

# INVERNESS PUBLIC UTILITY DISTRICT

FIRE DEPARTMENT  WATER SYSTEM

50 INVERNESS WAY NORTH • P.O. BOX 469 • INVERNESS CA 94937 • (415) 669-1414

**Board of Directors**  
**Wednesday, May 26, 2021**

**AGENDA**  
**9:00 a.m.**

**Regular Meeting**  
**Inverness Firehouse**

## **Video/Teleconference**

*Video and Teleconference Meetings During COVID-19 Emergency: The health and safety of community members, public officials, and employees is a top priority for the IPUD. In compliance with local and state orders, and as allowed by the Brown Act as currently in effect under the State Emergency Services Act, the Governor's Emergency Declaration related to COVID-19, and the Governor's Executive Order N-29-20 (March 17, 2020), the IPUD is offering a hybrid meeting for the public to attend this meeting. The meeting is limited to essential district business items and will be conducted by the IPUD Board and staff in person and via teleconference (see below). Members of the public are encouraged to participate according to the current health guidelines that apply to insure personal health and safety.*

### **To participate by phone:**

- **Dial: 669 900 9128**
- **Meeting ID: 949 8079 0627**
- **Passcode: 507134**
- **Keep your phone on "mute" except when you have been recognized as a speaker**

### **To participate by video:**

<https://zoom.us/j/94980790627?pwd=V204aTJjSENXZTF1bHhNbWhFc3pRZz09>

### **Opening 9:00 a.m.**

1. **Call to Order; Attendance Report**
2. **Public Expression:** Opportunity for members of the public to address the Board on matters under the Board's jurisdiction but not on the posted agenda. Directors or staff "**may briefly respond to statements made or questions posed**" during Public Expression, but "**no action or discussion shall be undertaken on any item not appearing on the posted agenda**" (Gov. Code §54954.2(a)(3)). Members of the public may comment on any item listed on the posted agenda at the time the item is considered by the Board.
3. **Approval of Minutes:** Regular meeting of April 28, 2021
4. **Bartolini/Garcia Appeal:** Public Hearing on request for exception to Water Shortage Emergency moratorium on new service connections

### **The State of the District**

5. **Management Report:** Shelley Redding, Jim Fox, Wade Holland
  - FY2021 Financials
    - Financial Reports
    - Capital Projects Accounting to April 2021
    - Fiscal Year 2021-2022 Draft Budget Review
  - Tenney Tank Project Update
  - MWPA Update

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Material provided in the meeting packet is available on the District's website, [www.invernesspud.org](http://www.invernesspud.org), or by contacting the District office.  
Items may not be taken up in the order shown on this Agenda.

For assistance in participating in this event due to a disability as defined under the ADA, please call in advance to (415) 669-1414.

**THE PUBLIC IS CORDIALLY INVITED TO ATTEND AND PARTICIPATE IN THIS MEETING**

**BOARD OF DIRECTORS: KENNETH J. EMANUELS, PRESIDENT • DAKOTA WHITNEY, VICE PRESIDENT**  
**KATHRYN DONOHUE, TREASURER • BRENT JOHNSON • DAVID PRESS**



**SHELLEY REDDING, ADMINISTRATOR/CLERK OF THE BOARD**  
**JAMES K. FOX, CHIEF OF OPERATIONS (FIRE CHIEF, WATER SYSTEM SUPERINTENDENT)**

- MERA Update
- 6. **Water System Report, April 2021:** Senior Water Operator Ken Fox
  - Water System Accounts Receivable Report, March/April 2021: Customer Services Manager Wade Holland
  - Proposal to initiate Prop. 218 process for increase in water rates in January 2022: Customer Services Manager Wade Holland
- 7. **Fire Department Report, April 2021:** Chief Jim Fox

*The Business of the District*

- 8. **Provide Direction on Proposed Revised Water System Regulation 117, “Water Shortage Emergency (Water Conservation Program)”:** Proposed for adoption at meeting on June 23
- 9. **Provide Direction on Proposed Ordinance 100-2021, “Mandatory Water Rationing”:** Proposed for adoption at meeting on June 23
- 10. **Accept and Approve the Fiscal Year 2019-2020 Audit**
- 11. **Accept and Approve 2019-2020 Management Report Recommendations Response**
- 12. **Approve Auditor Engagement for 6/30/2021**
- 13. **Approve Expenditures and Credit Card Charges: April 2021**
- 14. **Proposal for Creation of Committee to Study Possible Parcel Tax Measure**
- 15. **Committee Meetings/Reports**
  - **Closed Session** – Public Employee Appointment (Fire Chief Position) pursuant to Gov. Code Section 54957
- 16. **Reconvene in Open Session**
  - Report on action taken in closed session.

*Closing*

- 17. **Announcements, Next Meeting, Adjournment**

**Posted: May 21, 2021**



Inverness Public Utility District  
Board Meeting May 26, 2021

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Agenda Item No. 1

**Call to Order;**

**Attendance Report**



Inverness Public Utility District  
Board Meeting May 26, 2021

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## Agenda Item No. 2

# Public Expression

**Opportunity for members of the public to address the Board on matters under the Board's jurisdiction but not on the posted agenda.**

**Directors or staff “*may briefly respond to statements made or questions posed*” during Public Expression, but “*no action or discussion shall be undertaken on any item not appearing on the posted agenda*” (Gov. Code §54954.2(a)(3)).**

**Members of the public may comment on any item listed on the posted agenda at the time the item is considered by the Board.**



Inverness Public Utility District  
Board Meeting May 26, 2021

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## Agenda Item No. 3

**Regular Meeting April 28, 2021**

**Minutes Approval**



# Inverness Public Utility District

Fire Department ~ Water System

50 Inverness Way No., P.O. Box 469, Inverness CA 94937 ~ (415) 669-1414

## Board of Directors

### Minutes, Regular Meeting

Wednesday, April 28, 2021, 9:00 a.m.

### Inverness Firehouse

#### 1. Call to Order

President Emanuels called the meeting to order at 9:05 a.m.

#### Attendance Report

Directors Present: Kenneth J. Emanuels, Dakota Whitney, Kathryn Donohue, David Press

Directors Absent: Brent Johnson

Staff Present: Shelley Redding, Clerk and Administrator; Jim Fox, Chief of Operations; Wade Holland, Customer Services Manager, Ken Fox, Senior Water Operator (Joined at 10:25 am).

Public Present: Kathy Hartzell, Ann Elliott, Woody Elliott, Mike Durrie, Bridger Mitchell

#### 2. Public Expression: None

#### 7. Preparing for Water Rationing: Drafts of Revised Water System Regulation 117 (“Water Shortage Emergency”) and Ordinance 100-2021 (“Mandatory Water Rationing”): *(Item moved to accommodate Director Emanuels departure at 9:15 am):*

Wade Holland gave a brief summary on request for the Board of Directors to give staff direction on the revision of Regulation 117 and the draft of Ordinance 100-2021. He described the range of options represented to give the Board flexibility in enacting water rationing with options to meet the need. Director Press clarified that rationing could be applied at a future time. Director Donohue asked what the trigger was for declaring a rationing for IPUD system. Holland stated that there is not a set parameter at this time for declaring rationing, that it is a judgement call by the Board with staff recommendations. Holland did note there is a new State Law coming for specific criteria to be met for declaring water rationing by water agencies. Chief Fox noted that there was a recent briefing with the National Weather Service about the models showing a return to a neutral La Nina phase, which means a better chance to normal rainfall and weather patterns next year. Director Emanuels noted that all the alternatives are good, and all but one would be difficult to enact for the District. Some of the options would require hiring more staff and could mean that the District would need to go thru a Prop 219 process to add a surcharge onto bills for Drought related expenses such as staffing. Holland noted that Bolinas has enacted a per meter allotment of 125 gallons for meter per day. He also reported that staff has been looking for any software applications that could help track usage to simplify some of the options but has not had success yet.

Holland did note that for the recent billing process, the water use has not increased compared to the previous year, even though the population has increased. General discussion about options for funding, water bill information and possible resources to be provided to the customers to gauge their usage reported on their bill to understand their household usage. Director Whitney also noted that the source of

BOARD OF DIRECTORS: **KENNETH J. EMANUELS**, PRESIDENT • **DAKOTA WHITNEY**, VICE PRESIDENT  
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**SHELLEY REDDING**, ADMINISTRATOR • **JAMES K. FOX**, CHIEF OF OPERATIONS

the water supply is surface water, and the goal is to not dry the creeks up, even though it was noted that with historical water rights, the District could divert all the water from the streams but does not want to make that impact.

Director Emanuels asked if there were any recommended changes to either the Revised regulations or the Drafted Ordinance. None were noted and staff was directed to bring both documents as drafted back for Board Action at the May meeting.

*Director Emanuels departed the meeting at 9:20 am and directed Director Whitney to chair the meeting.*

**3. Approval of Minutes:** Regular Meeting of March 24, 2021.

*M/S Donohue/Press to approve the minutes of the Regular Meeting of March 24,2021 as submitted. Roll Call Taken: AYES 3, NOES 0*

**4. Management Report**

**Financial Reports:** Administrator Redding presented the financial reports for March 2021, noting the budget to actual report reflected the revised budget approved at the March meeting.

