliminary or proposed operating and/or capital budget. This shall be the minimum review period. Said rates, fees, and charges may also be reviewed at anytime a majority of the Board members deem it necessary for the benefit of the District.

Board Policy No. 46

Last Revised Date: 10-24-23
Revised Policy Date: 06-02-26

RESERVES

Introduction

The purpose of this document is to establish a consistent policy for establishing the minimum and target reserve levels to be maintained by the District.

Scope

It is intended that this policy cover all reserve funds currently or to be established and held by the District. This policy shall not pertain to reserves held for the benefit of the District by others or reserves established as the result of the borrowing money or the issuance of debt by the District.

General

The Board recognizes the need and benefit of maintaining reserves to ensure that sufficient funding is available for operating, capital and debt service needs. Reserve funds will be accumulated and managed in a manner which allows the District to maintain daily operations and planned capital investments during times of economic uncertainty and to utilize reserves to stabilize long term water rates. It is the goal of this policy to establish the purpose for each reserve fund, as well as the minimum amount and target balances to be maintained by each.

Policy

The Board of Directors of the Marin Municipal Water District shall review the level of reserves held in each fund annually and at the time of adopting the two-year operating and capital budget.

The Board authorizes and directs that the following reserve funds be established and further directs that the minimum amount and target balance of each reserve fund shall be calculated as follows:

1) Insurance Reserve Fund: This fund is established to provide funding for the self-insured retention portion of insured loss claims. The fund shall maintain a minimum balance equivalent to the District's total annual self-insured retention. The target balance shall be two times the District's total annual self-insured retention.

2) Workers Compensation Reserve Fund: This fund is established to accumulate reserves sufficient to pay current and future workers compensation claims and operating expenses. The minimum balance shall be set by an actuarial review of the District's net claim liabilities. An actuarial study shall be conducted as required by state law but no less frequently than bi-annually.

3) Capital Reserve Fund: This fund is established to accumulate reserves that may be used for capital construction projects, equipment purchases, and grant matching purposes for capital projects. The fund shall accumulate unspent funds from annual transfers from operating revenues, unspent prior year Capital Maintenance Fee revenues and Connection Fees, funds received from one time "windfall" revenues and revenues from the sale of capital assets. The minimum balance shall be equivalent to 25 percent of the annual Capital Maintenance Fee revenue budget. The target balance shall be equivalent to 50 percent the annual Capital Maintenance Fee revenue budget.

4) Undesignated Operating Reserve Fund: This fund is established to accumulate reserves which may be used for any purpose of the District, including but not limited to unanticipated expenditures, emergency response, grant matching or pilot projects. A minimum balance equivalent to two months of the annual operating budget shall be maintained. The target balance shall be equivalent to three months of the annual operating budget. The target level shall be incorporated in the rate model when setting the District's water rates, fees, and charges.

5) Rate Stabilization Fund: This fund is established to accumulate reserves which may be used to mitigate the impact of revenue shortfalls attributable to reduced water sales, or to transfer gross revenues to be used in the calculation of the District's debt coverage ratio, or for any other lawful purpose of the District. The minimum balance shall be equivalent to ten percent of the District's variable water revenue. The target balance shall be equivalent to twenty percent of the District's variable water revenue. The target level shall be incorporated in the rate model when setting the District's water rates, fees and charges.

6) Water Supply Project Fund: This fund is established to accumulate reserves to support large scale investments and grant matching requirements related to supplemental water supply enhancement and resiliency projects. Beginning FY 2023-24, $2.5 million will be transferred to the Water Supply Project Fund annually. The annual transfer shall be incorporated in the rate model when setting the District's water rates, fees and charges.

7) Pension Stabilization Fund: This fund is established to provide funding for required Unfunded Accrued Liability (UAL) payments resulting from investment market shortfalls and/or actuarial assumption changes. The minimum balance shall be equivalent to thirty-five percent of the District's annual UAL payment. The target balance shall be equivalent to sixty percent of the District's annual UAL payment. The target level shall be incorporated in the rate model when setting the District's water rates, fees and charges.

8) Facility Fund: This fund is established to accumulate reserves to support large-scale investments in worksite facilities. The fund shall accumulate unspent unrestricted appropriations during years that the District's Operating Fund ends the fiscal year with a surplus. The reserves may be used for the purchase, construction or improvement of worksite facilities or buildings that are accessed by the public. The minimum balance shall be equivalent to three percent of the District's annual budget for personnel services. The target balance shall be equivalent to twenty percent of the District's annual personnel services budget.

MARIN MUNICIPAL WATER DISTRICT

BOARD POLICY

NO.: 47

DATE: 5-16-07

SUBJECT: Precautionary Principle

The Precautionary Principle requires a thorough exploration and a careful analysis of a wide range of alternatives. Based on the best available science, the Precautionary Principle requires the selection of the alternative that presents the least potential threat to human health and the environment. Public participation and an open and transparent decision making process are critical to finding and selecting alternatives.

Where threats of serious or irreversible damage to people or nature exist, lack of full scientific certainty about cause and effect shall not be viewed as sufficient reason for the District to postpone cost effective measures to prevent the degradation of the environment or protect the health of its customers. Any gaps in scientific data uncovered by the examination of alternatives will provide a guidepost for future research, but will not prevent protective action being taken by the District. As new scientific data become available, the District will review its decisions and make adjustments when warranted.

