

## NOTICE OF OPERATIONS COMMITTEE MEETING/ SPECIAL MEETING OF THE BOARD OF DIRECTORS (OPERATIONS)

(Per paragraph 3 on page 10 under subsection *Committee Meetings* of the Board Handbook: The Board, as a practice, generally does not take final action on items during committee 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.)

**MEETING DATE:** May 19, 2023

**TIME:** 9:30 a.m.

**LOCATIONS:** This meeting will be held in-person and virtually.  
(Chair Larry Russell will be participating virtually at another location.)

| Open Session  | Outside Location for Director   |
|---|---|
| Marin Water Board Room<br>220 Nellen Avenue<br>Corte Madera, CA 94925                                 | Venetian Hotel<br>3355 Las Vegas Blvd.<br>Room #31-100<br>Las Vegas, NV 89109 |
| <b>Virtually</b>  |   |
| <b>URL:</b> <a href="https://us06web.zoom.us/j/86822995553">https://us06web.zoom.us/j/86822995553</a> |   |
| <b>Webinar ID:</b> 868 2299 5553 <b>Phone Call:</b> 1-669-444-9171                                    |   |

**EMAILED PUBLIC COMMENTS:** You may submit your comments in advance of the meeting by emailing them to [BoardComment@MarinWater.org](mailto:BoardComment@MarinWater.org). All emailed comments received by 7:30 a.m. on the day of the meeting will be provided to the Board of Directors prior to the meeting. All emails will be posted on our website. **(Please do not include personal information in your comment that you do not want published on our website such as phone numbers and home addresses.)**

### **PARTICIPATION DURING MEETINGS:**

**In-person Attendee:** Fill out a speaker card prior to the meeting and place it in the container for a District staffer to collect. List the number of the agenda item(s), for which you would like to provide a comment.

The board secretary will call first the in-person attendees. Once your name or identifiable mark is called, go to the lectern, and you have up to three (3) minutes to provide a comment. After your comment or after the timer goes off, please go back to your seat.

**Virtual Attendee:** Click on the “raise hand” button on the bottom of the Zoom screen. If you are joining by phone and would like to comment, press \*9 and staff will call on you by the last four digits of your phone number. Virtual attendees will be called upon after the in-person attendees.

*(Note: The board president may shorten the amount of time for public comment due to large numbers of both in-person and virtual attendees.)*

| AGENDA ITEMS   | RECOMMENDATIONS                            |
|--|--|
| <b>Call to Order and Roll Call*</b>  |  |
| <b>Adoption of Agenda</b>  | <i>Approve</i>                             |
| <b>Public Comment - Items Not on the Agenda</b><br><br>Members of the public may comment on any items not listed on the agenda during this time. Comments will be limited to three (3) minutes per speaker, and time limits may be reduced by the board president to accommodate the number of speakers and ensure that the meeting is conducted in an efficient manner. |  |
| <b>Calendar (9:40 a.m. – Time Approximate)</b>   |  |
| 1. Minutes of the Operations Committee Meeting/Special Meeting of the Board of Directors (Operations) of April 21, 2023 <i>(Approximate Time 1 Minute)</i>   | <i>Approve</i>                             |
| 2. Potter Valley Project Update <i>(Approximate Time 20 Minutes)</i>   | <i>Information</i>                         |
| 3. Letter of Support for Sonoma Water’s U.S. Bureau of Reclamation Aquatic Ecosystem Restoration Grant Application for the Potter Valley Project Cape Horn Dam Fish Passage Design <i>(Approximate Time 15 Minutes)</i>  | <i>Approve</i>                             |
| 4. Amendment No. 4 to Miscellaneous Agreement No. 5789 for On-Call Environmental Services Contract with ESA <i>(Approximate Time 15 Minutes)</i>   | <i>Review and Refer for Board Approval</i> |
| 5. A Limited Purpose Facility Resolution for the Relocated and Extended Hill Avenue Water Main in Woodacre <i>(Approximate Time 15 Minutes)</i>  | <i>Review and Refer for Board Approval</i> |

**\*MARIN WATER BOARD OF DIRECTORS ORDER OF ROLL CALL:** RANJIV KHUSH, MATT SAMSON, JED SMITH, MONTY SCHMITT, AND LARRY RUSSELL

| <b>AGENDA ITEMS</b>  | <b>RECOMMENDATIONS</b>                     |
|--|--|
| 6. Amendment No. 1 to Miscellaneous Agreement No. 6106 with Cinquini & Passarino, Inc. for On-Call Land Surveying Services (Approximate Time 10 Minutes) | <i>Review and Refer for Board Approval</i> |
| 7. Memorandum of Understanding with the City of Petaluma (Approximate Time 10 Minutes)   | <i>Review and Refer for Board Approval</i> |
| <b>Adjournment (11:06 a.m. – Time Approximate)</b>   |  |

#### **ADA NOTICE AND HEARING IMPAIRED PROVISIONS:**

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

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

#### **FUTURE BOARD & COMMITTEE MEETINGS**

| <b>Dates</b>                        | <b>Meetings</b>  |
|-------------------------------------|--|
| Tuesday, May 23, 2023<br>5 p.m.     | <ul style="list-style-type: none"> <li>Special Meeting of the Board of Directors (Closed Session)</li> </ul>   |
| Thursday, May 25, 2023<br>9:30 a.m. | <ul style="list-style-type: none"> <li>Finance &amp; Administration Committee Meeting/<br/>Special Meeting of the Board of Directors (Finance &amp; Administration)</li> </ul>                             |
| Tuesday, May 30, 2023<br>9:30 a.m.  | <ul style="list-style-type: none"> <li>Special Meeting of the Communications &amp; Water Efficiency Committee/Special Meeting of the Board of Directors (Communications &amp; Water Efficiency)</li> </ul> |

Board Secretary

**\*MARIN WATER BOARD OF DIRECTORS ORDER OF ROLL CALL:** RANJIV KHUSH, MATT SAMSON, JED SMITH, MONTY SCHMITT, AND LARRY RUSSELL



**Item Number:** 01  
**Meeting Date:** 05-19-2023  
**Meeting:** Operations  
Committee/Board of Directors  
(Operations)

## Approval Item

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### TITLE

Minutes of the Operations Committee Meeting/Special Meeting of the Board of Directors (Operations) of April 21, 2023

### RECOMMENDATION

Approve the minutes

### SUMMARY

The Operations Committee/Board of Directors (Operations) held its regularly scheduled monthly meeting on April 21, 2023. The minutes are attached.