**Capital Projects Accounting, March 2021:** Administrator Redding presented updated capital projects reports to the Board, noting there were no changes in March.

**New Service Connection Fee:** The Certificate documenting the new fee for 2021 was presented. The staff fielded questions about new meter installation during the drought and staff noted that the Regulation passed last summer had a rule that no new meters would be connected during the declared water emergency.

**Tenney Tanks Project Update:** Administrator Redding announced that the State Water Resources Control Board had approved the Final Budget Approval and that the Determination was faster than expected. The next steps are to issue a formal Notice to Proceed, arrange a pre-construction meeting and coordinate with environmental review and geotechnical review. The project is expected to begin in early May.

**MWPA Update:** Chief Fox reported that the West Marin Region submitted a CORE project application to the Operational Committee as a first step to identify projects for the region. The CORE projects proposed are evacuation route clearing for non-county-maintained roads and defensible space clearing for areas of concern. This will help the committee, upon hiring of the Environmental Consulting Firm to locate and advise on locations for the projects. He also reported that an application was submitted for the local projects planned.

**MERA Update:** Chief Fox reported that the Board is moving through tower lease agreements, construction agreements and working to stay on track for a project end date of 2023. It was also announced that the current MERA Executive Officer, Maureen Cassingham, has announced her retirement and a recruitment will begin to replace her.

**5. Water System Report: March 2021**

Senior Water Operator Ken Fox submitted a written report for March showing previous year comparisons. Streamflow's are significantly lower than last year. Operator Fox also noted that Employee Kai Heimpel resigned to pursue a Medical Profession in Germany and he will be missed.

**6. Fire Department Report: March 2021**

Chief Fox submitted a written report for March. He reported that drills and training resumed in person activities. He also reported that the month of March did not have much activity for response calls.

**8. Request for Fire Department to Participate in FireWise Inverness as a Partner Agency:**

Kathy Hartzell representing the IA/IF and the community application for becoming a Firewise Community asked if anyone from the Board or Staff would be interested in participating on the Committee. Director Donohue volunteered to participate.

**9. Proposal for Creation of Committee to Study Possible Parcel Tax Measure**

This item was requested by Jerry Meral, but he was unable to attend the meeting. This item will be carried over to the May meeting for discussion.

**10. MERA Proposal to Establish Replacement Fund:**

The MERA Finance committee sent a request to County Agencies with a summary of the funding that has been paid by the agencies for the 20-year bond which expires in 2022. Inverness will pay \$11,916 for the Fiscal Year 2021-2022. They are asking for a contribution to fund equipment replacement. When the Bond is expired, the agency would then only have the equipment replacement fund.

**11. Approval of Expenditures and Credit Card Charges**

Administrator Redding presented the March 2021 expenditures and the March 2021 Cal Card statements for S. Redding and J. Fox.

*M/S Donohue/Press to approve the expenditures for March 2021 and credit card charges invoiced in March 2021. Roll Call Taken: AYES 3, NOES 0*

**12. Recruitment Update-Fire Chief Position: Administrator Redding**

Administrator Redding reported that one interview was held, and another was scheduled for tomorrow. Once the interviews are complete, the next steps are to have the personnel committee meet to discuss the candidates and bring a recommendation to the Board at the next meeting.

**13. Announcements, Next Meeting, Adjournment**

The next regular meeting is scheduled for May 26, 2021, at 9 a.m. at the Firehouse if conditions and County guidance allow.

Director Whitney adjourned the meeting at 11:15 a.m.

These minutes were approved by the Board of Directors at the regular meeting on May 26, 2021.

Attest: /s/

Shelley Redding, Clerk of the Board

Date: 5/26/2021





Inverness Public Utility District  
Board Meeting May 26, 2021

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## Agenda Item No. 4

### **Bartolini/Garcia Appeal**

- Public Hearing on request for exception to moratorium on new service connection.



*Inverness Public Utility District*

**Board Agenda Item Staff Report**

Subject: Appeal by Nicole Bartolini and Joshua Garcia for an exception from Regulation 117's moratorium on installation of New Service Connections during the Water Shortage Emergency

Meeting Date: May 26, 2021

Date Prepared: May 21, 2021

Prepared by: Wade Holland, Customer Services Manager

Attachments: Letter of appeal from Nicole Bartolini and Joshua Garcia, dated May 13, 2021  
Copy of Water System Regulation 117

**NOTE:** Please also see the attachments to the Staff Report prepared for the subsequently cancelled May 14 Special Meeting

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**Recommended Action:** Deny the request for an exception on the finding that the appellants have not cited any provisions in Regulation 117 or in law, or any extenuating circumstances, on the basis of which this appeal could be granted.

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This appeal is brought under the "Exceptions and Exemptions" paragraph in Water System Regulation 117. The Board must evaluate the appeal principally in the context of that Regulation.

The appellants are requesting an exception from the moratorium on installation of New Service Connections during the current Water Shortage Emergency. The appellants purchased the property in question (88 Vision Road) in January 2021, some six months after the District's Water Shortage Emergency (and moratorium on new service hookups) went into effect. The first time the appellants contacted the District about obtaining water service was on April 27, 2021 – more than nine months after the Water Shortage Emergency was declared.

On May 3, 2021, the District conditionally allocated a New Service Connection for the appellant's property, the conditions being that applicants must enter into agreements with the District with respect to paying for engineering services, providing a water main extension, installing a fire hydrant, and installing water meter facilities at the property; in addition, installation of all these facilities must wait until the Water Shortage Emergency has been cancelled, and District will not be able to provide a "will-serve" letter until that time. The appellants are seeking an exception, presumably asking that District's staff be directed to provide a "will-serve" letter immediately so that applicants can proceed with installation of the required facilities without having to wait until the Water Shortage Emergency has ended.

In their letter of May 13, 2021, the appellants cite the following bases for their appeal:

- 1) "We would not have purchased the property...[h]ad we or our local real estate agent been aware...of the moratorium on new water connections."
- 2) Issuance of a coastal permit implies an entitlement to water.
- 3) Because of their construction schedule, they will not be using water this summer.
- 4) It's a small house with minimal landscaping.
- 5) They misunderstood and relied on information they inferred from a previous applicant's earlier project for the property.
- 6) The public was not adequately informed about the District's Water Shortage Emergency (and moratorium on new connections).
- 7) Their situation is "unique."

**With respect to No. 1 above**, this is a "buyer's remorse" argument that might have standing with respect to recourse from IPUD only if IPUD had misrepresented to the appellants the status of water service availability to their property or if IPUD had treated these applicants less favorably than it did other applicants in a similar situation.

As to the misrepresentation question, IPUD never made any representations at all to anyone about water for these applicants' development project until it responded by email on April 20, 2021, to a request for such information from a County planner; this was several months after Bartolini/Garcia had purchased the property. Appellants have indicated that they relied on a similar type of status report the District provided in March 2019 (two years earlier) to a similar standard request from a County planner for a previous owner's project. If applicants relied on an outdated communication provided for a different project, a different applicant/property owner, and under different circumstances (i.e., at a time when there was no hint of a Water Shortage Emergency), they did so at their own risk.

As to the unfavorable treatment possibility, all communications from the appellants have been handled by District with alacrity. The District received, processed, and allocated conditionally a water meter for their property this past May 3, exactly one week after appellants contacted the District for the first time on April 27. (The irony is that were these appellants to be granted the requested exception, the holders of the other three conditionally allocated meters that are also on hold due to the moratorium are the ones who would likely be asserting a claim of unequal treatment.)

**With respect to No. 2 above**, the appellants appear to place significant emphasis on the issue of a Coastal permit. They refer in their letter to "an open...Coastal permit," and they contend that "the stringent coastal permitting criteria that involves access to water...were met." In fact, a Coastal Development permit simply confirms that findings have been made that a project as proposed (or conditioned) is consistent with the Coastal Act (and the Local Coastal Program). In the case of a project within the service area of a municipal water system (such as IPUD), those findings require only that the water system has confirmed that the project could be connected to the system. The District did this for the 2019 project, but it noted when the current project came along in 2021 that such a confirmation cannot be provided while the Water Shortage Emergency is in effect. Neither the District's "confirmation" of availability nor the County's issuance of a Coastal Permit constitutes a commitment to serve, especially absent any application for such service.

The appellants' arguments based on a Coastal permit issued for a previous owner's project have no applicability today. Moreover, Coastal permit arguments are not relevant to the District's implementation of its Water Shortage Emergency.

**With respect to Nos. 3 and 4 above**, staff is unable to point to anything in the District's regulations or in the California Water Code's provisions on water shortage emergencies that provides a basis for granting an exception to the moratorium because of construction schedule, the size of the development, or the applicants' landscaping intentions.