Where there are reasonable grounds for concern, the precautionary approach to decision-making is meant to help reduce harm by triggering a process to select the least potential threat. The essential elements of the Precautionary Principle approach to decision-making include:

1. Anticipatory Action: There is a duty to take anticipatory action to prevent harm. Government, business, and community groups, as well as the general public, share this responsibility.

2. Right to Know: The community has a right to know complete and accurate information on potential human health and environmental impacts associated with the selection of products, services, operations or plans. The burden to supply this information lies with the proponent, not with the general public.

3. Alternatives Assessment: An obligation exists to examine a full range of alternatives and select the alternative with the least potential impact on human health and the environment including the alternative of doing nothing.

4. Full Cost Accounting: When evaluating potential alternatives, there is a duty to consider all the reasonably foreseeable costs, including raw materials, manufacturing, transportation, use, cleanup, eventual disposal, and health costs even if such costs are not reflected in the initial price. Short-and long-term benefits and time thresholds should be considered when making decisions.

5. Participatory Decision Process: Decisions applying the Precautionary Principle must be transparent, participatory, and informed by the best available information.

MARIN MUNICIPAL WATER DISTRICT

BOARD POLICY

NO.: 48

DATE: 5/6/09

SUBJECT:

IDENTITY THEFT PREVENTION PROGRAM

I. PROGRAM ADOPTION

The Marin Municipal Water District ("District") developed this Identity Theft Prevention Program ("Program") pursuant to the Federal Trade Commission's Red Flags Rule ("Rule"), which implements Sections 114 and 315 of the Fair and Accurate Credit Transactions Act of 2003. This Program was developed with the oversight and approval of the District Board of Directors and the District's Finance Manager ("Program Administrator"). After consideration of the size and complexity of the District's operations and account systems, and the nature and scope of the District's activities, the Board of Directors' determined that this Program was appropriate for the District, and therefore approved this Program by the adoption of Resolution No. 7902 on the 6 th day of May, 2009.

II. PROGRAM PURPOSE AND DEFINITIONS

A. Fulfilling requirements of the Red Flags Rule

Under the Red Flags Rule, every financial institution and creditor is required to establish an identity theft prevention program tailored to its size, complexity and the nature of its operation. The program must contain reasonable policies and procedures to:

1. Identify relevant Red Flags as defined in the Rule and this Program for new and existing covered accounts and incorporate those Red Flags into the Program;

2. Detect Red Flags that have been incorporated into the Program.

3. Respond appropriately to any Red Flags that are detected to prevent and mitigate identity theft; and

4. Ensure the Program is updated periodically to reflect changes in risks to customers or to the safety and soundness of the District from identity theft.

B. Red Flags Rule definitions used in this Program

For the purposes of this Program, the following definitions apply:

1. Account. "Account" means a continuing relationship established by a person with a creditor to obtain a product or service for personal, family, household or business purposes.

2. Covered Account. A “covered account” means:

    a. Any account the District offers or maintains primarily for personal, family or household purposes, that involves multiple payments or transactions; and
    b. Any other account the District offers or maintains for which there is reasonably foreseeable risk to customers or to the safety and soundness of the District from Identity Theft.

3. Creditor. "Creditor" has the same meaning as defined in Section 702 of the Equal Credit Opportunity Act, 15 U.S.C. 1691a, and includes a person or entity that arranges for the extension, renewal or continuation of credit, including the District.

4. Customer. A "customer" means a person or business entity that has a covered account with the District.

5. Identifying Information. “Identifying information” means any name or number that may be used, alone or in conjunction with any other information, to identify a specific person, including name, address, telephone number, social security number, date of birth, government issued driver’s license or identification number, alien registration number, government passport number, employer or taxpayer identification number, unique electronic identification number, a computer’s Internet Protocol address or routing code.

6. Identity Theft. "Identity Theft" means fraud committed using the identifying information of another person.

7. Red Flag. A “Red Flag” means a pattern, practice, or specific activity that indicates the possible existence of Identity Theft.

8. Service Provider. "Service provider" means a person or business entity that provides a service directly to the District relating to or connection with a covered account.

III. IDENTIFICATION OF RED FLAGS.

In order to identify relevant Red Flags, the District shall review and consider the types of covered accounts that it offers and maintains, the methods it provides to open covered accounts, the methods it provides to access its covered accounts, and its previous experiences with Identity Theft. The District identifies the following Red Flags, in each of the listed categories:

A. Notifications and Warnings From Credit Reporting Agencies

1. Report of fraud accompanying a credit report;
2. A consumer reporting agency provides notice of a credit freeze on a customer or applicant;
3. Notice or report from a credit agency of an active duty alert for an applicant; and
4. Indication from a credit report of activity that is inconsistent with a customer’s usual pattern or activity.

B. Suspicious Documents

1. Identification document or card that appears to be forged, altered or inauthentic;
2. The photograph or physical description on the presented identification is not consistent with the person presenting the document;
3. Other document with information that is not consistent with existing customer information (such as a person's signature on a check appears forged); and
4. Application for service that appears to have been altered or forged or gives the appearance of having been destroyed and reassembled.