### DISCUSSION

None

### FISCAL IMPACT

None

### ATTACHMENT(S)

1. Minutes of the Operations Committee Meeting/Special Meeting of the Board of Directors (Operations) of April 21, 2023

| DEPARTMENT OR DIVISION                        | DIVISION MANAGER  | APPROVED   |
|---|---|--|
| Communications & Public<br>Affairs Department | <br>Terrie Gillen<br>Board Secretary | <br>Ben Horenstein<br>General Manager |

**MARIN MUNICIPAL WATER DISTRICT  
OPERATIONS COMMITTEE /BOARD OF DIRECTORS (OPERATIONS) MEETING**

**MINUTES**

**Friday, April 21, 2023**

**Held Virtually and at In-Person Locations**

Marin Water, Board Room, 220 Nellen Avenue, Corte Madera, CA 94925, and  
Contractors State License Board, 9821 Business Park Drive, Sacramento, CA 95827

**CALL TO ORDER AND ROLL CALL:**

Vice Chair Ranjiv Khush called the meeting to order at 9:30 a.m.

***Directors Present:*** Matt Samson, Jed Smith, Monty Schmitt, Ranjiv Khush, and Larry Russell

***Directors Absent:*** None

**ADOPT AGENDA:**

On motion made by Director Samson and seconded by Director Smith, the board adopted the agenda. The board took the following roll call vote:

Ayes: Directors Samson, Smith, Schmitt, Khush, and Russell

Noes: None

There were no public comments on the adoption of the agenda.

**PUBLIC COMMENT**

There were no public comments.

**CALENDAR ITEMS:**

**Item 1 Minutes of the Operations Committee Meeting & Special Meeting of the Board of Directors (Operations) Meeting of March 10, 2023**

On motion made by Director Samson and seconded by Director Smith, the directors adopted the minutes.

Ayes: Directors Samson, Smith, Schmitt, Khush, and Russell  
Noes: None

There were no public comments.

**Item 2 Update on Professional Services Agreement (MA-6131) with TeamLogic IT for Helpdesk Support Services**

Director of Engineering Crystal Yezman provided a presentation on the contract work with TeamLogic IT and Helpdesk Survey User Results. Discussion between board and staff occurred during and after the presentation.

There were no public comments.

This was an information item. The Board did not take any formal action.

**Item 3 Update on Water Resiliency Roadmap**

Water Resources Director Paul Sellier, Engineering Director Yezman, and Water Efficiency Manager Carrie Pollard provided an overview of current actions and planning in connection with the Water Resiliency Roadmap. This presentation discussed early action projects, including conservation, long term projects, and preliminary funding allocations.

The Board and staff conversed throughout the presentation.

There were four (4) public comments.

This was an information item. The Board did not take any formal action.

**ADJOURNMENT**

There being no further business, the Operations Committee Meeting & Special Meeting of the Board of Directors (Operations) adjourned at 11:52 a.m.

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Board Secretary

## Informational Item

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**TO:** Operation Committee/Board of Directors (Operations)

**FROM:** Paul Sellier, Water Resources Director



**THROUGH:** Ben Horenstein, General Manager



**DIVISION NAME:** Water Resources

**ITEM:** Potter Valley Project Update

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### SUMMARY

The Potter Valley Project (PVP) includes Scott Dam, Cape Horn Dam and a diversion tunnel, all of which are operated to divert water from the Eel River basin to the Potter Valley Power House located in the Russian River basin for the purpose of generating electricity. From the power house, a portion of this diverted water serves the Potter Valley Irrigation District (approximately 7,000 acres of productive farm land) and the remaining water flows into Lake Mendocino and is a critical source of supply for the Russian River system. A recent decision by Pacific Gas & Electric (PG&E) to *not* renew its license with the Federal Regulatory Energy Commission (FERC) to operate the hydroelectric facilities has resulted in uncertainty over the future of the facilities and the diversion of water to the Russian River basin. This report provides a brief overview and update on the status of the Potter Valley Project.

### DISCUSSION

The PVP began producing electricity in 1908 and was the main source of power for the City of Ukiah. The Cape Horn dam backs up the Eel River to form the Van Arsdale reservoir which serves as the forebay to the 1-mile long, 8-foot diameter tunnel through which water flows to a penstock and ultimately to the powerhouse some 450 feet below in the Potter Valley. However, under this configuration peak power could only be produced during winter flows and Scott Dam, located 11 miles upstream, was completed in 1922 to provide a consistent source of water and therefore power all year. In 1930 (PG&E) acquired the PVP from Snow Mountain Water and Power and have been operating the PVP ever since.

In 2019 PG&E notified the FERC that it would not be renewing the license under which it was operating PVP. At the present time PG&E continues to operate the PVP facilities under an annual license from the FERC until PG&E plans to decommission the facilities are approved by the FERC. Currently, however, power is not being produced by PVP due to the need for repairs

to the turbines in the powerhouse. PG&E has recently announced that it will not seek repair of the facility. It is not clear what decommissioning of the facilities will mean in terms of dam removal and the infrastructure to divert water. PG&E is in the process of preparing a decommissioning plan that could result in a range of different outcomes from the complete removal of all traces of PVP facilities including the dams, to retaining all the facilities intact but nonoperational. In order to try to provide a level of certainty around the possible outcomes, Congressman Huffman, D-San Rafael, brought together a coalition known as the Huffman Ad Hoc to discuss alternatives, which resulted in an effort to find a Two-Basin Solution, which would serve the needs of both the Eel and Russian River watersheds and their stakeholders. Out of this effort a partnership was formed to evaluate the possible relicensing and acquisition of PVP in a way that could serve a two-basin solution. Members included the Sonoma County Water Agency, the Mendocino County Inland Water and Power Commission, the Round Valley Indian Tribe, Cal Trout and Humboldt County. The coalition's vision was to pursue a two-basin solution alternative for PVP that would initially include FERC relicensing as well as the continued diversion of water from the Eel River and removal of Scott Dam. While removal of Scott Dam would benefit aquatic species in the Eel River it would also eliminate Lake Pillsbury and reduce or eliminate water diversions from the Eel during the summer. Water could still be diverted to the Russian River basin during winter high flow events. Due to a number of factors, including the technical complexities involved with developing a relicensing plan in time to meet the FERC's ambitious deadline, the coalition's goal of acquiring the PVP license has been abandoned at this time leaving PG&E in a surrender process and under request from the FERC to develop a decommissioning plan. The approach at this time is to ensure that the possibility of continued water diversion to the Russian River watershed are included in the PG&E decommissioning plan.

