



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.

**DISTRICT BOARD**  
Megan Clark  
Rabi Elias  
Russ Greenfield  
Craig K. Murray  
Judy Schriebman

**DISTRICT ADMINISTRATION**  
Chris DeGabriele,  
Interim General Manager  
Michael Cortez,  
District Engineer  
Mel Liebmann,  
Plant Manager  
Susan McGuire,  
Administrative Services Manager  
Greg Pease,  
Collection System/Safety Manager

## **SPECIAL BOARD MEETING AGENDA**

**In accordance with Government Code Section 54956**

**Megan Clark, Board President, has called for a Special Meeting as follows:**

**March 15, 2018 4:30 PM**

**MATERIALS RELATED TO ITEMS ON THIS AGENDA ARE AVAILABLE FOR  
PUBLIC INSPECTION DURING NORMAL BUSINESS HOURS AT THE DISTRICT  
OFFICE, 300 SMITH RANCH ROAD, SAN RAFAEL, OR ON THE DISTRICT  
WEBSITE [WWW.LGVSD.ORG](http://WWW.LGVSD.ORG)**

Estimated  
Time

4:30 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.

4:35 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 February 22, 2018
- B. Approve the Warrant Lists for March 6 and March 15, 2018
- C. Approve Board Compensation for February 2018
- D. Approve Sexual Harassment Prevention Training for Elected Officials
- E. Approve Sponsorship of the NBWA April Conference at the \$500 Level
- F. Approve Sewer Line Maintenance Worker Hiring and Salary Negotiation
- G. Approve Interim General Manager Authority to Award Contract to ArcSine Engineering for Design Services for the Marin Lagoon Pump Station

Possible expenditure of funds: Yes, Items B - G

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

4:40 PM

**3. ACTION CALENDAR:**

- A. Approve Settlement Agreement and General Release of Claims and Announce Approval of Resolution 2018-2115 – A Resolution to Express the Las Gallinas Valley Sanitary District’s Appreciation for Mark R. Williams Dedicated Service for Management of the Wastewater Collections, Treatment and Recycled Water Operations
- B. Draft Proposition 218 Public Hearing Notice regarding FY 2018/19 Sewer Service Charge Increase

4:50 PM

**4. INFORMATION ITEMS:**

A. STAFF/CONSULTANT REPORTS:

- 1. Interim General Manager Report – Verbal
- 2. Secondary Treatment and Recycled Water Treatment Facility Upgrade Project Path Forward – Presentation
- 3. Monthly Treasurer Report – Written

B. BOARD REPORTS:

- 1. LAFCO - Verbal
- 2. Gallinas Watershed Council / Miller Creek Watershed Council– Verbal
- 3. JPA Local Task Force on Solid and Hazardous Waste – Verbal
- 4. NBWA – Written
- 5. NBWRA – Written
- 6. Engineering Subcommittee – Verbal
- 7. Human Resources Subcommittee – Verbal
- 8. Other Reports
  - (a) San Rafael District Elections – Written (available at meeting)
  - (b) CASA Climate Change and Energy Workgroup – Written

5:20 PM

**5. BOARD REQUESTS:**

- A. Board Meeting Attendance Requests – Verbal
- B. Board Agenda Item Requests – Verbal

5:29 PM

**6. VARIOUS ARTICLES AND MISCELLANEOUS DISTRICT CORRESPONDENCE**

5:30 PM

**7. ADJOURNMENT**

AGENDA APPROVED:	Megan Clark, 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 March 14, 2018, at 4:30 p.m., I posted the Agenda for the Board Meeting of said Board to be held March 15, 2018, at the District Office, located at 300 Smith Ranch Road, San Rafael, CA.

DATED: March 13, 2018



Teresa L. Lerch  
District Secretary

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The Board of the Las Gallinas Valley Sanitary District meets regularly on the second and fourth 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, 300 Smith Ranch Road, San Rafael.

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.