C. Suspicious Personal Identifying Information

1. Identifying information presented that is inconsistent with other information the customer provides (such as inconsistent birth dates);
2. Identifying information presented that is inconsistent with other sources of information (for instance, an address not matching an address on a driver's license);
3. Identifying information presented that is the same as information shown on other applications that were found to be fraudulent;
4. Personal identifying information is of a type associated with fraudulent activity. For example:
    a. The address on an application is fictitious, a mail drop or a prison;
    b. Telephone number is invalid or is associated with a pager or answering service;
5. Social security number presented that is the same as one given by another customer;
6. An address or phone number presented that is the same as that of another person;
7. Failing to provide complete personal identifying information on an application when reminded to do so (however, by law social security numbers must not be required); and
8. Identifying information which is not consistent with the information that is on file for the customer.

C. Suspicious Account Activity or Unusual Use of Account

The following shall be considered Red Flags in the case of already existing accounts:

1. Change of address for an account followed by a request to change the account holder's name;
2. Payments stop on an otherwise consistently up-to-date account;
3. Account used in a way that is not consistent with prior use (such as very high activity);
4. Mail sent to the account holder is repeatedly returned as undeliverable although transactions continue to be conducted in connection with the customer's covered account;
5. Notice to the District that a customer is not receiving mail sent by the District;
6. Notice to the District that an account has unauthorized activity;
7. Breach in the District's computer system security; and
8. Unauthorized access to or use of customer account information.

E. Alerts from Others

1. Notice to the District from a customer, a victim of identity theft, a law enforcement authority or other person that it has opened or is maintaining a fraudulent account for a person engaged in Identity Theft.

IV. DETECTING RED FLAGS.

A. New Accounts

In order to detect any of the Red Flags identified above associated with the opening of a new account, District personnel will take the following steps to obtain and verify the identity of the person opening the account:

Detect Red Flags

1. Require certain identifying information such as name, service address, residential or business address, or principal place of business for an entity;
2. Verify the customer's identity (for instance, review a driver's license or other identification card);
3. Review documentation showing the existence of a business entity; and
4. Independently contact the customer.

B. Existing Accounts

In order to detect any of the Red Flags identified above for an existing account, District Personnel shall take the following steps to monitor transactions with an account:

Detect Red Flags

1. If a customer requests information about their account either in person, or by telephone, facsimile, or email, verify the identification of the customer;
2. Verify the validity of requests to change billing addresses; and
3. Verify changes in banking information given for billing and payment purposes.

V. PREVENTING AND MITIGATING IDENTITY THEFT

In the event District personnel detect any identified Red Flags, such personnel shall take one or more of the following steps, depending on the degree of risk posed by the Red Flag:

Preventing and Mitigating Identity Theft

1. Continue to monitor a covered account for evidence of Identity Theft;
2. Contact the customer;
3. Change any passwords or other security codes and devices that permit access to a covered account;
4. Not open a new covered account;
5. Close an existing covered account;
6. Reopen a covered account with a new number;

7. Not attempt to collect payment on a covered account;
8. Notify the Program Administrator for determination of the appropriate step(s) to take;
9. Notify law enforcement; or
10. Determine that no response is warranted under the particular circumstances.

Protect Customer Identifying Information

In order to further prevent the likelihood of Identity Theft occurring with respect to District accounts, the District shall take the following steps with respect to its internal operating procedures to protect customer identifying information:

1. Secure the District website or provide clear notice that the website is not secure;
2. Undertake complete and secure destruction of paper documents and computer files containing customer information;
3. Ensure office computers are password protected and that computer screens lock after a set period of time;
4. Maintain paper based customer identifying information in locked file cabinets;
5. Keep offices clear of papers containing customer identifying information;
6. Request only the last 4 digits of social security numbers (if any);
7. Maintain computer virus protection up to date; and
8. Require and keep only the kinds of customer information that are necessary for District purposes.

VI. PROGRAM UPDATES

The Program will be periodically reviewed and updated to reflect changes in risks to customers and to the safety and soundness of the District from Identity Theft. The Program Administrator shall at least annually consider the District's experiences with Identity Theft, changes in Identity Theft methods, changes in Identity Theft detection and prevention methods, changes in types of accounts the District maintains and changes in the District's business arrangements with other entities and service providers. After considering these factors, the Program Administrator shall determine whether changes to the Program, including the listing of Red Flags, are warranted. If warranted, the Program Administrator shall present the Program Administrator's recommended changes to the District's Board of Directors for review and approval.

VII. PROGRAM ADMINISTRATION.

A. Oversight

The Program Administrator shall be responsible for developing, implementing and updating the Program along with District financial/office staff appointed by the Program Administrator.

The Program Administrator shall be responsible for the Program administration, for appropriate training of District staff on the Program, for reviewing any staff reports regarding the detection of Red Flags and the steps for preventing and mitigating Identity Theft, determining which steps of prevention and mitigation should be taken in particular circumstances and considering periodic changes to the Program.

B. Staff Training and Reports

District staff responsible for implementing the Program shall be trained either by or under the direction of the Program Administrator in the detection of Red Flags, and the responsive steps to be taken when a Red Flag is detected. District staff appointed to the Program is required to provide reports to the Program Administrator on incidents of Identity Theft, the District's compliance with the Program and the effectiveness of the Program.

C. Service Provider Arrangements

In the event the District engages a service provider to perform an activity in connection with one or more covered accounts, the District shall take the following steps to require that the service provider performs its activity in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of Identity Theft.

