



101 Lucas Valley Road, Suite 300
 San Rafael, CA 94903
 Tel.: 415-472-1734
 Fax: 415-499-7715
 www.LGVSD.org

MANAGEMENT TEAM
 General Manager, Curtis Paxton
 Plant Operations, Mel Liebmann
 Collections/Safety/Maintenance, Greg Pease
 Engineering, Michael P. Cortez
 Administrative Services, Dale McDonald

DISTRICT BOARD
 Megan Clark
 Ronald Ford
 Craig K. Murray
 Judy Schriebman
 Crystal J. Yezman

The Mission of the Las Gallinas Valley Sanitary District is to protect public health and the environment by providing effective wastewater collection, treatment, and recycling services.

BOARD MEETING AGENDA

NOVEMBER 3, 2022

On March 12, 2020, Governor Newsom issued Executive Order N-25-20, which enhances State and Local Governments’ ability to respond to COVID-19 Pandemic based on Guidance for Gatherings issued by the California Department of Public Health. The Executive Order specifically allows local legislative bodies to hold meetings via teleconference and to make meetings accessible electronically, in order to protect public health, which was *due to end on September 30, 2021 (Exec. Ord. N-08-21)*. However, the Legislature passed AB 361 which provides local agencies with the ability to meet remotely during proclaimed state emergencies under modified Brown Act requirements, similar in many ways to the rules and procedures established by the Governor’s previous Executive Orders. - In light of this – the November 3, 2022 meeting of the LGVSD Board will be held via Zoom electronic meeting*. There will be NO physical location of the meeting. Due to the current circumstances, there may be limited opportunity to provide verbal comments during the meeting. Persons who wish to address the Board for public comment or on an item on the agenda are encouraged, but not required, to submit comments in writing to (tlurch@lgsd.org) by 5:00 pm on Wednesday, November 2, 2022. In addition, Persons wishing to address the Board verbally must contact the Board Secretary, by email (tlurch@lgsd.org) and provide their Name; Address; Tel. No.; and the Item they wish to address by the same date and time deadline for submission of written comments, as indicated above. Please keep in mind that any public comments must be limited to 3 minutes due to time constraints. Any written comments will be distributed to the LGVSD Board before the meeting.

*Prior to the meeting, participants should download the Zoom app at:
<https://zoom.us/download>.

REMOTE CONFERENCING ONLY

Join Zoom Meeting online at: <https://us02web.zoom.us/j/88032973641>

OR

By teleconference at: +16699009128 Meeting ID: 880 3297 3641

**MATERIALS RELATED TO ITEMS ON THIS AGENDA ARE AVAILABLE FOR
PUBLIC INSPECTION ON THE DISTRICT WEBSITE WWW.LGVSD.ORG**

NOTE: Final board action may be taken on any matter appearing on agenda

Estimated
Time

OPEN SESSION:

4:00 PM

1. PUBLIC COMMENT

This portion of the meeting is reserved for persons desiring to address the Board on matters not on the agenda and within the jurisdiction of the Las Gallinas Valley Sanitary District. Presentations are generally limited to three minutes. All matters requiring a response will be referred to staff for reply in writing and/or placed on a future meeting agenda. Please contact the General Manager before the meeting.

4:05 PM

2. CONSENT CALENDAR:

These items are considered routine and will be enacted, approved or adopted by one motion unless a request for removal for discussion or explanation is received from the staff or the Board.

- A. Approve the Board Minutes for October 20, 2022
- B. Approve the Warrant List for November 3, 2022
- C. Approve Murray attending the CSDA meeting The CPRA and Brown Act on November 15
- D. Approve Murray attending the CSDA Webinar Special Districts and Next Door on November 29
- E. Approve Yezman attending the CSDA Webinar Special Districts and Next Door on November 29
- F. Approve Bid Rejection for the Thickened Waste Activated Sludge (TWAS) Enclosure Rebid project
- G. Approve Application of Allocation for APN 179-173-07 11 Roosevelt Ave Single Family Residence and Accessory Dwelling Unit
- H. Approve Application of Allocation for APN 180-281-34 Congregation Rodef Sholom
- I. Approve Resolution 2022-2285 B-110 Election of Officers, B-120 Duties of Board and Board Members and F-120 Customer Payment

Possible expenditure of funds: Yes, Items B through E.

Staff recommendation: Adopt Consent Calendar – Items A through I.

4:20 PM

3. INFORMATION ITEMS:

STAFF/CONSULTANT REPORTS:

- 1. General Manager's Report – verbal
- 2. Board Policy B-130 Conflict of Interest and F-130 Disposal of Surplus Equipment and Property - written
- 3. Department Reports – Engineering - written
- 4. Department Reports – Administration - written
- 5. Quarterly Treasurer's & Financial Report as of September 30, 2022

- 5:30 PM** **4. AWARD OF CONTRACT TO ENVIRONMENTAL SCIENCE ASSOCIATES FOR A FLOOD PROTECTION PLAN PHASE 1**
Board to review and approve the award of contract to Environmental Science Associates (ESA) for a Flood Protection Plan Phase 1.
- 5:45 PM** **5. BOARD MEMBER REPORTS:**
- 1. CLARK
 - a. NBWA Board Committee, 2022 Operations Control Center Ad Hoc Committee, 2022 Legal Services Ad Hoc committee, 2022 Human Resources Ad Hoc committee, Other Reports
 - 2. FORD
 - a. NBWRA, Marin Special Districts Association, 2022 Ad Hoc Engineering Committee re: STPURWE, 2022 Operations Control Center Ad Hoc Committee, 2022 Human Resources Ad Hoc Committee, 2022 McInnis Marsh Ad Hoc Committee, Other Reports
 - 3. MURRAY
 - a. Marin LAFCO, 2022 Biosolids Ad Hoc Committee, CASA Energy Committee, Other Reports
 - 4. SCHRIEBMAN
 - a. JPA Local Task Force, Gallinas Watershed Council, Other Reports
 - 5. YEZMAN
 - a. Flood Zone 7, CSRMA, 2022 Ad Hoc Engineering Committee re: STPURWE, 2022 Legal Services Ad Hoc Committee, Marin Special Districts, 2022 Biosolids Ad Hoc committee, 2022 McInnis Marsh Ad Hoc Committee, Other Reports
- 6:00 PM** **6. BOARD REQUESTS:**
- A. Board Meeting Attendance Requests – Verbal
 - B. Board Agenda Item Requests – Verbal
- 6:05 PM** **7. VARIOUS INDUSTRY RELATED ARTICLES**
- 6:10 PM** **8. ADJOURNMENT**

FUTURE BOARD MEETING DATES: NOVEMBER 20 AND DECEMBER 1, 2022

AGENDA APPROVED:	Judy Schriebman, Board President	Patrick Richardson, Legal Counsel
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CERTIFICATION: I, Teresa Lerch, District Secretary of the Las Gallinas Valley Sanitary District, hereby declare under penalty of perjury that on or before October 31, 2022 4:00 p.m., I posted the Agenda for the Board Meeting of said Board to be held by Zoom November 3, 2022 at the District Office, located at 101 Lucas Valley Road, Suite 300, San Rafael, CA.

DATED: October 28, 2022



Teresa L. Lerch
District Secretary

The Board of the Las Gallinas Valley Sanitary District meets regularly on the first and third Thursday of each month. The District may also schedule additional special meetings for the purpose of completing unfinished business and/or study session. Regular meetings are held at the District Office, 101 Lucas Valley Road, Suite 300, San Rafael, CA.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the District at (415) 472-1734 at least 24 hours prior to the meeting. Notification prior to the meeting will enable the District to make reasonable accommodation to help ensure accessibility to this meeting.

AGENDA ITEM 1

11/3/2022

PUBLIC COMMENT

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MEETING MINUTES OF OCTOBER 20, 2022

THE BOARD OF DIRECTORS AND STAFF OF THE LAS GALLINAS VALLEY SANITARY DISTRICT MET IN OPEN SESSION BY ZOOM CONFERENCE ON OCTOBER 20, 2022 AT 4:01 PM BY ZOOM CONFERENCE AT THE DISTRICT OFFICE, 101 LUCAS VALLEY ROAD, SUITE 300 CONFERENCE ROOM, SAN RAFAEL, CA. 94903

- BOARD MEMBERS PRESENT:** Megan Clark, Ron Ford, Craig Murray, Judy Schriebman, Crystal Yezman
- BOARD MEMBERS ABSENT:** None.
- STAFF PRESENT:** Curtis Paxton, General Manager; Teresa Lerch, Board Secretary; Dale McDonald, District Treasurer;
- OTHERS PRESENT:** Patrick Richardson, District Counsel; Carl Carr, OE3
- ANNOUNCEMENT:** President Schriebman announced that the agenda had been posted as evidenced by the certification on file in accordance with the law
- 1. PUBLIC COMMENT:** None.

2. CONSENT CALENDAR:

These items are considered routine and will be enacted, approved or adopted by one motion unless a request for removal for discussion or explanation is received from the staff or the Board.

- A. Approve Resolution 2022-2284 Remote Meetings
- B. Approve the Board Minutes for October 6, 2022
- C. Approve the Warrant List for October 20, 2022
- D. Approve Board Compensation for September 2022
- E. Approve Yezman attending the monthly meeting of the Santa Venetia Neighborhood Association on October 26, 2022
- F. Approve Yezman attending the WasteReuse Conference in Atlanta, GA March 5 – 8, 2023
- G. Approve Ad Hoc Committee Re-appointments for 2022
- H. Approve Resolution 2022-2285 B-110 Election of Officers

Items A and H were discussed. Item H will be brought back with modifications to the next Board meeting.

ACTION:

Board approved (M/S Clark/Ford 5-0-0-0) the Consent Calendar items A through G.

- AYES: Clark, Ford, Murray, Schriebman and Yezman
- NOES: None.
- ABSENT: None.
- ABSTAIN: None.

Board President Schriebman requested item 4 – Creation of Executive Assistant/Board Secretary position be the next item discussed on the agenda. Board agreed by consensus.

3. CREATION OF EXECUTIVE ASSISTANT/BOARD SECRETARY POSITION AND PROMOTION OF DISTRICT SECRETARY TERESA LERCH

Board reviewed converting of the District Secretary Classification to Executive Assistant/Board Secretary, promoting Teresa Lerch to the position and adopting Resolution 2022-2286 revising the Salary Pay Schedule. Discussion ensued. The Board was supportive of promoting Teresa Lerch to the Executive

Assistant/Board Secretary position at a revised salary of \$12,479 as step one. The Longevity pay was then discussed.

ACTION:

Board member Clark moved to adopt Resolution 2022-2286, thereby converting the District Secretary classification to Executive Assistant/Board Secretary and approving the revised classification description, and promoting Teresa Lerch to the position and to further adopt the revision to the Salary Pay Schedule for the Executive Assistant/Board Secretary position to reflect a salary of \$12,479 starting at Step One with additional Longevity pay. A motion was thereafter made by Board member Yezman to amend the original motion whereby Longevity pay would be eliminated. The proposed amendment to the original motion did not pass. Thereafter the Board approved the original motion (M/S Clark/Ford 3-2-0-0).

- AYES: Clark, Ford and Schriebman
- NOES: Murray and Yezman.
- ABSENT: None.
- ABSTAIN: None.

4. INFORMATION ITEMS:

STAFF / CONSULTANT REPORTS:

1. General Manager's Report - Paxton reported

President Schriebman turned over the chair of the meeting to Vic President Yezman.

2. Annual Capital Facilities Charge – McDonald reported
3. Board Policy Review – B-120 Duties of Board and Board Members and F-120 Customer Payment – written - discussion ensued. Board suggested modifications to B-120.

5. FALL 2022 NEWSLETTER

Board reviewed the Fall Newsletter. Discussion ensued.

ACTION:

Board approved (M/S Schriebman/Murray 5-0-0-0) the Fall Newsletter with Board suggested modifications.

- AYES: Clark, Ford, Murray, Schriebman and Yezman
- NOES: None.
- ABSENT: None.
- ABSTAIN: None.

6. BOARD MEMBER REPORTS

1. CLARK

- a. NBWA Board Committee –no report
- b. NBWA Conference Committee – no report
- c. 2022 Operations Control Center Ad Hoc Committee – no report
- d. 2022 Human Resources Ad Hoc Committee – verbal report
- e. Other Reports– no report

2. FORD

- a. NBWRA – no report
- b. Gallinas Watershed Council– no report
- c. 2022 STPURWE Engineering Ad Hoc Committee – no report
- d. 2022 Operations Control Center Ad Hoc Committee – no report
- e. 2022 Human Resources Ad Hoc Committee –no report
- f. Marin County Special Districts Association – no report
- g. Other Reports – Flood Control 7 – verbal report

3. MURRAY

- a. Marin LAFCO – verbal report
- b. CASA Energy Committee– verbal report
- c. Other Reports – Growing Sustainability Conference – verbal report

4. SCHRIEBMAN

- a. JPA Local Task Force– no report
- b. Gallinas Watershed Council – no report
- c. 2022 Legal Services Ad Hoc Committee – no report
- d. 2022 Biosolids Ad Hoc Committee – no report
- e. 2022 Human Resources Ad Hoc Committee –no report
- f. 2022 McInnis Marsh Ad Hoc Committee- no report
- g. Other Reports- none

5. YEZMAN

- a. Flood Zone 7– verbal report
- b. CSRMA – no report
- c. Marin Special District Association – no report
- d. 2022 STPURWE Engineering Ad Hoc Committee– no report
- e. 2022 Legal Services Ad Hoc Committee – no report
- f. 2022 McInnis Marsh Ad Hoc Committee- no report
- g. Other Reports– Santa Venetia Neighborhood Association meeting is next week

7. BOARD REQUESTS:

- A. Board Meeting Attendance Requests – None.
- B. Board Agenda Item Requests – None.

8. MISCELLANEOUS DISTRICT CORRESPONDENCE:

Discussion ensued.

9. ADJOURNMENT:

ACTION:

Board approved (M/S Clark/Schriebman 5-0-0-0) the adjournment of the meeting at 6:14 p.m.

AYES: Clark, Ford, Murray, Schriebman and Yezman.

NOES: None.

ABSENT: None.

ABSTAIN: None.

The next Board Meeting is scheduled for November 3, 2022 4 PM by Zoom Meeting at the District Office.

ATTEST:

Teresa Lerch, District Secretary

APPROVED:

Crystal Yezman, Vice-President

Las Gallinas Valley Sanitation District
Warrant List 11/03/2022 DRAFT

	Date	Num	Vendor	Original Amount	Addition and Adjustment	Total Amount	Description for items
1	11/3/2022	EFT1	ADP Payroll	0.00		0.00	Payroll & Processing Charges
2	11/3/2022	ACH	Alliant Insurance Services	65,441.92		65,441.92	STPURWE- Builders Risk Insurance
3	11/3/2022	N/A	Aramark Uniform Service	481.33		481.33	Uniform Laundry Service w/e 10/17& 10/24
4	11/3/2022	N/A	ArcSine Engineering	8,388.99		8,388.99	SCADA On-Call Support
5	11/3/2022	ACH	Asaro, Anthony	193.00		193.00	Reimbursement for Safety Glasses
6	11/3/2022	N/A	AT&T (dba Cal Net)	300.76		300.76	Phone Line at Pump Stations
7	11/3/2022	EFT2	Bank of Marin	27,723.45		27,723.45	Recycled Water Loan Payment- Nov
8	11/3/2022	EFT	Bank of Marin Cardmember Services	16,279.21		16,279.21	Credit Card Purchases- 9/7-10/5
9	11/3/2022	ACH	Bellecci & Associates	9,000.00		9,000.00	Professional Inspection Services
10	11/3/2022	EFT	California Special District Assoc.	8,810.00		8,810.00	Annual Membership
11	11/3/2022	EFT	CaPERS 457	7,664.46		7,664.46	EE's Contribution to Deferred Comp. Paydate 10/21/2022
12	11/3/2022	EFT	CaPERS Health	46,831.59		46,831.59	CaPERS Health- Active & Employer Retiree Share -Nov
13	11/3/2022	EFT	CaPERS Retirement	24,560.40		24,560.40	EE & ER Payment to Retirement- Paydate 10/21/2022
14	11/3/2022	ACH	Caltest Analytical Labs	1,188.45		1,188.45	Outside Lab Testing- Sept
15	11/3/2022	ACH	Campbell, Chris	2,833.30		2,833.30	Reimbursement for WEF Conference
16	11/3/2022	N/A	CA Regional Water Quality Control Board	33,000.00		33,000.00	Acceptance of Conditional MMP Resolution- Supplemental Environmental Project Fund
17	11/3/2022	N/A	Comet Building Maintenance	1,989.00		1,989.00	Janitorial Services- Oct
18	11/3/2022	N/A	Dash Mechanical Engineering	2,256.00		2,256.00	Inspected Pumps and Collected Samples
19	11/3/2022	EFT	Direct Dental	2,217.30		2,217.30	Dental Payments
20	11/3/2022	ACH	Downing Heating	2,052.22		2,052.22	HVAC PM & Supplies
21	11/3/2022	ACH	EOA	2,214.00		2,214.00	NPDES Regulatory Support
22	11/3/2022	ACH	Exponent	2,159.13		2,159.13	STPURWE- Biowheel Failure Analysis
23	11/3/2022	N/A	Federal Express	23.87		23.87	Misc. Mailings
24	11/3/2022	N/A	FLSmith	3,663.95		3,663.95	Liner Parts for Cyclones
25	11/3/2022	N/A	Freyer & Laureta	13,965.00		13,965.00	Design of Terra Linda FM Access Structure
26	11/3/2022	ACH	Grainger	2,846.05		2,846.05	Misc. Supplies
27	11/3/2022	ACH	Kennedy Jenks	76,562.54		76,562.54	STPURWE- Construction Management & Consulting Services
28	11/3/2022	N/A	Marin Ace	57.60		57.60	Misc. Supplies
29	11/3/2022	N/A	McMaster Carr	62.07		62.07	Low Pressure Connector for Waste Drain

Las Gallinas Valley Sanitation District Warrant List 11/03/2022 DRAFT							
	Date	Num	Vendor	Original Amount	Addition and Adjustment	Total Amount	Description for items
30	11/3/2022	ACH	Murray, Craig	1,775.61		1,775.61	Growing Sustainable Conference
31	11/3/2022	N/A	North Bay Gas	816.08		816.08	Welding Gases and Supplies
32	11/3/2022	N/A	Operating Engineers	680.24		680.24	Union Dues- Paydate 10/21/22
33	11/3/2022	ACH	Orion Protection Services	353.20		353.20	Nightly Patrol at Plant - Nov
34	11/3/2022	N/A	Pitney Bowes	1,000.00		1,000.00	Postage Machine Refill
35	11/3/2022	ACH	Probst, Michael	112.00		112.00	Sewer Rate Assistance Program
36	11/3/2022	ACH	Regional Government Services	3,998.25		3,998.25	Contracted Financial Services for Sept
37	11/3/2022	N/A	Roy's Sewer Service	3,200.00		3,200.00	Wet Well Cleaning @ Rafael Meadows & Hawthorne PS
38	11/3/2022	N/A	Smith & Loveless	134.81		134.81	Grease Seal
39	11/3/2022	19748	Speiss, Robert	2,857.50		2,857.50	2022/23 Tax Charge Assessments
40	11/3/2022	EFT	Sunlife Financial	3,251.74		3,251.74	EE's AD&D, Disability and Life Insurance-Nov
41	11/3/2022	ACH	TerryBerry	155.43		155.43	Schultz 3- Year Service Award
42	11/3/2022	N/A	Unicom Group	2,500.00		2,500.00	Postage for Spring Newsletter
43	11/3/2022	N/A	United Site Services	692.43		692.43	Porta Potties
44	11/3/2022	ACH	Univar	15,022.68		15,022.68	Sodium Hypochlorite & Sodium Bisulfite
45	11/3/2022	N/A	USA Blue Book	674.04		674.04	Tube Assembly for Pumps, Socket Flange
46	11/3/2022	EFT	Vision Service Plan	542.25		542.25	November Payment
47	11/3/2022	N/A	Water Components & Building Supply	162.20		162.20	Pipe
48	11/3/2022	N/A	Water Research Foundation	3,137.00		3,137.00	Annual Membership
49	11/3/2022	N/A	WateReuse	1,312.50		1,312.50	Annual Membership
50	11/3/2022	ACH	WECO Industries	1,400.60		1,400.60	Sewer Rod & Sign Stand

**Las Gallinas Valley Sanitation District
Warrant List 11/03/2022 DRAFT**

Date	Num	Vendor	Original Amount	Addition and Adjustment	Total Amount	Description for items
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Do not change any formulas below this line.

	TOTAL	\$ 406,544.15	-	\$ 406,544.15	
EFT1	EFT1 = Payroll (Amount Required)	0.00		0.00	Approval:
EFT2	EFT2 = Bank of Marin loan payments	27,723.45		27,723.45	
PC	Petty Cash Checking	0.00		0.00	Finance
>1	Checks (Operating Account)	2,857.50		2,857.50	
N/A	Checks - Not issued	78,497.87		78,497.87	GM
EFT	EFT = Vendor initiated "pulls" from LGVSD	110,156.95		110,156.95	
ACH	ACH = LGVSD initiated "push" to Vendor	187,308.38		187,308.38	Board
	Total	\$ 406,544.15		\$ 406,544.15	

Difference:

STPURWE Costs 144,163.59

AGENDA ITEM 2C
DATE November 3, 2022



BOARD MEMBER CONFERENCE/ MEETING/WEBINAR ATTENDANCE REQUEST

Date: 10/26/22 Name: MURRAY, Craig K.