**With respect to No. 5 above**, staff has not been provided with any evidence of a "letter from IPUD providing approval of water access" for the property. It appears that the appellants did not distinguish between a statement to a County planner about the availability of water and a commitment to provide water. Their reference to a "letter stating that the water application is complete and that the property has access to an adequate water supply" is misleading on a number of points: (1) the statement is from an inter-agency communication submitted more than two years ago for a different project and a different applicant (albeit at the same project location); (2) the reference to a "water application" being "complete" is misleading because no application for water had ever been submitted (before the current appellants filed such as application on April 29 of this year); and (3) "completeness" in the District's responses to County planners refers only to the adequacy of the information provided to the District so that it can evaluate the project for compliance with the District's fire and water requirements.

Because the previous owner of the property never contacted IPUD about obtaining water service, and IPUD never made any commitments to the property's previous owner, staff believes that there is no basis for IPUD bearing any responsibility for assumptions the appellants may have relied on as a result of representations made by others concerning County permits issued to the previous owner.

**With respect to No. 6 above**, staff notes that information about the Water Shortage Emergency has been communicated by many means, including the following:

- ✓ The District ran quarter-page display ads in the Pt. Reyes Light in its issues of July 9, 2020, and July 16, 2020, calling attention to the details of the proposed Water Shortage Emergency, including that no new services would be connected.
- ✓ On the same day that the Board of Director declared the Water Shortage Emergency, a two-sided, 8½ x 11, full-color, glossy-paper brochure was mailed to all Water System customers by first-class mail; it explained in even greater detail the Water Shortage Emergency's restrictions, including the moratorium on new connections.
- ✓ Every water bill mailed to Water System customers since last July has included information on the Water Shortage Emergency and the drought.
- ✓ The District's website has featured information on the Water Shortage Emergency throughout the emergency period, which information is accessible from a banner headline link at the very top of the website's homepage.
- ✓ During the summer and fall months of 2020, when the water shortage was initially most serious, the District blanketed the town with eye-catching yard signs calling attention to the water shortage.
- ✓ During the same period, numerous signs on the subject were posted within and around the Inverness Post Office, including frequent water shortage status reports.
- ✓ Beginning in early 2021, mass emailing has been used to keep the Water System's customers informed about topics of interest, including two such mailings about the Water Shortage Emergency.
- ✓ At various times over the past 10 months, the District's water shortage situation has been mentioned in news articles in the San Francisco Chronicle and the Marin Independent-Journal, as well as the Point Reyes Light (including a feature front-page article in the Marin Independent-Journal's issue of July 16, 2020).

Staff suggests that there is no reasonable basis for an appeal finding on the grounds of inadequate notice to the public about the Water Shortage Emergency

**With respect to No. 7 above**, because five applications for new service connections are on file today in the District office, the appellants are not in a "unique" situation. If their reference to "uniqueness" is about their purchase of the property without doing adequate due diligence, or because they relied on hearsay from others as a substitute for due diligence about water (rather than contacting the District itself), such a situation, unfortunate though it may be, does not constitute a defensible basis for granting an exception -- unless the Board is prepared to grant a similar exception for any other person who might want a meter installed during this drought.

**Finally**, although the appellants' appeal letter does not cite the argument about their long-standing connection to and standing in the community, they have raised this issue in other communications and it has been brought up repeatedly in contacts to the District by members of the public in support of the appellants' request for an exception. Staff points out that such an argument is irrelevant and granting an appeal even partially on its basis would be of questionable legality (the irony is that all the other individuals currently applying for meters can easily make the same argument).

**In conclusion**, a key factor here is that the appellants purchased property constrained by the moratorium on new connections some six months after the moratorium went into effect; this is very different from the possible extenuating circumstance that might be considered had the moratorium been introduced very shortly after they had made the purchase. In summary, staff does not find that the appellants have cited any provisions in Regulation 117 or in law, or any extenuating circumstances, on the basis of which this appeal could be granted. Accordingly, staff recommends that the appeal be denied.

May 13, 2021

Dear Board of Inverness Public Utility District,

We are reaching out before the meeting on May 26th to clarify our position for your consideration.

We were pleased to see the new staff report and are hopeful for a possible path forward. We would like to clarify that we are requesting an exception for a new water connection, not a revision to your resolution, based on the following:

We want to be clear that we are very sympathetic to the concerns of the drought we all face and are willing to work with IPUD to come to an acceptable agreement that does not create a burdensome situation for other IPUD customers. We would like to note that making an exception to grant us a new water connection would have little impact on the Inverness water system overall. We will not be building this summer, therefore we will not be drawing any water during this time of possible rationing. When we hopefully build next Spring, if needed, we will agree to pay to truck water onto the property for the site and civil work. We are building a small home of roughly 1200 sq ft, with two bathrooms. Previous to this issue arising, our intention was to minimize or eliminate the need for water usage into the future for landscaping on the property. Because of this and because of our desire to make our request reasonable during this time, we are supportive and agreeable to the exception being consistent with the language of North Marin Water District stating "connection of property for which the Applicant agrees to defer landscape installation until after the suspension period".

Additionally, as you know we purchased our property with an open (meaning it has not expired) Coastal permit, with design and planning approvals. Included in that permit and the property disclosures was the letter from IPUD providing approval for water access. While we understand that IPUD's opinion is that this letter does not guarantee a water connection, the letter stating that the water application is complete and that the property has access to an adequate water supply is fundamental to the planning and building process. The letter indicated not only to the original owners but also to us, to the County of Marin, and the Coastal Commission, that the stringent coastal permitting criteria that involves access to water (among other things) were met. This letter, from a public agency, influenced our decision to make a significant financial investment.

As we noted in our first letter, the sellers were not made aware of the moratorium on new water connections, therefore this was not included in our disclosures. Had we or our local real estate agent been aware, we would not have purchased the property.

Ultimately, we are requesting that the IPUD Board make an exception either based on our unique situation of having planning approvals for our property OR by incorporating an exception for new water connections during the water shortage emergency for applicants that agree to defer landscaping installation, consistent with the policies of the North Marin Water District. Again, we are hopeful this issue can be resolved and are thankful for your time and consideration.

Sincerely,

Nicole Bartolini and Joshua Garcia



## Regulation 117

### WATER SHORTAGE EMERGENCY

(a) **Declaration of a Water Shortage Emergency**

A Water Shortage Emergency may be declared by the Board of Directors under the conditions cited in, and pursuant to the provisions of, Sections 350 through 358 of the Water Code of the State of California.

(b) **Purpose**

The purpose of this Regulation is to provide such regulations and restrictions on the delivery of water and the consumption of water supplied for public use as will, in the sound discretion of the District's Board of Directors, conserve the District's water supply for the greatest public benefit, with particular regard to domestic use, sanitation, and fire protection. This Regulation is intended to be operative pursuant to a declaration by the Board of Directors that a water shortage emergency condition prevails within the area served by the District.

(c) **Implementation**

This Regulation and its provisions shall be in effect and shall be binding on the customers of the District's Water System with the full force of law immediately upon the adoption by the Board of Directors of the Inverness Public Utility District of a Resolution declaring that a water shortage emergency condition prevails within the area served by the District's Water System, unless said Resolution provides otherwise, and shall remain in full force and effect until the Board of Directors of the Inverness Public Utility District declares an end to the water shortage emergency. In its declaration of a water shortage emergency, the Board of Directors may provide for regulations and restrictions on the delivery and consumption of water other than as provided for in this Regulation, or in addition to the regulations and restrictions provided for in this Regulation; it may also exempt enumerated provisions of this Regulation from being placed in effect during a declared water shortage emergency.

(d) **Limited Effectiveness**

The provisions of this Regulation shall be not be effective or applicable when no duly declared water shortage emergency is in effect in the District.

(e) **New Service Connections**

At any time a water shortage emergency is in effect, the Water System may continue to receive, accept, and process applications for New Service Connections. However, the Water System shall not provide the physical connection to a system main nor install the meter for a New Service Connection the application for which was received while a declared water shortage emergency was in effect. Such connection and meter installation shall be provided only after the water shortage emergency has been duly declared ended.

(f) **Four-Stage Program**

The District's program to conserve the public water supply during a water shortage emergency shall consist of the four stages detailed in subparagraphs (1), (2), (3), and (4) below. These stages shall be implemented as provided for in paragraph (g) below.

(1) **Stage 1: General Conservation and Prohibition of Nonessential Uses of Water**

When Stage 1 is in effect, the Water System shall implement a program of encouraging customers to conserve water and informing them of the need to reduce water usage. In addition, the following non-essential uses of water shall be prohibited during Stage 1:

- a. Any use of water in conjunction with installation of new landscaping or in support of replacement of more than 25 square feet within a 90-day period of replacement landscaping, except as necessary for erosion control or for dust control at construction sites.