Most recently the Sonoma County Water Agency has formed the Russian River Water Users Forum (Water Forum). The Water Forum seeks to identify water-supply resiliency solutions that respond to PG&E's planned decommissioning of the Potter Valley Project while protecting Tribal interests and supporting the stewardship of fisheries, water quality, and recreation in the Russian River and Eel River basins. More broadly, the Water Forum supports ongoing regional collaboration on water supply and watershed restoration issues in the Russian River and Eel River basins. The Water Forum is comprised of three groups Leadership, Planning and Work Groups. The Leadership group will be comprised of elected officials from stakeholder agencies, the Planning Group will be comprised of staff from stakeholder agencies and other interest groups and the Work Groups, which are intended to be staffed by subject matter experts to address four key questions around the future of the PVP:

- *Ownership* - Who would acquire, modify, and operate these facilities?
- *Finance* - How would the acquisition, modification, and operation be funded?
- *Legal* - How will water rights be impacted and managed?
- *Water Supply and Fishery* - What PVP facilities would be acquired, how would they be modified, how reliable will the water supply be?



The District will participate in the Water Forum along with other Sonoma Water contractors and other stakeholders.

Although the final disposition of the PVP facilities under a decommissioning scenario is unknown, it is clear that the loss of the PVP diversion will result in changes to the frequency with which Lake Mendocino will fill and spill. In the absence of PVP water Lake Mendocino will be consistently lower and would likely drain in 4 out of 10 years. The diversion typically adds approximately 60,000 acre feet of water a year to Lake Mendocino and ultimately the Russian River. Water rights holders that will be most affected are those with rights to summer water flowing in the upper Russian River. As Lake Mendocino levels drop or the lake drains there may only be water available to support aquatic habitat. Water held in Lake Sonoma will still be available for Marin Water and the other contractors, however with less water being contributed to stream flow from Lake Mendocino it would seem logical that additional release water from Lake Sonoma may be needed. Additionally, Lake Sonoma could be used a source of water for some portion of the upper Russian River flow if an outlet on the Northeast side of the lake were developed. In short, the loss of PVP water diversions would portend some level of yet to be quantified impact on the availability of water in the Russian River and reliance on Lake Sonoma. As such, the effort Sonoma Water is leading to develop the Water Forum and influence the outcome of the decommissioning of the PVP facilities is critical to the water supply resiliency within our region.

The District is pursuing a number of projects to improve water supply resiliency identified in the recently adopted Integrated Water Supply Roadmap. One of the cornerstone projects is aimed at improving the conveyance of winter water from Sonoma Water to a Marin reservoir. This project is not anticipated to be affected by the loss of PVP diversions since the project takes advantage of natural flows in the Russian River above minimum instream flow requirements that are the result of winter time precipitation events in the Russian River watershed. However, the loss of the PVP diversion would represent a significant change to the water supply that our region has come to rely upon.

**FISCAL IMPACT**

None

**ATTACHMENT(S)**

None



**Item Number:** 03  
**Meeting Date:** 05-16-2023  
**Meeting:** Operations  
Committee/Board of Directors  
(Operations)

## Approval Item

### TITLE

Letter of Support for Sonoma Water's U.S. Bureau of Reclamation (USBR) Aquatic Ecosystem Restoration Grant Application

### RECOMMENDATION

Authorize the General Manager to sign a letter of support for Sonoma Water's USBR Aquatic Ecosystem Restoration Grant Application for Potter Valley Project (PVP) Cape Horn Dam Fish Passage Design

### SUMMARY



Historically the Potter Valley Project diverted water from the Eel River to the Potter Valley, a drop in elevation of over 400 feet that was harnessed to produce electricity. The water also serves as an important source of water supply for the Russian River via Lake Mendocino. Pacific Gas and Electric (PG&E) has decided to discontinue producing power at the Potter Valley facility and is preparing a plan for surrender and decommissioning of the facilities. At the present time, it is uncertain what the impact to water supply may be as a result of this surrender process, as PG&E is still in the process of preparing a decommissioning plan for the PVP. Sonoma Water is seeking grant funding to support the selection of and advance the design of a fish passage project that would improve fish passage on the Eel River and potentially allow the facilities to continue to provide water supply to the Russian River. As a long standing customer of Sonoma Water, and acknowledging that supplemental water from Sonoma Water is a critical element of the District's water supply, Sonoma Water is requesting that the Board consider supporting Sonoma Water's grant application. A copy of the support letter and a summary of the grant application is attached.

### FISCAL IMPACT

None

### ATTACHMENT(S)

1. Support Letter
2. Grant Application Summary

| DEPARTMENT OR DIVISION  | DIVISION MANAGER  | APPROVED   |
|-------------------------|---|--|
| Administrative Services | <br>Paul Sellier<br>Water Resources Director | <br>Ben Horenstein<br>General Manager |



May 17, 2023

Bureau Of Reclamation  
Water Resources and Planning Office  
Attn: Ms. Avra Morgan  
Mail Code: 86-6300  
P.O. Box 25007  
Denver, CO 80225-0007

**SUBJECT: Eel River at Cape Horn Dam Fish Passage Improvement Planning and Design**

Dear USBR Ecosystem Restoration Grant Program Review Committee:

As General Manager of the Marin Municipal Water District (Marin Water), I am writing to express the Marin Water's support of the application submitted by the Sonoma County Water Agency (Sonoma Water) for the Eel River at Cape Horn Dam Fish Passage Improvement Planning and Design (Project).