1. Require, by contract, that service providers acknowledge receipt and review of the Program and agree to perform its activities with respect to District covered accounts in compliance with the terms and conditions of the Program and with all instructions and directives issued by the Program Administrator relative to the Program; or

2. Require, by contract, that service providers acknowledge receipt and review of the Program and agree to perform its activities with respect to District covered accounts in compliance with the terms and conditions of the service provider's identity theft prevention program and will take appropriate action to prevent and mitigate identity theft; and that the service providers agree to report promptly to the District in writing if the service provider in connection with a District covered account detects an incident of actual or attempted identity theft or is unable to resolve one or more Red Flags that the service provider detects in connection with a covered account.

D. Customer Identifying Information and Public Disclosure

The identifying information of District customers with covered accounts shall be kept confidential and shall be exempt from public disclosure to the maximum extent authorized by law, including RCW 42.56.230(4). The District’s Board of Directors also finds and determines that public disclosure of the District's specific practices to identity, detect, prevent and mitigate identify theft may compromise the effectiveness of such practices and hereby directs that, under the Program, knowledge of such specific practices shall be limited to the Program Administrator and those District employees and service providers who need to be aware of such practices for the purpose of preventing Identity Theft.

MARIN MUNICIPAL WATER DISTRICT

BOARD POLICY

NO.: 49

DATE: **MAY 3, 2012**

SUBJECT: **Multi-Benefits/Integrated Water Management Projects Policy**

POLICY STATEMENT

It is the policy of the Marin Municipal Water District to achieve multiple benefits in the planning and implementation of its water management projects, where appropriate, and to coordinate these projects with other agencies, to realize the maximum number of benefits from a project. It is the intent of this policy to encourage collaboration within and among MMWD and other agencies to conduct integrated water management planning and achieve multiple benefits on water management projects that provide appropriate opportunities. These may be water supply, stormwater management, flood control, public access, recreation, watershed resource management, and/or waste water management projects, where more than one benefit may be achieved.

BACKGROUND

The Marin Municipal Water District is a member agency of the North Bay Watershed Association (NBWA). The NBWA is a collaboration of City, County and public utility agencies and non-governmental organizations in Marin, Sonoma, and Napa Counties. All of the NBWA member agencies develop and implement projects to fulfill their respective duties.

Population growth, environmental constraints, climate change, integrated land use planning, funding mechanisms, and other forces are driving a fundamental change in water management. State and Federal agencies are tying substantial water management funding to the development of Integrated Regional Water Management Plans (IRWMPs), such as State bond propositions 50 & 84 and other sources. These programs emphasize and give priority to integrated, multi-benefit projects and strategies. The NBWA member agencies encourage informal collaboration for future integrated, multi-benefit projects.

DESCRIPTION OF MULTI-BENEFIT/INTEGRATED PROJECTS

An integrated or multi-benefit project is one that is planned, designed, implemented, and maintained with the intended purpose of providing two or more benefits or of meeting two or more objectives. There is no limit on the number of combined benefits that a project can have, but it must have at least two intended benefits to be considered an integrated or multi-benefit project. The benefits from the project must also be intended and purposely planned into the project goals and objectives; they should not

simply be mitigations for impacts from a single-purpose project. However, at the same time, incorporating project elements that add benefits can effectively minimize the potential impacts from other project elements.

GOALS AND OBJECTIVES OF THE POLICY

One of the goals of this policy is for water management projects within the MMWD sphere of influence and NBWA region to be eligible and competitive for State and Federal grant programs that fund integrated, multi-benefit projects. These programs prioritize integrated multiple benefit projects that:

- protect communities from drought; improve water supply reliability and security;
- support water conservation and water use efficiency;
- protect and improve water quality;
- improve storm water capture, storage, and treatment;
- remove invasive plant species;
- create and enhance wetland habitats;
- acquire and protect open space and watershed lands;
- improve recreation and access to public lands;
- reduce and control non-point source pollution;
- implement groundwater recharge, desalinization, reclamation, and other supply, treatment, and conveyance technologies;
- encourage water banking and water exchange;
- provide multipurpose flood control that protects property and protects or improves wildlife habitat;
- restore and protect fisheries and ecosystem functions;
- include watershed management planning and implementation; and
- develop new drinking water treatment and distribution methods.

The legislation and guidelines for these State and Federal grant programs stipulate that projects must be planned and implemented through an integrated approach in order to be eligible for funding. By coordinating projects with other agencies, multiple partnerships can be built around a project and conflicts with other projects and benefits can be avoided. This can reduce costs for the agency and may help minimize environmental impacts. Multi-benefit projects can achieve long-term goals in a single project, rather than over a series of projects. They can effectively resolve significant water-related conflicts within a region. It is most often in the public interest to develop integrated, multi-benefit projects.

IMPLEMENTING THE POLICY

The approach to implementing multi-benefit/integrated projects will be incorporated into all phases of a project, beginning with project conception and carried through the planning, permitting, design, construction, and monitoring phases.

It is recognized that some projects, particularly maintenance of existing facilities, may not readily lend themselves to being able to have multiple benefits. However, this is not to exclude those projects from being considered to be multi-benefit projects. Multiple benefits should be considered and pursued in all appropriate instances, where more than one benefit might feasibly be achieved.

It is also recognized that providing multiple objectives can add complexity and, in some instances, significantly increase the cost of a project. However, the cost-benefit analysis may still be acceptable when considering benefits of a project over a long time period. Therefore, cost-benefit analysis for a multi-benefit project will take a broad view of benefits over time and will consider the time period appropriate to all benefits that could be achieved. Also, the cost-benefit analysis will consider the costs that would be incurred by comparing the multi-benefit project with sum of the costs of several single-benefit projects that might be achieved individually. All possible benefits will be quantified in any cost-benefit analysis of a project.