**MINUTES OF FEBRUARY 22, 2018**

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2  
3 THE BOARD OF DIRECTORS OF THE LAS GALLINAS VALLEY SANITARY DISTRICT MET IN OPEN  
4 SESSION ON FEBRUARY 22 2018, AT 4:01 PM, AT THE DISTRICT OFFICE, 300 SMITH RANCH  
5 ROAD, SAN RAFAEL, CALIFORNIA.  
6

7 **BOARD MEMBERS PRESENT:** M. Clark, R. Elias, R. Greenfield, C. Murray, and  
8 J. Schriebman  
9

10 **BOARD MEMBERS ABSENT:** None.

11  
12 **STAFF PRESENT:** Chris DeGabriele, Interim General Manager (Present for  
13 Closed Session);  
14 Teresa Lerch, District Secretary  
15

16 **OTHERS PRESENT:** Patrick Richardson, District Counsel  
17

18 **ANNOUNCEMENT:** President Clark announced that the agenda had been  
19 posted as evidenced by the certification on file in  
20 accordance with the law  
21

22 **PUBLIC COMMENT:** None  
23

24 **ADJOURNMENT:**

25  
26 **ACTION:**  
27

28 THE BOARD OF DIRECTORS OF THE LAS GALLINAS VALLEY SANITARY DISTRICT ADJOURNED TO  
29 CLOSED SESSION ON FEBRUARY 22, 2018, AT 4:02 P.M., AT THE DISTRICT OFFICE, 300 SMITH RANCH  
30 ROAD, SAN RAFAEL, CALIFORNIA.  
31

32 Lerch left at 4:02 p.m.  
33

34 **CLOSED SESSION:**

35  
36 **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:** Significant exposure to  
37 litigation pursuant to subdivision (b) of Gov. Code Section 54956.9 - One potential case.  
38

39 **ADJOURNMENT:**

40  
41 **ACTION:**

42 The Board of Directors of the Las Gallinas Valley Sanitary District reconvened the Regular Session on  
43 February 22, 2018 at 4:12 pm.  
44

45 **STAFF PRESENT:** Teresa Lerch, District Secretary; Susan McGuire, District  
46 Treasurer  
47

48 **OTHERS PRESENT:** None  
49

50 **PUBLIC COMMENT:** None  
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52 **REPORT ON CLOSED SESSION:**

53 President Clark reported that there were no reportable actions in Closed Session.  
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**BOARD REPORTS:**

1. LAFCO – Verbal – Murray reported.
2. Gallinas Watershed Council / Miller Creek Watershed Council – Verbal – Schriebman reported.
3. JPA Local Task Force on Solid and Hazardous Waste – Verbal – No report.
4. NBWA – Written – Clark and Schriebman reported.
5. NBWRA – Verbal – Elias reported.
6. Engineering Subcommittee – Verbal – No report.
7. Human Resources Subcommittee – Verbal – No report.
8. Other Reports – Principles of Real Estate Engineering – Verbal – Murray reported.  
– District-Based City Elections – Written – Clark reported.

**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 February 8, 2018
- B. Approve the Warrant List for February 22, 2018
- C. Approve meeting attendance request for Megan Clark – San Rafael City Council meetings to discuss new district based elections
- D. Approve LGVSD Reclamation Pasture Land Lease for Beneficial Use
- E. Approve Resolution 2018-2114 – A Resolution Declaring that Certain Property is Surplus Property and May Be Disposed Of
- F. Approve 2017-2018 Second Quarter Financial Statements as of December 31, 2017
- G. Approve Order of the Board that publication of Ordinance 172 has occurred.

Items E and F were discussed.

**ACTION:**

Board approved (M/S Schriebman/Murray 5-0-0-0) the Consent Calendar Items A through G.

- AYES: Clark, Elias, Greenfield, Murray and Schriebman  
NOES: None.  
ABSENT: None.  
ABSTAIN: None.