Marin Water delivers drinking water to more than 190,000 customers in Marin County and relies on water provided by Sonoma Water to help meet the needs of our community. Marin Water is currently participating in a forward-looking study of the resilience of the regional water system. While the study is still underway, we know that water diverted from the Eel River through the Potter Valley Project (PVP) and into Lake Mendocino in the Russian River watershed is a key component of meeting future climate challenges for water supply, fisheries and agriculture in Mendocino, Sonoma and Marin Counties.

That being said, Marin Water understands that PVP in its current configuration is no longer viable: A facilities assessment currently underway by Sonoma Water (funded by the California Department of Water Resources and based on work prepared for the California Department of Fish and Wildlife) assumes significant modifications to PVP, including the removal of Scott Dam and the possible modification or removal of Cape Horn Dam. The assessment also includes the initial development of three fish passage designs, with the goal of continuing water diversions while ensuring improved fish passage in the Eel River.

The proposed Project will ensure that stakeholders have a voice in determining which of the three fish passage designs is further developed, will provide for review by technical experts and will advance the fish passage design from 30 percent to 60 percent complete. This facilitated work is critical in helping the water suppliers in our region transition from the current PVP to a future diversion design that will continue to provide water "insurance" as we face a changing climate.

For these reasons, Marin Water supports the Eel River at Cape Horn Dam Fish Passage Improvement Planning and Design. Thank you in advance for considering funding for this important project. Please feel free to contact me if you have any questions, at [bhorenstein@marinwater.org](mailto:bhorenstein@marinwater.org) or 415-945-1460.

Sincerely,

Ben Horenstein  
General Manager

**USBR Aquatic Ecosystem Restoration Grant Application for PVP Cape Horn Dam Fish Passage Design****Description:**

To further the objectives of the Potter Valley Project Two-Basin Solution, Sonoma Water is preparing an application to the newly created US Bureau of Reclamation WaterSMART Aquatic Ecosystem Restoration Grant Program. Created by a provision introduced by Congressman Huffam in the FY21 Omnibus Appropriations Bill, the purpose of this program is to support the study, design, and construction of aquatic ecosystem restoration projects that are collaboratively developed; have widespread regional benefits; and are for the purpose of improving the health of fisheries, wildlife, and aquatic habitat through restoration and improved fish passage. Sonoma Water is currently implementing a facilities assessment at the Potter Valley Project's Van Arsdale Diversion and Cape Horn Dam using grant funds from the CA Department of Water Resources (DWR). The Assessment is a new effort but leans heavily on the work developed through the second phase feasibility studies prepared for a CA Dept of Fish and Wildlife (CDFW) grant to Cal-Trout and the Two-Basin Partnership. Four fish passage alternatives were developed through the CDFW Two-Basin Partnership grant.

The DWR funded Assessment assumes the removal of Scott Dam and will consider both the modification and removal of Cape Horn Dam. The current scope of the Assessment has consultants McMillen and Stillwater developing up to three fish passage designs (compatible with Cape Horn "dam-in" and Cape Horn "dam-out" alternatives) to the 20-30% level of design. Sonoma Water proposes to use the USBR grant to convene a facilitated stakeholder process and technical advisory committee that will select a single fish passage design. Using grant funds, Sonoma Water will then hire a consultant to advance that design from the 30% to 60% level. These tasks apply to the Study and Design portion of the USBR grant program (see program details below). The USBR notice of federal funding opportunity for this program emphasizes stakeholder support and encourages the submission of support letters from a broad array of interests.

The objectives of the USBR application would be to:

- Establish a facilitated stakeholder process to select a preferred fish passage alternative
- Establish a group of technical experts to review work products
- Contract a consultant team to advance a fish passage design from 30% to 60%
- USBR anticipates awarding grants in early 2024.
- Sonoma Water's proposed timeline for the work is 2 years (spring 2024 to spring 2026).
- An application would be made to the Task A portion of the program (see below)
- With stakeholder support, Sonoma Water hopes the 60% design product from Task A will be eligible for future funding under the Task B construction portion of the USBR grant program.

**Application Details:**

- Application Due Date: 6/1/23 @ 3pm PST
- Match Requirement: 35% or more of total project costs
- Award Amount:
  - Task A: Study & Design – \$500k - \$2M


- Task B: Construction - \$3M - \$20M
- Anticipated Award Date: Applicants will be notified in late Summer 2023. Official award date expected 1/2/24
- Anticipated Project Completion Date:
  - Task A: Study & Design – 12/31/26
  - Task B: Construction – 12/31/28
- Pre-award Costs:
  - Eligible pre-award costs associated with the proposed project must be incurred after the posting date of this funding opportunity and are limited to costs related to the planning and design of the project including, but not limited to engineering and design, modeling, environmental and cultural studies, and permitting.

## Review and Refer for Board Approval

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**TO:** Operations Committee/Board of Directors (Operations)

**FROM:** Crystal Yezman, Director of Engineering 

**THROUGH:** Ben Horenstein, General Manager 

**DIVISION NAME:** Engineering

**ITEM:** Amendment No. 4 to Miscellaneous Agreement No. 5789 for On-Call Environmental Services Contract

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### SUMMARY

Staff recommends that the Operations Committee review and refer to the Board of Directors at a regular Board Meeting authorization for the General Manager to execute Amendment No. 4 to Miscellaneous Agreement 5789 with ESA to perform environmental compliance services in support of critical infrastructure projects.

### DISCUSSION

Environmental compliance support is necessary for the District to implement various infrastructure and watershed maintenance projects, including upkeep of trails, upgrades to water distribution infrastructure, and support of vegetation management for wildfire fuel reduction. These services include CEQA/NEPA documentation, environmental permitting, monitoring for permit conditions, biological surveys, cultural resources assessments, hydrologic analysis, and geomorphic monitoring.