I would like to attend the CSDA : Board Member Best Practices 201: The CPRA
and Brown Act Meeting of California Special Districts Association

To be held on the 15th day of November from 1pm

a.m. / p.m. to 15th day of November from to 3:00pm a.m. / p.m.

Location of meeting: Apple Valley

Actual meeting date(s): Nov.15, 2022

Meeting Type: (In person/Webinar/Conference) In Person (out of County
attendance OK'd by CSDA)

Purpose of Meeting: CPRA and Brown Act

Meeting relevance to District: CA Special District Trustee Duties

Request assistance from Board Secretary to register for Conference: YES NO

N/A

Board Directors to make their own Hotel Reservations and book their own transportation including airfare, taxi and/or shuttles.

Frequency of Meeting: 1x

Estimated Costs of Travel (if applicable): \$650.

Date submitted to Board Secretary: 10/26/22

Board approval obtained on Date: _____

Please submit this form to the Board Secretary no later than 1 week prior to the Board Meeting.

REVISED 05052022



California Special Districts Association

Districts Stronger Together

Home Advocate Learn Member Resources About CSDA About Special Districts

Board Member Best Practices 201: The CPRA and Brown Act

Sponsored by the San Bernardino County LAFCO

Understanding The Brown Act - California's Open Meeting Law and the CA Public Records Act are essential to your role as a director or trustee of a California Special District. Join us for this two-hour workshop to learn more about how these laws and the role they play in transparency in local government.

This is a free in-person workshop for San Bernardino County Special Districts ONLY

Schedule

12:30 - 1:00 p.m. Registration

1:00 - 3:00 p.m. Workshop

Not a Member of CSDA? Fill out this [form](#) to register.

Price 0.00

When 11/15/2022 1:00 PM - 3:00 PM

Where Mojave Water Agency
13846 Conference Center Drive
Apple Valley, CA 92307

REGISTER SOMEONE ELSE

My registration status: Registered on 10/24/2022

[Edit registrant information](#)



California Special Districts Association

Districts Stronger Together

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Webinar: Special Districts & Nextdoor: Opportunity Knocking

Moderator: Rachel McGuire, RMG Communications

Panel: Kyle Packham, CSDA; Michael McNutt, Las Virgines Municipal Water District; Robbie Turner, Nextdoor, Meagan Luevano, Placer County Mosquito and Vector Control District

Have you heard? Special districts of all types and boundaries are now able to share valuable information with their constituents utilizing the Nextdoor platform. Join CSDA and CAPIO for a joint webinar to highlight this new opportunity including an expert from Nextdoor. You'll also hear two case studies from special districts that have successfully leveraged Nextdoor.

10:00 - 11:30 a.m.

Free to CSDA and CAPIO members.


\$95 Non-member

Price 0.00

When 11/29/2022

REGISTER SOMEONE ELSE

My registration status: Registered on 10/24/2022

 [Edit registrant information](#)

Craig K. Murray, SR/WA | Development Project Manager II | City Manager's Office |
Chief Property Asset Management Division | Staff Liaison Pt Molate Advisory Committee |



**BOARD MEMBER CONFERENCE/
MEETING/WEBINAR ATTENDANCE REQUEST**

Date: 10/25/22 Name: Crystal Yezman

I would like to attend the CSOA Webinar Meeting
of Special Districts and Next Door

To be held on the 29 day of November from 10 (a.m.) / p.m. to
 day of from 11.30 (a.m.) / p.m.

Location of meeting:

Actual meeting date(s):

Meeting Type: (In person/Webinar/Conference) Webinar

Purpose of Meeting:

Meeting relevance to District:

Request assistance from Board Secretary to register for Conference: YES NO

Board Directors to make their own Hotel Reservations and book their own transportation including airfare, taxi and/or shuttles.

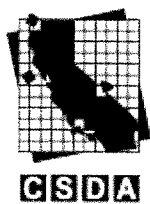
Frequency of Meeting:

Estimated Costs of Travel (if applicable):

Date submitted to Board Secretary: 10/25/22

Board approval obtained on Date:

Please submit this form to the Board Secretary no later than 1 week prior to the Board Meeting.



California Special Districts Association
Districts Stronger Together

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Webinar: Special Districts & Nextdoor: Opportunity Knocking

Moderator: Rachel McGuire, RMG Communications

Panel: Kyle Packham, CSDA; Michael McNutt, Las Virgines Municipal Water District; Robbie Turner, Nextdoor, Meagan Luevano, Placer County Mosquito and Vector Control District

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10:00 - 11:30 a.m.

Free to CSDA and CAPIO members.

\$95 Non-member

Price 0.00

When 11/29/2022

REGISTER SOMEONE ELSE

My registration status: Registered on 10/24/2022

 [Edit registrant information](#)

Craig K. Murray, SR/WA | Development Project Manager II | City Manager's Office |
Chief Property Asset Management Division | Staff Liaison Pt Molate Advisory Committee |



Item Number 2 F
 GM Review CP

Agenda Summary Report

To: Board of Directors
From: Michael P. Cortez, PE, District Engineer
 (415) 526-1518; mcortez@lqvsd.org
Meeting Date: November 3, 2022
Re: Bid Rejection for TWAS Enclosure Rebid Project
Item Type: Consent Action Information Other
Standard Contract: Yes No (See attached) Not Applicable

STAFF RECOMMENDATION

Board to reject all bids for the TWAS Enclosure Rebid project.

BACKGROUND

On October 14, 2022, District staff opened bids for the Thickened Waste Activated Sludge (TWAS) Rebid project and Myers & Sons Construction (MSC) was the sole bidder at \$447,000. Staff reviewed and deemed MSC’s bid unreasonable because:

- 1) Bid price is roughly 50% over the engineer’s estimate of \$300,000.
- 2) MSC’s initial bid when the District advertised the project with the same scope under Uniform Public Construction Cost Accounting Act (UPCCAA) guidelines in August 2022 was considerably lower at \$327,000.
- 3) Aqua Engineering’s original estimate for the same work in early 2022 was \$242,000.

As such, pursuant to Public Contract Code Section 20805, District staff recommends that the Board reject the only bid and re-bid in Spring 2023 when more contractors are likely to bid, which will allow staff to ascertain reasonableness of bid prices.

PREVIOUS BOARD ACTION(S)

N/A

ENVIRONMENTAL REVIEW

N/A

FISCAL IMPACT

None.



Item Number 26
GM Review CP

Agenda Summary Report

To: Board of Directors
From: Michael P. Cortez, PE, District Engineer
(415) 526-1518; mcortez@lqvsd.org
Meeting Date: November 3, 2022
Re: Application of Allocation of Capacity for APN 179-173-07
11 Roosevelt Ave Single-Family Residence and Accessory Dwelling Unit
Item Type: Consent Action Information Other
Standard Contract: Yes No (See attached) Not Applicable

STAFF RECOMMENDATION

Board to approve the issuance of a Will Serve Letter for the single-family residence (SFR) and Accessory Dwelling Unit (ADU) located at 11 Roosevelt Ave.

BACKGROUND

The existing home at 11 Roosevelt Ave was damaged and the property owner is seeking sewer capacity allocation for a new SFR building with one ADU on the same parcel. The project will add 10 plumbing fixture units (PFUs) to the existing sewer allocation for a connection fee in the amount of \$3,550. However, the square footage of the ADU is less than the maximum ADU threshold for impact fee collection. Attached is a draft Will Serve Letter for Board approval.

Potential Access Issues to Impacted Sewer Facilities: None.

Additional Flow Contribution: The project will have negligible impact to downstream sewer facilities. Staff is tracking additional flows from proposed residential and commercial developments and will be evaluating the combined effects as part of the overall collection system hydraulic analysis.

PREVIOUS BOARD ACTION(S)

N/A

ENVIRONMENTAL REVIEW

N/A

FISCAL IMPACT

Connection Fee Revenue of \$3,550.



Figure 1. Location Map



101 Lucas Valley Road, Suite 300
 San Rafael, CA 94903
 Tel.: 415-472-1734
 Fax: 415-499-7715
 www.LGVSD.org

MANAGEMENT TEAM
 General Manager, Curtis Paxton
 Plant Operations, Mel Liebmann
 Collections/Safety/Maintenance, Greg Pease
 Engineering, Michael P. Cortez
 Administrative Services, Dale McDonald

DISTRICT BOARD
 Megan Clark
 Ronald Ford
 Craig K. Murray
 Judy Schriebman
 Crystal J. Yezman

Date: November 3, 2022

Property Owner(s): Fernando Cifuentes

Property Owner Address: 11 Roosevelt Ave
 San Rafael, CA 94903

Applicant: Fernando Cifuentes

Project Name: 11 Roosevelt Ave
 Single Family Residence and Accessory Dwelling Unit

Project Address: 11 Roosevelt Ave
 San Rafael, CA 94903

Project APN: APN 179-173-07

Re: Will-Serve Letter

You have requested a **Will-Serve Letter** from the Las Gallinas Valley Sanitary District (“LGVSD”).

Subject to the terms and conditions in this letter, LGVSD will serve the single-family residential unit with additional ten (10) Plumbing Fixture Units (PFU) and an Accessory Dwelling Unit (ADU) on the same parcel. This letter may be used to submit to another local agency to satisfy a condition for either tentative subdivision map approval or any other permit approval.

This letter is contingent upon satisfaction of the conditional requirement to address any corrective actions in the sanitary sewer improvement components of the project and fulfill connection fee obligation before the District signing off on the final inspection.

The standard terms and conditions of approval are as follows:

Initial	Item	Condition of Approval
	1	Applicant shall pay for the facility capacity fee (new connection fee) in accordance with LGVSD ordinances and policies. Please note payment date obligation and amount obligation.
	2	Applicant agrees to abide by all conditions of approval of District staff.
	3	This Will-Serve approval terminates three (3) years from the issuance date unless all building permits have been issued for the project.
N/A	4	Field inspection during construction is required for this project. Applicant shall accommodate and coordinate with District hired third-party inspector.
	5	Prior to the connection of any sewer lateral, you must contact the District for the sewer lateral inspection permit and the application is available on District website. A lateral tie-in inspection is required before any lateral can be backfilled.
	6	After the sewer lateral inspection is completed and the connections is verified, the project will be added to the sewer user charge and will receive a charge for this service annually, if applicable.
	7	Applicant shall reimburse the District for all plan review, field verification before and after construction, and inspection fees accrued associated with this project.

The Connection Fee is as follows:

Connection Fee for One Equivalent Dwelling Unit	\$	7,106.00
Credit for One Existing Equivalent Dwelling Unit	<\$	7,106.00>
Connection Fee for 10 PFU at \$355/PFU:	\$	3,550.00
Application Fee:	\$	250.00 (paid)
Engineering Review and Inspection Fees:	+\$	TBD
Total Fee:	\$	3,800.00
Outstanding Balance:	\$	3,550.00

The proposed PFU shall be subjected to field verification upon project completion. The connection fee may be adjusted for actual number of additional plumbing fixture units.

The District ordinance provides for payment of the Connection Fee over a two-year period according to the following:

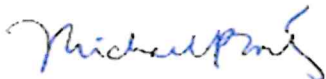
1. 10% of the Connection Fee is due within thirty days of approval of final plans and specifications;
2. 40% of the Connection Fee is due within one year, November 3, 2023; or upon the date of building permit issuance, whichever occurs first;
3. 50% of the Connection Fee is due within two years, November 3, 2024; or upon the date of building permit issuance, whichever occurs first;

Please remit **\$3,550** and make the check payable to Las Gallinas Valley Sanitary District. Please note if payment schedule as above is not followed, you risk losing your allocation.

By issuing this **Will-Serve Letter**, LGVSD is not incurring any liability of any nature, including but not limited to mandate, damages or injunctive relief. LGVSD is making no representation to the applicant nor waiving any rights it has under any applicable State or Federal law. In the event there is any court imposed moratorium on LGVSD, a connection to the District system may not occur. In the event any government agency imposes a moratorium on LGVSD, a connection to the District system may not occur. In the event there is not sufficient capacity, a connection to the District system may not occur.

If connection has not been made within three years, the allocation will be terminated without prejudice. Upon request, you will receive a refund of 90% of the above fees and you will be able to re-apply for an allocation at the fee rate then prevailing. Please sign and date the original of this letter and return it to the District office within 10 days. The copy is for your records.

Sincerely,



Michael P. Cortez, PE District Engineer

AGREED:

_____ Date: _____
Project Applicant

Cc: Dale McDonald, Administrative Services Manager



Item Number 2H
GM Review CP

Agenda Summary Report

To: Board of Directors
From: Michael P. Cortez, PE, District Engineer
(415) 526-1518; mcortez@lqvsd.org
Meeting Date: November 3, 2022
Re: Application of Allocation of Capacity for APN 180-281-34
Congregation Rodef Sholom
Item Type: Consent Action Information Other
Standard Contract: Yes No (See attached) Not Applicable

STAFF RECOMMENDATION

Board to approve the issuance of a Will Serve Letter for the Congregation Rodef Sholom located at 170 North San Pedro Road.

BACKGROUND

Marin Jewish Community Campus is seeking sewer capacity allocation for a new 23,317 SF two-story building (synagogue) designated as Congregation Rodef Sholom to replace the existing 14,357 SF building. The project will add 103 plumbing fixture units (PFUs) and includes the installation of a new 6" PVC sewer lateral. District staff has reviewed the plans and based on the information provided, a Will Serve Letter outlining conditions of final inspection and approval has been drafted.

Construction is underway and District staff is working with the contractor to ensure that sewer improvements meet District standards.

Potential Access Issues to Impacted Sewer Facilities: None, no sewer main extension required.

Additional Flow Contribution: The additional PFUs will have minimal impact to downstream sewer facilities. Staff is tracking additional flows from proposed residential and commercial developments and will be evaluating the combined effects as part of the overall collection system hydraulic analysis.

PREVIOUS BOARD ACTION(S)

N/A

ENVIRONMENTAL REVIEW

N/A

FISCAL IMPACT

Connection Fee Revenue of \$36,565.

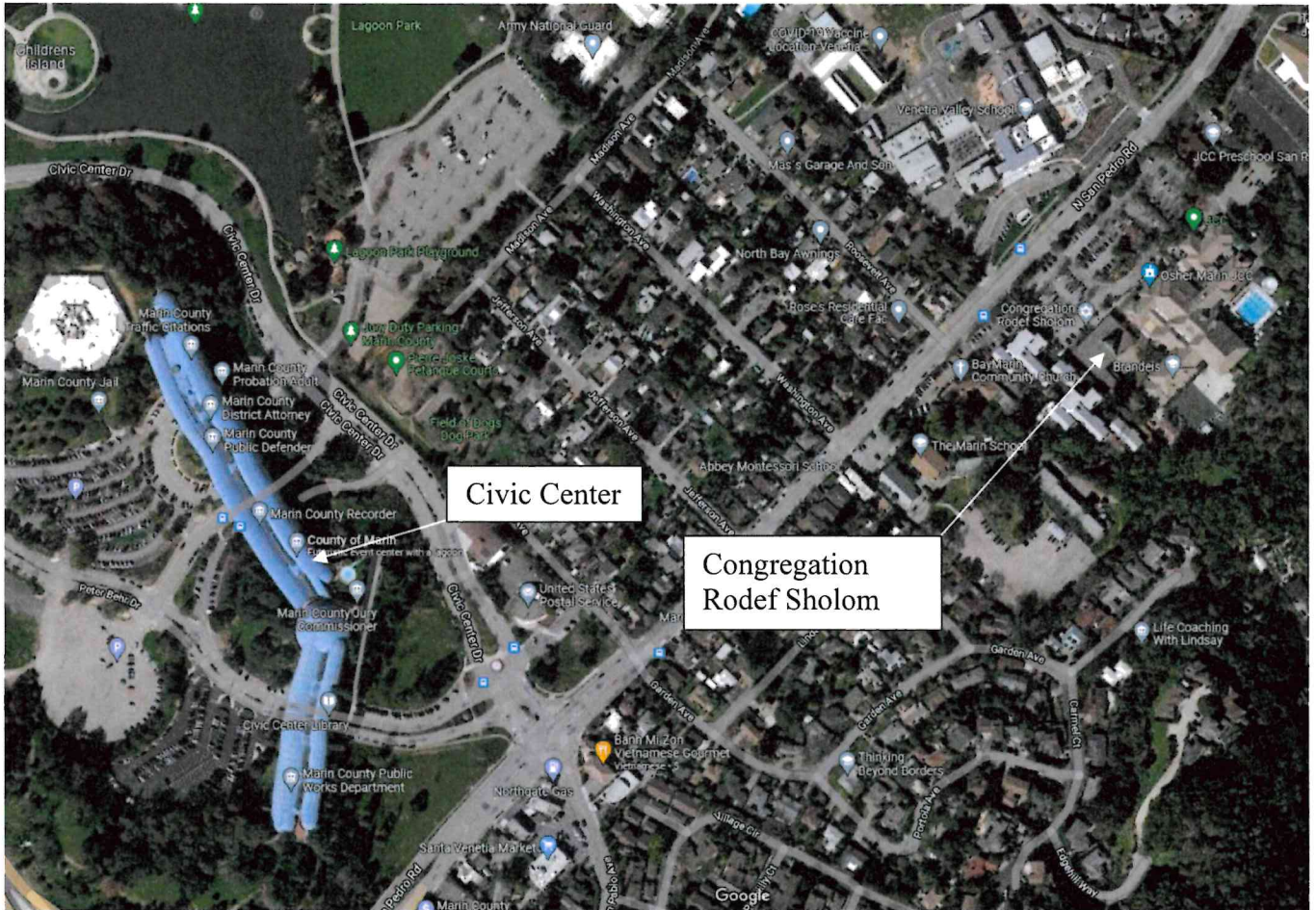


Figure 1. Location Map



101 Lucas Valley Road, Suite 300
 San Rafael, CA 94903
 Tel.: 415-472-1734
 Fax: 415-499-7715
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MANAGEMENT TEAM
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 Plant Operations, Mel Liebmann
 Collections/Safety/Maintenance, Greg Pease
 Engineering, Michael P. Cortez
 Administrative Services, Dale McDonald

DISTRICT BOARD
 Megan Clark
 Ronald Ford
 Craig K. Murray
 Judy Schriebman
 Crystal J. Yezman

Date: November 3, 2022

Property Owner(s): Tracey Klapow

Property Owner Address: 170 N San Pedro Rd
 San Rafael, CA 94903

Applicant: Tracey Klapow

Project Name: Congregation Rodef Sholom

Project Address: 170 N San Pedro Rd
 San Rafael, CA 94903

Project APN: APN 180-281-34

Re: Will-Serve Letter

You have requested a **Will-Serve Letter** from the Las Gallinas Valley Sanitary District (“LGVSD”).

Subject to the terms and conditions in this letter, LGVSD will serve the project with additional one hundred three (103) Plumbing Fixture Units (PFU). This letter may be used to submit to another local agency to satisfy a condition for either tentative subdivision map approval or any other permit approval.

This letter is contingent upon satisfaction of the conditional requirement to address any corrective actions in the sanitary sewer improvement components of the project and fulfill connection fee obligation before the District signing off on the final inspection.

The standard terms and conditions of approval are as follows:

Initial	Item	Condition of Approval
	1	Applicant shall pay for the facility capacity fee (new connection fee) in accordance with LGVSD ordinances and policies. Please note payment date obligation and amount obligation.
	2	Applicant agrees to abide by all conditions of approval of District staff.
	3	This Will-Serve approval terminates three (3) years from the issuance date unless all building permits have been issued for the project.
	4	Field inspection during construction is required for this project. Applicant shall accommodate and coordinate with District hired third-party inspector.
	5	Prior to the connection of any sewer lateral, you must contact the District for the sewer lateral inspection permit and the application is available on District website. A lateral tie-in inspection is required before any lateral can be backfilled.
	6	After the sewer lateral inspection is completed and the connections is verified, the project will be added to the sewer user charge and will receive a charge for this service annually, if applicable.
	7	Applicant shall reimburse the District for all plan review, field verification before and after construction, and inspection fees accrued associated with this project.

The Connection Fee is as follows:

Connection Fee for 103 PFU at \$355/PFU:	\$ 36,565.00
Application Fee:	\$ 250.00 (paid)
Engineering Review and Inspection Fees:	\$ <u>TBD</u>
Total Fee:	\$ 36,565.00
Outstanding Balance:	\$ 36,565.00

The proposed PFU shall be subjected to field verification upon project completion. The connection fee may be adjusted for actual number of additional plumbing fixture units.

The District ordinance provides for payment of the Connection Fee over a two-year period according to the following:

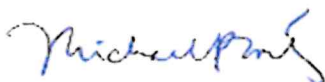
1. 10% of the Connection Fee is due within thirty days of approval of final plans and specifications;
2. 40% of the Connection Fee is due within one year, November 3, 2023; or upon the date of building permit issuance, whichever occurs first;
3. 50% of the Connection Fee is due within two years, November 3, 2024; or upon the date of building permit issuance, whichever occurs first;

Please remit **\$36,565** and make the check payable to Las Gallinas Valley Sanitary District. Please note if payment schedule as above is not followed, you risk losing your allocation.

By issuing this **Will-Serve Letter**, LGVSD is not incurring any liability of any nature, including but not limited to mandate, damages or injunctive relief. LGVSD is making no representation to the applicant nor waiving any rights it has under any applicable State or Federal law. In the event there is any court imposed moratorium on LGVSD, a connection to the District system may not occur. In the event any government agency imposes a moratorium on LGVSD, a connection to the District system may not occur. In the event there is not sufficient capacity, a connection to the District system may not occur.