- b. Use of water through any service when the customer or the owner of the premises is aware of, or should have cause to be aware of, any broken or defective plumbing, sprinkler, watering or irrigation system, and the customer or owner has failed to effect necessary repairs within ten (10) days.
- c. Use of water which results in flooding or runoff into a gutter, street, roadway, or elsewhere of similar nature.
- d. Use of water through a hose not equipped with a positive shutoff mechanism for washing cars, busses, boats, trailers, or any other types of vehicles.
- e. Use of water through a hose for washing the exteriors of buildings or structures, or for washing sidewalks, driveways, patios, parking lots, athletic or game courts (such as tennis courts), or other hard-surfaced outdoor areas.
- f. Use of water for filling any new swimming pool or for refilling any existing swimming pool, except for reasonable “topping off” or reasonable backwashing-to-waste of existing swimming pools at intervals of not less than fourteen (14) days.
- g. Use of water to clean, fill, or maintain levels in decorative fountains, pools, or ponds exceeding one hundred (100) gallons capacity, except as minimally necessary to maintain existing piscine life.
- h. Use of water for construction purposes, such as consolidating backfill, unless no other source of water or method is reasonably available to be used, and a permit for said use has been issued by the General Manager of the Inverness Public Utility District.
- i. Service of water to a customer by any restaurant or food-service establishment except when requested by the customer.
- j. Use of water without a permit issued by the General Manager to fill any privately-owned water storage tank exceeding one hundred (100) gallons capacity unless said tank is directly online in and an integral part of the customer’s water service connection.

**(2) Stage 2: Prohibitions on Outdoor Uses of Water and/or Restrictions on When Outdoor Watering Is Permitted**

In addition to the provisions of Stage 1, which shall remain in effect during Stage 2, Stage 2 shall consist of such restrictions on outdoor uses of water as in the judgment of the General Manager are necessary to conserve the District’s water supply for essential uses. Any or all of the following restrictions on water usage may be placed in effect in any order or in any combination by the General Manager during Stage 2:

- a. Prohibition of use of water for washing vehicles (cars, busses, trailers, boats, etc.).
- b. Prohibition of use at any time of sprinkler devices for outdoor watering.
- c. Prohibition of use at any time of timer-activated automatic outdoor watering or irrigation systems.
- d. Prohibition of use of the public water supply to fill swimming pools, outdoor spas, or ornamental ponds exceeding one hundred (100) gallons capacity.
- e. Prohibition of outdoor watering on specified days of the week or month or during specified times of the day.
- f. Permitting outdoor watering only at specified times or on specified days or on a specified schedule, such as permitting outdoor watering on a schedule based on whether a property has an even-numbered or an odd-numbered address.
- g. Permitting outdoor watering only by handheld hose or by watering can or container not exceeding five (5) gallons capacity.

**(3) Stage 3: Prohibition of Outdoor Watering at All Times**



In addition to the applicable prohibitions of nonessential uses of the public water supply in Stages 1 and 2, which shall remain in effect during Stage 3, all uses of the public water supply for any type of outdoor watering shall be prohibited at all times while Stage 3 is in effect. Under unusual circumstances of unavoidable necessity and for the protection of the general public welfare, the General Manager may grant on a case-by-case basis permits for specified uses of water outdoors while Stage 3 is in effect.

**(4) Stage 4: Water Rationing**

In the event it is necessary to conserve an even greater portion of the public water supply than is achieved by implementation of Stage 3, the Board of Directors may impose mandatory rationing, either as provided for in Inverness Public Utility District Ordinance 78-2009 or as provided for by other legal means.

**(g) Authorization to Implement Stages**

- (1) The General Manager shall have full authority to place Stage 1 in effect.
- (2) The General Manager shall have authority to place Stage 2 and Stage 3 in effect, provided that within five (5) days of placing Stage 2 or Stage 3 in effect the General Manager shall notify in writing each of the Directors of the circumstances which, in the General Manager's opinion, made it advisable to place the stage in effect, which notification to the Directors shall also be made available to the public; however, this requirement shall not apply when the stage placed in effect is lower than the stage it replaces. The Directors may, at a subsequent regular meeting or a duly called special meeting, rescind the General Manager's action in placing the stage in effect and may direct that a lower stage be placed in effect.
- (3) Upon adoption by the Board of Directors of a water shortage emergency declaration, the General Manager shall devise and implement a program to inform the public of the applicable provisions of this Regulation.
- (4) The General Manager shall devise and implement means of informing the public whenever a stage is placed in effect or a declared water shortage emergency is ended.

**(h) Enforcement**

- (1) The following penalties shall be applied in the event of a use of water that is in violation of this Regulation or in violation of a restriction on water usage that is in effect pursuant to implementation of this Regulation while a declared water shortage emergency is in effect.
  - a. First violation at a customer's service: An oral warning shall be issued upon detection of the violation, and a letter explaining the violation shall be mailed to the customer within fourteen (14) days.
  - b. Second violation at the same customer's service: A surcharge of one hundred dollars (\$100.00) for the water used in violation of this Regulation shall be added to the customer's service account.
  - c. Third violation at the same customer's service: A surcharge of two hundred dollars (\$200.00) for the water used in violation of this Regulation shall be added to the customer's service account and a flow restrictor permitting a flow rate of approximately one-quarter (1/4) gallon per minute shall be placed on the customer's service connection for a period of seven (7) days.
  - d. Fourth violation at the same customer's service: A surcharge of three hundred dollars (\$300.00) for the water used in violation of this Regulation shall be added to the customer's service account and a flow restrictor permitting a flow rate of approximately one-quarter (1/4) gallon per minute shall be placed on the customer's service connection for the duration of the water shortage emergency.
  - e. In addition to the applicable penalties above, the customer's service connection shall be turned off and service shall be restored only upon payment of a fifty dollar (\$50.00) service restoration

charge if at the time the violation is detected there is no responsible adult present on the premises.

- f. In addition to the applicable penalties above, the customer's service connection shall be turned off and service shall be restored only upon payment of a fifty dollar (\$50.00) service restoration charge if at the time the violation is detected the person or persons engaged in the violation refuse to immediately cease the usage of water that is in violation of this Regulation.
- (2) A customer charged with a violation of this Regulation may submit an appeal in writing to the Board of Directors within fourteen (14) days of notification of the violation. The Board shall conduct a hearing on the appeal within thirty (30) days of receipt of the appeal. An appeal must be accompanied by a deposit in the amount of the surcharge in the case of an appeal of a second, third, or fourth violation. No flow restrictor shall be maintained on the service connection while an appeal is pending. If the Board sustains an appeal of a violation for which a service restoration charge was paid by the appellant, the service restoration charge shall be refunded to the customer. The decision of the Board of Directors on an appeal shall be final and binding.

(i) **Exceptions and Exemptions**

Applications for exceptions to and exemptions from provisions of this Regulation, other than as provided for elsewhere in this Regulation, may be submitted in writing to the Board of Directors. The Board shall conduct a hearing on the application within thirty (30) days of receipt of the application, and shall render a final and binding decision on the application within seven (7) days of concluding the hearing. Nothing in this Regulation shall limit or restrict any public agency engaged in providing emergency services from making any use whatsoever of the water supply for purposes associated with the provision of emergency services. Nothing in this Regulation shall limit or restrict the Water System itself from using water in any manner or fashion or for any use it deems necessary in order to operate the water system and maintain the public water supply.

\* \* \* \* \*

*Regulation 117: Adopted, July 2, 2001 (Ordinance 58-2001)*

*July 22, 2009: The reference in paragraph (f)(4) to Ordinance 82-1 as providing the mechanisms for imposing water rationing was superseded by Ordinance 78-2009, which provides mechanisms for water rationing that are to be enforced in the event of implementation of Stage 4.*

*December 16, 2020: Subsection (f)(1)a rewritten; reference in subsection (f)(4) to "Ordinance 82-1" updated to "Ordinance 78-2009." (Ordinance 98-2020)*



## Board Agenda Item Staff Report

Subject: Bartolini/Garcia request for an amendment to Water Shortage Emergency Regulation 117 to allow New Service Connection

Meeting Date: May 14, 2021 (special meeting)

Date Prepared: May 10, 2021

Prepared by: Wade B. Holland, Customer Services Manager

Attachments: Letter of request from Nicole Bartolini and Josh Garcia, 4/28/2021  
IPUD Resolution 255-2020 (approved 7/20/2020) declaring a Water Shortage Emergency  
IPUD Water System Regulation 117 (Water Shortage Emergency)  
CDA Planning referral for Bartolini Garcia Coastal Permit and Design Review Amendment (4/6/2021)  
IPUD email response to foregoing Planning referral (4/20/2021)  
Bartolini/Garcia Application for a New Water Service Connection (dated 4/29/2021)  
IPUD letter to Bartolini/Garcia, 5/4/2021, conditionally allocating a New Water Service Connection  
IPUD's March 18, 2019, response to Planning referral for Leahy Coastal Permit and Design Review

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**Recommended Action:** Deny request to modify moratorium on issuance of new service connections during Water Shortage Emergency (alternatively, decline to take action on the request)

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The Water System's Regulation 117 (attached) specifies the District's restrictions on water usage during a declared Water Shortage Emergency. Regulation 117 became operative and enforceable upon adoption by your Board of Resolution 255-2020 (attached) on July 20, 2020, declaring a Water Shortage Emergency.

Paragraph (e) of Regulation 117 states that "*the Water System shall not provide the physical connection to a system main nor install the meter for a New Service Connection the application for which was received while a declared water shortage emergency was in effect.*"

The Bartolini-Garcia letter of April 28, 2021 (attached), requests that an exception to this moratorium on new connections be created for "*open permits that have a letter of record on file with previous IPUD approval for a new water connection*" so that a meter could be installed to provide service to their undeveloped property at 88 Vision Rd. (A.P. 112-141-13).