Coordination and communication about multiple benefits, amongst staff and between agencies, is necessary through all phases of the project. When a project is first developed, agencies will investigate where partnerships can help achieve a multi-benefit project. In some cases, informal collaboration may be sufficient for an integrated, multi-benefit project to be developed. In other cases, a more formal agreement between agencies may be necessary.

Project planning will begin with a project team meeting to brainstorm and discuss potential multi-benefits of the project and to determine the feasible benefits to be included in the plan. The project team will consist of engineers, planners, and biologists/natural resource managers, or some comparable multidisciplinary group of personnel within the agency. The team meeting will include a discussion of the scope and timeline of a project and the time period in which benefits from a project can be realized to help evaluate costs and benefits.

Staff training will be encouraged to foster communication and build expertise in the multi-benefit project approach. The training can focus on the approaches for determining, describing, prioritizing, and implementing projects that include multiple benefits. The training will help to solidify an institutional process for developing and implementing multi-benefit projects.

MARIN MUNICIPAL WATER DISTRICT

BOARD POLICY

NO.: 50

DATE: MARCH 5, 2013

SUBJECT: BOARD ETHICS POLICY

IT IS THE POLICY OF THE MARIN MUNICIPAL WATER DISTRICT BOARD OF DIRECTORS TO:

Promote ethical behavior in the conduct of District business.

Purpose and Scope

The proper operation of the District requires that Board Members remain objective and responsive to the needs of the public they serve, make decisions within the proper channels of governmental structure, and not use public office for personal gain. To further these objectives, certain ethical principles govern the conduct of each member of the Marin Municipal Water District Board of Directors.

This policy promotes awareness of ethics, integrity and fidelity as critical elements in Board Members' conduct and in achievement of the District's mission. It references relevant policies, practices, and procedures that provide the legal framework and operational guidelines for addressing ethical issues.

Responsibilities of Public Office

District Board Members are dedicated to the concepts of effective and democratic governance by responsible elected officials. They:

- Uphold the Constitution of the United States and the Constitution of the State of California, and carry out the laws of the nation, the state and local governmental agencies;
- Comply with applicable laws regulating their conduct, including open government, conflict of interest, and financial disclosure laws;
- Fulfill all applicable training requirements, including attending two (2) hours of ethics (AB 1234) training every two (2) years; and,
- Work in full cooperation with other public officials, unless they are legally prohibited from doing so.

[Government Code Sections 1360 and 53235; Article 20, Section 3 of the California Constitution.]

Fair and Open Processes Involving the Public

District Board Members promote fair and open public processes. Board Members, and persons elected but who have not yet assumed office as Members of the Board, will fully comply with California's open meeting law for public agencies (the Brown Act).

[Government Code Sections 54950 et seq.; 54952.1 and 54959.]

Fair and Equal Treatment

District Board Members promote diversity and equality in personnel matters and in contracting, consistent with state and federal laws.

- Board Members, in performance of their official duties and responsibilities, will not discriminate against or harass any person on the basis of race, religion, color, creed, age, marital status, national origin, ancestry, gender, sexual orientation, medical condition or disability.

- Board Members will not grant any special consideration, treatment, or advantage to any person or group beyond that available to every other person or group in similar circumstances.

- Board Members will cooperate in achieving the equal opportunity objectives of the District.

[See, e.g., Article 1, Section 31 of the California Constitution; Age Discrimination in Employment Act of 1967; Americans with Disabilities Act of 1990; Fair Employment and Housing Act; Rehabilitation Act of 1973; Title VII of the Civil Rights Act of 1964; Labor Code Section 1102. See also the District's Administrative Policy No. 41 – Equal Employment Opportunity (EEO); Administrative Policy No. 29 – Anti Harassment and Discrimination Policy.]

Proper Use and Safeguarding of District Property and Resources

District Board Members exercise responsible financial management in the conduct of District business.

- Board Members will safeguard District property, equipment, moneys, and assets against unauthorized use or removal, as well as from loss due to criminal act or breach of trust.

- A Board Member will not ask or require a District employee to perform services for the personal benefit or profit of a Board Member or employee.

- Each Board Member will protect and properly use any District asset within his or her control, including information recorded on paper or in electronic form.

- Board Members will maintain written records, including expense accounts, in sufficient detail to reflect accurately and completely all transactions and expenditures made on the District's behalf.

[Article 16, Section 6 of the California Constitution; Penal Code Section 424. See also Board Policy No. 13 – Retention of Ownership of District Watershed Lands and Board Policy No. 41 – Travel Authorization and Reimbursement of Travel Expenses for Elected Officials.]

Use of Confidential Information

Board Members will safeguard confidential information.

Board Members will not disclose information that legally qualifies as confidential to unauthorized persons without approval of the Board of Directors. This includes information that (1) has been received for, or during, a closed session Board meeting, (2) is protected from disclosure under the attorney/client or other evidentiary privilege, or (3) is not disclosable under the California Public Records Act.

A Board Member may make a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of law, including disclosing facts to a district attorney or grand jury necessary to establish the alleged illegality of a District action. Prior to disclosing confidential information, however, a Board Member will first bring the matter to the attention of either the President of the Board or the full Board, in a lawful and appropriate manner, to provide an opportunity to cure an alleged violation.