If connection has not been made within three years, the allocation will be terminated without prejudice. Upon request, you will receive a refund of 90% of the above fees and you will be able to re-apply for an allocation at the fee rate then prevailing. Please sign and date the original of this letter and return it to the District office within 10 days. The copy is for your records.

Sincerely,



Michael P. Cortez, PE District Engineer

AGREED:

_____ Date: _____
Project Applicant

Cc: Dale McDonald, Administrative Services Manager



Item Number 2 I
GM Review CP

Agenda Summary Report

To: Board of Directors
From: Teri Lerch, District Secretary
 (415) 526-1510; tlerch@lgvsd.org
Mtg. Date: November 3, 2022
Re: Approve Resolution 2022-2285 adopting revised Board Policies B-110 Election of Officers, B-120 Duties of the Board and Board Members and F-120 Customer Payment
Item Type: Consent X Action _____ Information _____ Other _____
Standard Contract: Yes _____ No _____ (See attached) Not Applicable X .

STAFF RECOMMENDATION

Attached for approval is Resolution 2022-2285 updating Policy B-110 Election of Officers, B-120 Duties of the Board and Board Members and F-120 Customer Payment. Board suggested changes are shown in highlight (strikeout format) and clean copies are also provided.

BACKGROUND

The Board has requested to review and update Board Policies.

PREVIOUS BOARD ACTION

On October 20, 2022, Board reviewed Policies B-110 Election of Officers, B-120 Duties of the Board and Board Members and F-120 Customer Payment with staff and requested it come back with suggested revisions for approval.

ENVIRONMENTAL REVIEW

N/A

FISCAL IMPACT

N/A

RESOLUTION NO. 2022-2285

A RESOLUTION APPROVING BOARD POLICY REVISIONS FOR B-110 ELECTION OF OFFICERS, B-120 DUTIES OF BOARD AND BOARD MEMBERS AND F-120 CUSTOMER PAYMENT

THE LAS GALLINAS VALLEY SANITARY DISTRICT

WHEREAS, the Board of Directors (“Board”) has determined that a comprehensive list of Policies and Procedures for the Board is in the best interest of the District; and

WHEREAS, the Board has compiled a comprehensive list of Policies and Procedures to serve as the rules and regulations of the Board; and

WHEREAS, the Board did adopt such comprehensive list of Policies and Procedures on July 9, 2009; and

WHEREAS, such policies may need to be updated from time to time; and

WHEREAS, on October 20, 2022, the Board reviewed and suggested changes on Board policies B-110 Election of Officers, B-120 Duties of Board and Board Members and F-120 Customer Payment;

NOW THEREFORE, the Board of Directors of the Las Gallinas Valley Sanitary District approves the following revised policy sections: B-110 ELECTION OF OFFICERS, B-120 DUTIES OF BOARD AND BOARD MEMBERS AND F-120 CUSTOMER PAYMENT . The previously approved Board Policies B-110, B-120 and F-120 are hereby revoked and declared null and void.

If any policy or portion of a policy contained within the Policies and Procedures is in conflict with rules, regulations, or legislation having authority over the Las Gallinas Valley Sanitary District, said rules, regulations or legislation shall prevail.

The Policies and Procedures shall remain in effect until amended by at least a majority vote of the Board of Directors.

* * * * *

I hereby certify that the forgoing is a full, true, and correct copy of a resolution duly and regularly passed and adopted by the Sanitary Board of the Las Gallinas Valley Sanitary District, Marin County, California, at a meeting thereof held on the 3rd day of November 2022, by the following vote of the members thereof:

- AYES, and in favor thereof Members:
- NOES, Members:
- ABSENT, Members:
- ABSTAIN, Members:

Teresa Lerch, District Secretary

APPROVED:

Crystal J. Yezman, Vice-President

B-110 ELECTION OF OFFICERS**Purpose**

This policy establishes the rules for election of Board officers and sets forth the duties of the officers.

B-110-10 Annual Organizational Meeting. The Board shall hold an annual organizational meeting at its first regular meeting in January each year during which the officers of the Board shall be established or reconfirmed

B-110-20 Selection of President and Vice-President. A rotation has been established by years of service. The longest serving Board Member became President. The next longest serving became Vice-President and then President the following year, and continued down the line of service serving next and so-forth. The established rotation is subject to change at the discretion of the Board through Board action at a public meeting.

B-110-30 Term of office. The term of office for President shall be one year. The term of office for Vice-President shall be one year.

B-110-40 Board Secretary, District Treasurer, and District Engineer. The Board shall designate a Secretary to the Board, District Treasurer, and a District Engineer.

B-110-50 Office of President. The President shall serve as chairperson at all Board meetings and shall have the same rights as the other Board Members in voting; introducing motions, resolutions and ordinances; and participating in discussions.

B-110-60 Chairperson. In the absence of the President, the Vice President shall serve as chairperson. If both the President and Vice President are absent, the remaining Board Members shall select one of themselves to act as chairperson.

B-110-70 Executing Documents. The President shall execute Board documents on behalf of the Board and any other member of the Board unless such authority has been delegated to the General Manager under specific circumstances.

B-110-80 Assuring Integrity. As presiding officer at Board meetings, the President shall assure the integrity of the Board process, including the effectiveness of meetings and the Board's adherence to Board policy. The President shall recognize speakers and makers of motions, call for public participation, rule on the passage or failure of motions, ensure that all Board Members have an equal opportunity to speak during discussions, appoint ad hoc committee members and chairpersons, and set the time and place for any special meetings.

B-110-90 Public Ceremonies. The President or other designee shall represent the District in public ceremonies.

Resolution No. 2022-2285	Date Approved: November 3, 2022
President of the Board	Last Reviewed: November 3, 2022

B-120 DUTIES OF BOARD AND BOARD MEMBERS

Purpose

This policy establishes the responsibilities, duties and limitations of the Board and individual Board members.

B-120-10 Policy Role. The primary responsibility of the Board shall be the formulation and evaluation of policy. Routine operation of the District shall be delegated to the General Manager (B-80-10/20) and to other members of the District staff, as appropriate. The Board and individual Board Members shall have no authority over day-to-day operations of the District.

B-120-20 Limits on Commitments. Individual Board Members or a group of Board Members representing less than a quorum of the Board at a legal meeting of the Board shall not imply or express any commitment of the Board or the District.

B-120-30 Obtaining Information. Board Members may obtain information from other Board Members in accordance with the Ralph M. Brown Act (California Government Code §54950 through §54926), General Manager, District staff (see Policy B-20), or agents of the District. In seeking clarification for policy-related concerns, especially those involving personnel, legal action, land acquisition and development, finances, and programming, said concerns should be referred directly to the General Manager or legal counsel.

B-120-40 Personal Conduct. Board Members shall conduct themselves with dignity, respect the opinions of other Board Members, listen attentively and respond appropriately in a professional manner, give first priority to the needs and best interests of the District, and emphasize the positive. Differing viewpoints are healthy in the decision-making process. Individuals have the right to disagree with ideas and opinions, but without being disagreeable. Directors do not represent any fractional segment of the community, but are, rather, a part of the body that represents and acts for the community as a whole. Once the Board of Directors takes action, Directors should commit to supporting the collective Board action and not to create barriers to the implementation of said action. Board members should use the Strategic Plan as a general basis for focus planning and future. When a Director believes he/she may have a conflict of interest, the legal counsel shall be requested to make a determination if one exists. (see Policy B-130)

B-120-50 Focus on Issues. Board Members shall focus on issues and not personalities, respect differing points of view, disagree without being disagreeable, and once the Board has acted, support the action of the Board.

B-120-60 Complaints. The needs of the District's constituents should be the priority of the Board of Directors. Board Members shall refer customer complaints directly to the General Manager, report safety concerns immediately to the General Manager, and seek clarification

Resolution No. 2022-2285	Date Approved: November 3, 2022
President of the Board	Last Reviewed: November 3, 2022

and information from the General Manager on such issues as policy, personnel, legal action, land acquisition and development, finances, and other matters related to the operation of the District.

B-120-70 Interactions with District Personnel. If approached by District personnel concerning specific District policy, Directors should direct inquiries to the General Manager. The Board serves as the appeal body for employee grievances. The grievance procedure is documented in the Memorandum of Understanding between the District and the Union. The chain of command should be followed.

B-120-80 Meeting Attendance. Members of the Board of Directors shall attend all regular and special meetings of the Board unless there is good cause for absence.

B-120-90 Sexual Harassment Prevention Policy and Complaint Procedure. Members of the Board of Directors acknowledge and understand that the District's Harassment Prevention Policy and Complaint Procedure (Policy B-180) prohibits individual Board members from harassing applicants, officers, officials, employees, volunteers, unpaid interns, or contractors. Individual Board members found to have engaged in sexual harassment will receive appropriate sanction. Harassment Prevention Policy and Complaint Procedure B-180 is incorporated by reference herein.

Resolution No. 2022-2285	Date Approved: November 3, 2022
President of the Board	Last Reviewed: November 3, 2022

F-120 CUSTOMER PAYMENT

Purpose

This policy covers method of billing, customer notification, collections, delinquent payments, and penalties.

F-120-10 Special Arrangements. Upon request, the Board (greater than \$5,000) or General Manager (\$5,000 or less) may grant approval of special arrangements to be made for payment of the following fees when an extreme hardship exists:

Regular annual sewer service charge

Wastewater Capital Facilities Charge (Connection fee)

F-120-20 Payments. Monthly payments shall not exceed 12 payments. When payments are to be made at the close of escrow and real property is not sold, arrangements must be made for payments to continue on a regular basis.

Resolution No. 2022-2285	Date Approved: November 3, 2022
President of the Board	Last Reviewed: November 3, 2022

B-110 ELECTION OF OFFICERS

Purpose

This policy establishes the rules for election of Board officers and sets forth the duties of the officers.

B-110-10 Annual Organizational Meeting. The Board shall hold an annual organizational meeting at its first regular meeting in January each year during which the officers of the Board shall be established or reconfirmed

B-110-20 Selection of President and Vice-President. ~~In the first year — (e.g. January 2004) — the year 2003 Vice-President shall become President. At the same time a A rotation will behas been established by years of service, with the next The longest serving Board Member becoming became Vice-PresidentPresident, and then The next longest serving became Vice-President, and then President the following year, and continueduing down the line of service serving next and so-forth. The established rotation is subject to change at the discretion of the Borad through Board action at a public hearing. In the case of Directors that were both elected at the same time, the Director with the greater number of votes will serve as Vice-President and then President first. If the number of votes is no longer available, the rotation of these members will be established by drawing straws.~~

B-110-30 Term of office. The term of office for President shall be one year. The term of office for Vice-President shall be one year.

B-110-40 Board Secretary, District Treasurer, and District Engineer. The Board shall designate a Secretary to the Board, District Treasurer, and a District Engineer.

B-110-50 Office of President. The President shall serve as chairperson at all Board meetings and shall have the same rights as the other Board Members in voting; introducing motions, resolutions and ordinances; and participating in discussions.

B-110-60 Chairperson. In the absence of the President, the Vice President shall serve as chairperson. If both the President and Vice President are absent, the remaining Board Members shall select one of themselves to act as chairperson.

B-110-70 Executing Documents. The President shall execute Board documents on behalf of the Board and any other member of the Board unless such authority has been delegated to the District General Manager under specific circumstances.

B-110-80 Assuring Integrity. As presiding officer at Board meetings, the President shall assure the integrity of the Board process, including the effectiveness of meetings and the Board's adherence to Board policy. The President shall recognize speakers and makers of motions, call for public participation, rule on the passage or failure of motions, ensure that all Board Members have an equal opportunity to speak during discussions, appoint ad hoc committee members and chairpersons, and set the time and place for any special meetings.

B-110-90 Public Ceremonies. The President or other designee shall represent the District in public ceremonies.

Resolution No. 2009-1872	Date Approved: July 9, 2009
President of the Board	Supersedes: Last Reviewed

B-120 DUTIES OF BOARD AND BOARD MEMBERS

Purpose

This policy establishes the responsibilities, duties and limitations of the Board and individual Board members.

B-120-10 Policy Role. The primary responsibility of the Board shall be the formulation and evaluation of policy. Routine operation of the District shall be delegated to the General Manager (B-80-10/20) and to other members of the District staff, as appropriate. The Board and individual Board Members shall have no authority over day-to-day operations of the District.

B-120-20 Limits on Commitments. Individual Board Members or a group of Board Members representing less than a quorum of the Board at a legal meeting of the Board shall not imply or express any commitment of the Board or the District.

B-120-30 Obtaining Information. Board Members may obtain information from other Board Members in accordance with the Ralph M. Brown Act (California Government Code §54950 through §54926), General Manager, District staff (see Policy B-20), or agents of the District. In seeking clarification for policy-related concerns, especially those involving personnel, legal action, land acquisition and development, finances, and programming, said concerns should be referred directly to the General Manager or legal counsel.

B-120-40 Personal Conduct. Board Members shall conduct themselves with dignity, respect the opinions of other Board Members, listen attentively and respond appropriately in a professional manner, give first priority to the needs and best interests of the District, and emphasize the positive. Differing viewpoints are healthy in the decision-making process. ~~The Board is a non-partisan office where a Board Member's primary obligation is the management of the District for community and environmental health. While individual Board member may be expected to have personal political opinions, expressing those opinions unless related to the business of the District is discouraged.~~ Individuals have the right to disagree with ideas and opinions, but without being disagreeable. Directors do not represent any fractional segment of the community, but are, rather, a part of the body that represents and acts for the community as a whole. Once the Board of Directors takes action, Directors should commit to supporting the collective Board action and not to create barriers to the implementation of said action. Board members should use the Strategic Plan as a general basis for focus planning and future. When a Director believes he/she may have a conflict of interest, the legal counsel shall be requested to make a determination if one exists. (see Policy B-130)

B-120-50 Focus on Issues. Board Members shall focus on issues and not personalities, respect differing points of view, disagree without being disagreeable, and once the Board has acted, support the action of the Board.

Resolution No. 2015—2027	Date Approved: February 26, 2015
President of the Board	Supersedes: July 9, 2009 Last Reviewed:

B-120-60 Complaints. The needs of the District's constituents should be the priority of the Board of Directors. Board Members shall refer customer complaints directly to the General Manager, report safety concerns immediately to the General Manager, and seek clarification and information from the General Manager on such issues as policy, personnel, legal action, land acquisition and development, finances, and other matters related to the operation of the District.

B-120-70 Interactions with District Personnel. If approached by District personnel concerning specific District policy, Directors should direct inquiries to the General Manager. **The Board serves as the appeal body for employee grievances. The grievance procedure is documented in the Memorandum of Understanding between the District and the Union.** The chain of command should be followed.

B-120-80 Meeting Attendance. Members of the Board of Directors shall attend all regular and special meetings of the Board unless there is good cause for absence.

B-120-90 Sexual Harassment Prevention Policy and Complaint Procedure. Members of the Board of Directors acknowledge and understand that the District's Harassment Prevention Policy and Complaint Procedure (Policy B-180) prohibits individual Board members from harassing applicants, officers, officials, employees, volunteers, unpaid interns, or contractors. Individual Board members found to have engaged in sexual harassment will receive appropriate sanction. Harassment Prevention Policy and Complaint Procedure B-180 is incorporated by reference herein.

Resolution No. 2015 2027	Date Approved: February 26, 2015
President of the Board	Supersedes: July 9, 2009 Last Reviewed:

F-120 CUSTOMER PAYMENT

Purpose

This policy covers method of billing, customer notification, collections, delinquent payments, and penalties.

F-120-10 Special Arrangements. Upon request, the Board (greater than \$54,000) or General Manager (\$54,000 or less) may grant approval of special arrangements to be made for payment of the following fees when an extreme hardship exists:

Regular annual sewer service charge

Wastewater Capital Facilities Charge (Connection fee)

F-120-20 Payments. Monthly payments shall not exceed 12 payments. When payments are to be made at the close of escrow and real property is not sold, arrangements must be made for payments to continue on a regular basis.

Resolution No. 2009-1872	Date Approved: July 9, 2009
President of the Board	Supersedes: Last Reviewed.

11/3/2022

General Manager Report

- Separate Item to be distributed at Board Meeting
- Separate Item to be distributed prior to Board Meeting
- Verbal Report
- Presentation



Item Number 3.2
GM Review CP

Agenda Summary Report

To: Board of Directors
From: Teri Lerch, District Secretary
 (415) 526-1510; tlerch@lgvsd.org
Mtg. Date: November 3, 2022
Re: Board Policy Review of B-130 Conflict of Interest and F-130 Disposal of Surplus Equipment and Property
Item Type: Consent _____ Action _____ Information X Other _____.
Standard Contract: Yes _____ No _____ (See attached) Not Applicable X .

STAFF RECOMMENDATION

Attached for information and Board review are current Board Policies B-130 Conflict of Interest and F-130 Disposal of Surplus Equipment and Property.

Staff recommends no changes at this time for Board Policy B-130 Conflict of Interest. Enclosed for information only is the 2022 Local Agency Biennial Notice and Resolution 2022-2267 Adopting a Conflict-of-Interest Code.

For clarity, original policies B-130 and F-130 are included with Draft Policy B-130 and F-130 with suggested changes shown in red. Staff will receive comments on the subject policies at the meeting and through November 9, 2022.

Comments received will be incorporated or addressed prior to bringing back these policies to the Board for approval at the next Board meeting.

The Board has requested to review and update Board Policy.

PREVIOUS BOARD ACTION

None

ENVIRONMENTAL REVIEW

N/A

FISCAL IMPACT

N/A

B-130 CONFLICT OF INTEREST

Purpose

This policy establishes the rules for disclosure of financial interest and sets forth provisions to avoid conflict of interest.

B-130-10 Statements. Board Members shall file statements of economic interest as required by the Fair Political Practices Commission's regulation, 2 Cal. Code of Regs. 18730.

B-130-20 State Regulations. The terms of 2 Cal. Code of Regs. 18730 and any amendments to it adopted by the Fair Political Practices Commission are hereby incorporated by reference, and, along with the attached Appendix A, in which members of the Board and employees of the District are designated, and in which disclosure categories are set forth, constitutes the conflict of interest code of the District.

B-130-30 Compliance Requirements. Board Members and District employees shall comply with all terms and conditions of the conflict of interest code.

B-130-40 Abstaining From Voting. Board Members shall abstain from discussion and voting, and leave the Board table on any agenda item at a Board meeting involving a personal or financial conflict of interest per statute. Unless a conflict of interest exists, Board Members should not abstain from the Board's decision-making responsibilities.

Resolution No. 2009-1872	Date Approved: July 9, 2009
President of the Board	Supersedes: Last Reviewed:

Draft

F-130 DISPOSAL OF SURPLUS EQUIPMENT AND PROPERTY

Purpose

This policy covers easements, encroachments, and acceptance of property, disposal of surplus property, inventory, and recordkeeping.

~~F-130-10 Sale of Surplus Equipment. The Board (current value in excess of \$1,000) or General Manager (current value equal to or less than \$1,000) have the authority to declare equipment surplus, after which the following steps shall be taken:~~

~~A surplus item shall be advertised for sale, with notation of location/hours/days it can be seen, a deadline date for submission of sealed bids, a statement that the District reserves the right to reject any or all bids, and that the item is being sold "as is."~~

- ~~• The Board or General Manager per the above value criteria shall accept or reject highest bid.~~
- ~~• Bidders shall be notified of the Board's action.~~
- ~~• Junked Certificates shall be obtained for vehicles that cannot pass smog tests without significant repairs.~~

~~Periodically surplus metal that has no further operational value to the District but which may be recycled or sold for scrap may be disposed of as determined by the General Manager.~~

~~F-130-10 Declaration of Surplus Equipment. Property may be declared surplus property when it has been determined by the General Manager that the equipment:~~

- ~~• Is no longer appropriate because of capability, size, age, operational readiness, etc., to fulfill the District's mission; or~~
- ~~• The equipment is obsolete or there is a change in operating methodology; or~~
- ~~• If a particular piece of equipment is more costly to maintain than to replace.~~

~~The General Manager shall have the authority to dispose of surplus property that has a current value of less than \$1,000.00 (considered a de minimus value). Surplus property that has a current value of \$1000.00 or greater, shall be submitted to the Board for approval prior to disposal in the approved manner.~~

~~F-130-15 Disposal of Surplus Equipment. Property that has been declared surplus, may be disposed of in one of the following manners:~~

- ~~• Transfer of the surplus property to another public agency, educational institution or non-profit (501.C) upon a written request and determination that it is in the public interest to do so; or~~
- ~~• The excess property may be offered to other government entities and Districts on a bid basis; or~~

Resolution No. 2017-2084	Date Approved: February 23, 2017
President of the Board	Supersedes: July 9, 2009 Last Reviewed:

- Advertise for sale, with notation of location/hours/days it can be seen, a deadline date for submission of sealed bids, a statement that district reserves the right to reject any or all bids, and that the item is being sold “as is”; or
- Sold at auction through any reputable auction organization, including on-line auctions.

The surplus equipment may be discarded and/or recycled when the surplus property is not accepted by the auction organizations, or when there are no bidders/buyers.

F-130-20 Sale of Real Estate. The Board has the authority to declare real property surplus and authorize the Staff to obtain an appraisal, after which the following steps shall be taken:

The real property shall be offered to public agencies at the appraised price. (State law requires that public agencies have the opportunity to purchase real property prior to advertisement to the general public.)