The problem with the specific language of their request is that there is no "*letter of record on file*" for the parcel in question, because at the time the water shortage moratorium came into effect the District had never been asked for such a letter and no such a letter had ever been issued. Stated another way, **there has never been a "*previous IPUD approval for a new water connection*" for this parcel.** The first time a request was made to IPUD to provide water to this parcel was when we were contacted (by phone) by Ms. Bartolini on April 27, 2021 (this year), many months after the moratorium had come into effect.

The reference in the Bartolini/Garcia letter to "*open permits*" refers apparently to Design Review and Coastal Development permits issued by the County of Marin in 2019 for development of the parcel by a former owner. Issuance of these types of discretionary permits is a County function, for which the IPUD's limited role is to advise the County on what our requirements would be with respect to providing fire protection and domestic water supply for the specific development being evaluated by the County for issuance of County permits.

More than two years ago, on March 5, 2019, a County planner requested this type of fire and water information from our agency for the County's use in determining whether to approve the two discretionary permits being applied for at that time by the former owner of the property (name of Leahy). Our response, dated March 18, 2019 (attached), and addressed to the County planner (not to the applicant Leahy), stated the conditions under which, at that time, we would provide domestic and fire protection water service.

It is this March 2019 response by IPUD to the County planner that Ms. Bartolini has been regarding as a commitment from IPUD to provide water. This type of standard response to an interagency planning referral is not intended to provide anything more than a statement to the County about the availability of water and the conditions under which it could be provided. Such a response to the County does not constitute our allocation of a new meter, especially when we have not been contacted by anyone about applying for service to the property and paying our required New Service Connection fee.

Here is the backstory.

There are several undeveloped parcels on the steep north side of Vision Rd. in the first block in from Sir Francis Drake Blvd. Over the years, we have received numerous inquiries, typically by telephone, asking about the availability of water for these various parcels; these inquiries have come from Realtors, prospective buyers, architects, planning consultants, etc. Because there is no water main on this section of Vision Rd., we have always responded that provision of municipal water would require installation (at applicant's expense) of a 6-inch main from approximately the intersection of Vision Rd. and Cameron St. eastward along Vision Rd. to the edge of the subject property (and also installation of fire hydrant(s)). Most often, that has been as much as the caller wanted to hear, but when more detail was requested, we would explain our process for applying for a new water service connection and, in this particular case, for entering into a contract with us to have the necessary engineering work performed for the main extension project so that we could estimate what it would cost to install the required facilities. We have no record that before April of this year anyone ever contacted us expressing an actual interest in applying for a water connection for any of these parcels and becoming our customer.

The first time we became aware that someone was pursuing development of one of these parcels was in March 2019 when we received the interagency referral from County Planning that is noted above (for the applicant named Leahy). We never heard anything more about Leahy's application at the County, nor did applicant Leahy ever contact us about pursuing the main extension requirement, applying for service, and paying the New Service Connection fee. We had no knowledge whether the County had even approved Leahy's permits.

In April of this year, more than two years later and some nine months after your Board declared the Water Shortage Emergency, we received a new interagency referral (attached) from County Planning for the same parcel. This one was for a different applicant (Bartolini/Garcia) and it had a different County Planning project number. Nonetheless, the description of the project indicated that the new applicants were seeking to activate and amend previously approved Leahy permits. We responded quickly (by email; copy attached) to this referral because we realized that the response we had provided in 2019 for the Leahy application was no longer applicable due to the Water Shortage Emergency that had come into effect and which, importantly, included a moratorium on new water hookups.

One day later, we were contacted by phone by Nicole Bartolini. It became apparent that she had assumed that the County's approval of a Coastal permit for Leahy somehow constituted an assurance that IPUD was permanently obligated to provide a water hookup. We explained why this was not the case and, moreover, that Leahy had never followed up about obtaining water service.

At her request, we sent Ms. Bartolini an Application for a New Service Connection, which she and Mr. Garcia filed with us on May 3 (attached) together with a check for the New Service Connection fee. We sent to them on May 4 a letter of acceptance (attached) with a statement that a New Water Service Connection has been conditionally allocated for their parcel, but that actual provision of the connection would

have to wait until the Water Shortage Emergency declaration has been cancelled (and a Main Extension Agreement has been executed).

Ms. Bartolini has indicated that Marin County will not further process their Coastal Permit and Design Review Amendment application until IPUD provides categorical assurance that a water meter will be installed. IPUD cannot do that because in this time of climate-change uncertainty and unprecedented drought conditions there is no certainty that the Water Shortage Emergency will be cancelled within a reasonable timeframe that would enable Bartolini/Garcia to proceed with construction of their project. (We have assured them that if at any time they want to withdraw their application, we will fully refund the New Service Connection fee.)

Please be advised that two other applications for new service connections have been submitted to the District since the water shortage emergency was declared (and are also similarly on hold). We don't see any way to accommodate the Bartolini/Garcia request without also obligating the District to provide new meters immediately to these other two applicants (one of them is for an existing residential structure which, presumably, could start using water immediately).

Staff is also concerned that at the same time we are exhorting existing customers to cut back on their water usage and warning them that we may be obligated in coming months to further restrict, even ration, water, it would be difficult to justify why IPUD is continuing to install new meters.

Your options are as follows:

- Vote to grant the Bartolini/Garcia request exactly as stated (which would be meaningless because they don't have a qualifying "*letter of record on file with previous IPUD approval for a new water connection*").
- Vote to grant the intent of the Bartolini/Garcia request by directing staff to bring back an ordinance amending Water System Regulation 117 to modify or delete paragraph (e).
- Vote to deny the Bartolini/Garcia request.
- Decline to take action (at the end of your discussion, the chair could ask for a motion, then if no Director offers a motion, the effect would be that "the Board declined to act on the request").



*Inverness Public Utility District*

## **Board Agenda Item Staff Report**

Subject: Addendum to Staff Report for Bartolini/Garcia request for an amendment to Water Shortage Emergency Regulation 117 to allow New Service Connection

Meeting Date: May 14, 2021 (special meeting)

Date Prepared: May 11, 2021

Prepared by: Wade B. Holland, Customer Services Manager

Attachments:

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**Recommended Action:** Provide staff with direction on incorporating an exception into the restriction on installing new meters during a Water Shortage Emergency.

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Two items have arisen since the main Staff Report was prepared.

1. An existing customer has contacted us requesting applications for New Service Connections for two undeveloped parcels he owns within the District. We made him aware of the moratorium on new service connections during the Water Shortage Emergency, but he explained that he wants to be “in the queue” when the Water Shortage Emergency is lifted. This means that soon there will likely be five pending new service installations on file.
2. We have been in contact with North Marin Water District after we learned that their restrictions on new service connections while their Water Shortage Emergency is in effect in West Marin include an exception for:

*“...connection of property for which the Applicant agrees to defer landscape installation until after the suspension period.”*

This is a possibility that your Board may want to consider for incorporation into the rewrite of Regulation 117 that is on the agenda for your regular May 26 meeting.

The following considerations should be kept in mind about this possibility:

- Such an exception would be applicable, presumably, to all three applications for new services that are already on file, as well as to the two potential new applications noted in No. 1 above.
- In four of these five cases, it is most likely that no water will actually be needed before sometime next year at the earliest, by which time it is possible that the Water Shortage Emergency will have been cancelled.
- There is no assurance about the rainfall pattern this winter, so it is possible that the Water Shortage Emergency will still be in effect a year from now and perhaps even indefinitely into the future thereafter.
- We have no knowledge of whether granting a meter subject to this exception would be acceptable to County Planning and they would be willing to proceed with issuance of Coastal Development and Design Review permits, as well as subsequent issuance of building permits.

If your Board wishes to proceed with the possibility of incorporating such an exception into the rewrite of Regulation 117, here are some items for which your direction is requested:

- Is the wording of North Marin’s exception suitable for us as is?

- Should we limit the exception to meters for single-family residences only? (We've never in 41 years had a request for a new meter for anything other than a single-family residence, so the likelihood of a meter for some other purpose is probably too low to bother with including such a provision).
- Should we add language restricting outdoor water usage to what is minimally necessary for construction purposes (and explicitly barring use of system water for any other use, including for existing landscaping, for example)?
- Should applicability of the exception be available only while water rationing is not in effect?

April 28, 2021

Dear Board of Directors for the Inverness Public Utilities District,

We received the unfortunate news yesterday from the assigned County of Marin Planner, Sabrina Cardoza, that the lot we purchased (at 88 Vision Rd.) in January 2021 is currently unbuildable due to IPUD's refusal to issue a new water connection at this time due to the water shortage emergency.