[Government Code Section 54963; Government Code Section 1098.]

Conflict of Interest

Board Members avoid both actual conflicts of interest and the appearance of conflicts of interest with the District.

- A Board Member will not have a financial interest in a contract with the District, or be purchaser at a sale by the District or a vendor at a purchase made by the District, unless his or her participation is legally authorized.

- A Board Member will not participate in the discussion, deliberation or vote on a matter before the Board, or in any way attempt to use his or her official position to influence a decision of the Board, if he or she has a prohibited interest with respect to the matter under California law.

- A Board Member will not accept any honoraria.

- A Board Member will not accept gifts that exceed the limitations specified in California law. Board Members will report all gifts, campaign contributions, income and financial information as required under the District's Conflict of Interest Code and the provisions of the Fair Political Practices Act and Regulations.

- A Board Member will not recommend the employment of a relative to the District or to any person known by the Board Member to be bidding for or negotiating a contract with the District.

[Government Code Sections 87100 et seq.; Government Code Sections 1090 et seq.; 81000 et seq.; 87105 and 89502 and Penal Code Sections 68 and 70.]

Soliciting Political Contributions

Board Members will not solicit political funds or contributions of in-kind services at District facilities.

- A Board Member will not solicit or direct a political contribution or in-kind services from District officers, employees, consultants or contractors, or from vendors or consultants that have a material financial interest in a contract or other matter while that matter is pending before the District.

- A Board Member will not use the District's seal, trademark, stationary, or other indicia of the District's identity or facsimile thereof in any solicitation for political contributions.

[Government Code Section 3205.]

Incompatible Offices

Except as expressly permitted by law, Board Members appointed or elected to another public office, the duties of which may legally require action contradictory or inconsistent with the interests of the first entity, will resign from the former Board.

(See, Government Code Section 1099, generally, 73 Cal.Op. Atty.Gen. 357 (1990). See also Government Code Section 53227, under which a special district employee may not be sworn into office as an elected or appointed Member of the same special district unless he or she resigns as an employee.)

Board Member-General Manager Relationship

The Board sets District policy and the General Manager is responsible for execution of policy.

- The Board provides policy direction and instructions to the General Manager on matters within the authority of the Board by majority vote of the Board during duly convened Board and Board committee meetings.

- Members of the Board deal with matters within the authority of the General Manager through the General Manager, except as it pertains to the functions of the General Counsel.

Exercise Responsible Financial Management

The Board ensures the District exercises responsible financial management.

- The Board ensures that the District maintains a system of auditing and accounting that completely and at all times shows the financial condition of the District in accordance with generally accepted accounting principles and legal requirements.

- The Board retains an independent auditor who conducts an annual audit of the District's books, records and financial affairs. The District's Finance Manager and auditor will meet with the Board at the conclusion of the audit each year to review the audit results and recommendations.

Improper Activities and the Reporting of Such Activities; Protection of Whistleblowers

The Board ensures that the District maintains a healthy work environment.

- The General Manager has primary responsibility for ensuring compliance with the District's personnel/administrative policies and procedures, and ensuring that District employees do not engage in improper activities, for investigating allegations of improper activities, and for taking appropriate corrective and disciplinary actions. The Board ensures that the General Manager is operating the District according to law and the policies approved by the Board.

- Board Members will disclose to the General Manager, to the extent not expressly prohibited by law, improper activities within their knowledge. Board Members will not interfere with the General Manager's responsibilities in identifying, investigating and correcting improper activities, unless the Board determines the General Manager is not properly carrying out these responsibilities.

- A Board Member will not directly or indirectly use or attempt to use the authority or influence of his or her position to intimidate, threaten, coerce, command or influence any other person for the purpose of preventing such person from acting in good faith to bring to the attention of the General Manager or the Board any information that, if true, would constitute: a work-related violation by a Board Member or District employee of any law or regulation, gross waste of District funds, gross abuse of authority, a specified and substantial danger to public health or safety due to an act or omission of a District official or employee, use of a District office or position or of District resources for personal gain, or a conflict of interest of a District Board Member or District employee.

[Labor Code Section 1102.5 et seq.; Government Code Sections 53298 and 53298.5.]

Directors' Compensation and Expense Reimbursement

The District Board Members receive a per diem amount as compensation for each day's attendance at meetings of the Board or for each day's service rendered as a member of the Board by request of the Board. That per diem amount is set by ordinance of the Board. No director may receive compensation for more than 10 days in any calendar month. The District reimburses Board Members for reasonable Board authorized expenses actually incurred in the performance of his or her duties.

[District Code Sections 2.10.060 & 2.10.070; Board Policy Nos. 41 & 42 and Government Code 53232.2.]

Candidate's Statement

A Board Member will not include false or misleading information in a candidate's statement for a general District election filed pursuant to Section 13307 of the Elections Code.

[*Elections Code Section 13313.]*

Violation of Ethics Policy

A perceived violation of the District's ethics policy by a Board Member should be referred to the Board President for investigation and consideration of any appropriate action warranted. In the case of a perceived violation by the Board President, the matter should be referred to the Board Vice President. A violation of this policy may be addressed by remedies available by law, including but not limited to:

- Adopting a resolution expressing disapproval of the conduct of the Board Member who has violated this policy,
- Injunctive relief, or
- Referral of the violation to the District Attorney and/or the Grand Jury.