- Property not purchased by a public agency shall be advertised in a newspaper of general circulation with a request that sealed bids be submitted to the District.
- The Board shall accept or reject the highest bid.
- Bidders shall be notified of the Board’s action.

Resolution No. 2017-2084	Date Approved: February 23, 2017
President of the Board	Supersedes: July 9, 2009 Last Reviewed:

B-130 CONFLICT OF INTEREST

Purpose

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B-130-10 Statements. Board Members shall file statements of economic interest as required by the Fair Political Practices Commission's regulation, 2 Cal. Code of Regs. 18730.

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Resolution No. 2009-1872	Date Approved: July 9, 2009
President of the Board	Supersedes:

Original

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- Bidders shall be notified of the Board's action.
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Periodically surplus metal that has no further operational value to the District but which may be recycled or sold for scrap may be disposed of as determined by the General Manager.

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- Property not purchased by a public agency shall be advertised in a newspaper of general circulation with a request that sealed bids be submitted to the District.
- The Board shall accept or reject the highest bid.
- Bidders shall be notified of the Board's action.

Resolution No. 2017-2084	Date Approved: February 23, 2017
President of the Board	Supersedes: July 9, 2009

2022 Local Agency Biennial Notice

Name of Agency: Las Gallinas Valley Sanitary District
Mailing Address: 101 Lucas Valley Road, Suite 300, San Rafael, CA. 94903
Contact Person: Teri Lerch Phone No. 415-472-1734
Email: tlersch@lgsd.org Alternate Email: N/A

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code includes disclosure by those agency officials who make or participate in making governmental decisions.

This agency has reviewed its conflict of interest code and has determined that (*check one BOX*):

An amendment is required. The following amendments are necessary:

(*Check all that apply.*)

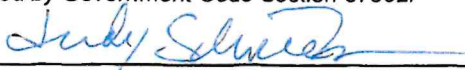
- Include new positions
- Revise disclosure categories
- Revise the titles of existing positions
- Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions
- Other (*describe*) The Code was amended to reflect changes in the model code per California regulation/FPPC. Please see attached Code and Resolution.

The code is currently under review by the code reviewing body.

No amendment is required. (If your code is over five years old, amendments may be necessary.)

Verification (to be completed if no amendment is required)

This agency's code accurately designates all positions that make or participate in the making of governmental decisions. The disclosure assigned to those positions accurately requires that all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding designated positions are reported. The code includes all other provisions required by Government Code Section 87302.



Signature of Chief Executive Officer

8-10-22

Date

All agencies must complete and return this notice regardless of how recently your code was approved or amended. Please return this notice no later than **October 3, 2022**, or by the date specified by your agency, if earlier, to:

(PLACE RETURN ADDRESS OF CODE REVIEWING BODY HERE)

PLEASE DO NOT RETURN THIS FORM TO THE FPPC.

www.fppc.ca.gov
FPPC Advice: advice@fppc.ca.gov (866.275.3772)
Page 1 of 1

RESOLUTION NO. 2022-2267

**A RESOLUTION ADOPTING A CONFLICT OF INTEREST CODE FOR THE
LAS GALLINAS VALLEY SANITARY DISTRICT**

The Board of Directors of the Las Gallinas Valley Sanitary District ("LGVSD") does hereby find, resolve, and order as follows:

Section 1. The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies, including the Las Gallinas Valley Sanitary District, to adopt and promulgate conflict of interest codes.

Section 2. The Fair Political Practices Commission (the "FPPC") has adopted a regulation that contains the terms of a Model Conflict of Interest Code (the "Model Code"). The Model Code, codified at 2 California Code of Regulations Section 18730, can be incorporated by reference by the Authority as its conflict of interest code. After public notice and hearing, the FPPC may amend the Model Code to conform to amendments to the Political Reform Act.

Section 3. The Model Code, attached hereto as Exhibit "A," and any amendments to it duly adopted by the FPPC, are hereby incorporated into the conflict of interest code of this Authority by reference. This regulation and the attached Appendices designating officials and employees and establishing economic disclosure categories shall constitute the Conflict of Interest Code for the Las Gallinas Valley Sanitary District.

Section 4. All officials and employees required to submit a Statement of Economic Interests shall file their statements with the Executive Officer or his or her designee. For elected officials, the Executive Officer shall make and retain a copy of all statements filed and forward the originals of such statements to the Office of the County Clerk of Marin County. Designated employees (not elected officials) shall file their Statement of Economic Interests with LGVSD and the originals of such statements will be retained by LGVSD. All retained statements, original or copied, shall be available for public inspection and reproduction (Gov. Code Section 81008).

Section 5. The LGVSD has directed the District Counsel to coordinate the preparation of a revised Conflict of Interest Code in succeeding even-numbered years in accordance with the requirements of Government Code Sections 87306 and 87306.5. Changes have been made consistent with the modifications to the Model Code. These modifications are approved by passage of this Resolution. The changes will be sent to the Office of the County Clerk of Main County. When no revisions to the Code are required, the LGVSD shall submit a report to the

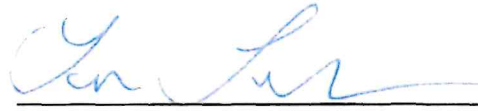
Office of the County Clerk of Marin County no later than October 1st of the same year, stating that amendments to the Code are not required.

Section 6. The District Secretary is directed to certify to the passage and adoption of this resolution.

* * * * *

I hereby certify that the forgoing is a full, true, and correct copy of a resolution duly and regularly passed and adopted by the Sanitary Board of the Las Gallinas Valley Sanitary District, Marin County, California, at a meeting thereof held on the 4th day of August, 2022, by the following vote of the members thereof:

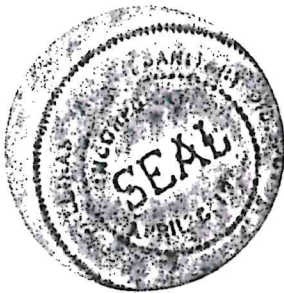
AYES, and in favor thereof Members: *Clark, Ford, Murray, Schriebman, Yeaman.*
NOES, Members: *None.*
ABSENT, Members: *None.*
ABSTAIN, Members: *None.*


Teresa Lerch, District Secretary

Approve:

(seal)


Judy Schriebman, President of Board of Directors



LAS GALLINAS VALLEY SANITARY DISTRICT
EXHIBIT "A"

18730. Provisions of Conflict of Interest Codes.

(a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict of interest code within the meaning of Government Code section 87300 or the amendment of a conflict of interest code within the meaning of Government Code section 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of article 2 of chapter 7 of the Political Reform Act, Government Code sections 81000, et seq. The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Government Code section 87100, and to other state or local laws pertaining to conflicts of interest.

(b) The terms of a conflict of interest code amended or adopted and promulgated pursuant to this regulation are as follows:

(1) Section 1. Definitions.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (2 Cal. Code of Regs. sections 18100, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

(2) Section 2. Designated Employees.

The persons holding positions listed in the Appendix are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on economic interests.

(3) Section 3. Disclosure Categories.

This code does not establish any disclosure obligation for those designated employees who are also specified in Government Code section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their economic interests pursuant to article 2 of chapter 7 of the Political Reform Act, Government Code sections 87200, et seq.

In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

(A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;

(B) The disclosure assigned in the code of the other agency is the same as that required under article 2 of chapter 7 of the Political Reform Act, Government Code section 87200; and

(C) The filing officer is the same for both agencies.¹

Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of economic interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those financial interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in the Appendix. It has been determined that the economic interests set forth in a designated employee's disclosure categories are the kinds of financial interests which he or she foreseeably can affect materially through the conduct of his or her office.

(4) Section 4. Statements of Economic Interests: Place of Filing.

The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code.²

(5) Section 5. Statements of Economic Interests: Time of Filing.

(A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.

(B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

¹ Designated employees who are required to file statements of economic interests under any other agency's conflict of interest code, or under article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdiction, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Government Code section 81004.

² See Government Code section 81010 and 2 Cal. Code of regs. Section 18115 for the duties of filing officers and persons in agencies that make and retain copies of statements and forward the originals to the filing officer.

(C) Annual Statements. All designated employees shall file statements no later than April 1. If a person reports for military service as defined in the Servicemember's Civil Relief Act, the deadline for the annual statement of economic interests is 30 days following his or her return to office, provided the person, or someone authorized to represent the person's interests, notifies the filing officer in writing prior to the applicable filing deadline that he or she is subject to that federal statute and is unable to meet the applicable deadline, and provides the filing officer verification of his or her military status.

(D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

(5.5) Section 5.5. Statements for Persons Who Resign Prior to Assuming Office.

Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided he or she did not make or participate in the making of, or use his or her position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his or her appointment. Such persons shall not file either an assuming or leaving office statement.

(A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:

(1) File a written resignation with the appointing power; and

(2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he or she did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

(6) Section 6. Contents of and Period Covered by Statements of Economic Interests.

(A) Contents of Initial Statements.

Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(B) Contents of Assuming Office Statements.

Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later, or for a board or commission member subject to Section 87302.6, the day after the closing date of the most recent statement filed by the member pursuant to Regulation 18754.

(D) Contents of Leaving Office Statements.

Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

(7) Section 7. Manner of Reporting.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Disclosure.

When an investment or an interest in real property ³ is required to be reported, ⁴ the statement shall contain the following:

1. A statement of the nature of the investment or interest;
2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
3. The address or other precise location of the real property;
4. A statement whether the fair market value of the investment or interest in real property exceeds two thousand dollars (\$2,000), exceeds ten thousand dollars (\$10,000), exceeds one hundred thousand dollars (\$100,000), or exceeds one million dollars (\$1,000,000).

(B) Personal Income Disclosure. When personal income is required to be reported, ⁵ the statement shall contain:

³ For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

⁴ Investments and interests in real property which have a fair market value of less than \$ 2,000.00 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the Aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

⁵ A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

1. The name and address of each source of income aggregating five hundred dollars (\$500) or more in value, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;

2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), greater than ten thousand dollars (\$10,000), or greater than one hundred thousand dollars (\$100,000);

3. A description of the consideration, if any, for which the income was received;

4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;

5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,⁶ the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;

2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000).

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

(8) Section 8. Prohibition on Receipt of Honoraria.

⁶ Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent of greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests.

(B) This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

(C) Subdivisions (a), (b), and (c) of Government Code Section 89501 shall apply to the prohibitions in this section.

(D) This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Government Code section 89506.

(8.1) Section 8.1. Prohibition on Receipt of Gifts in Excess of \$520.00.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than \$520.00 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests

(B) This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

(C) Subdivisions (e), (f), and (g) of Government Code section 89503 shall apply to the prohibitions in this section.

(8.2) Section 8.2. Loans to Public Officials.

(A) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control.

(B) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(C) No elected officer of a state or local government agency shall, from the date of his or

her election to office through the date that he or she vacates office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.

(D) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(E) This section shall not apply to the following:

1. Loans made to the campaign committee of an elected officer or candidate for elective office.
2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
3. Loans from a person, which, in the aggregate, do not exceed two hundred fifty dollars (\$250) at any given time.
4. Loans made, or offered in writing, before January 1, 2022.

(8.3) Section 8.3. Loan Terms.

(A) Except as set forth in subdivision (B), no elected officer of a state or local government agency shall, from the date of his or her election to office through the date he or she vacates office, receive a personal loan of five hundred dollars (\$500) or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.

(B) This section shall not apply to the following types of loans:

1. Loans made to the campaign committee of the elected officer.

2. Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.

3. Loans made, or offered in writing, before January 1, 2022.

(C) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

(8.4) Section 8.4. Personal Loans.

(A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:

1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.

2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:

a. The date the loan was made.

b. The date the last payment of one hundred dollars (\$100) or more was made on the loan.

c. The date upon which the debtor has made payments on the loan aggregating to less than two hundred fifty dollars (\$250) during the previous 12 months.

(B) This section shall not apply to the following types of loans:

1. A loan made to the campaign committee of an elected officer or a candidate for elective office.

2. A loan that would otherwise not be a gift as defined in this title.

3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.

4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.

5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

(C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

(9) Section 9. Disqualification.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth two thousand dollars (\$2,000) or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth two thousand dollars (\$2,000) or more;

(C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars (\$500) or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$250 or more provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

(9.3) Section 9.3. Legally Required Participation.

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

(9.5) Section 9.5. Disqualification of State Officers and Employees.

In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use his or her official position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of his or her immediate family has, within 12 months

prior to the time when the official action is to be taken:

(A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or

(B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services or 18705.2(c) totaling in value one thousand dollars (\$1,000) or more.

(10) Section 10. Disclosure of Disqualifying Interest.

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest.

(11) Section 11. Assistance of the Commission and Counsel.

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Government Code section 83114 and Regulations 18329 and 18329.5 or from the attorney for his or her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

(12) Section 12. Violations.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code sections 81000-91015. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Government Code section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code section 91003.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 87103(e), 87300-87302, 89501, 89502 and 89503, Government Code.

LAS GALLINAS VALLEY SANITARY DISTRICT

APPENDIX "A"

CATEGORY 1

Persons in this category shall disclose all interests in real property located within the jurisdiction of the Las Gallinas Valley Sanitary District. Real property shall be deemed to be within the jurisdiction if the property or any part of it is located within, or not more than two miles outside of, the boundaries of the jurisdiction, or within two miles of any land owned or used by the District.

Persons are not required to disclose property used primarily as their principal residence or any other property that they utilize exclusively as their personal residences.

CATEGORY 2

Persons in this category shall disclose reportable income from persons or business entities that have a franchise or contract with the District or that provide, plan to provide or have provided within two years from the time a statement is required under this Conflict of Interest Code, franchise or contractual services, or other services, supplies, materials or equipment of the type utilized by the District.

CATEGORY 3

Persons in this category shall disclose reportable investments in business entities that have a franchise or contract with the District or that provide, plan to provide or have provided within two years from the time a statement is required under this Conflict of Interest Code, franchise or contractual services, or other services, supplies, materials or equipment of the type utilized by the District.

CATEGORY 4

Persons in this category shall disclose reportable business positions in business entities that have a franchise or contract with the District or that provide, plan to provide or have provided within two years from the time a statement is required under this Conflict of Interest Code, franchise or contractual services, or other services, supplies, materials or equipment of the type utilized by the District.

CATEGORY 5

For consultants who serve in a staff capacity with the District, the consultant shall disclose based on the disclosure categories assigned elsewhere in this code for that staff position. For consultants who do not serve in a staff capacity, the following disclosure categories shall be used:

Persons required to disclose in this category must disclose pursuant to subcategories A, B, and C below unless the Executive Officer determines in writing that a particular consultant is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in categories A, B, or C. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Officer's determination is a public record and must be retained for public inspection in the same manner and at the same location as the District's conflict of interest code.

- A. Reportable interests in real property in the jurisdiction as specified above in Category 1.
- B. Reportable personal and business entity income, as specified above in Category 2.
- C. Reportable investments, as specified above in Category 3.
- D. Reportable business positions, as specified above in Category 4.

LAS GALLINAS VALLEY SANITARY DISTRICT

APPENDIX "B"

<u>Designated Positions</u>	<u>Disclosure Categories</u>
Member of Board of Directors	1, 2, 3, 4
Member of Board of Directors (Alternate)	1, 2, 3, 4
General Manager	1, 2, 3, 4
District Counsel	1, 2, 3, 4
Administrative Services Manager	1, 2, 3, 4
District Engineer	1, 2, 3, 4
Plant Manager	1, 2, 3, 4
Collection System/Safety/Maintenance Manager	1, 2, 3, 4
Consultant	5



Item Number 3.3
GM Review CR

Agenda Summary Report

To: Board of Directors
From: Mike Cortez
(415) 526-1518; mcortez@lqvsd.org
Mtg. Date: November 3, 2022
Re: Department Report - Engineering
Item Type: Consent _____ Action _____ Information X Other _____
Standard Contract: Yes _____ No _____ (See attached) Not Applicable X

STAFF RECOMMENDATION

Informational only.

BACKGROUND

Department Reports are given to the Board at regular intervals, usually quarterly. This is an opportunity for the Managers to report to the Board actions taken within their respective departments. The previous Engineering Department Report was given on August 4, 2022.

This Engineering Department Report covers the period from August thru October 2022.

PREVIOUS BOARD ACTION

None.

ENVIRONMENTAL REVIEW

N/A

FISCAL IMPACT

None.

DESIGN (Number of projects in design phase: 12)

- Operation Control Center Building Design
 - Project is currently on hold.
 - Ad hoc committee meeting scheduled for 10/24/2022 to discuss next steps.
- Standby Generator System Installation for Adrian, McPhail, and Industrial Park Pump Stations
 - Followed up with BAAQMD on generator permits.
 - Provided comments on final civil and electrical plans by GD Nielson (contractor).
 - Reviewed changes in generator specifications.
 - Completed review of 26 submittals.
- Collection System Hydraulic Model
 - Hazen & Sawyer began developing planning level model and reviewing record drawings for background information.
 - Hazen has prepared preliminary hydraulic models for Northgate Redevelopment and 245 Nova Albion Way.

CONSTRUCTION (Number of projects in construction: 11)

- Secondary Treatment Plant Upgrade & Recycled Water Expansion (“Big Project”)
 - Installed potable water line around perimeter road and completed fire hydrant inspection.
 - All major structures such as aeration basins, secondary clarifiers, process piping and underground utilities have been completed, except paving, fencing, and other minor site improvements.
 - Bio-wheel: Sorting out mechanical issues with H2OI.
 - Target completion date: December 2022
 - Target ribbon cutting: December 8, 2022
- Solar Photovoltaic System Upgrades
 - On-going weekly meetings with ForeFront Power, Kenwood Energy, and District legal counsel to discuss matters related to the Power Purchase Agreement and technical aspects of the project.
 - Reviewing cashflow analysis provided by ForeFront Power with Kenwood Energy.
 - Discussed new PG&E interconnection application for the Electrical Building.
- Groundwater Monitoring Well Installation (Biosolids)
 - Filed CEQA Notice of Exemption.
 - GHD prepared a biological assessment report for the existing 304 acres of effluent disposal and cultivated lands in the Reclamation Area.
 - Contractor will begin drilling in the week of 10/14/2022.

OTHER (Number of projects: 7)

- Smith Ranch CNG Filling Station Repair
 - Contractor began demolition of old CNG compressor units and installation of new units on 10/17/2022.
- Integrated Wastewater Master Plan
 - Began Phase 3 scope discussion with Kennedy Jenks. Staff requested KJ to incorporate engineering studies by other District-hired consultants into the Master Plan.

Civil Engineering Technician Completed Tasks

- Collections Department
 - Completed NASSCO Certification Training Course on 8/10/2022.

- On-going Sewer Lateral Ordinance 180 Training with Collections Department.
- Issued 23 Letters of Findings for Sewer Lateral Video Inspection.
- Engineering Department
 - Purchased easement documents (1973-2022) from the County.
 - Developing a new tracking system for easement files.
 - Sorting Nute Engineering archived files provided in mid-2021.
 - Reviewed building permit lists from City of San Rafael and Marin County: Issued 21 request for information letters.
 - Prepared agreements for:
 - Regional Biosolids Compost Facility Feasibility Study
 - Center Pivot No. 1 Replacement
 - On-Call Inspection Services for Collection System, Development Projects, and Other District Projects
 - Biosolids Program and Research Project Support Services
 - STPURWE Amendment No. 3 with Brown and Caldwell
 - Compiled bidding documents for:
 - Center Pivot No. 1 Replacement
 - TWAS Enclosure
 - TWAS Enclosure Rebid
 - Revamping tracking spreadsheet for insurance certificates related to engineering projects.
 - Updating application materials for building permit reviews.
 - Prepared and issued purchase orders for engineering tasks.
 - Completed insurance training with Alliant Insurance Services and labor compliance training with Contractor Compliance and Monitoring, Inc.