We have been looking to buy or build a home in Inverness for years. While not our "dream lot" due to the hillside location, we specifically decided to purchase 88 Vision because the property already had an active open coastal permit (P2356), and all infrastructure and exploration into building feasibility had already been completed and approved by the County of Marin, Design review and Coastal permitting process. The purchase of the lot included all the necessary disclosures, studies and approvals for building, including a letter from IPUD acknowledging that the property's application was complete for water system purposes. After purchasing the lot, in March of 2021 we applied for an amendment to the coastal permit because we want to reduce the square footage of the home (as compared to the previously-approved plans), and to incorporate solar power.

In the midst of the planning and approval process for the development at 88 Vision that was approved prior to our buying the property, on March 18, 2019, IPUD provided a letter to County Planner Sabrina Cardoza (then Sabrina Sihakom), which reads in relevant part as follows:

**Inverness Water System**

3. The application appears to be complete for Water System purposes.
4. Applicants must enter into a Main Line Extension Agreement with the Inverness Public Utility District in order for the District's Water System to provide domestic and fire protection water service to the subject property. District requests that this requirement be made a condition of project approval.

When we purchased this lot, we read all disclosures, and we were aware of and prepared to comply with the main line extension agreement with IPUD pursuant to IPUD's March 2019 letter. In making the decision to purchase the lot, we relied on the disclosures, including IPUD's letter to the County (including IPUD's statement that the application appears to be complete, and that all that would be required is a main line extension agreement) and the County's approval of the planned development. At no time prior to buying the property were we made aware that IPUD had made a decision to stop issuing new water connections. Simply, we would not have bought the property at 88 Vision had we been aware of that decision.

In addition, our understanding was that we didn't need to contact IPUD regarding a main line extension and water connection until we moved on to the process of applying for our building permit to start construction. At the time we purchased the lot, we understood that we had all needed information from IPUD and that we were aware of any conditions IPUD had put in place for our lot.



It appears there is no process of notification for anyone holding an open permit, so the change to not grant new water connections was not included in the property disclosures, nor was our local real estate agent aware. We had no way of knowing this would be an issue that would prevent us from building.

I grew up in Inverness, and our family spends the bulk of our free time there and my understanding (and the understanding of those I know who currently live in Inverness) has always been that a vacant lot within the jurisdiction of IPUD in Inverness would be issued a water connection assuming the proposed project met all other criteria to build under the guidelines of the Coastal Commission and local building regulations, including IPUD approval, EHS for septic design, etc (as is the case for this lot).

We completely understand that water shortage is a very real and serious issue in Inverness, and the gravity of the drought we've all been in, most recently the lack of rainfall this past winter. We are in no way adversarial to IPUD's efforts to minimize the impact of the water shortage, and fully understand the need for restrictions.

We bought this lot with the hope that we can return to live in the place I grew-up, and the place we both love and have a community of friends and family. With that goal in mind, our plea to you is ultimately a simple one: we are hoping that IPUD will consider revising its current resolution on this issue to account for people in our position---who purchased property in reliance on prior approvals and representations and with no knowledge regarding even the possibility that it would not be possible to bring water to the property. Specifically, we request that you consider revising your resolution and allows new water connections for open permits that have a letter of record on file with previous IPUD approval for a new water connection, especially given that there is no mechanism in place to alert the county planning department or applicants with open permits of these critical changes.

Finally, just so the Board is aware: given the timing of this issue coming to light and where we are in the season we will not be able to break ground until Spring of 2022. Accordingly, please note that we will therefore not actually be using water during this summer of rationing. But the issuance of the new water connection by IPUD is required for us to move forward with any further planning.

We sincerely thank you for your time and consideration,

Nicole Bartolini and Josh Garcia

Handwritten signatures of Nicole Bartolini and Josh Garcia. The signature on the left is a cursive signature that appears to be 'Nicole Bartolini'. The signature on the right is a cursive signature that appears to be 'Josh Garcia'.

**RESOLUTION 255-2020**

**A RESOLUTION DECLARING THAT A  
WATER SHORTAGE EMERGENCY CONDITION  
PREVAILS WITHIN THE AREA SERVED BY THE  
INVERNESS PUBLIC UTILITY DISTRICT WATER SYSTEM**

- WHEREAS**, the Inverness Public Utility District Water System is a surface water system relying on surface water sources for its water supply; and
- WHEREAS**, weather in general and rainfall in particular are known to be key determinants of the amount of water available from the District's surface water sources; and
- WHEREAS**, the District's measurements of rainfall during the 2019/2020 rainfall year (July 1, 2019 – June 30, 2020) show that rainfall over this period was abnormally low, to wit, 23.08 inches, which is only 61.2% of the 89-year average of 37.72 inches, making 2019/2020 one of the driest year recorded in Inverness and the driest year since 1976/77; and
- WHEREAS**, the District's measurements of rainfall during the five-month period of February–June 2020 show that total rainfall over this period was critically low, to wit, 5.99 inches, which is only 38.6% of the 89-year average of 15.53 inches for the period; and
- WHEREAS**, weather during the spring of 2020 was unusually warm and sunny, and the month of June 2020 was notable for an absence of the morning fog and overcast conditions that typically characterize this time of the year; and
- WHEREAS**, measurements of streamflows at the District's water collection points over the period of January through June 2020 show abnormally low streamflow volumes; and
- WHEREAS**, the District's customer usage records show consistently that customer demand is greatest in the summer and fall months when the streamflows are approaching their lowest volumes; and
- WHEREAS**, there is a general recognition throughout Northern California at this time that drought conditions already or will soon prevail; and
- WHEREAS**, because of limited water supply the operations staff of the Water System has been unable repeatedly since mid-June to maintain adequate reserves to ensure availability of water for essential uses; and
- WHEREAS**, the District's staff initiated on June 25 a water conservation educational effort among the District's customers, which effort has not been fully successful in reducing customer demand to levels that enable maintenance of adequate reserves to ensure availability of water for essential uses; and
- WHEREAS**, the District's Directors convened a teleconferencing public hearing on July 22, 2020, pursuant to Section 351 of the Water Code of the State of California, at which time the public in general and the consumers of the District's water supply in particular were provided an opportunity to present testimony and evidence in favor of or in opposition to a declaration of a water shortage emergency and to present their respective needs for water to the District's governing board; and
- WHEREAS**, a notice of the date and time of, and means of participating in, said public hearing was published, pursuant to Section 6061 of the Government Code, on July 9, 2020, in the *Point Reyes Light*, a newspaper of general circulation in the area of the Inverness Public Utility District; and
- WHEREAS**, in view of the various aforementioned factors and in compliance with the aforementioned requirements, the Board of Directors finds that the District is unable to provide assurance that the ordinary demands and requirements of its water customers can be satisfied in the immediate future without depleting



the water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection,

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Inverness Public Utility District as follows,

**SECTION 1.** A Water Shortage Emergency Condition, as defined in Section 350 of the Water Code of the State of California, prevails within the area served by the Inverness Public Utility District Water System.


**SECTION 2.** The Board of Directors, in compliance with Section 353 of the Water Code of the State of California and so as to regulate and restrict the delivery and consumption of water for public use within the District's service area in order to conserve the water supply for the greatest public benefit, with particular regard to domestic use, sanitation, and fire protection, declares that Inverness Public Utility District Water System Regulation 117, "Water Shortage Emergency," as enacted by Ordinance 58-2001, is now in effect with the full force of law and constitutes the District's emergency water conservation program.

**SECTION 3.** Pursuant to Section 376(a) of the Water Code of the State of California, the regulations and restrictions implemented by activation of the effectiveness of Water System Regulation 117, "Water Shortage Emergency," shall be effective, implementable, and have the full force of law immediately upon adoption of this Resolution, and shall remain in effect as the District's emergency water conservation program until the Board of Directors declares an end to the water shortage emergency declared by Section 1 of this Resolution.

**SECTION 4.** The Board of Directors hereby declares that a violation of a requirement of the District's emergency water conservation program may at the discretion of the General Manager be handled by application of the provisions of Sections 377 and 377.5 of the Water Code of the State of California instead of by application of the provisions of paragraph (h), "Enforcement," of Inverness Public Utility District Water System Regulation 117.

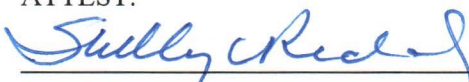
**PASSED AND ADOPTED** at a regular meeting of the Board of Directors of the Inverness Public Utility District on the 22nd day of July, 2020, by the following vote, to wit:

- AYES:** Directors **Kenneth J. Emanuels, Kathryn Donohue, Brent Johnson, David Press**
- NOES:** **None**
- ABSTAINING:** **None**
- ABSENT:** **Director Dakota Whitney**



\_\_\_\_\_  
Kenneth J. Emanuels, President

ATTEST:



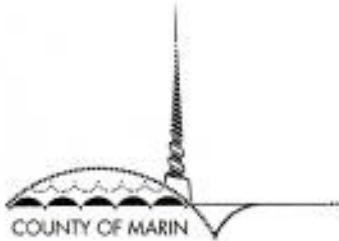
\_\_\_\_\_  
Shelley Redding, Clerk of the Board



*I hereby certify that the foregoing instrument is a true and correct copy of the original of Resolution 255-2020 on record in this office and that subsequent to its adoption no declaration contained in Resolution 255-2020 has been amended, modified, or revoked by the governing body.*

\_\_\_\_\_, Clerk of the Board, Inverness Public Utility District, County of Marin, State of California.