MARIN MUNICIPAL WATER DISTRICT

BOARD POLICY NO. 51

SUBJECT: DEBT MANAGEMENT POLICY

I. INTRODUCTION

The Marin Municipal Water District (District) Debt Management Policy sets forth debt management objectives for the District, establishes overall parameters for issuing and administering the debt portfolio, and provides policy guidelines to decision makers.

Implementation of the Debt Management Policy will help to ensure that the District maintains a sound debt position and protects its credit quality, as well as maintains compliance with California Government Code Section 8855 (i). The latter which requires any issuer of public debt to certify with the California Debt and Investment Advisory Commission (CDIC) that the issuer has adopted local debt policies concerning the use of debt and any proposed debt issuance is consistent with those policies. In addition, the District will file certain annual reports with CDIAC by January 31 of each year (first report due by January 31, 2018).

II. SCOPE

The Debt Management Policy governs debt issuance and administration activities of the District as defined in this policy.

III. POLICY STATEMENT

A. Financing Methodology

The District issues debt to raise funds for capital improvements.

1. Long Term Borrowing

Long term borrowing may be used to finance the acquisition or improvement of land, facilities or equipment when it is appropriate to spread the financing over more than one year. Long-term borrowing may also be used to fund capitalized interest, costs of issuance, required reserves, and any other financing related costs which may be legally capitalized. Long-term borrowing shall not be used to fund operating costs.

2. Short Term Borrowing

Short term borrowing having a maturity of one year or less, may be issued for any purpose for which long-term debt may be issued, including capitalized interest and other financing related costs. It may be used to fund operating costs when issued and retired in the same fiscal year.

3. Debt Capacity

The District will keep outstanding debt within the practical limits of the District's debt rating, debt service coverage ratio constraints and any other applicable law. The District's policy is to limit

total debt outstanding to four times total annual operating expenses. This will limit the magnitude of fixed expenses attributable to debt.

4. Debt Service Coverage

The District shall maintain strict compliance with covenants regarding coverage of annual debt service by net revenues embodied in the terms of debt instruments. In addition, the District intends to maintain an average debt service coverage ratio of 150%. This will support strong bond credit ratings and provide annual revenues to fund capital improvements.

5. Intergenerational Concerns

The District will review debt issuance in light of the balance between funding capital improvements from current revenue and from long-term debt and the impact each debt financing has relative to intergenerational benefits.

6. Credit Quality

The District seeks to obtain and maintain the highest possible credit ratings for all categories of short and long-term debt. Except for certain instruments, the District will not incur obligations that do not carry investment grade ratings (i.e. credit ratings below Baa3/BBB-/BBB- from Moody's Investors Service, S&P Global and Fitch Ratings, respectively). However, certain instruments, such as state loans or private placements, may not be rated.

Traditionally, the District has benefited from lower interest costs due to strong ratings and shall take any necessary steps to maintain favorable ratings, with a goal of at least AA+.

Ratings may be obtained from Moody's, S&P, Fitch, or other nationally recognized rating agencies. The District will always have at least one rating and when beneficial will request additional ratings for long term obligations that are publicly sold, whereas private placements may not require ratings.

4. Method of Sale

The Board of Directors or its designee shall be responsible for determining the appropriate way to offer any securities to investors and the most effective method of sale will be decided on a case by case basis.

5. Maturity

The District shall issue debt with an average life less than or equal to the average life of the assets being financed. The final maturity of the debt should be no longer than 40 years. Factors to be considered when determining the final maturity of debt include: the average life of the assets being financed, relative level of interest rates and the year-to-year differential in interest rates.

6. Maturity Structure

The District's long-term debt may include serial and term bonds. Serial bonds have sequential maturity dates scheduled at regular intervals. Term bonds have a long-term maturity date and

single coupon and are redeemed in specified increments at set time intervals. Other maturity structures may also be considered which can be demonstrated to be consistent with the objectives of the District's Debt Management Policy.

7. Credit Enhancement

The District shall procure credit enhancement for a sale of bonds if the General Manager, in consultation with the Municipal Advisor, determines that it is cost effective to do so. Credit enhancement may be bond insurance or bank letters of credit.

8. Senior/Subordinate Lien

The District may utilize a senior/subordinate lien structure. The choice of lien will be determined based on such factors as overall cost of debt, impact on debt service, impact on water rates, marketing considerations and previous issuance bond documents. Senior debt has priority over subordinate debt. Subordinated debt is payable each year only after other debts with a higher claim have been satisfied.

9. Redemption Features & Refunding Policy

To preserve flexibility and refinancing opportunities, the District debt will generally be issued with call provisions which enable the District to retire the debt earlier or enable the refunding of the debt prior to maturity. The District may consider calls that are shorter than traditionally offered in the market and/or non-call debt when warranted by market conditions and opportunities. For each transaction, the District will evaluate the efficiency of call provisions alternatives.

10. Coupon Structure

Debt may include par, discount, premium and capital appreciation bonds. Discount, premium, and capital appreciation bonds must be demonstrated to be advantageous relative to par bond structures. Debt issued at par means it is sold at its face value. Debt issued at discount means that the selling price is less than face value, or at a discount. Debt issued at a premium means it is sold at an amount higher than the face value. Capital appreciation bonds increase in value over the life of the bond.