Engineering Monthly Report (Aug 2022 thru Oct 2022)

Job No.	Project Name/Updates	On Hold	% Completion
DESIGN PROJECTS			
11200-03	John Duckett Pump Station & Sewer Main Capacity and Storage <ul style="list-style-type: none"> Resumed discussion with GHD on force main re-alignment alternatives. Scope modifications are necessary. 		30%
20100-02	Operation Control Center Building Design <ul style="list-style-type: none"> Project is currently on hold. Ad hoc committee meeting scheduled for 10/24/2022 to discuss next steps. 		16%
20200-01	Force Main Access Structures <ul style="list-style-type: none"> Design of force main access points by Freyer & Laureta is in progress. 		15%
20600-04	Flow Equalization Basin <ul style="list-style-type: none"> On-hold pending evaluation of final treatment facility layout. May need to discuss rescoping of design services to reprioritize tasks. 		25% (On-hold)
21300-06	Venetia Harbor Fencing & Paving <ul style="list-style-type: none"> Design is on-hold until negotiation with the neighbors are complete. 		(On-hold)
20300-09	Smith Ranch Pump Station Electrical Upgrades <ul style="list-style-type: none"> Reviewed and provided comments scoping memo from Freyer & Laureta. 		20%
21300-03	Standby Generator System Installation for Adrian, McPhail, and Industrial Park PS <ul style="list-style-type: none"> Followed up with BAAQMD on permits for the generators. Provided comments on final civil and electrical plans by GD Nielson (contractor). Reviewed changes in generator specifications. Completed review of 26 submittals. 		15%
21300-04	Pump Station Site Lighting Improvements <ul style="list-style-type: none"> Reviewed and provided comments scoping memo from Freyer & Laureta. 		20%
21350-01	Automatic Transfer Switches for Pump Stations <ul style="list-style-type: none"> Reviewed and provided comments scoping memo from Freyer & Laureta. 		20%
21600-01	Emergency Bypass Pumping Analysis & Emergency Response Plan <ul style="list-style-type: none"> Reviewed and provided comments scoping memo from Freyer & Laureta. 		20%
21600-07	Digester Room MCC#2 Upgrade <ul style="list-style-type: none"> Hazen continues to work on 90% design drawings. Hazen continues with boiler relocation analysis. 		50%
23200-01	Collection System Hydraulic Model <ul style="list-style-type: none"> Hazen & Sawyer began developing planning level model and reviewing record drawings for background information. Hazen has prepared preliminary hydraulic models for Northgate Redevelopment and 245 Nova Albion Way. 		13%
CONSTRUCTION PROJECTS			
11500-09	Miller Creek Vegetation Maintenance <ul style="list-style-type: none"> On-going with Hanford ARC. 		83%
12300-05	Rafael Meadows Pump Station Standby Generator Installation <ul style="list-style-type: none"> Generator has been delivered. Waiting for contractor to began installation in November. 		75%
12600-07 & 16650-02	Secondary Treatment Plant Upgrade & Recycled Water Expansion <ul style="list-style-type: none"> Installed potable water line around perimeter road and competed fire hydrant inspection. All major structures such as aeration basins, secondary clarifiers, process piping and underground utilities have been completed, except paving, fencing, and other minor site improvements. Bio-wheel: Sorting out mechanical issues with H2OI. Target completion date: December 2022 		96%
18360-01	Marin Lagoon Pump Station No.1 Improvements <ul style="list-style-type: none"> Filed Notice of Completion on 9/15/2022. 		100%
20200-01	Air Release Valve and Vault Replacements <ul style="list-style-type: none"> Filed Notice of Completion on 8/4/2022. 		100%

Job No.	Project Name/Updates	On Hold	% Completion
TBD	Reclamation Pond Diversion Boxes <ul style="list-style-type: none"> Staff continue to develop new scope for replacement of critical gates at two diversion boxes. Staff has reached out for informal bids from several contractors. 		10%
21600-08	Grit Screw Conveyor Systems Replacement <ul style="list-style-type: none"> Waiting for delivery of grit screw conveyor unit. 		15%
21600-09	Plant Lighting Improvements <ul style="list-style-type: none"> Staff is obtaining quotes for installation of additional lighting fixtures. 		70%
22125-04	On-Call Construction Contract <ul style="list-style-type: none"> North San Pedro Road Sewer Repair - In progress. Las Gallinas Easement Sewer Repair - In progress. Contempo Marin MH Sampling Box - In progress. 		Continuous
22125-01	Rock Crushing at Stockpile <ul style="list-style-type: none"> Issued a PO to Piazza Construction for crushing rock excavated from the plant upgrade project into usable materials for levee repair, raising grades at various locations within the treatment plant, and other projects. 		5%
22500-03	Solar Photovoltaic System Upgrades <ul style="list-style-type: none"> On-going weekly meetings with ForeFront Power, Kenwood Energy, and District legal counsel to discuss matters related to the Power Purchase Agreement and technical aspects of the project. Reviewing cashflow analysis provided by ForeFront Power with Kenwood Energy. Discussed new PG&E interconnection application for the Electrical Building. 		5%
REQUESTS FOR PROPOSALS			
ISSUED			
<i>None.</i>			
CALL FOR BIDS			
<i>None.</i>			
OTHER PROJECTS			
21500-08	Biosolids Program <ul style="list-style-type: none"> Continue to hold biweekly progress meetings with Mary Martis. 		N/A
21500-08	Groundwater Monitoring Well Installation <ul style="list-style-type: none"> Filed CEQA Notice of Exemption. GHD prepared a biological assessment report for the existing 304 acres of effluent disposal and cultivated lands in the Reclamation Area. Contractor will began drilling in the week of 10/14/2022. 		10%
20100-04	Integrated Wastewater Master Plan <ul style="list-style-type: none"> Began Phase 3 scope discussion with Kennedy Jenks. Staff requested KJ to incorporate engineering studies by other District-hired consultants into the Master Plan. 		Phase 2: 69%
20125-01	On-Call Engineering Contract <ul style="list-style-type: none"> Hazen is assisting staff on reviewing electrical loads and design for Standby Generator System Installation at Adrian, McPhail, and Industrial Park Pump Stations. 		Continuous
21600-03	Smith Ranch CNG Filling Station Repair <ul style="list-style-type: none"> Contractor began demolition of old CNG compressor units and installation of new units on 10/17/2022. 		20%
21600-07	Secondary Digester Inspection <ul style="list-style-type: none"> Hazen and V&A are preparing the technical memo for staff review. Staff began implementing preliminary consultant recommendations. 		90%
22125-03	On-Call Inspection <ul style="list-style-type: none"> On-going with Kennedy Jenks. On-going Bellecci & Associates. 		Continuous

Job No. **Project Name/Updates** **On Hold** **% Completion**

LAND DEVELOPMENT

Northgate Redevelopment - 5800 Northgate Mall

- Redevelop Northgate Mall to include both retail and multi-family units.
Project Concept 2025: retail space plus 965 multi-family units
Project Concept 2040: retail space plus 1374 multi-family units
 - Working with developer to address sewer capacity issues.
 - Hazen working on hydraulic model and sewer capacity calculations.
-

245 Nova Albion Way

- Working with developer to address sewer capacity issues.
 - Hazen working on hydraulic model and sewer capacity calculations.
-

Talus Reserve

- New development of 28 single family residences near Erin Dr.
 - Inspection by Bellecci & Associates.
-

Los Gamos Apartments

- Total of 192 apartment units.
 - Waiting for project updates from the applicant.
-

Other Projects Reviewed by Staff:

- 16 Galleon Way
 - 80 Elena Circle
 - 100 El Prado - Laundromat
 - 175 Nova Albion
 - 195 Nova Albion
 - 311 Las Flores Ave
 - 745 Del Ganado Rd
 - 1061 Las Gallinas Ave
-



Item Number 3.4

GM Review CP

Agenda Summary Report

To: Board of Directors
 From: Dale McDonald
 (415) 526-1519 dmcdonald@lgvsd.org *DM*
 Mtg. Date: November 3, 2022
 Re: Department Report – Administration
 Item Type: Consent Action Information X Other .
 Standard Contract: Yes No (See attached) Not Applicable X.

STAFF RECOMMENDATION

Informational only.

BACKGROUND

Department Reports are given to the Board at regular intervals, usually quarterly. This is an opportunity for the Managers to report to the Board actions taken within their respective Departments. The previous Administration Department Report was given to the Board on August 4, 2022.

This Administration Department Report is for the period July 1, 2022 to September 30, 2022 and coincides with the Quarterly Financial Report.

- Administration Department Report
- Pending Agenda Item Requests – Status Report

PREVIOUS BOARD ACTION

None.

ENVIRONMENTAL REVIEW

N/A

FISCAL IMPACT

None.

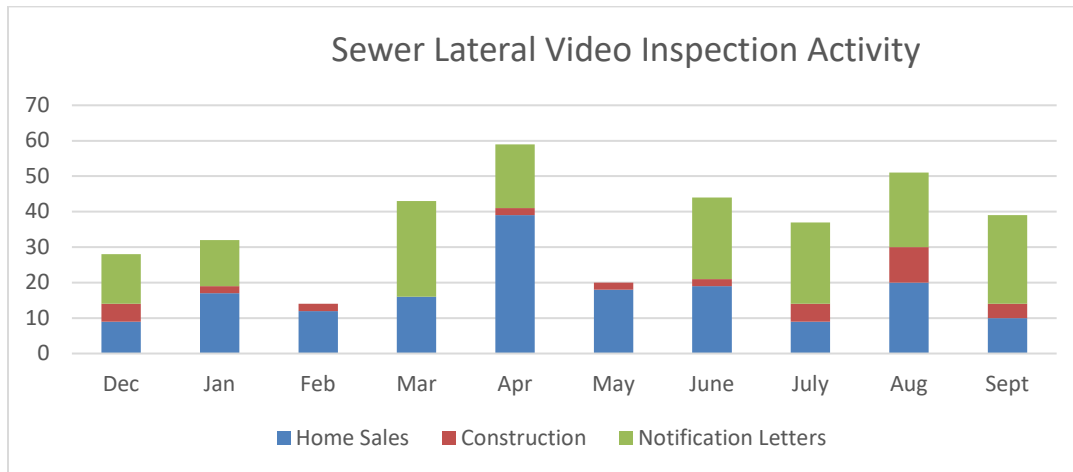
FINANCE

- Quarterly recycled water use thru September 30 billed to Marin Water in the amount of \$64,784 and North Marin Water District in the amount of \$16,085. The recoverable Operations & Maintenance expenses are 47% higher than last quarter due to improved recycled water timekeeping and more accurate recovery of chemical and power expenses.
- GASB 68 Reporting for CalPERS Risk Pools for fiscal year ending June 30, 2022 completed by Bartel Associates, Inc. Information provided to auditor. Report is available upon request.
- GASB 75 Other Postemployment Benefits (OPEB) Retiree Healthcare Plan Accounting Information report as of measurement date June 30, 2021 completed by Bartel Associates, Inc. Information provided to auditor. Report is available upon request.
- Marin County provided Sewer Service Charges (SSC) assessments for placement on Property Tax rolls. Total assessments of \$16,141,199 charged to 9,686 parcels.
- Direct Billing for properties not assessed on the tax roll in progress. Estimate \$900,000 to be billed in October.
- District's financial audits for Fiscal Year (FY) 2021-22 underway by Nigro & Nigro.

ADMINISTRATION

- CSRMA Pooled Liability Insurance Application for 2023 submitted. The CSRMA Board of Directors approved increasing the minimum sewer backup deductible for all members from \$10,000 to \$25,000, effective December 31, 2022 (at program renewal). All other deductibles remain the same.
- Biennial Conflict of Interest Notice provided to Marin County Deputy Clerk of the Board.
- Enterprise System Catalog updated on District website on July 7, as required by SB 272.
- Menon 491 Cedar Hill - sewer backup claim from November 2020 – on-site inspection held with all parties on July 11. CSRMA managing claim, mediation pending.
- Bay Area Clean Water Agencies (BACWA) request to provide organizational, collection system, and treatment plant data from FY 19-20 and 20-21 for inclusion in Central Contra Costa Sanitary District's (Central San) next statewide benchmarking survey completed. Survey results to be provided to participating agencies.
- Records Retention program being reviewed. Draft schedule created by Gladwell Governmental Services to be brought to the Board later this year.
- District Board Policy review continuing; B-70, B-80, B-90, F-70, F-80, and F-90 updated.
- Resolutions of the Board drafted, approved, and processed. Of the seventeen resolutions adopted, three were for the above policy revisions.
- A total of six regular Board meetings were held during this 3-month period.

- Sewer Lateral Inspection Program has fluctuated over the last three months along with home sales. The Administration Department provided support to the Collections Department on 127 inspection applications between July 1 and September 30. Of these 39 were triggered by home sales and 19 initiated by construction permits. In addition, 69 notification letters were mailed to property owners who have pulled building construction permits with the City of San Rafael or the County advising them of their requirement to have their sewer lateral inspected.



- Sewer Lateral Replacement Program continues to be taken advantage of by homeowners requesting assistance with payment for their sewer replacement. A total of 112 properties are participating in the program as of September 30, a few applications are pending. The total reimbursement to be collected on the 2022-23 tax roll related to this program is \$89,407.
- Low-Income Sewer Rate Assistance Program applications continue to trickle in. A total of eight applications have been received and six approved.

HUMAN RESOURCES

- General Manager Curtis Paxton hired on August 8, 2022.
- Patty Quinn hired as Civil Engineering Technician on July 25, 2022.
- Recruitment for the open Collection System Operator position began September 2022.
- CPS HR Consulting continues to provide Human Resource support to the District.
 - Weekly meetings held with Cheri Fairchild, CPS HR Project Coordinator, to discuss ongoing HR issues.
 - Personnel Policies & Procedures Manual to be updated in 2023 to incorporate new labor laws that will take effect January 1.
 - On-site office hours held on September 28.

- Labor Management Committee (LMC) met August 31. Discussions included multi-certification qualifications and posting requirements, uniforms, alternative work schedules, and safety issues.

SOLID WASTE and SB 1383 ORGANIC RECYCLING

- Marin Franchisers Group, which includes Las Gallinas Valley Sanitary District, agreed to have R3 Consulting complete the review of Marin Sanitary Service's (MSS) upcoming 2023 Indexed Rate Application. The MSS 2023 Combined Services Area Rate Application was received on August 31, 2022 identifying the LGVSD rate revenue adjustment, an increase of 6.17% is proposed for 2023. The full report and public hearing on the 2023 rate setting will be considered at a future date.
- Meetings with CalRecycle and other Special Districts in Marin County held to discuss the voluntary compliance and enforcement requirements of SB 1383. Regional coordination being investigated.
- Zero Waste Marin (ZWM) FY 22/23 Reimbursement Program grant cycle began on August 2, 2022. LGVSD was awarded \$14,628. Grant funding will be used towards a joint Waste Characterization Study to provide information for required SB 1383 Jurisdictional Reports.
- 2021 CalRecycle Electronic Annual Report (EAR) submitted on September 22, 2022.
- On August 18, 2022, the Board received an update on services being provided by MSS along with their 2021 Annual Report. There were questions raised during the presentation. Below are the answers and follow-up communication from MSS they wanted to share with the Board:
 1. MSS has noted the request to address the recyclability of glass and plan to include it in future communications.
 2. Aseptic packaging in Novato- They are accepting these in the blue cart and it appears they are being recovered. As stated, MSS is aware of programs in the area that would allow them to recover these as well, but currently they are limited by their facility design. As MSS improves the facility they will be addressing this material type to see if it is something they can begin to capture in their recovery streams.
 3. In the meeting, Justin Wilcock mentioned that they keep their plastics for recycling domestic in accord with the Geneva Convention. Fortunately, they are dealing with recyclables, not war, and what he meant to say was in following the Basel Convention. The Basel Convention is a different treaty, signed in a neighboring Swiss city that deals with the transportation of materials and seeks to avoid one country essentially shipping their trash to another under the guise of recycling.
 4. Invitation to September open house at the North Fork Biomass Gasification plant was provided to the Board under separate email.

CONTRACTS / REQUEST FOR PROPOSALS

Contracts executed between July 1 and September 30 listed below:

<u>Vendor Name</u>	<u>Dept</u>	<u>Description</u>	<u>Date of Agreement</u>	<u>Term End Date</u>	<u>Contract Amount</u>
Du-All Safety Amendment	200	Onsite Safety Consultant Services: contract extension of \$56,736 for 22-23, 21-22 contract was for \$56,736	7/19/2022	6/30/2023	\$ 56,736
Nigro & Nigro	100	Professional Auditing Services	8/2/2022	1/31/2025	\$ 64,500
Gladwell Governmental Services	100	Records Management and Retention	7/18/2022	8/31/2023	\$ 13,600
Wastewater Solids Management Co.	600	Secondary Anaerobic Digester Services: Amendment#1 adding \$53,000 to original amount of \$96,690.	7/15/2022	7/31/2022	\$ 53,000
OTS	275	Electrical Instrumentation Technician: temporary contract assistance	7/22/2022	10/31/2022	\$ 58,000
Data Instincts	600	Public Outreach Services	8/29/2022	8/31/2023	\$ 59,250
Chris DeGabriele Consulting	100	Consulting	8/17/2022	8/8/2023	\$ 62,000
West Yost	All	Cybersecurity Consulting Services	8/29/2022	6/30/2023	\$ 36,433
Caselle Software and Services	100	Finance Enterprise Software Implementation - Amendment #1 extending term, contract amount remains unchanged at \$51,600	9/1/2022	6/30/2023	\$ 0
Core Utilities	100	IT Support and Maintenance: Amendment #1 extending term thru 22-23, adding \$39,600 to original amount of \$40,000 authorized in 21-22.	8/30/2022	9/1/2023	\$ 39,600

Departments: -100 Admin, -125 Engineering, -200 Collections, -250 Maintenance, -300 Pump Stations, -400 Lab, -500 Reclamation, -600 Plant, -650 Recycled Water



PENDING AGENDA ITEM REQUESTS STATUS REPORT

#	Item Description	Date	Responsible	Status / Notes
1	Grant Funding - Report on opportunities for grants	12/16/2021	MC	Identify funding OCC
2	Public Use of Reclamation Area	1/6/2022	DM	Revise Ordinance
3	Integrated Master Plan Heat Map - Report Update	2/17/2022	MC	Provide w/Engrs Report
4	Cybersecurity Policy / Cybersecurity Implementation	4/7/2022	ML	Ongoing review at plant
5	Establish Dedicated Fund for Operations Control Center	5/16/2022	DM	Bring item to Board
6	Report on Flow Monitoring Hydraulic Study to Board	6/2/2022	MC	Update Board
7	Electrical Vehicle Study	6/16/2022	CP	Develop Scope of Work
8	Environmental Preferable Purchasing Policy		DM	Develop
9	Real Property Administration - Property Acquisition		MC/DM	Develop



Item Number 3.5

GM Review CP

Agenda Summary Report

To: Board of Directors
 From: Dale McDonald, Administrative Services Manager *DM*
 (415) 526-1519 dmcDonald@lqvsd.org
 Meeting Date: November 3, 2022
 Re: Quarterly Treasurer's & Financial Reports as of September 30, 2022
 Item Type: Consent _____ Action _____ Information X Other _____
 Standard Contract: Yes _____ No _____ (See attached) Not Applicable X .

STAFF RECOMMENDATION

Information only

BACKGROUND

Board Policy F-20-10, Financial Reporting, and Board Policy F-70-120, Investment Reporting, require that a quarterly report be submitted to the Board. It is prudent and beneficial to present these reports to the Board at the same time.

TREASURER'S INVESTMENT REPORT

Pursuant to the State of California Government Code Section 56300, the District's investment policy adopted on July, 21, 2022, and industry best practices, staff prepares a quarterly report on the District's cash position, investments, and liquidity.

As specified in California Government Code Section 53646(e), if all funds are placed in Local Agency Investment Fund (LAIF), FDIC-insured accounts and/or in a county investment pool, the reporting elements may be replaced by copies of the latest statements from such institutions.

The attached Treasurer's Report presents the District's bank and investment account balances as of September 30, 2022. Total Investments of \$22,715,060 are held in the Local Agency Investment Fund (LAIF) and in two restricted debt service accounts, which reflect a decrease of \$409,232 during the previous twelve-month period.

Included with the Treasurer's Report is the LAIF remittance advice from the State Controller's Office which includes report on earnings ratio, interest rate, and current market value along with the Pooled Money Investment Account/LAIF Performance Report. The LAIF report for the quarter ending September 30, 2022 shows the interest rate of 1.35%, up from 0.75% in June, with quarterly interest earned of \$74,209.20.

The District is required to maintain cash in debt reserve funds, equal to one year's debt service for the State Revolving Fund and for the loans from Bank of Marin. Quarterly Account Summary for the Bank of Marin Certificates of Deposit are included with this Treasurer's Report

The District's investments comply with its investment policy and the District has sufficient funds available to meet its obligations for the next six months.



QUARTERLY FINANCIAL REPORT

District staff is required to provide a quarterly summary report that compares actual revenues and expenditures to budgeted amounts, including relevant information on debt proceeds and debt service payments.

Cash Balance

The District has \$29,625,620 of cash and investments on hand as of September 30, 2022; a decrease of \$5.8M from September 30, 2021 primarily due to construction expenditures related to the Secondary Treatment Plant Upgrade and Recycled Water Expansion (STPURWE) Project.

Expenditures for the STPURWE project over the past year were primarily paid from the:

1. California Infrastructure and Economic Development Bank (IBank) Infrastructure State Revolving Fund (ISFR). The remaining balance of \$567,760 will be deposited into the operating account once the Notice of Project Completion is filed.
2. Capital Project Reserve Fund that holds Marin Water annual proportional debt-service and quarterly buy-in payments for STPURWE project.
3. Operating Account for miscellaneous project related charges.

The operating account balance fluctuates based on operating needs and it is not uncommon for the balance to change over the prior quarter or year. In this quarter the operating account balance is higher than last year.

Of the cash on hand, the District has designated portions of it for the following uses:

- Reserves of \$7,766,782 pursuant to District policies.
- Connection fees of \$646,934 which are available only to fund capacity related projects.
- Debt service restricted reserve funds of \$905,710 as required by loan covenants.
- Accumulation of Marin Water buy-in and share of debt service for the STPURWE project of \$173,745, balance continued to be drawn down and account converted over to Recycled Water Capital Reserves account in early 2023.
- Special assessment funds for operation and maintenance of the pump stations at Captains Cove and Marin Lagoon of \$1,499 and \$15,984, respectively.
- Accumulation of cash for the Private Sewer Lateral Assistance program of \$388,304.

There is \$19.7M remaining after the designations noted above. The District has encumbered \$12.6M for capital projects and services as of September 30, 2022. This leaves \$7.1M in unrestricted funds as of September 30.

Recent Board-approved encumbrances for biosolids support services and center pivot replacement project in the amount of \$1.1M are not included in the encumbered amount above.