By \_\_\_\_\_ Date \_\_\_\_\_



**INTERAGENCY REFERRAL OF PLANNING APPLICATION**  
**Bartolini Garcia Coastal Permit and Design Review Amendment**  
Project ID P3100

April 6, 2021

The Marin County Planning Division is requesting that public agencies with regulatory authority over the Garcia Bartolini Coastal Permit and Design Review Amendment provide us with written comments on the project by April 20, 2021. The property is located at a vacant property along Vision Road, Inverness, further identified as Assessor's Parcel 112-141-13 (*previously APNs 112-141-03 & -04*).

The applicant's name and contact information is provided below.

Nicole Bartolini and Josh Garcia  
[nicolejbartolini@gmail.com](mailto:nicolejbartolini@gmail.com)  
[joshuajgarcia@gmail.com](mailto:joshuajgarcia@gmail.com)  
415-516-7628

Project Description

On March 29, 2021, the applicants submitted a Planning Application requesting Coastal and Design Review approval to amend the Leahy Gaunt Family Trust Coastal Permit and Design Review (P2356) originally approved on October 24, 2019 via resolution of the Deputy Zoning Administrator number 19-116.

The proposed amendments include the construction of a 1,232 square-foot single-family residence on a vacant lot in Inverness. The proposed development would result in a building area of 1,402 square feet, a floor area of 1,232 square feet, and a floor area ratio of three percent on the 38,862 square-foot lot. The proposed building would reach a maximum height of 23 feet, 7 ½ inches above surrounding grade and the exterior walls would have the following setbacks: nine feet, eight inches from the southern front property line; 96 feet, three inches from the western side property line; 64 feet from the northeastern eastern side property line; and over 100 feet from the northern rear property line. Various site improvements would also be entailed in the proposed development, including a new septic system, driveway, various retaining walls, and a propane tank.

The Leahy Gaunt Family Trust Coastal Permit and Design Review (P2356) approved the construction of a new 1,628 square-foot single family residence and 120 square-foot detached accessory structure (shed) on the subject property. The development is approved to have a building area of 1,748 square feet and a floor area of 1,628 square feet, resulting in a floor area ratio of four percent on the 38,862 square-foot lot. The residence is approved to reach a maximum height of 19 feet, 9 inches above natural grade and is approved to be located 16 feet from the southern front property line; 79 feet from the eastern side property line; 104 feet from the western side property line; and more than 100 feet from the northern rear property line. Various approved site improvements include a septic system, driveway, various retaining walls, and a propane tank.



Coastal Permit approval is required pursuant to interim Marin County Code Section 22.56.0551 because the project entails improvements to a property located in a Coastal zoning district not otherwise exempt from Coastal Permit requirements. Design Review approval is required pursuant to interim Marin County Code Section 22.821 because the project site is located in a planned zoning district.

Zoning: C-RSP-0.5 (Coastal, Residential, Single-Family Planned, 1 unit/2 acres)  
Countywide Plan Designation: C-SF3 (Coastal, Single-Family, 1 unit/1-5 acres)  
Community Plan (if applicable): Inverness Ridge Community Plan

More information about the project will be available on the Planning Division's website at: <https://www.marincounty.org/depts/cd/divisions/planning/projects> and under the "West Marin" geographical location. Project plans, technical reports, and other documents related to the application are available on the project's webpage, where you can subscribe to receive email notifications and updates.

In your response to this referral, please provide the following information:

1. Indicate whether the application materials contain enough information for you to determine whether the applicant can readily comply with your agency's standards.
2. If the application does not contain enough information for you to determine whether the project can readily comply with your agency's standards, please list the information that you will need to make this determination.
3. If the application contains sufficient information for your review, please indicate whether the project is feasible as proposed or needs substantial modifications to comply with your agency's standards.
4. If the project needs to be substantially modified to comply with your agency's standards, please describe the scope of those modifications.

In your response, please indicate whether you would like to impose requirements on the project. We will forward your comments to the applicants/owners so they are aware of your agency's requirements.

Please contact me at (415) 473-3607 or [scardoza@marincounty.org](mailto:scardoza@marincounty.org) if you have any questions. Thank you.

Sabrina Cardoza  
Senior Planner

**Wade Holland**

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**From:** Wade Holland  
**Sent:** Tuesday, April 20, 2021 1:32 PM  
**To:** 'Sabrina Cardoza'  
**Subject:** P3100 Garcia Bartolini CP & DR (P3100)  
**Attachments:** P2356 Leahy Transmittal response 20190318.pdf

It has come to this District's attention that you have distributed a Planning Referral for the Garcia-Bartolini CP and DR (Project ID P3100) on Vision Rd. in Inverness (AP 112-141-13, -03,- 04). We are the responsible agency for fire protection and domestic water service for this property, but we have no record that we received your current referral. In future, please ensure that we are notified of applicable referrals relevant to this application.

I am attaching our March 2019 response to the previous iteration of this project (P2356). Our response today would be the same as it was in 2019, except that we must add that due to a Water Shortage Emergency that is currently in effect in this District, we would not be able at this time to actually provide water service to the property. We can accept and process an application for a New Service Connection (and Main Line Extension agreement), but any commitment to actually provide water would have to wait until such time as the Water Shortage Emergency declaration has been cancelled by action of this District's Board of Directors.

\*\*\*\*\*

Wade B. Holland  
Customer Services Manager  
Inverness Public Utility District  
P.O. Box 469  
50 Inverness Way North  
Inverness CA 94937-0469  
(415) 669-1414

\*\*\*\*\*

# INVERNESS PUBLIC UTILITY DISTRICT

P.O. Box 469 ♦ 50 INVERNESS WAY NORTH  
INVERNESS CA 94937-0469

(415) 669-1414 ♦ FAX (415) 669-1010 ♦ EMAIL: BILLING@INVERNESSPUD.ORG

## APPLICATION FOR A NEW WATER SERVICE CONNECTION

Use this Application to apply for installation of a water meter at a property that is not already served by the IPUD Water System. A separate *Application for Customer Service and Service Agreement* will also be required once installation of the new service connection has been approved.

### APPLICANT

- ♦ Name of applicant (must be the property owner) Nicole Bartolini and Joshua Garcia
- ♦ Current mailing address 5 W Brooke Dr  
Norato CA 94947
- ♦ Preferred telephone contact number 415-516-7628
- ♦ Other telephone number(s) 415-850-1593
- ♦ Email address nicolej.bartolini@gmail.com

RECEIVED

MAY - 3 2021

INVERNESS PUBLIC  
UTILITY DISTRICT

### PROPERTY

- ♦ Street address of property to be served 88 Vision Rd Inverness CA 94937
- ♦ Assessor's Parcel Number (APN) 112-141-13
- ♦ Other contiguous parcels under the same ownership and/or considered part of this building site \_\_\_\_\_

♦ Type of service requested:  Residential.  Other than residential (describe) \_\_\_\_\_

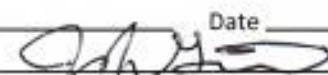
♦ When do you anticipate you will need to have the water meter installed? \_\_\_\_\_

♦ Size of service desired. A one-inch meter normally provides standard residential service, but the actual size of the service you will need may depend on the water pressure at the served location and on interior fire sprinkler requirements as determined by Marin County building codes. District does not warrant or in any way represent that the one-inch size will satisfy Marin County building code requirements. In the event a larger size connection and facilities are required, replacement of any already installed connection and facilities will be solely at applicant's (or customer's) expense.

1-inch  1½-inch  2-inch  3-inch  Other As per IPUD's 6" fire hydrant requirements  Will determine later

### SIGNATURE(S) OF APPLICANT(S)

Nicole Bartolini  Date 4/29/21  
Printed Name \_\_\_\_\_

Printed Name Josh Garcia  Date 4/29/21

This Application must be submitted with your check in the amount of the New Service Connection Fee that is in effect when a completed Application is received. Please contact the District office for the amount of the current year's New Service Connection Fee.

♦ **YOU MUST COMPLETE BOTH PAGES OF THIS APPLICATION** ♦



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## DEVELOPMENT

- ❖ First, describe any development that already exists on the property. Then, describe your development plans for the property:

see attached

- ❖ What is the status of your development application with the Marin County Community Development Agency?

Coastal permit

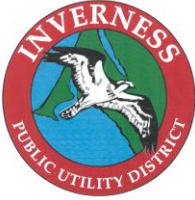
- ❖ Have you provided development drawings to the Community Development Agency?  Yes  No  
(If not, additional information may be required before we can determine that your Application is complete.)

- ❖ Name of your CDA Planner (if applicable) Sabrina Cardoza
- ❖ Person who is principally handling your development plans and application (such as yourself or, as applicable, your architect, contractor, planning consultant, etc.). If other than yourself, please provide that person's name, relationship to your project, and contact information, including mail address, phone, email:

Nicole Bartoloni 415-516-7628  
Josh Garcia 415-850-1593

**Development:**

The parcel is currently undeveloped, however it has an active open coastal permit (project P2356). IPUD has a "Response to community development" on file already for this project, in which it was noted that the application was complete for water system purposes but requires a mainline extension agreement. We have filed for an amendment to build a smaller, more energy efficient home. The proposed amendments include the construction of a 1,232 square-foot single-family residence on a vacant lot in Inverness. The proposed development would result in a building area of 1,402 square feet, a floor area of 1,232 square feet, and a floor area ratio of three percent on the 38,862 square-foot lot. It is a two bedroom, two bath home.