In the spring of 2019, the District sent a Request for Proposal to five San Francisco Bay Area firms that were identified as having sufficient in-house expertise to address all of the components of the District's environmental services scope of work. The five firms were Horizon Water and Environment, Panorama, Dudek, Amy O. Skewes Cox with Environmental Collaborative, and ESA. Following review of the submitted proposals, four firms were invited to participate in an interview process. ESA was selected based on their experience supporting clients with CEQA compliance, project level environmental assessments, and their team's breadth of technical expertise. On July 2, 2019, the District approved a two-year contract with ESA for On-Call Environmental Services with a not-to-exceed budget of \$250,000. Amendment No. 1 was executed on April 10, 2020, to correct the contract end date. Amendment No. 2 was executed on April 19, 2021, to extend the contract end date and add additional tasks to support

the development of the Lagunitas Creek Flow Release Study and Temporary Urgency Change Petition (TUCP) for additional funds in the amount of \$305,992 with a not-to-exceed budget of \$555,992. Amendment No. 3 was executed on December 6, 2021, to extend the contract end date and add additional tasks such as support for the Emergency Intertie Project, Azalea Hill Trail National Environmental Policy Act (NEPA) Natural Environmental Study, Pine Mountain Tunnel Replacement CEQA review, and other CEQA analyses for water infrastructure projects for an additional funds in the amount of \$751,393 with a not-to-exceed budget of \$1,307,385.

Amendment No. 4 will add \$300,000 in additional budget for the On-Call Services tasks and extend the contract end date. This additional budget will be split across the next two fiscal years to ensure the District can continue to meet its project level environmental compliance requirements. The consultant has been effective at helping the District complete CEQA analysis for critical projects, conduct pre-project environmental assessments, and develop project permit applications. Some upcoming projects requiring CEQA and/or NEPA services include Wolfback Ridge Pipeline Replacement Project, North Marin Line Pipeline Replacement Project, Smith Saddle Tanks Replacement, Wolfback Ridge Tanks Recoating, Hind Tanks Replacement Project, watershed culvert compliance, as well as other small as-needed jobs in the Development Services department. Other projects needing environmental compliance services, such as the Phoenix-Bon Tempe Connection and Soulajule Electrification projects, are being addressed in other contracts.

This amendment will be the last amendment for this agreement. District staff will engage in another formal Request for Proposal process for a new contract once the term of this agreement expires.

#### **FISCAL IMPACT**

Amendment No. 4 to Agreement 5789 with ESA would extend the current on-call services agreement term until June 30, 2025 and increase the budget by \$300,000 for a total annual not-to-exceed amount of \$150,000 in fiscal years 24 and 25. This would bring the total not-to-exceed contract amount to \$1,607,385.

#### **ATTACHMENT(S)**


None

## Review and Refer for Board Approval

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**TO:** Operations Committee/Board of Directors (Operations)

**FROM:** Crystal Yezman, Director of Engineering 

**THROUGH:** Ben Horenstein, General Manager 

**DIVISION NAME:** Engineering

**ITEM:** Consider a Limited Purpose Facility Resolution for the Relocated and Extended Hill Avenue Water Main in Woodacre

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### SUMMARY

Staff is asking the Operations Committee to review and refer to regular Board Meeting, the adoption of a resolution pursuant to District Code section 11.48.010 limiting the use of a water main line to the property bearing the cost of the relocation/extension, unless the future user(s) contributes its share of the water main relocation/extension costs. Pursuant to District Code section 11.48.010, the Board may, by resolution, declare a new pipeline a Limited Purpose Facility, which means that it may be used to serve only the parcels specified in the resolution. Approval of a resolution designating the pipeline as a Limited Purpose Facility would require the future developer of the property seeking to use this water main to pay its fair share of the pipeline extension/relocation costs.

### DISCUSSION

The District currently owns and maintains approximately 155' of 2-inch pipeline within the private property located at 43 Taylor Avenue in Woodacre. The property owner desires to make improvements to his property. These improvements would encumber the District's ability to access its existing pipeline and thus, create potential maintenance issues. Therefore, the property owner has entered into a Pipeline Relocation Agreement with the District to relocate the water main into the public right-of-way of Hill Avenue and has agreed to pay for all costs associated with the relocation. The new pipeline alignment will begin by connecting to the District's existing water main in Hill Avenue and extend to the two existing services currently served by the 2-inch pipeline installed in the private property at 43 Taylor Avenue. The new pipeline will be approximately 350 linear feet in total.

Once installed, the new pipeline will make water service available to a currently undeveloped property on Hill Avenue. Without the availability of an existing District water main, the District would require any future developer to extend existing District facilities and bear all costs



associated with the pipeline extension. Here, since the property owner of 43 Taylor Avenue is financing the relocation of this pipeline, District staff believe it is appropriate for the new portion of pipeline along Hill Avenue to be deemed a Limited Purpose Facility. Pursuant to District Code Section 11.48.010, the Board may adopt a resolution declaring this new pipeline as a Limited Purpose Facility. In doing so, no new future water service will be approved for the undeveloped property on Hill Avenue without payment to the owner of 43 Taylor Avenue, who is financing the new pipeline installation, of a pro rata contribution toward the cost of the pipeline installation. This will ensure any future developer of that property pays their fair share. If designated as a Limited Purpose Facility, the designation will remain valid for an initial period of five (5) years. The Board, at its discretion, may extend such designation for subsequent periods in additional five (5) year increments by future resolution. The proposed resolution designating the new water main a Limited Purpose Facility does not guarantee future contribution to the owner of 43 Taylor Avenue, but merely puts a temporary marker in place with the District for possible future reimbursement to the owner of 43 Taylor Avenue.

#### **ENVIRONMENTAL REVIEW**

Staff has reviewed the Project pursuant to the California Environmental Quality Act (CEQA) and has found that the Project is statutorily exempt pursuant to the California Public Resource Code Division 13 Environmental Quality Section 21080.21 inasmuch as the project involves the installation of less than one mile of new pipeline within a public street. The Project is also eligible for a Categorical Exemption pursuant to CEQA Guidelines Section 15302(c), Replacement or Reconstruction. The Project qualifies for exemption pursuant to Section 15302(c) inasmuch as it is the replacement of existing pipeline involving negligible or no expansion of capacity.