Profit & Loss Budget vs. Actual Financial Statement

Attached are the quarterly financial statements as of September 30, 2022, with highlights explaining significant variances and analysis below:

Revenue

The Marin County Treasurer collects the Sewer Service Charge (SSC) assessments and Property Tax levies on behalf of the District. The SSC, Property Tax revenue, and Supplemental Assessments reported to date are from the final 2021-22 Teeter True-Up received in July 2022. SSC and Property Tax levies for 2022-23 will be received in December 2022 and April 2023.

Excess Educational Revenue Augmentation Funds (ERAF) for 2021-22 were transferred from Marin County to the District in July 2022. ERAF funding for 2022-23 will be received in December and April 2023.

Connection Fee revenue includes \$186,648 invoiced to Talus, LLC in July. District ordinance provides for payment of the Connection Fee over a two-year period. 10% was paid within thirty days of Board approval. 40% of the Connection Fee is due this fiscal year. The remaining 50% of the Connection Fee is due within 2 years, June 2, 2024, or upon date of building permit issuance, whichever comes first.

Expenditures

- Contract Personnel (#1005) – Operational Technical Services provided an Electrical Instrumentation Technician while recruitment was undertaken. Limited expenses for the remainder of the year are anticipated.
- PERS (#1507) – CalPERS annual unfunded liability payment of \$314,522 was paid in July and comprises the majority of PERS expenses this quarter. Based on bi-weekly CalPERS retirement contributions it is anticipated that a mid-year budget adjustment will be required to address a budget shortfall.
- Workers Compensation (#1701) – pooled deposit of \$106,073 based on forecasted salary expenses for 2022-23 was paid. Final premium audit for 2021-22 period is expected to be completed in December but anticipated credit may not be substantial enough to offset increased expenses this fiscal year. Mid-year budget adjustment is anticipated.
- Hypochlorite (#2107) – chemical costs are slightly over budget as unit price has risen over last year. Mid-year budget adjustment is anticipated.
- Utility Power (#2535) – the PG&E Net Energy Metering (NEM) annual True-Up reconciliation adjustment calculated in August resulted in the District paying \$179,668. Electricity expenses will be lower once the solar panel system is brought back on-line.
- Miscellaneous (#9999) – \$56,700 was for Settlement Agreement and Release of Claims with California River Watch.

Total Operating & Maintenance expenses for the first quarter is \$4,376,093 which comprises 27.37% of the annual budget.



Debt Proceeds and Service:

The Bank of Marin 2012 Loan was paid off in August 2022. The remaining debt service payments are being paid according to schedule.

PREVIOUS BOARD ACTION

N/A

ENVIRONMENTAL REVIEW

N/A

FISCAL IMPACT

See above.

**Las Gallinas Valley Sanitary District
Treasurer's Report - Operating and Investment Accounts
September 30, 2022**

I. Account Summary: Bank and Investment Accounts Accounts Summary	September		Change from Previous Year
	2022	2021	
Summary of Bank and Investment Accounts			
OPERATIONS:			
Bank of Marin			
Operating Accounts	4,889,491	1,499,099	3,390,391
Liquid Savings	225,841	225,514	327
Private Sewer Lateral Rehab	388,304	380,149	8,155
Surcharge-Marine Lagoon	15,984	84,626	(68,642)
Surcharge-Captains Cove	1,499	17,273	(15,774)
Connection Fee	646,934	340,906	306,027
Capital Project Reserve Fund Money Market 3983	173,745	3,642,834	(3,469,088)
Petty cash	881	932	(51)
Investment Accounts			
Debt Service Reserve-Recycled Water	603,392	600,419	2,973
Debt Service Reserve-SRF Loan	302,318	300,828	1,490
Local Agency Investment Fund	<u>21,809,349</u>	<u>22,223,044</u>	<u>(413,695)</u>
Cash and Investments	<u>\$ 29,057,738</u>	<u>\$ 29,315,624</u>	<u>\$ (257,886)</u>
IBANK ISRF AGREEMENT:	567,760	6,090,922	(5,523,162)
RESTRICTED 2017 BOND			
US Bank Bond & Cost of Issuance Funds	<u>\$ 123</u>	<u>\$ 116</u>	<u>\$ 7</u>
TOTAL CASH AND INVESTMENTS	<u>\$ 29,625,620</u>	<u>\$ 35,406,662</u>	<u>\$ (5,781,041)</u>

II. Account Activity for Bank of Marin Accounts

Bank of Marin operating account activity is for paying regular operating expenses of the District. Funds are transferred from the Liquid Savings to the Operating account as needed.

Statement of Compliance:

The investments accounts are invested in compliance with the District's investment policy, adopted at the July 21, 2022 Board meeting and California Government Code Section 53600. In addition, the District does have the financial ability to meet its cash flow requirements for the next six months.

Prepared by: 
Dale McDonald, Administrative Services Manager

Approved by: 
Curtis Paxton, General Manager



BETTY T. YEE
California State Controller

**LOCAL AGENCY INVESTMENT FUND
 REMITTANCE ADVICE**

Agency Name	LAS GALINAS VLY SANITARY DIST
Account Number	70-21-005

As of 10/14/2022, your Local Agency Investment Fund account has been directly credited with the interest earned on your deposits for the quarter ending 09/30/2022.

Earnings Ratio		.00003699565555327
Interest Rate		1.35%
Dollar Day Total	\$	2,005,889,555.40
Quarter End Principal Balance	\$	21,809,349.18
Quarterly Interest Earned	\$	74,209.20



PMIA/LAIF Performance Report as of 10/14/22



PMIA Average Monthly Effective Yields⁽¹⁾

September	1.513
August	1.276
July	1.090

Quarterly Performance Quarter Ended 09/30/22

LAIF Apportionment Rate ⁽²⁾ :	1.35
LAIF Earnings Ratio ⁽²⁾ :	0.00003699565555327
LAIF Fair Value Factor ⁽¹⁾ :	0.980760962
PMIA Daily ⁽¹⁾ :	1.63%
PMIA Quarter to Date ⁽¹⁾ :	1.29%
PMIA Average Life ⁽¹⁾ :	304

Pooled Money Investment Account Monthly Portfolio Composition ⁽¹⁾ 09/30/22 \$222.9 billion

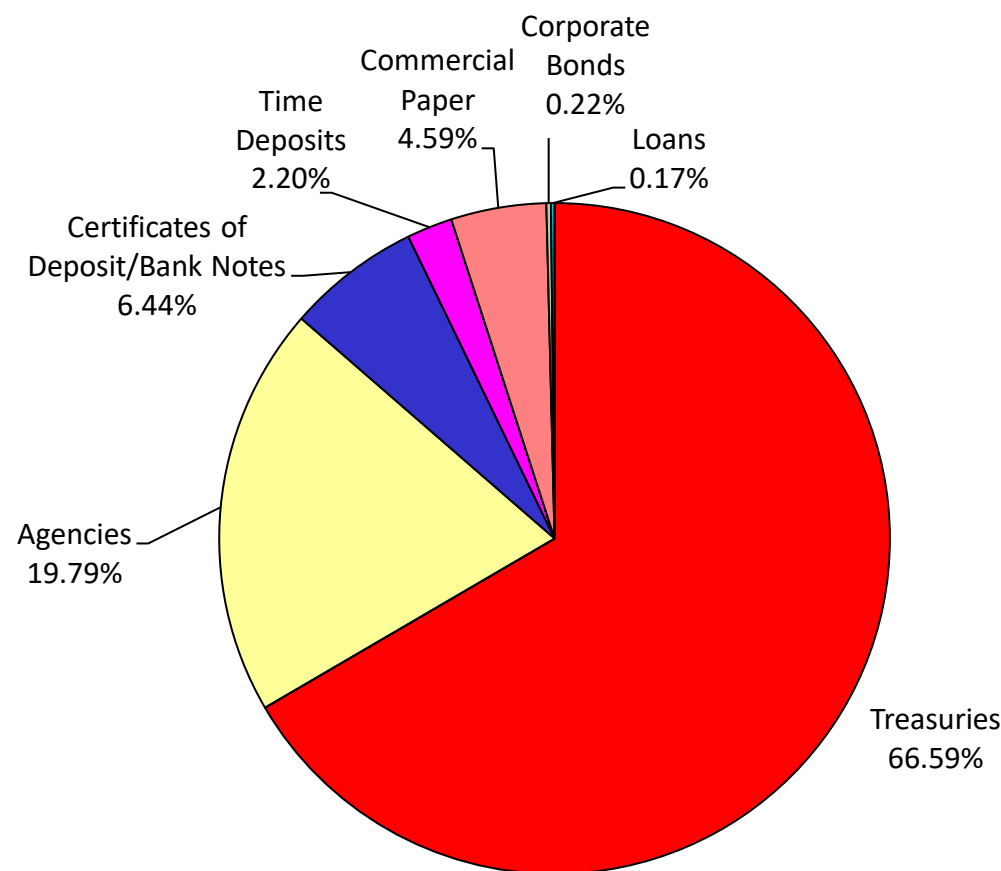


Chart does not include \$3,917,000.00 in mortgages, which equates to 0.002%. Percentages may not total 100% due to rounding.

Daily rates are now available here. [View PMIA Daily Rates](#)

Notes: The apportionment rate includes interest earned on the CalPERS Supplemental Pension Payment pursuant to Government Code 20825 (c)(1) and interest earned on the Wildfire Fund loan pursuant to Public Utility Code 3288 (a).

Source:

⁽¹⁾ State of California, Office of the Treasurer

⁽²⁾ State of California, Office of the Controller



Bank of Marin

PO Box 2039
Novato, CA 94948-2039

Account Number: 0003-715679
Statement Period: 06/30/22 - 09/30/22
Page: 1 of 1

Customer Service Information

Branch: 415-472-2265
Touch Tone Banking: 800-654-5111

Lost or Stolen Card:
24 hours 7 days per week 866-626-6004

Written Inquiries:
5800 NORTHGATE MALL, SUITE #51
SAN RAFAEL CA 94903

Visit us Online: www.bankofmarin.com

00008417 BOMB1110100122064205 01 0000

LAS GALLINAS VALLEY SANITARY DISTRICT
"BANK OF MARIN DEBT RESERVE"
101 LUCAS VALLEY RD SUITE 300
SAN RAFAEL CA 94903-1795

Account Summary for PUBLIC FUNDS JMBO CD0003-715679

Total Current Balance \$603,392.27
Total Interest Year To Date \$2,225.30

Transaction Detail

Date	Description	Deposits	Withdrawals	Balance
06/30	Beginning Balance			\$602,641.43
07/31	Interest	750.84		603,392.27
09/30	Ending Balance			\$603,392.27

Deposit Number	0000-000001	Original Deposit Amount	\$569,178.89
Principal	\$571,431.58	Original Deposit Date	08/01/12
Current Balance	\$603,392.27	Last Maturity Date	08/01/20
Total Interest Year To Date	\$2,225.30	Current Term	60 Months, renewable
Current Rate	0.494%	Next Maturity Date	08/01/25





Bank of Marin

PO Box 2039
Novato, CA 94948-2039

00008421 BOMB1110100122064205 01 0000
LAS GALLINAS VALLEY SANITARY DISTRICT
101 LUCAS VALLEY RD SUITE 300
SAN RAFAEL CA 94903-1795

Account Number: 0003-716073
Statement Period: 06/30/22 - 09/30/22
Page: 1 of 1

Customer Service Information

Branch: 415-472-2265
Touch Tone Banking: 800-654-5111

Lost or Stolen Card:
24 hours 7 days per week 866-626-6004

Written Inquiries:
5800 NORTHGATE MALL, SUITE #51
SAN RAFAEL CA 94903

Visit us Online: www.bankofmarin.com

Account Summary for PUBLIC FUNDS JMBO CD0003-716073

Total Current Balance \$302,318.06
Total Interest Year To Date \$1,114.95

Transaction Detail

Date	Description	Deposits	Withdrawals	Balance
06/30	Beginning Balance			\$301,945.95
07/29	Interest	372.11		302,318.06
09/30	Ending Balance			\$302,318.06

Deposit Number	0000-000001	Original Deposit Amount	\$286,304.76
Principal	\$286,304.76	Original Deposit Date	07/30/13
Current Balance	\$302,318.06	Last Maturity Date	07/30/20
Total Interest Year To Date	\$1,114.95	Current Term	60 Months, renewable
Current Rate	0.494%	Next Maturity Date	07/30/25



Las Gallinas Valley Sanitary District Profit & Loss Budget vs. Actual July through September 2022

	<u>Jul - Sep 22</u>	<u>Budget</u>	<u>% of Budget</u>
Ordinary Revenue/Expense			
Income			
9011 - Sewer Service Charge	86,713.57	16,910,508.00	0.51%
9880 - Recycled Water	80,771.26	172,000.00	46.96%
9022 - Permits and Inspection Fees	10,500.00	71,745.00	14.64%
9024 - Application Fees	1,750.00	3,775.00	46.36%
9101 - Private Sewer Lateral Program	548.25	79,300.00	0.69%
9773 - Miscellaneous Income	0.00	1,250.00	0.0%
9000 - Property Tax Revenue	5,682.76	1,262,092.00	0.45%
9040 - Supp. Assmnts - Property Tax	1,075.94	27,695.00	3.89%
9046 - ERAF	49,467.57	584,867.00	8.46%
9280 - HOPTR	0.00	4,453.00	0.0%
9021 - Franchise Revenue	40,637.22	169,776.00	23.94%
9010 - Federal and State Grants	0.00	5,000.00	0.0%
9023 - Connection Fees CapX	245,589.00	1,740,572.00	14.11%
9881 - MMWD Buy-in & Bond Share CapX	51,637.13	619,633.00	8.33%
9100 - Reimbursements	0.00	25,000.00	0.0%
9200 - Interest Income			
9210 - Bank Interest	1,231.98	2,640.00	46.67%
9206 - Interest Connection Fees CapX	222.13	964.00	23.04%
9204 - Interest on Bond Funds	0.00	7.00	0.0%
9209 - Interest - LAIF	40,754.94	68,100.00	59.85%
9201 - Interest on Reserves	1,190.73	0.00	100.0%
9211 - Interest PSL Program	94.26	0.00	100.0%
Total 9200 - Interest Income	<u>43,494.04</u>	<u>71,711.00</u>	<u>60.65%</u>
Total Revenue	<u>617,866.74</u>	<u>21,749,377.00</u>	<u>2.84%</u>
Expense			
1001 - Employee Costs			
1001.1 - Salaries			
1003 - Regular Staff Salaries	687,308.21	4,071,400.00	16.88%
1008 - Overtime	19,245.32	132,600.00	14.51%
1011 - Doubletime	1,398.04	33,100.00	4.22%
1010 - Stand By (pre-2008 Sick Pay)	17,443.14	92,500.00	18.86%
1014 - Emergency Response Stipend	11,365.20	46,900.00	24.23%
1015 - Certification Stipends	21,687.08	84,000.00	25.82%
1016 - Longevity Pay	19,122.32	71,200.00	26.86%
1005 - Contract Personnel	25,800.00	5,200.00	496.15%
1036 - Director's Compensation	18,699.80	80,600.00	23.2%
Total 1001.1 - Salaries	<u>822,069.11</u>	<u>4,617,500.00</u>	<u>17.8%</u>
1001.2 - Employee Benefits			
1901 - COVID Leave	12,484.30	1,000.00	1,248.43%
1009 - Vacation/Sick Accrual	0.00	64,000.00	0.0%
1037 - Directors Health Benefits	2,845.25	9,700.00	29.33%

Las Gallinas Valley Sanitary District Profit & Loss Budget vs. Actual July through September 2022

	<u>Jul - Sep 22</u>	<u>Budget</u>	<u>% of Budget</u>
1404 · Social Security Expense	58,172.79	287,100.00	20.26%
1502 · Group Life Insurance	3,107.06	8,700.00	35.71%
1506 · Pension Expense			
1507 · PERS	437,757.72	787,500.00	55.59%
Total 1506 · Pension Expense	437,757.72	787,500.00	55.59%
1509 · Health Insurance			
1509.1 · Health Insurance-Actives	124,588.92	509,200.00	24.47%
1509.3 · Health Insurance-Admin Fee	549.59	1,700.00	32.33%
1509.2 · Health Insurance-Retirees	26,119.36	112,900.00	23.14%
1509.4 · Health Insurance-OPEB Pre-fund	34,890.00	163,200.00	21.38%
Total 1509 · Health Insurance	186,147.87	787,000.00	23.65%
1510 · Dental Insurance	8,849.27	16,500.00	53.63%
1514 · Vision Services	1,532.31	3,300.00	46.43%
1516 · Long Term Disability	9,005.24	34,100.00	26.41%
2006 · Auto Allowance	1,893.30	16,800.00	11.27%
Total 1001.2 · Employee Benefits	721,795.11	2,015,700.00	35.81%
1006 · Payroll Processing Fees	6,010.30	24,900.00	24.14%
Total 1001 · Employee Costs	1,549,874.52	6,658,100.00	23.28%
2059 · Insurance			
1701 · Workers Comp Insurance	108,307.00	72,900.00	148.57%
2060 · Fire, General Casualty & Liab	129,476.49	230,000.00	56.29%
2061 · Fidelity Bond	0.00	1,100.00	0.0%
Total 2059 · Insurance	237,783.49	304,000.00	78.22%
2080 · Repairs and Maintenance			
2083 · Vehicle Parts & Repairs	8,332.02	31,600.00	26.37%
2096 · Building Maintenance	3,950.09	96,300.00	4.1%
2097 · Grounds Maintenance	18,785.81	109,300.00	17.19%
2538 · Power Generation Maint.& Rep	226.68	32,800.00	0.69%
2365 · Equipment Maint	16,831.56	81,500.00	20.65%
2366 · Equipment Repair	67,460.07	174,900.00	38.57%
2367 · Capital Replacement	98,855.45	322,400.00	30.66%
Total 2080 · Repairs and Maintenance	214,441.68	848,800.00	25.26%
2331 · Reclamation Expenses			
2335 · Marsh Pond Vegetation Removal	0.00	60,000.00	0.0%
2332 · General - Reclamation expenses	0.00	9,500.00	0.0%
2333 · Pasture Disk	59,462.50	123,900.00	47.99%
2334 · Sludge Inject	102,650.00	102,700.00	99.95%
Total 2331 · Reclamation Expenses	162,112.50	296,100.00	54.75%
2101 · Chemicals and Lab Supplies			
2107 · Hypochlorite	73,314.33	206,900.00	35.44%
2110 · Bisulfite	0.00	85,400.00	0.0%
2109 · Miscellaneous Chemicals	4,800.40	73,100.00	6.57%
2115 · Laboratory Supplies	15,764.52	23,900.00	65.96%
Total 2101 · Chemicals and Lab Supplies	93,879.25	389,300.00	24.12%

Las Gallinas Valley Sanitary District Profit & Loss Budget vs. Actual

July through September 2022

	<u>Jul - Sep 22</u>	<u>Budget</u>	<u>% of Budget</u>
2111 · Pollution Prevention			
2119 · Pollution Prevention Contract	1,929.71	11,700.00	16.49%
2111 · Pollution Prevention - Other	0.00	4,900.00	0.0%
Total 2111 · Pollution Prevention	<u>1,929.71</u>	<u>16,600.00</u>	<u>11.63%</u>
2117 · Lab Contract Services	4,972.70	54,400.00	9.14%
2249 · Small Tools	4,991.57	24,600.00	20.29%
2320 · Outside Services			
2321 · Personnel & HR Services	19,158.86	160,600.00	11.93%
2322 · General	11,682.12	22,000.00	53.1%
2323 · Labor Relations	8,196.17	16,400.00	49.98%
2324 · Janitorial	5,318.98	22,500.00	23.64%
2326 · Other Outside Services	19,527.25	111,700.00	17.48%
2327 · Uniform Maintenance	4,163.97	13,600.00	30.62%
2360 · Other Consultants	32,460.70	198,700.00	16.34%
Total 2320 · Outside Services	<u>100,508.05</u>	<u>545,500.00</u>	<u>18.43%</u>
2330 · Damage Claims	0.00	20,000.00	0.0%
2356 · Engineering			
2354 · SCADA Engineering Support	0.00	67,200.00	0.0%
2355 · Passthru	426.00	1,200.00	35.5%
2357 · Environmental	22,994.50	186,400.00	12.34%
2358 · General Small Projects	243.00	14,700.00	1.65%
2359 · Feasibility Studies	0.00	91,600.00	0.0%
Total 2356 · Engineering	<u>23,663.50</u>	<u>361,100.00</u>	<u>6.55%</u>
2362 · General Operating Supplies	6,545.09	61,400.00	10.66%
2530 · Utilities			
2533 · Internet Services	2,576.60	7,800.00	33.03%
2534 · Contract Telephone	7,857.46	49,600.00	15.84%
2535 · Utility Power	271,027.57	476,100.00	56.93%
2536 · Water	6,928.90	33,900.00	20.44%
Total 2530 · Utilities	<u>288,390.53</u>	<u>567,400.00</u>	<u>50.83%</u>
2501 · Fuels			
2502 · Diesel	4,600.44	14,400.00	31.95%
2503 · Propane	104.29	8,500.00	1.23%
2504 · Vehicle Gas	6,947.17	12,700.00	54.7%
2505 · Vehicle Natural Gas	1,005.07	4,200.00	23.93%
2506 · Oil (vehicle and drum product)	425.43	3,200.00	13.3%
Total 2501 · Fuels	<u>13,082.40</u>	<u>43,000.00</u>	<u>30.42%</u>
2389 · Misc Safety Exp - Lgvsd only	32,096.33	49,000.00	65.5%
2397 · Safety Contractor Services	14,184.00	57,400.00	24.71%
2801 · Lateral Rehab Assistance Prog	0.00	59,800.00	0.0%
2802 · Low-Income Sewer Rate Ast Prog	0.00	50,000.00	0.0%
2400 · General and Administrative			
2499 · COVID-19 Expenses	0.00	1,700.00	0.0%
2129 · Election Expenses	0.00	25,000.00	0.0%