# INVERNESS PUBLIC UTILITY DISTRICT

FIRE DEPARTMENT & WATER SYSTEM

POST OFFICE BOX 469

INVERNESS, CA 94937-0469

50 INVERNESS WAY NO. (415) 669-1414 FAX (415) 669-1010

ADMIN@INVERNESSPUD.ORG WWW.INVERNESSPUD.ORG

May 4, 2021

Nicole Bartolini  
Joshua Garcia  
5 W. Brooke Dr.  
Novato, CA 94947-3641

Our Acceptance Date: May 3, 2021

Dear Ms. Bartolini and Mr. Garcia:

Pursuant to your Application for a New Water Service Connection (dated April 29, 2021, and received by IPUD on May 3, 2021), this is to confirm that the Inverness Public Utility District Water System has conditionally allocated a New Water Service Connection for provision of domestic water service to:

Assessor's Parcel No. 112-141-13  
Street Address: 88 Vision Rd., Inverness CA 94937

This letter also confirms receipt of your Redwood Credit Union check No. 1694 in the amount of Seven Thousand Eight Hundred Dollars (\$7,800.00), as payment in full of the New Service Connection Fee. Our acceptance is conditional on payment by the bank of your check No. 1694.

Please note and comply with the following:

1. Installation Deposit. You must post with the Water System ~~within 180 days of our Acceptance Date~~ the following deposit to cover the estimated costs of actual installation of the water service connection facilities; installation of a water meter and appurtenant connection facilities will not be undertaken until the Installation Deposit is received:

**Installation Deposit: Amount and due date to be determined once current water shortage emergency has been cancelled.**

2. Conditions Precedent to Service. You must satisfy all conditions precedent to service, as listed in Paragraph "F" of IPUD Water System Regulation 101 (copy enclosed with this letter), before water service will be provided.

3. Other Requirements.

- a) District will require that you enter into a Main Extension Agreement for installation, solely at your expense, of an extension of the District's 6-inch main from approximately the intersection of Vision Rd. and Cameron St. to a point on Vision Rd. where there is frontage on your parcel 112-141-13; installation of a fire hydrant will also be required.

**Extension Agreement and Deposit: Engineering and extension agreement to be determined once current water shortage emergency has been cancelled.**

Board of Directors: Kenneth J. Emanuels, President • Dakota Whitney, Vice President  
Kathryn Donohue, Treasurer • Brent Johnson • David Press



Shelley Redding, Administrator  
James K. Fox, Chief of Operations (Fire Chief, Water System Superintendent)

- b) District will install at your expense a gate valve and swing check valve (estimated cost will be included in the Installation Deposit). These facilities will become your property and your responsibility for maintenance.
- c) Pursuant to your request, District intends to install a one-inch (1-inch) service connection and service facilities; however, District does not warrant or in any way represent that the one-inch size will satisfy Marin County building code requirements. In the event a larger size connection and facilities are required, replacement of any already installed connection and facilities will be at your expense.

**Please note the following:** Because of the Water Shortage Emergency that was declared in the Inverness Public Utility District on July 20, 2020, we will not be able to further process your Application or install water connection facilities (including the Main Extension) for your new service until the declared Water Shortage Emergency has been cancelled by action of the District's Board of Directors.

You become a customer, and rates and charges will apply, as of the date all conditions precedent to service, plus all requirements noted above, are satisfied and the District is prepared to install the service connection facilities and provide you with water, regardless of whether or not the service connection facilities have actually been installed.

Cordially,

Wade B. Holland  
Customer Services Manager

enc. (Regulation 101)



# Inverness Public Utility District

Fire Department & Water System

Post Office Box 469

Inverness, CA 94937-0469

50 Inverness Way No. (415) 669-1414 Fax (415) 669-1010  
admin@invernesspub.org

## RESPONSE TO COMMUNITY DEVELOPMENT AGENCY TRANSMITTAL

March 18, 2019

To: Sabrina Sihakom, Planner (ssihakom@marincounty.org)

Re: **Leahy Gaunt Family Trust Coastal Permit and Design Review**  
**Vision Rd., Inverness**  
**A.P. Nos. 112-141-03 & -04**  
**Project ID P2356**

Date of Transmittal: March 5, 2015

### Inverness Fire Department

1. The application appears to be complete for Fire Department purposes.
2. **Interior residential fire sprinklers** will be required per Marin County Code.

### Inverness Water System

3. The application appears to be complete for Water System purposes.
4. Applicant must enter into a **Main Line Extension Agreement** with the Inverness Public Utility District in order for the District's Water System to provide domestic and fire protection water service to the subject property. **District requests that this requirement be made a condition of project approval.**

Wade B. Holland  
Administrator

cc: Stacey Ford (sbcglobal@gmail.net)

Board of Directors: Kenneth J. Emanuels, President • Dakota Whitney, Vice President  
Kathryn Donohue, Treasurer • Brent Johnson • David Press



Wade B. Holland, Administrator  
James K. Fox, Chief of Operations (Fire Chief, Water System Superintendent)

**From:** [Gerald Meral](#)  
**To:** [Shelley Redding](#)  
**Cc:** [carlos.porrata](#); [Woody Elliott](#)  
**Subject:** Bartolini request  
**Date:** Friday, May 7, 2021 1:55:04 PM

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Hi Shelley

Please distribute this note to the IPUD Board Members.

I support not including Nicole Barolini in the new connection moratorium, as she has requested. Since IPUD had already agreed to provide her with service, the moratorium should not apply to her.

Many thanks for considering this request.

best regards

Jerry Meral

--

Jerry Meral

[jerrymeral@gmail.com](mailto:jerrymeral@gmail.com)  
415-717-8412

May 14, 2021

Dear Board of Inverness Public Utility District,

I am writing as a community member in support of issuing Nicole Bartolini and Josh Garcia a new water connection during the current moratorium. I was born and raised in Inverness Park and built a home next door to my parents in 2010. I have known Nicole, Josh and their two daughters for many years. In lending this support, I want to focus on three points.

As an initial matter, I am aware of the dire nature of the current drought and the impact it is having in Inverness. Because of this, I am not lending my support lightly but am doing so for the following two reasons.

First, Nicole (who grew up in Inverness) and Josh have been looking to move back to Inverness for many years. They spend almost every weekend out here, are known in the community and are committed to its well-being. They were hoping to purchase a home but with the rising home prices had settled on buying land. In that effort, they researched, wrote letters to owners of vacant lots, and put a lot of time and attention into finding the land to build their family home. They considered this exact property for several years which was not ideal because of the slope but finally decided it was the only way for them to live in the community they loved. Importantly, it was a financial stress to purchase this land but it seemed safe knowing that the county permitting was in effect and the land was buildable. They relied on the sellers, on their local real estate agent and all of their friends in the community in making this decision and no one had any idea that in fact the land was not currently buildable because there was a moratorium on water connections.

Which brings me to my second point. I live and work in the community, read the local newspaper, talk with neighbors and friends many of whom live in Inverness and I had no idea there was a current moratorium on water connections in Inverness. I am also very aware of the county process with respect to permitting to build because we built our home in 2010. I have seen the paperwork that the sellers, Nicole and Josh and their real estate agent relied on in believing (albeit erroneously) that the land was current buildable and it seems there was a breakdown in the notice to the community and sellers/buyers/real estate agents who would be in the best position to make sure that this type of very serious situation did not offer.

On closing, I would ask that if there is a way for the Board to make an exception, it will not go unrewarded. The Bartolini/Garcia family will be an incredible addition to Inverness and continue with their heartfelt and continued support of this community that they have wanted to rejoin for so many years.

All my best,  
Lazuli Whitt  
Whitman Shenk  
100 Portola Ave.  
Inverness Park

415-420-7302



**From:** [rick.chiles@googlemail.com](mailto:rick.chiles@googlemail.com)  
**To:** [info](#)  
**Subject:** Assessor's parcel: 112-141-13. Vision Rd. Inverness  
**Date:** Saturday, May 22, 2021 3:37:43 AM

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Sir/Madam:

As California heads into yet another summer of drought, and Marin faces its annual summer season of vacation-swollen population pressure and water demand, surely now is not the time to be considering more water hookups. For these reasons, as local homeowner I must protest this hookup, particularly for a house of the size proposed.

Yours sincerely,  
Frederic Chiles

Sent from my iPhone

**From:** [Abbie Ann Read](#)  
**To:** [info](#)  
**Subject:** Water hookups in Inverness  
**Date:** Saturday, May 22, 2021 2:16:32 PM

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In light of the droughts and increased fire danger in the area I am OPPOSED to new water hookups in Inverness for the time-being.

Thank you.

Ann Read