#### **FISCAL IMPACT**

None

#### **ATTACHMENT(S)**

1. Draft Resolution for referral to the Board of Directors
2. District Code Section 11.48.010 Limited Purpose Facilities



**MARIN MUNICIPAL WATER DISTRICT**

**RESOLUTION NO. XXXX**

**RESOLUTION OF THE MARIN MUNICIPAL WATER DISTRICT BOARD OF DIRECTORS  
DESIGNATING A LIMITED PURPOSE FACILITY - WATER LINE, HILL AVENUE, WOODACRE**

**WHEREAS**, the property owner of 43 Taylor Avenue in Woodacre (Property) has requested the relocation/extension of an existing Marin Municipal Water District (District) pipeline located on private property; and

**WHEREAS**, District staff reviewed the request and determined that it was feasible and beneficial to relocate the existing water pipeline into the public right of way in Hill Avenue adjacent to the Property; and

**WHEREAS**, the relocated water pipeline will be relocated and extended to run along Hill Avenue and as such will be in a location to provide future water service to an undeveloped property on Hill Avenue (APN: 172-021-15); and

**WHEREAS** the owner of the Property paying for the relocation and extension of said water has requested that the water line be designated as a "Limited Purpose Facility" pursuant to District Code section 11.48.010 of the District Code such that said pipeline would be exclusively for the service of District customers in this area who have existing water service connections as of the approval date of this resolution, unless and until future users of said water line would first pay their pro rate share of such improvements.

**NOW, THEREFORE, BE IT RESOLVED** that the District Board of Directors hereby determines and designates the proposed water pipeline extending approximately 350 linear feet from the end of the existing water main located in Hill Avenue, depicted in Exhibit A attached hereto, as a Limited Purpose Facility for the exclusive service of the properties of District customers in this area who have existing water service connections as of the approval date of this resolution for a period of five (5) years from the date of this app shall not to be used for any new service connections, unless the prospective applicant complies with the provisions of Section 11.48.010 of the District's Code, including payment of the pro rata contribution towards the cost of constructing the Limited Purpose Facility.

**PASSED AND ADOPTED** this XX day of XXXXX 2023, by the following vote of the Board of Directors.

**AYES:**

**NOES:**

**ABSENT:**

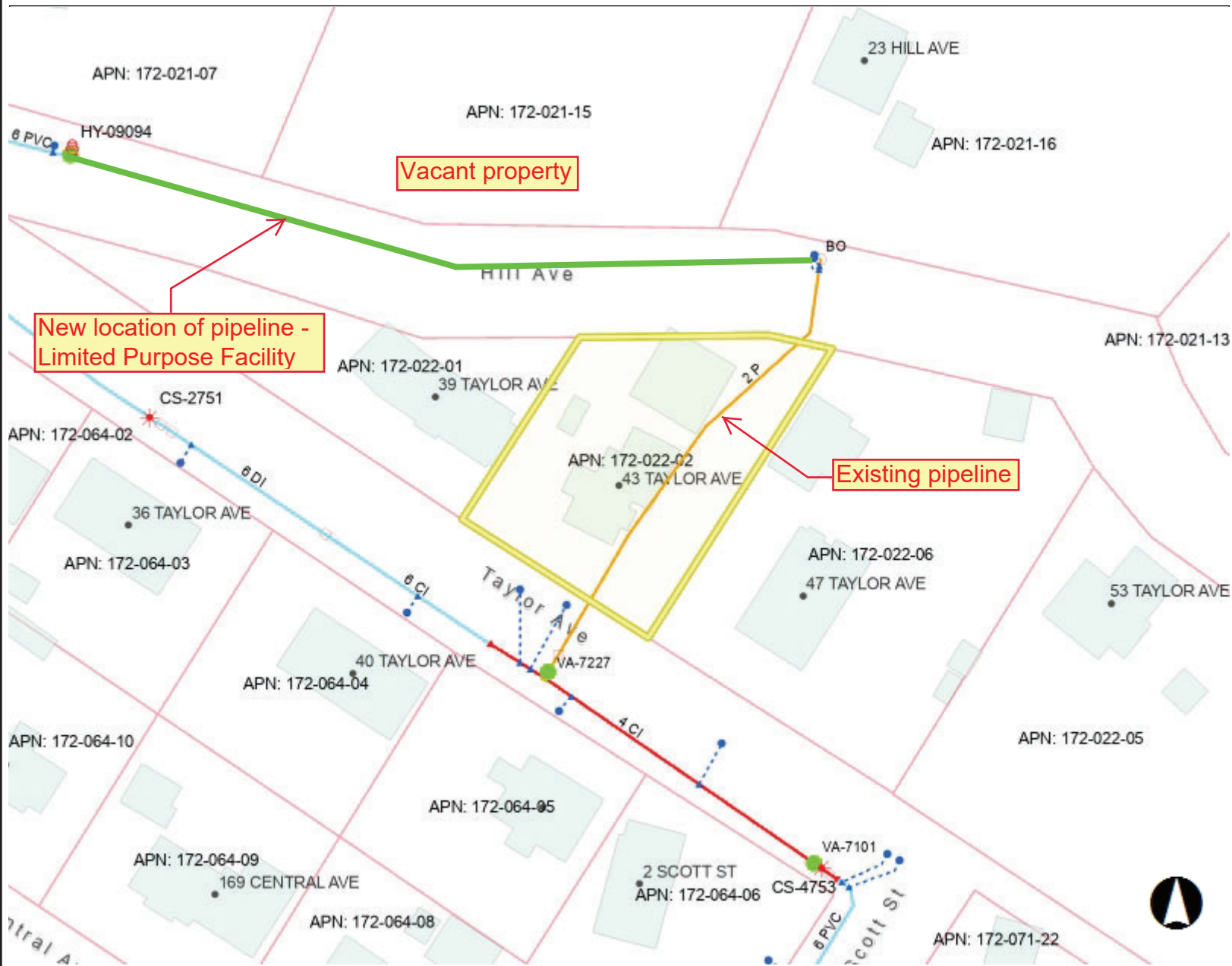
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**Monty Schmitt**  
**President, Board of Directors**























**ATTEST:**

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**Terrie Gillen**  
**Secretary, Board of Directors**