C. Communication and Disclosure

1. Rating Agencies

The District shall maintain its strong ratings through prudent fiscal management and consistent communications with the rating analysts. The General Manager shall manage relationships with the rating analysts assigned to the District's credit, using both informal and formal methods to disseminate information. Communication with the rating agencies shall include:

- Full disclosure, on an annual basis, of the financial condition of the District;
- A formal presentation when requested by the rating agencies, covering economic, financial, operational and other issues that impact the District's credit;
- Timely disclosure of major financial events that impact the District's credit;

- Timely dissemination of the Comprehensive Annual Financial Report, following its acceptance by the District's Board of Directors; and
- Full and timely distribution of any documents pertaining to the sale of bonds.

2. Bond Insurers

The General Manager shall manage relationships with the analyst at the bond insurers assigned to the District's credit, if any.

3. Disclosure Procedures

The District shall comply with SEC regulations on disclosure, which require municipal debt issuers to provide specified financial and operating information at the time of new bond issuance (Official Statement) and during the life of the bonds (Continuing Disclosure Annual Report).

4. Trustee

The General Manager shall procure the services of a Trustee for the creation and maintenance of District debt related funds dictated by bond documents. Such accounts include, but are not limited to:

- Project,
- Escrow,
- Rebate,
- Debt Service,
- Cost of Issuance, and
- Reserve.

D Debt Administration

1. Investment of Bond Proceeds

Investment of bond proceeds shall be consistent with federal tax requirements and with requirements contained in the governing bond documents.

2. Record Retention and Disbursement of Bond Proceeds

The IRS guideline for record retention is life of bonds plus 3 years. For refundings, the refunded bonds retention schedule is reset to match the refunding bonds retention schedule of life of refunding bonds plus 3 years. The District's record retention policy is cancellation, redemption or maturity of the bonds plus 10 years.

<u>Frequency of Reimbursement/Claims preparation</u>
The preparation of reimbursement claims must be coordinated through the District's Administrative Service Division Manager/Treasurer to the appropriate level of funding from bond proceeds versus District operating reserves. The review of reimbursement requirements may be

performed on a quarterly basis to assess the appropriate amount and timing of reimbursement claims.

Reimbursement Period

In general, the reimbursement allocation is made not later than 18 months after the later of:

a. The date the original expenditure is paid; or
b. The date the project is placed in service or abandoned, but in no event more than 3 years after the original expenditure is paid.

3. Arbitrage Compliance

The Administrative Services Division shall obtain a qualified firm to perform Arbitrage Rebate Calculations for all District bond issuances and prepare reports and necessary filing documents as necessary. Ninety percent (90%) of the Cumulative Rebate Liability (reduced by any applicable computation date credits) is required to be rebated to the United States Internal Revenue Service (IRS) no later than 60 days after the end of each fifth Bond/COP Year. Additionally, should the Bonds/COPs be retired on or prior to final maturity, 100% of the Cumulative Rebate Liability (reduced by any applicable computation date credits) as of such retirement date will become due and payable within 60 days.

4. Debt Service

The District shall fully budget all debt service obligations of the District annually. Utilizing the services of the Trustee, the District will make all debt service payments per the bond document schedule and shall not in any circumstance make the payment late.

5. Debt Administration

To ensure debt proceeds are used as intended, the District shall implement internal control procedures that include at least the following:

1) All reimbursement claims for bond funded capital projects shall be reviewed by the Administrative Services Division prior to submission to the Trustee.
2) District accounting staff shall prepare periodic reports on the use of debt proceeds for management and Board review and external reporting as required by State law.

MARIN MUNICIPAL WATER DISTRICT

BOARD POLICY

No.: 52

Date: June 27, 2019

SUBJECT: CAPITAL MAINTENANCE FEE PAYMENT PLAN FOR LOCAL GOVERNMENTAL AGENCIES

The Board of Directors, recognizing that local public agencies often have multi-year budgeting processes, is establishing a Payment Plan Program during the initial implementation phase of the Capital Maintenance Fee (CMF). The initial implementation phase of the CMF shall be from July 1, 2019 through June 30, 2021, and during that period local public agencies may request a deferral of the CMF. The General Manager shall have the authority to extend CMF deferrals up to an additional two years if the agency can demonstrate they are working on efforts to downsize their meter sizing or similar efforts that may reduce the CMF fee.

Between July 1, 2019 and June 30, 2021, requests by local governmental agencies for CMF deferrals or payment plans may be approved by the General Manager, or his/her designee, providing the following conditions are met:

1. Local public agencies request to defer payments for CMF charges, for Fiscal Years 2020 and 2021 only. Requests will be made in writing and stipulate the requested length of deferral and length of time for repayment.
2. Payments plans shall not exceed five years. An applicant may elect to make payments over a shorter time period.
3. The agency requesting a deferral shall execute a payment plan agreement with the District and commit to a repayment schedule.
4. At the end of the deferral period, an agency will then pay the total deferred amount, with interest, according to the amortization schedule established in writing in the payment plan agreement.
5. Interest will accrue and will be charged from the time the deferred payments are owed until the time all deferred amounts are paid.
6. Interest will be charged on the unpaid balance at a rate that is 1% above that which the District receives on its Local Agency Investment Fund (LAIF).
7. If payments are late by more than 10 working days the District may cancel the payment plan and bill the agency for all amounts owed on the agency's next bi-monthly bill.