Las Gallinas Valley Sanitary District Profit & Loss Budget vs. Actual

July through September 2022

	Jul - Sep 22	Budget	% of Budget
2133 · Office Supplies & Expense	11,569.19	42,800.00	27.03%
2134 · Meeting Supplies & Expen	850.69	2,100.00	40.51%
2135 · Bank Charges	0.00	200.00	0.0%
2137 · Donations - Prop 218 Compliant	0.00	10,000.00	0.0%
2221 · Publications & Legal Ads	3,939.06	12,800.00	30.77%
2223 · Public Education	24,297.72	74,700.00	32.53%
2246 · Rents & Leases - Office & Equip	28,321.62	192,700.00	14.7%
2264 · Taxes, Other	0.00	1,900.00	0.0%
2272 · Memberships	13,478.62	69,100.00	19.51%
2363 · Permits and Fees	21,860.43	119,300.00	18.32%
2477 · Conferences	10,777.39	52,600.00	20.49%
2479 · Mileage & Travel	25.00	4,600.00	0.54%
2713 · Legal	25,452.50	186,600.00	13.64%
2716 · Computer Software & Services	35,495.14	97,600.00	36.37%
2717 · Audit	10,000.00	27,200.00	36.77%
2718 · Financial Services	449.00	35,400.00	1.27%
9778 · User Chg / Collection Fee Exp.	0.00	36,900.00	0.0%
9786 · Employee Recognition	3,907.38	5,600.00	69.78%
9787 · Employee Education & Training	5,553.00	49,400.00	11.24%
9999 · Miscellaneous expense	56,700.01	4,200.00	1,350.0%
Total 2400 · General and Administrative	252,676.75	1,052,400.00	24.01%
9800 · Debt Service			
9810 · Principal Payments			
9811 · 2004 COP/Refunded Principal	0.00	630,000.00	0.0%
9812 · IBank Principal	359,654.11	359,654.00	100.0%
9813 · State Revolving Fund Loan Princ	0.00	218,699.00	0.0%
9814 · 2011Bank of Marin Loan Principa	78,173.74	237,888.00	32.86%
9815 · 2012Bank of Marin Loan Principa	39,064.29	39,064.00	100.0%
9816 · 2017 Revenue Bonds Principal	0.00	1,110,000.00	0.0%
Total 9810 · Principal Payments	476,892.14	2,595,305.00	18.38%
9820 · Interest Payments			
9821 · 2004 COP/Refunded Interest	0.00	78,665.00	0.0%
9822 · IBank Loan Interest	164,740.18	324,086.00	50.83%
9823 · State Revolving Fund Loan Inter	0.00	66,765.00	0.0%
9824 · 2011Bank of Marin Loan Interest	32,720.06	94,794.00	34.52%
9825 · 2012Bank of Marin Loan Interest	160.56	160.00	100.35%
9826 · 2017 Revenue Bonds Interest	667,500.00	1,335,000.00	50.0%
Total 9820 · Interest Payments	865,120.80	1,899,470.00	45.55%
9830 · Loan Annual Fees - IBank	32,948.03	32,948.00	100.0%
Total 9800 · Debt Service	1,374,960.97	4,527,723.00	30.37%
Total Expense	4,376,093.04	15,986,623.00	27.37%



Item Number 4
GM Review CE

Agenda Summary Report

To: Board of Directors
From: Michael P. Cortez, PE, District Engineer
(415) 526-1518; mcortez@lqvsd.org
Meeting Date: November 3, 2022
Re: Award of Contract to Environmental Science Associates
Flood Protection Plan Phase 1
Item Type: Consent _____ Action X Information _____ Other _____
Standard Contract: Yes X No _____ (See attached) Not Applicable _____

STAFF RECOMMENDATION

Board to approve award of a contract to Environmental Science Associates (ESA) for Phase 1 of the Flood Protection Plan in the amount of \$99,955.

BACKGROUND

In compliance with the *Notice of Applicability* (NOA) issued by the *San Francisco Bay Regional Water Quality Control Board* (Water Board) on July 1, 2022 for the District’s biosolids program, District staff has developed a scope for Flood Protection Plan (FPP) with ESA and Water Board staff consisting of the following:

- Phase 1 (due on February 3, 2023) – Data collection, review of existing information, and initial screening of sea level and groundwater rise vulnerabilities and adaptation strategies.
- Phase 2 (pending Phase 1 outcomes) – Technical assessment of the flood risk of current and future sea level and groundwater conditions.
- Phase 3 (pending Phase 2 outcomes) – Final adaptation plan and development of action items for the FPP.

District staff deemed that it is prudent and in the best interest of the District to waive an RFP process for the FPP due to insufficient time and award the contract to ESA for project continuity. Furthermore, ESA has extensive background knowledge of the area and in working on several related projects such as the Integrated Wastewater Master Plan and McInnis Marsh Restoration project.

In response to staff request, ESA has submitted the attached proposal for Phase 1 of the FPP. Staff has reviewed the scope and fee schedule and deemed reasonable to award a contract to ESA in the amount of \$99,955. This contract is consistent with the GHD contract for the biosolids program and EPA-funded research program approved by the Board on October 6, 2022.



PREVIOUS BOARD ACTION(S)

N/A

ENVIRONMENTAL REVIEW

N/A

FISCAL IMPACT

Time and expense, not to exceed \$99,955.

This project will be funded from the FY 2022-23 Capital Reserve.

Proposal

Flood Protection Plan for the LGVSD's Land Application of Biosolids Project (Phase 1)

PREPARED FOR:

LAS GALLINAS VALLEY SANITARY DISTRICT

SEPTEMBER 30, 2022

ESA CONTACTS: EDDIE DIMITA, PE, (650) 464-0020, EDIMITA@ESASSOC.COM [PROJECT MANAGER]

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Introduction

At the request of the Las Gallinas Sanitary District (LGVSD or District), ESA has prepared this draft scope of work for Phase 1 of a Flood Protection Plan as part of the District's Land Application of Biosolids Project (Project). This scope of work has been prepared based on the draft scope of work prepared in August 2022 and addresses comments received from the San Francisco Bay Regional Water Quality Control Board (Regional Board) on September 1, 2022.

This scope of work covers Phase 1 of the Flood Protection Plan. Phase 1 focusses on compilation of background data, new field data collection, an initial assessment of flood and sea-level rise vulnerability, and an initial screening of potential adaptation strategies. The findings of Phase 1 will inform further discussions with the Regional Board and will provide information necessary to scope the completion of the Flood Protection Plan during a future Phase 2.

This proposal presents a brief project understanding followed by a technical approach and a scope of work that covers the initial phase of a larger Flood Protection Plan (Phase 1). The scope of work described in this proposal is considered preliminary and subject to revision.

Project Understanding

Background

The District is undertaking a project to apply biosolids generated at their wastewater treatment plant to portions of a 300-acre agricultural area located to the northeast of the plant. The biosolids application will be conducted as part of a multi-site investigation aimed to evaluate the application of biosolids in support of agricultural operations. A more detailed description of the project can be found in the March 9, 2021, Notice of Intent (NOI) and July 1, 2022, Notice of Applicability (NOA) package, which have both been reviewed by ESA.

The District has been coordinating with the Water Board to acquire permits for this proposed biosolids placement, and on July 1, 2022, the Water Board issued a NOA that enrolls the District in the General Waste Discharge Requirements for the Discharge of Biosolids to Land for Use as a Soil Amendment in Agricultural, Silvicultural, Horticultural, and Land Reclamation Activities, Order No. 2004-0012-DWQ (General Order). This NOA and the enrollment under the General Order conditionally authorizes the land application of biosolids to agricultural areas on District property.

One of the conditions of the NOA requires the District to prepare a Flood Protection Plan (FPP) for

the biosolids application area by February 1, 2023. Specifically, the NOA requires that the FPP include an assessment of the vulnerability of the Project to sea-level rise and groundwater rise and a proposed adaptive management strategy that provides protection and defines actions based on actual sea-level rise amounts and updated projections.

Related Projects

LGVSD Integrated Wastewater Master Plan

ESA is currently assisting the District on updating their Integrated Wastewater Management Plan (IWMP), which includes high-level planning related to capital improvements for the treatment plant, collection system, and other District facilities. This work is documented in the *Phase 1 Report: Sea-Level Rise Hazards and Exposure Pathways* finalized by ESA in August 2020 (ESA 2020), and under Phase 2, which was documented in *Sea-Level Rise Asset Exposure Analysis for Phase 2 of Las Gallinas Valley Sanitation District Integrated Wastewater Management Plan* (ESA 2021).

The IWMP includes a high-level assessment of the vulnerability of District facilities to sea-level rise and groundwater and is expected to identify adaptation measures that would address vulnerabilities of the plant to sea-level rise. The requested FPP for the biosolids placement area would be coordinated with and build from existing and ongoing work for the IWMP but would evaluate the existing and future flood risk and potential adaptation measures in a greater level of detail for the biosolids placement area.

McInnis Marsh Restoration Project (Marin County Parks)

Another related project is the McInnis Marsh Restoration Project, for which ESA led the engineering design and planning through 30%-complete design under contract to Marin County Parks. As part of this project, ESA conducted hydraulic modeling of Miller Creek with the aim of

verifying that the restoration project would result in no rise/no significant changes to flood conditions. Under existing conditions, Miller Creek poses a significant flood risk to the Biosolids Project, however ESA's prior modeling did not specifically evaluate flooding in the biosolids application area.

Although the Phase 1 scope of work does not include refinements and application of hydraulic modeling, subsequent phases of the FPP would leverage the existing hydraulic modeling developed for the McInnis Marsh Restoration project to analyze and assess the existing and future flood risk along Miller Creek and adjacent areas. The existing hydraulic model would be updated to include greater detail in the agriculture and treatment pond areas and ESA would develop new model scenarios to evaluate combined effects of sea-level rise and fluvial flood events.

Project Purpose

ESA understands that the purpose of the Flood Protection Plan is to:

- Assess the vulnerability of the Project to the impacts of flooding under existing conditions and anticipated increased in flood risk associated with future sea-level rise and groundwater rise.
 - ESA understands that the Project is potentially vulnerable to flooding from Miller Creek stream flows and from coastal flooding from San Pablo Bay. The Project is also potentially vulnerable to flooding due to local stormwater accumulation and groundwater.
 - ESA understands that sea-level rise and other effects of climate change will likely increase the risk of flooding from all these sources.
- Identify an adaptive management strategy (AMS) that is updated regularly over time (e.g., every five years).
 - The AMS will include regular assessment of site conditions and actual sea-level rise

compared to the current and updated sea-level rise projections.

- The AMS will describe how the District will manage existing flooding risks and how the District proposes to adapt to future changes in flooding risks associated with sea-level rise, changing precipitation patterns, and groundwater rise through the expected life of the Project (and at a minimum through 2050).

Project Setting

LGVSD manages 300+ acres of land located along the west shore of San Pablo Bay, in the Miller Creek Watershed near the City of San Rafael. LGVSD lands include the LGVSD water treatment plant, retention ponds, a solar power facility, several parcels used for agricultural production, as well as levees along the banks of Miller Creek and levees located on the landward edge of tidal marshes along the shore of San Pablo Bay. Portions of these levees support recreational access as part of the San Francisco Bay Trail.

Nearly all the areas managed by LGVSD are located on historic Baylands that were disconnected from the tides through the construction of berms and levees. A large portion of this area, including most of the agricultural fields, have experienced significant amounts of subsidence since the construction of the levees (presumably due to a combination of groundwater pumping and decomposition of organic soils). Ground elevations in the subsided areas are below typical high tide elevations and well below elevations of large flood events. These areas are protected from tidal inundation and flooding by a system of levees and pumps. We understand that preliminary assessment of segments of the levees indicate that they provide marginal protections of flooding and are expected to overtop during moderate flood events (e.g., 10-year event). Consequently, the area is mapped within the FEMA 100-year floodplain.

A key element of the FPP would be to document the level of protection provided by these existing flood protection facilities, to consider the risks of flooding due to levee or pump failure under present day conditions, and to identify measures to reduce these risks to acceptable levels.

The FPP will also consider how the risks of flooding are expected to change over time due to sea-level rise and other impacts of climate change and will identify measures to adapt to these future conditions.

Given that the vast majority (if not all) of the land in the study area was historic Bayland and is located adjacent to valuable existing tidal marsh and open water habitats, the FPP will consider opportunities to apply nature-based measures to enhance flood protection and provide ecological benefits.

Technical Approach

We anticipate phasing the development of the FPP into three phases:

- Phase 1 (current scope):
An initial phase that serves as a data gathering and review of existing information, deployment of water level gauges to collect critical data to inform subsequent technical analyses, and initial screening of vulnerabilities and adaptation strategies.
- Phase 2:
A second phase that is focused on the technical assessment of the flood risk under current conditions and in the future with sea-level rise, which would include topographic and bathymetric surveys and detailed modeling and analysis.
- Phase 3:
A final phase focused on adaptation planning and developing the FPP.

The project will begin with reviewing available information to develop an initial understanding of the vulnerabilities of the project site to flooding and sea-level rise, as well as limited data collection. This

first phase is intended to provide a screening level understanding of the potential issues and approaches for adapting the site over time to provide protection to an acceptable level of risk. The findings would help to refine scope of subsequent phases (i.e., level of modeling needed, scenarios, time horizons, etc.). The scope of work below focuses on this Phase 1.

The second phase includes data collection and compilation needed to update the Miller Creek HEC-RAS model, to understand streamflow's, stormwater drainage, coastal conditions, and other drivers of flooding. The anticipated field data collection at this phase includes targeted ground surveys to represent current creek bathymetry and levee geometry and elevation. The survey data will inform refinements to hydraulic model, and the water level data will be used to calibrate the model and verify the model results.

ESA will also review prior studies evaluating coastal flooding and stream hydrology in the vicinity of the project, including flood modeling for various projects, publicly available sea-level rise hazard mapping by USGS and BCDC (i.e., CoSMoS and ART maps, respectively). Relevant prior analyses will be incorporated in the updated hydraulic model and other understandings of the project area, such as approximate elevation thresholds of flood protection.

ESA will conduct hydraulic modeling using the HEC-RAS model to evaluate flood elevations for a broad range of events. The purpose of this analysis is to identify the magnitude and associated probability of flood events that overwhelm the existing flood protection facilities (levees, pumps, etc.) and that would result in potential damaging flooding.

The hydraulic analysis will consider present day fluvial and coastal flooding, using scenarios where elevated tides and high streamflows occur simultaneously. These scenarios will then be adjusted to reflect projected future flooding by

incorporating projected amounts of sea-level rise and climate change impacts on streamflows.

The result of the hydraulic analysis will be an understanding of the probability of flooding affecting the project, and identification of the weak points in the existing flood protection facilities (e.g., low segments of levees, narrow channels, inadequate pumps, etc.).

Along the shoreline of the Bay, we will use available information to assess the flooding exposure posed by waves and wave runoff/overtopping. Available information on wave conditions will be gathered and used to estimate the wave runoff elevations for a selected number of extreme events and extrapolated to future conditions with sea-level rise.

Once the technical assessment of flood risk is completed (Phase 2), ESA will initiate Phase 3 to conduct an adaptation planning effort aimed at identifying projects that would reduce the existing flood risk to acceptable levels, and management strategies to maintain acceptable levels of flood protection in the future. This effort would identify triggers for subsequent flood management actions that are based on amounts of sea-level rise. A series of triggers and actions would be presented as an adaptation pathway framework, where each trigger includes response time for planning, design and implementation of the actions that would manage the flood risk over time. We anticipate identifying a series of flood protection/adaptation actions that include traditional, nature-based, and hybrid flood protection measures. The measures would include conceptual plan layouts and a typical cross-section to illustrate the approximate geometries and locations of the elements relative to the site.

The findings of the hydraulic analysis and outcomes of the adaptation planning effort will be presented in a Flood Protection Plan report. This report will be used to inform the District's future capital

improvement planning and ongoing maintenance and land management efforts.

Scope of Services: Phase 1

ESA has prepared the following scope of services to complete Phase 1 of the Flood Protection Plan for the Project. Subsequent phases of work would be scoped in detail after Phase 1 has been completed, at which point the technical needs to assess the scale of existing flood risk, necessary improvements to flood protection infrastructure, and future adaptation efforts will be much better understood.

The Phase 1 scope is presented in the tasks below:

Task 1 Project Initiation

We will initiate the FPP by performing the following:

- Review of relevant background materials provided by the District
- Attend a virtual project kickoff meeting
- Establish project goals and objectives
- Define the study area
- Identify preliminary sea-level rise scenarios and the planning time horizon

Task 1 Deliverables

- Goal and Objectives Memo

Task 1 Assumptions

- The kickoff meeting will be attended by up to two (2) ESA staff. We have allocated up to 2 hours for the duration of the kickoff meeting to be held virtually (e.g., Zoom).
- The Goals and Objectives memorandum will be a brief memo (2-3 pages) documenting the project goals and objectives, identifying the study area boundary, and listing the sea-level rise scenarios and planning horizons that will be evaluated in the subsequent tasks.

Task 2 Assessment of Existing Conditions & Field Data Collection

Task 2 includes the compilation of existing information describing existing land uses, infrastructure, habitats, and landforms within the study area, and targeted field data collection to measure water levels in the nearby creek channels, San Pablo Bay and groundwater wells. Task 2 includes:

- A Site reconnaissance visit
- Installation of water level gauges
 - 4 water level gages and 1 barometric pressure gage. 2 water level gages installed on Miller Creek, 1 within the interior of the biosolids application basin, and 1 at the mouth of Miller Creek. Gages will be installed at the site for approximately 6 months.
 - Review and compilation of available data related to existing infrastructure, topography, and water levels in and near the study area:
 - As-built drawings
 - Publicly available LiDAR
 - Channel bathymetric surveys
 - Groundwater levels and/or pump rate logs
- Review and compile available information on recent/current land uses and operations within the study area.

Task 2 Deliverables

- Existing Conditions and Field Data Collection Memorandum

Task 2 Assumptions

- The Existing Conditions and Field Data Collection Memorandum will be a technical memo (10-15 pages) describing the field data collection methods and measurements, the review of prior survey and water level data and a discussion of identified data gaps.

- The District will provide all as-built drawings, survey data, water level records and other data necessary for the review of prior data.
- ESA will incorporate the following publicly available datasets:
 - Marin County LiDAR (most recent available at time of study)
 - Marin County Landcover and Habitat Maps
 - NOAA Tide Gage Records (Richmond Gage, or other gage as appropriate)
- The field data collection does not include:
 - Determination or evaluation of property/parcel boundaries
 - New habitat mapping
 - Species surveys
 - Aquatic resources delineations
- ESA performs land surveys and collects hydrographic data to augment traditional surveying services for the purposes of engineering, geomorphic interpretation, monitoring of project performance, and other specific uses consistent with California Business and Professions Code (Civil Engineering practice as defined by Section 6731.1. of the Professional Engineers Act and Geologic and Landscape Surveys as defined in the Professional Land Surveyors' Act). ESA does not provide traditional land survey services such as property boundaries and maps for general use by others. ESA recommends that these traditional surveying services be accomplished by a licensed, professional land surveyor either under direct contract with the client or as a sub-consultant to ESA.
- There are risks associated with field data collection, especially in the marine environment. ESA maintains insurance for instruments, and therefore takes the risk of damage to the hardware or loss. ESA also applies quality control procedures to reduce the possibility of malfunction. However, ESA cannot guarantee that data collection will be complete. ESA will endeavor to complete the scope of work within the estimated fee and schedule with the data actually collected. ESA's policy is to notify clients if a problem arises and

results in the need for added effort or schedule revision, so that the appropriate remedy can be identified and implemented. ESA reserves the right to not re-deploy instruments if the risk of damage or loss, especially due to theft or vandalism, appears high.

Task 3 Initial Flood and Sea-Level Rise Vulnerability Assessment

ESA will prepare an initial flood risk and sea-level rise vulnerability assessment. This initial assessment will be based on a combination of prior studies (such as FEMA flood study, Adapting to Rising Tides, Bay Wave), and simplified methods for estimating coastal and fluvial flood elevations.

This initial assessment will not include a detailed evaluation of flood frequency or risk and will not include detailed hydraulic modeling or coastal engineering analysis (e.g., wave run-up/overtopping).

The aim of this assessment is to provide an initial indication of the potential flood and sea-level rise vulnerability in the study area to inform the development and initial screening of potential adaptation measures. This assessment will include a discussion of the apparent flood risk based on prior studies and simplified methods, and a qualitative discussion of the potential consequences of flooding affecting key features within the study area.

Task 3 Deliverables

- PowerPoint presentation documenting the flood and SLR vulnerabilities identified in the initial assessment.
- Findings from this task will be presented in the Summary report developed under Task 5.

Task 3 Assumptions

- This initial assessment is intended to inform project planning and will be conducted at a level of detail and accuracy that is appropriate for this initial phase.

- Additional studies, likely including detailed hydraulic analysis and geotechnical analysis, will be needed to support future planning project design. ESA will describe the limitations and uncertainties of this initial assessment in the task deliverable.

Task 4 Initial Screening of Potential Adaptation Strategies

ESA will work with the District to identify a collection of potential adaptation strategies to manage the flood risk and SLR vulnerability affecting infrastructure and habitats within the study area.