## Legend

-  Emergency Pump Connections
-  Active WQTS
- Non-System Facilities**
  -  Pump
  -  Tank
  -  Dam
  -  <all other values>
- Potable Installations**
  -  Fireline
  -  Service
- Potable Taps**
  - 
- Potable CTS**
  - 
- Potable Hydrants**
  - 
- Potable Pump Stations**
  - 
- Potable Tanks**
  -  Storage Tanks
  -  Pressure Tanks
  -  Error/Null Values
-  **Potable Treatment Plants**
- Potable Valves**
  -  AR, Off
  -  AR, Static
  -  BO, Static
  -  CV, Static
  -  DR, Static
  -  LV, Off

## Notes

133.3 0 66.67 133.3 Feet


**11.48.010 *Limited purpose* facilities.**

If and whenever the district constructs or causes to be constructed facilities to supply water to a specific area, the board may by resolution determine and declare that such facility shall be a *limited purpose* facility and subject to the restrictions of this section. In any such case, the facility shall be deemed to be a special or *limited purpose* facility not designed or intended to serve any properties other than the specific area described in such resolution, and the district shall not be deemed to have assumed to serve any other areas unless and until and to the extent that the board of directors expressly so declares by later resolution. In any such case, no person shall have the right to connect with or receive service from such facility, except upon payment of a pro rata contribution toward its cost, either for retention by the district or for repayment to the party who financed the initial construction, as applicable. Repayments to the party who financed the initial construction will be made for a period of five years after the date the *limited purpose* agreement was entered into for such construction and said repayment period may be extended by the board of directors for additional five-year periods. (Ord. 314 §2, 1990; Ord. 176 §1, 1978)

## Review and Refer for Board Approval

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**TO:** Operations Committee/Board of Directors (Operations)

**FROM:** Crystal Yezman, Director of Engineering 

**THROUGH:** Ben Horenstein, General Manager 

**DIVISION NAME:** Engineering

**ITEM:** Amendment No. 1 to Miscellaneous Agreement No. 6106 with Cinquini & Passarino, Inc. for On-Call Land Surveying Services

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### SUMMARY

Staff recommends that the Operations Committee review and refer to the Board of Directors at a regular Board Meeting authorization for the General Manager to execute Amendment No. 1 to Miscellaneous Agreement 6106 with Cinquini & Passarino, Inc. in an amount not to exceed \$100,000 for land surveying support services. The District has relied on Cinquini & Passarino, Inc. since June 2022 following the retirement of the District's in-house Land Surveyor. Under Amendment No. 1, Cinquini & Passarino will continue to provide land surveying support services through fiscal year 2024.

### DISCUSSION

On April 18, 2022, the District issued the RFP to CSW/Stuber-Stroeh Engineering Group, Inc., Cinquini & Passarino, Inc., Adobe Associates, Inc., and American Land Surveying. On May 10, 2022, CSW/Stuber-Stroeh and Cinquini & Passarino responded to the RFP. Cinquini & Passarino was ultimately selected based on the thoroughness of its response, familiarity with the jurisdiction, and outstanding work in previous District projects.

On June 6, 2022, the District entered into MA 6106 with Cinquini & Passarino for on-call land surveying services in an amount not to exceed \$100,000. Since then, they have provided quality surveying, maps and consulting services on several District projects. Overall, they are responsive to requests, their work is thorough, completed on time and within budget. Under Amendment No. 1, the District would continue to utilize Cinquini & Passarino's land surveying services through June 2024.

### FISCAL IMPACT

Amendment No. 1 with Cinquini & Passarino Inc. would increase the budget by \$100,000 for a total not to exceed amount of \$200,000.

**ATTACHMENT(S)**

None



## Review and Refer for Board Approval

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**TO:** Operations Committee/Board of Directors (Operations)

**FROM:** Paul Sellier, Water Resources Director

**THROUGH:** Ben Horenstein, General Manager

**DIVISION NAME:** Water Resources

**ITEM:** Memorandum of Understanding with the City of Petaluma

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### SUMMARY

Staff recommends that the Operations Committee review and refer to the Board of Directors at a regular Board Meeting authorization for the General Manager to execute a Memorandum of Understanding (MOU) with the City of Petaluma (City) to seek grant funding to support a feasibility analysis for a brackish desalination plant in the Petaluma area.

### DISCUSSION

The Petaluma brackish desalination plant is identified as a project in the adopted Roadmap. The project requires additional analysis to confirm the assumptions used in developing the project concept. The MOU with the City will set forth the mutual interest of the District and the City in exploring the feasibility of a brackish desalination plant and in seeking grant funding for the feasibility analysis. The MOU merely seeks to establish a cooperative effort among the District and the City and does not require either party to pursue the project.

### FISCAL IMPACT

None

### ATTACHMENT(S)

1. Draft MOU with the City of Petaluma

## **MEMORANDUM OF UNDERSTANDING**

**THE MARIN MUNICIPAL WATER DISTRICT**, a California public corporation (“Marin Water”) and **CITY OF PETALUMA**, a California municipal corporation (“City of Petaluma”) (collectively referred to herein as “Parties”) are executing this **MEMORANDUM OF UNDERSTANDING (“MOU”)** as of \_\_\_\_\_, 2023 (“Effective Date”).

### **Recitals**

A. Marin Water is a public corporation established pursuant to the Municipal Water District Law of 1911 to provide water service within central and southern Marin County, California.

B. City of Petaluma is a municipal corporation that operates the city water system.

C. In an effort to promote water supply resiliency, consistent with the terms of this MOU, the Parties wish to explore the feasibility of brackish groundwater desalination (the “Project”) as a new water supply and seek grant funding to help fund the feasibility analysis.

### **1. Identification of Grant Opportunities and Preparation of Grant Funding Applications**

- a. The Parties agree to collaborate to identify and evaluate possible grant funding opportunities to support the Project.
- b. The Parties shall jointly determine if an identified grant opportunity should be pursued.
- c. Grant applications shall be prepared by and reviewed by staff within each Party prior to submittal. Because the Project anticipates only a feasibility study of brackish groundwater desalination, it is believed and anticipated that the Project is exempt from further review under the California Environmental Quality Act (CEQA). Notwithstanding the foregoing, however, the Parties understand and agree that to the extent any environmental review is required for the proposed project prior to submittal of the grant funding application that the Parties may choose to jointly fund such work.
- d. Upon completion of the final grant application(s) and with mutual agreement of the Parties, the grant may be submitted by either of the Parties for the benefit of both Parties.

### **2. Award of Grant Funding and Acceptance of Grant Funds**

- a. Following the submission of any grant application(s), the Parties agrees to communicate the results of, and other significant information with respect to, any Project related grant application to each other.
- b. The Parties acknowledge and agree that any decision(s) to accept or reject any awarded grant funds shall be at the sole discretion of either Party and submission of a grant application shall not be interpreted in any way to obligate either party to accept the grant or proceed with any project.

c. Prior to the acceptance of any grant funds, the Parties will negotiate any financial contribution necessary to assist in funding the Project. The financial terms shall be detailed in a written funding agreement executed by the Parties.

### **3. Project**

a. In the event that the Parties agree to proceed with the Project, the Parties agree to cooperate and contribute generally equal staff time necessary towards completion of the Project. The Parties shall identify a lead Project Manager and staff from each Party assigned to the Project.

b. Upon completion of the Project, the Parties will jointly own the rights to the Feasibility report and supporting work.

c. Should either Party desire to pursue further work on the development of a brackish groundwater desalination facility or to jointly pursue such further work, the Parties shall negotiate the terms governing cooperation on such work in a new agreement.

d. The Parties acknowledge and understand that this MOU shall be limited to its terms regarding cooperation between the Parties and that execution of this MOU by the Parties shall not be interpreted as an approval of any grant application, grant funding agreement, or project, nor shall it be construed to obligate the Parties to pursue the project

### **4. Term of MOU**

a. This MOU shall become effective upon the Effective Date set forth above and shall continue in effect until terminated by either Party.

b. Either party may terminate participation in this MOU without cause by providing 30-days written notice to the other Party's designated representative.

c. All obligations under Section 5 entitled Indemnity, Hold Harmless and Liability shall survive discharge, termination, or expiration of this MOU.

d. Other than as expressly provided in this MOU, neither Party shall have any liability to the other as a result of a termination of this MOU.

**5. Mutual Indemnification.** Each Party (an "Indemnifying Party") shall indemnify, hold harmless and defend the other Party, their respective officers, directors, employees and agents (collectively, "Indemnified Party") from and against any and all claims, losses, judgments, causes of action, damages, liabilities and costs, including but not limited to reasonable attorneys' fees, that are incurred by the Indemnified Party as a result of any breach of this Agreement, or any negligent act, including reckless misconduct or intentional misconduct, by the Indemnifying Party.

**5.5 Insurance.** Parties at their sole cost and expense, shall maintain an insurance policy or maintain a self-insurance program for general liability, workers' compensation, property (apparatus and equipment), and business automobile liability to cover its potential liabilities under this MOU. Failure of any Party to maintain insurance as required in this MOU is a material breach of contract and may be grounds for termination of the MOU with that Party.

## **6. Notices**

All notices required to be given, or which may be given by either party to the other, shall be deemed to have been fully given and fully received when made in writing and deposited in the United States mail, registered and postage prepaid and addressed to the respective Parties as follows:

City of Petaluma:      City of Petaluma  
                                 Attn: Chelsea Thompson  
                                 202 No. McDowell Blvd.  
                                 Petaluma, CA 94952

Marin Water:            Marin Municipal Water District  
                                 Attn: Paul Sellier, Water Resources Director  
                                 220 Nellen Avenue  
                                 Corte Madera, CA 94925

## **7. Miscellaneous**

- a.        This MOU shall only be amended by written agreement executed by both Parties.
- b.        Each Party agrees that it will not assign its interest in this MOU, or any part thereof, without the prior express written consent of the other Party, at its sole and absolute discretion.
- c.        In the event of a dispute between the parties over the interpretation of this MOU, the Parties shall meet in good faith to attempt to resolve the matter. If not resolved by informal negotiation between the Parties, shall be mediated by referring it to the nearest office of Judicial Arbitration and Mediation Services, Inc. (JAMS) for mediation. Each party shall provide the others with a list of four mediators. The Parties shall confer on the list and select a mutually-agreeable mediator. Mediation shall consist of an informal, non-binding conference or conferences between the parties and the judge-mediator jointly, then in separate caucuses wherein the judge will seek to guide the Parties to a resolution of the case. If the Parties cannot agree to a mutually-acceptable member from the JAMS panel of retired judges, a list and resumes of available mediators numbering one more than there are Parties will be sent to the Parties, each of whom will strike one name leaving the remaining name as the mediator. If more than one name remains, JAMS' administrator will choose a mediator from the remaining names. The mediation process shall continue until the case is resolved or until the mediator makes a finding that there is no possibility of resolution.

d. The Parties agree that if any term or provision of this MOU is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the Parties shall be construed and enforced as if the MOU did not contain the particular term or provision held to be invalid.

e. Pursuant to Government Code Section 7921.505(c)(5), and to the extent provided by law, any Party shall maintain in the strictest confidence and shall take all reasonable steps necessary to prevent the disclosure of any confidential information disclosed under this MOU. If any third party, or other entity requests or demands, by subpoena, public records act request, or otherwise, that a Party disclose any confidential information disclosed under this MOU, the Party shall immediately notify the owner of the confidential information and shall take all reasonable steps necessary to prevent the disclosure of any confidential information by asserting all applicable rights and privileges with respect to such information, and shall cooperate fully in any judicial or administrative proceeding relating thereto. It is the intent of this paragraph that documents otherwise exempt from disclosure pursuant to the California Public Records Act shall remain exempt and confidential. Parties shall endeavor to identify information that is confidential by markings, notations, or direct communication.

f. All obligations arising prior to the termination of this MOU and all provisions of this MOU allocating liability between Parties shall survive the termination of this MOU.

#### **MARIN MUNICIPAL WATER DISTRICT**

By: \_\_\_\_\_  
Ben Horenstein, General Manager

#### **CITY OF PETALUMA**

By: \_\_\_\_\_  
Peggy Flynn, City Manager