ESA will identify and compare a range of potential adaptation strategies, including “traditional” flood protection infrastructure (raising levees, installing pumps), and nature-based approaches (widening floodplains, restoring coastal habitats).

This initial screening will include a high-level, qualitative comparison of the potential strategies based on several evaluation criteria:

- Near-term and future land uses
- Level of near-term flood protection
- Adaptive capacity for future SLR
- Environmental and Ecological outcomes
- Cost (near-term and operations & maintenance)

Task 4 Deliverables

- PowerPoint presentation presenting ESA's initial screening of potential adaptation strategies
- Findings from this task will be presented in the Summary report developed under Task 5.

Task 4 Assumptions

- This initial screening will incorporate measures identified in regional planning documents such as the SF Bay Adaptation Atlas.
- The comparison on potential strategies will be limited to a qualitative assessment. This

analysis will not include detailed cost estimates. Potential costs will be compared on a relative order of magnitude or likely range basis.

Task 5 Flood Protection Plan – Phase 1 Summary Report

ESA will summarize the findings of the Phase 1 studies in a summary report. This report will address the following topics:

- Project Background, Goals and Objectives
- Existing Conditions
- Initial Flood and SLR Vulnerability Assessment
- Initial Screening of Potential Adaptation Strategies
- Recommendations

Task 5 Deliverables

- Flood Protection Plan - Phase 1 Summary Report (Administrative Draft, and Final).

Task 5 Assumptions

- ESA will prepare an Administrative Draft report for review by the District. Comments from the District will be incorporated into the Final deliverable.

Task 6 Project Coordination

The Project Coordination Task covers regular project management activities, including check-ins and coordination with the District, budget tracking and invoicing, and meetings and coordination with the Regional Board and other regulatory agencies.

Task 6 Assumptions

- Regular project management activities over a 6-month project duration (October 2022 to March 2023).
- Bi-weekly check-in calls with LGVSD
- Up to 2 online meetings with the Regional Board and other agency staff.

Budget

Table 1 provides ESA's estimated budget for each of the tasks described above. As it is difficult to estimate the level of effort required for this scope, we recommend compensation on a time and materials basis, not to exceed the total estimated budget of **\$99,955** without prior authorization. Please note that actual distribution of charges will differ from the estimate provided in Table 1.

ESA will invoice monthly for actual time and materials according to our standard rate schedule in effect at the time the work is performed. We have attached a provisional rate schedule for work that we anticipate will be performed in 2022 (Exhibit B).

Preliminary Schedule

ESA proposes to complete the Admin Draft of the Phase 1 FPP Summary Report by January 14, 2023. The Final Report will be completed within 1 month of receiving comments from the District.

TABLE 1
SUMMARY OF ESTIMATED BUDGET BY TASK

Task	Description	Labor Hours	Labor Price
1	Project Initiation	36	\$6,624
2	Assessment of Existing Conditions & Field Data Collection	134	\$23,782
3	Initial Flood and Sea-Level Rise Vulnerability Assessment	100	\$16,620
4	Initial Screening of Potential Adaptation Strategies	100	\$16,620
5	Flood Protection Plan – Phase 1 Summary Report	82	\$15,566
6	Project Coordination	68	\$14,634
<i>Subtotal</i>		520	\$94,200
<i>Non-Labor Expenses (Reimbursable Expenses & Equipment Charges)</i>			\$5,755
Project Total			\$99,955

11/3/2022

BOARD MEMBER REPORTS

CLARK

NBWA Board Committee, Operations Control Center Ad Hoc Committee , Legal Services Ad Hoc Committee, 2022 HR Ad Hoc Committee, Other Reports

FORD

NBWRA, Marin Special Districts Association, 2022 Engineering Ad Hoc Committee re: STPURWE, 2022 Operations Control Center Ad Hoc Committee, 2022 HR Ad Hoc Committee, 2022 McInnis Marsh Ad Hoc Committee, Other Reports

MURRAY

Marin LAFCO, CASA Energy Committee, 2022 Biosolids Ad Hoc Committee, Other Reports

SCHRIEBMAN

JPA Local Task Force, Gallinas Watershed Council, Other Reports

YEZMAN

Flood Zone 7, CSRMA, Marin Special Districts Association, 2022 Ad Hoc Engineering Sub-Committee re: STPURWE, 2022 Legal Services Ad Hoc Committee, 2022 Biosolids Ad Hoc Committee, 2022 McInnis Marsh Ad Hoc Committee Other Reports



BOARD MEMBER MEETING ATTENDANCE REQUEST

Date: _____ Name: _____

I would like to attend the _____ Meeting
of _____

To be held on the _____ day of _____ from _____ a.m. / p.m. to
_____ day of _____ from _____ a.m. / p.m.

Location of meeting: _____

Actual meeting date(s): _____

Meeting Type: (In person/Webinar/Conference) _____

Purpose of Meeting: _____

Meeting relevance to District: _____

Request assistance from Board Secretary to register for Conference: YES NO

Frequency of Meeting: _____

Estimated Costs of Travel (if applicable): _____

Date submitted to Board Secretary: _____

Board approval obtained on Date: _____

Please submit this form to the Board Secretary no later than 1 week prior to the Board Meeting.

11/3/2022

BOARD AGENDA ITEM REQUESTS

Agenda Item 6B

- Separate Item to be distributed at Board Meeting
- Separate Item to be distributed prior to Board Meeting
- Verbal Report
- Presentation

Agenda Item 7
 Date November 3, 2022

UNINCORPORATED MARIN

Housing balance shifts in analysis

Draft report for county evaluates site options

BY RICHARD HALSTEAD

RHALSTEAD@MARINIJ.COM

Parts of northern San Rafael and northern Novato could have additional housing assigned to them as part of the county's effort to comply with an ambitious state housing mandate.

The draft environmental impact report for the housing and safety elements updates to Marin's 2007 countywide plan are now available for public review. The housing element identifies about 79 locations throughout unincorporated Marin County where some 5,214 new residences could be built.

The state is requiring the county to zone for 3,569 new dwellings in the unincorporated areas over eight years, beginning in 2023.

The project site inventory includes a certain number of extra sites to serve as a buffer in case some designated sites prove infeasible and in anticipation of developers taking advantage of state density bonuses to build more homes than planned for. Because the EIR has determined that the proposed housing sites would result in significant and unavoidable impacts, some of the housing locations must be removed from the list.

Under the two most likely scenarios studied in the EIR, the sites designated for those locations would be relocated to three other locations already on the list: a 33-acre parcel at 2 Jeannette Prandi Way in Lucas Valley near Marin County Juvenile Hall; two parcels totaling about 234 acres owned by the Buck Institute for Research on Aging in Novato; and three parcels totaling about 315 acres at the St. Vincent's School for Boys site.

The most common type of EIR examines the environmental impacts of a specific development project. This EIR, however, is a "project" EIR that looks at the changes in the environment that would result from all of the proposed sites being developed.

The EIR was written by county planners with the assistance of Berkeley-based MIG, which is being paid \$1.6 million for its work on the housing and safety element updates.

"Globally, it captures what our assessment is of all potential impacts of developing all of these sites," said Sarah Jones, assistant director of the Marin County Community Development Agency.

Analysis performed for the EIR determined that construction of the proposed sites would result in significant and unavoidable impacts even with mitigation to greenhouse gas emissions and air quality. The writers of the EIR also found that significant and unavoidable impacts despite mitigation would result to water and wastewater service providers that lack the ability to serve the level of new development proposed.

The EIR evaluates three alternatives, including a "no project" scenario, which looks at the results if none of the housing was built. The document also evaluates two alternatives designed to eliminate the significant and unavoidable impacts.

Jones said that because the "no project" alternative would make it impossible for Marin to comply with its state housing mandates, "It is really fully dead in the water. It's not a viable approach."

The second option, known as the "reduced vehicle miles traveled" scenario, would reduce vehicle travel associated with the more remote West Marin housing sites by locating most of the proposed housing sites within about a 2-mile radius of the Highway 101 corridor, or a half a mile on either side of Sir Francis Drake Boulevard.

This alternative would locate new housing closer to the urban core of Marin County and closer to transit and employment. It would also eliminate housing in the Bolinas, Tomales Bay and Inverness areas.

Jones said that option was arrived at using vehicle miles traveled modeling developed by the state and the Transportation Authority of Marin, which has its limitations.

"We don't have a good way to capture the situation of people who work in West Marin and might choose to live there if they had housing available," Jones said.

A third option would relocate housing sites from service districts that lack the capacity to serve new development to areas closer to the "city-centered/baylands corridor," where water and wastewater service providers have greater capacity.

The EIR notes that the North Marin Water District is under an emergency water conservation ordinance that prohibits new water service connections except under limited conditions, and the Bolinas Community Public Utility District has had a moratorium on new water connections in effect since 1971.

In addition, Bolinas has a moratorium on new sewer connections that has been in effect since 1985, and the Tomales Village Community Services District lacks a treatment plant capacity to serve new development.

The third scenario would also relocate housing sites that would require significant infrastructure improvements in order to avoid the impacts of construction.

Both alternatives identify the St. Vincent's, Jeannette Prandi Way and Buck-owned sites as the most likely locations to which to relocate the planned housing.

Under the second alternative, 354 dwellings would have to be shifted to other locations already included in the housing element. That would include 50 residences slated for a site at San Domenico School and 50 at the former U.S. Coast Guard property in Point Reyes Station. The county spent \$4.3 million to buy the Coast Guard property so it could be converted into affordable housing.

Alternative three would require relocating 896 dwellings. The larger of the two Buck parcels would account for 225 homes. Other sizable sites requiring relocation under this option in the Novato area would include 300 Olive Ave., 58 homes; 805 Atherton Ave., 55 homes; and 791 Atherton Ave., 55 homes. In Point Reyes Station, it would involve 100 Commodore Webster Drive, 50 homes.

According to the EIR, neither alternative two nor alternative three would reduce the impact the proposed housing would have on wildfire risk.

There were some contentious moments when county supervisors met earlier this year to come up with the list of housing sites examined in the EIR. When the officials met on March 15, Supervisors Damon Connolly, Judy Arnold and Dennis Rodoni all objected to the number and location of residences slated for their districts.

Ultimately, 344 residences were removed from District 1, which Connolly represents; 118 were removed from District 4, which Rodoni represents; and four were removed from District 5, which Arnold represents.

On Monday, none of the supervisors was willing to comment on the alternatives laid out in the EIR.

"I have always taken the position that every community needs to build some housing — deciding which type, scale, and density fits their community," Rodoni said.

The county is accepting comments on the EIR until 4 p.m. Nov. 21. A public hearing on the EIR during a joint meeting of the Board of Supervisors and the Planning Commission is scheduled for 5 p.m. Nov. 15.

SACRAMENTO

Newsom to end virus emergency in February

BY ADAM BEAM

THE ASSOCIATED PRESS

SACRAMENTO >> California's coronavirus emergency will officially end in February, Gov. Gavin Newsom announced Monday, nearly three years after the state's first confirmed death from the disease prompted a raft of restrictions that upended public life.

The decision will have little practical impact on most people's lives, as most of the nearly 600 pandemic-related orders Newsom has issued since the start of the pandemic have already been lifted. And it won't affect public health orders — including a pending statewide vaccine mandate for schoolchildren that could take effect next summer.

But it does signal a symbolic end for some of the most restrictive elements of the pandemic, as it will dissolve Newsom's authority to alter or change laws to make it easier for the government to quickly respond to the public health crisis.

"The State of Emergency was an effective and necessary tool that we utilized to protect our state, and we wouldn't have gotten to this point without it," Newsom said in a news release, adding that the declaration will formally end on Feb. 28.

Newsom declared a state of emergency for the coronavirus on March 4, 2020, shortly after an elderly patient was the first confirmed death from the disease in California. At the time, there were just 53 cases of COVID-19 in California, and state officials were holding a cruise ship off the coast so it could test passengers before allowing them to disembark in the state.

Since then, Newsom used his authority under the emergency declaration to issue 596 pandemic-related orders. Some were small, like giving people more time to file their taxes or renew their driver's licenses. But others were life changing, including a statewide stay-at-home order that caused millions of people to lose their jobs.

At first, there seemed to be broad support for Newsom's actions in the face of a mysterious and frightening new disease. But as the virus lingered, anger and frustration over the restrictions began to build. Two Republican state lawmakers challenged Newsom's authority to issue pandemic orders — only to lose in court.

"It is past time to end the State of Emergency and focus on the enormous hardships Californians are facing in their daily lives: soaring gas and grocery prices, surging crime, and a homelessness problem that gets worse by the day," said Republican Assemblymember Kevin Kiley, who was one of the two lawmakers to challenge Newsom in court.

Of the 596 pandemic-related orders Newsom has issued, just 27 are still in effect, according to the governor's office. All of them will be gone once the emergency declaration is lifted — but Newsom said he will ask the state Legislature to make two of them permanent. One would continue to let nurses order and dispense COVID-19 medication and another would let lab workers solely process coronavirus tests.

The Newsom administration is waiting until February to end the emergency declaration, saying it wants to give state and local officials time to prepare. The administration could reverse itself, should a new variant of the disease emerge or hospitals again become overwhelmed with patients.

"While the threat of this virus is still real, our preparedness and collective work have helped turn this once crisis emergency into a manageable situation," Health and Human Services Secretary Mark Ghaly said in a statement.

MARIN MUNICIPAL

Water plan could trigger earlier conservation calls

Cutbacks would be based on projected reservoir levels



A drought reminder sign stands in the drought-tolerant plant demonstration garden at Falkirk Cultural Center in San Rafael in January. A proposal would initiate conservation measures based on total reservoir storage levels projected for April 1 of each year. PHOTOS BY ALAN DEP — MARIN INDEPENDENT JOURNAL, FILE



Lake Lagunitas is close to capacity in Fairfax in September.

BY WILL HOUSTON

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After experiencing a historic drought that threatened to deplete local reservoirs, the Marin Municipal Water District is considering a proposal to trigger conservation measures sooner.

Under the proposed changes, the district would initiate either voluntary or mandatory conservation based on total reservoir storage levels projected for April 1 of each year. The change calls for enacting conservation measures as soon as reservoir levels reach 70,000 acre-feet, rather than at 50,000 acre-feet under the existing water shortage plan.

The district's seven reservoirs can hold up to about 80,000 acre-feet of supply and make up about 75% of the district's total water supply. The remaining 25% is from imported Russian River water purchased from Sonoma Water.

"While these historic triggers have served us well in the intervening years they were developed, they really don't reflect what we're seeing in terms of our recent climate change that's becoming more and more evident to us," Paul Sellier, a district official, told the board on Friday.

Under the proposal, the district would use the following water storage triggers and conservation responses: 70,000 acre-feet, up to 10% voluntary conservation; 65,000 acre-feet, up to 20% voluntary conservation; 55,000 acre-feet, up to 30% mandatory conservation; 45,000 acre-feet, up to 40% mandatory conservation; 35,000 acre-feet, up to 50% mandatory conservation and 25,000 acre-feet, 50% or greater mandatory conservation.

The district's water shortage plan was developed in 1991 and revised in 1999. It triggers 10% voluntary conservation if reservoir levels are less than 50,000 acre-feet on April 1. Mandatory conservation of 25% would be enacted if reservoir storage is less than 40,000 acre-feet. The district can enact up to 50% mandatory conservation if reservoir storage on Dec. 1 is projected to be near or less than 30,000 acre-feet.

The plan has been updated since then, most recently in June 2021. The plan uses both rainfall and storage levels at different times of year to enact different levels of conservation, which Sellier said makes it difficult for the district to have a consistent message to ratepayers.

By comparison, using reservoir levels as of April 1 each year provides clearer and more certain measurements to act on, Sellier said.

“It’s a firm basis upon which we could be taking fairly drastic actions at some point in time if you think in terms of the deeper shortage levels,” Sellier told the board.

Sellier told the board that the existing triggers have not been activated often. Reservoir levels have only dipped to levels requiring 10% voluntary conservation twice, in 1991 and 2021. The district only enacted 50% conservation mandates briefly during the drought in 1991.

For comparison, the district’s new plan would have enacted at least 10% conservation measures 12 times since 1983, when the district expanded reservoir storage to its current capacity.

“We’re not hitting them every year and we’re not going decades between activating them,” Sellier said of the proposed new triggers, “because we know just from our recent experience how frequently the drought effects have crept in on our water supply.”

Had the new thresholds been in place before this most recent drought, conservation measures would have been triggered in April 2020 as opposed to 10 months later. If this had happened, the district could have saved an additional 7,000 acre-feet of water — or nearly a third of the district’s annual potable water demand — as of October 2021, Sellier said.

“That is quite substantial,” said Larry Russell, chair of the district board.

Before late October 2021, the district had forecast that it could deplete local reservoir supplies as soon as mid-2022 without significant rainfall. Had the heavy rains in late 2021 not occurred and helped to nearly refill the reservoirs, the extra 7,000 acre-feet of storage would have provided vital time for the district to obtain emergency water supplies. The district was preparing to build an estimated \$100 million pipeline across the Richmond-San Rafael Bridge to pump in Sacramento Valley water to avoid a local water shortage.

“Had we had these triggers in 2019-2020 we would have been in a much better place,” Larry Minikes of the Marin Conservation League told the board on Friday.

District board members voiced support for the changes, but also expressed the need to better communicate to the public that the reservoirs are not the district’s only source of water.

“I agree reservoir storage level is a reasonable gauge of supply and I think a solid basis on which to take action,” board member Cynthia Koehler said.

MARIN

Housing mandate changes sought

State's appraisal seeks more details

BY RICHARD HALSTEAD

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State officials have notified Marin County of revisions they want to see in the county's plan to comply with a mandate to allow 3,569 new homes in unincorporated areas.

Leelee Thomas, a county planner, said Friday that the critique by the state's Department of Housing and Community Development could require changes to the draft housing element of the countywide plan. The housing element identifies about 79 locations throughout unincorporated Marin County where some 5,214 residences could be built.

However, Thomas said the letter from the state, received on Monday, is unlikely to force any major changes in the list.

"I was expecting that there might be some significant changes that we were going to make," Thomas said, "but I don't think there will be."

Thomas said the Marin County Community Development Agency had been anxiously monitoring the state appraisals of draft housing elements from other jurisdictions. "Our letter was nine pages long," Thomas said, "shorter than a lot of the other ones we have been tracking. Our review is much less extensive than we had anticipated."

Don Dickenson, president of the Marin County Planning Commission, said the state's comments "are relatively mild." Dickenson said he was disappointed that the state's letter didn't go into any detail regarding particular housing sites that it considers problematic.

"That is what I was hoping we'd get from the state, a review of our list of sites," he said.

Thomas said the state lacks the local knowledge to do that sort of review. Instead the letter directs the county to provide more information and analysis to demonstrate the feasibility of developing housing, particularly affordable housing, on various categories of sites.

These categories include sites located in nonresidential zones allowing 100% nonresidential uses; sites that are already partially developed; and large sites. The state considers sites smaller than a half-acre or greater than 10 acres to be inadequate to accommodate housing for lower-income households unless demonstrated otherwise. Thomas said Marin has a shortage of mid-sized sites.

"Most of our sites are either larger sites or they are smaller than 2 acres," she said.

In fact, the county's housing element relies quite heavily on three large sites: a 33-acre parcel at 2 Jeannette Prandi Way in Lucas Valley near Marin County Juvenile Hall; two Novato parcels totaling about 234 acres that are owned by the Buck Center for Research on Aging; and three parcels totaling about 315 acres at the St. Vincent's School for Boys site.

The three sites collectively account for more than 1,000 of the sites identified in the housing element, and more sites might need to be assigned to them.

A draft environmental impact report on the county's housing element, which includes the sites list, has been released for public review. Because the environmental report has determined that the proposed housing sites would result in significant and unavoidable impacts, it is likely that some of the homes proposed for those sites will have to be reassigned to other locations on the list.

The alternate locations proposed in the report are the Jeannette Prandi Way, Buck and St. Vincent's sites.

Thomas said the state wants to ensure that a typical nonprofit developer of affordable housing could use such large sites without going through an extensive subdivision process.

Thomas said the state would like to see examples of past development in the categories it is scrutinizing to demonstrate their feasibility. Marin County lacks such examples. In fact, none of the sites included in the county's previous housing element was developed. The state's letter also directs the county to analyze why that was the case and address any constraints.

To address barriers to housing, Thomas said the county is making significant changes in zoning, allowing housing at higher densities and in some cases designating sites as developable "by right" — without local, discretionary review or a compliance with the California Environmental Quality Act.

A number of new state laws mandate a ministerial approval process under certain conditions. For example, SB 35 mandates a by-right approval process for projects proposed in jurisdictions that haven't created their state-mandated quota of housing.

SB 9 gives the owners of homes in areas zoned for detached residences the ministerial right to add a second house and an accessory dwelling unit, or to split the lot and build up to three new houses and three ADUs on their combined properties.

A state law that gives developers a density bonus for making a certain percentage of their homes affordable accounts for 1,286 of the 5,215 homes studied in the Marin draft environmental impact report.

Nevertheless, Thomas said Marin's housing element will go above and beyond these laws to provide by-right status to certain sites to ensure their feasibility for development of affordable housing.

"By right is intended as a tool to encourage and facilitate affordable housing over market rate housing on some of our key sites," Thomas said. "When we did our extensive community outreach effort, what we heard was strong support for more affordable housing in our community."

The Board of Supervisors and the Planning Commission will review the state's comments during a joint meeting at 5 p.m. Monday.