**ACTION CALENDAR:**

15 Glenside Way Connection to the District Provided Wye – McGuire reported. Discussion ensued.

**ACTION:**

Board approved (M/S Greenfield/Schriebman 5-0-0-0) staff's proposal to credit the payment of prior year sewer service charges of up to \$7,393 to the cost of the private sewer lateral connection of the property to the district provided wye.

- AYES: Clark, Elias, Greenfield, Murray and Schriebman  
NOES: None.  
ABSENT: None.  
ABSTAIN: None.

**INFORMATION ITEMS:**

**STAFF / CONSULTANT REPORTS:**

1. Interim General Manager Report – Verbal – DeGabriele reported.
2. Staff Training Plan – No discussion.
3. Monthly Treasurer Report – No discussion.

**BOARD REQUESTS:**

- A. Board Meeting Attendance Requests – None.
- B. Board Agenda Item Requests – Discussion ensued regarding code enforcement in reclamation. DeGabriele will follow up with Marin Humane. Marin Energy was discussed. DeGabriele will follow up.

113 **VARIOUS ARTICLES AND MISCELLANEOUS DISTRICT CORRESPONDENCE:**

114 Discussion ensued.

115

116 **ADJOURNMENT:**

117

118 **ACTION:**

119 Board approved (M/S Schriebman/Greenfield 5-0-0-0) the adjournment of the meeting at 5:26 p.m.

120 AYES: Clark, Elias, Greenfield, Murray and Schriebman.

121 NOES: None.

122 ABSENT: None.

123 ABSTAIN: None.

124

125 The next Special Board Meeting is scheduled for March 15, 2018 at the District Office.

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128 **ATTEST:**

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132 \_\_\_\_\_  
Teresa Lerch, District Secretary

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135 **APPROVED:**

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139 \_\_\_\_\_  
Megan Clark, Board President

140

141 SEAL

Las Gallinas Valley Sanitary District  
Warrant List  
03-06-18

Agenda Item 2B  
Date March 15/2018

	Date	Num	Vendor/Description	Amount	Notes/Explanation
1	3/1/2018	EFT	ADP, Inc.	90,523.50	Payroll and processing fees 3/2/18
2	3/6/2018	15515	Banner Bank	822.82	
3	3/6/2018	15516	Brown and Caldwell	12,674.37	Peer review of Secondary Treatment/RWTF Amend #1 - pre-award assistance (12/29-1/25/15)
4	3/1/2018	EFT	Calif. Public Employees Retirement Syst	13,888.81	Pension contribution employee and employer for 3/2/18 paydate
5	3/1/2018	EFT	CalPERS Supplemental Income 457 Plan	4,474.60	Employee salary deferrals for 3/2/18
6	3/6/2018	ACH	Caltest Analytical Laboratory	3,285.84	Samples 12/06-1/29/18
7	3/6/2018	ACH	Caltest Analytical Laboratory	628.90	
8	3/6/2018	ACH	CATS4U	243,713.01	Lower Miller Creek channel maint. Progress Payment #9
9	3/6/2018	15517	Comet Building Maintenance, Inc.	575.00	
10	3/6/2018	ACH	Contractor Compliance and Monitoring, I	250.00	
11	3/6/2018	ACH	Data Instincts	615.00	
12	3/6/2018	ACH	DeGabriele, Chris	68.15	
13	3/6/2018	15524	Demgen Aquatic Biology	1,580.50	January 2018 Biological Monitoring Report
14	3/1/2018	EFT	Direct Dental Administrators, LLC	1,483.57	February dental claims
15	3/1/2018	EFT	Direct Dental Administrators, LLC	149.00	
16	3/6/2018	15518	Federal Express	43.13	
17	3/6/2018	ACH	Fishman Supply Co.	117.16	
18	3/6/2018	ACH	FutureSense, LLC	12,000.00	Leadership Model Development; HR structural assessment and recommendation
19	3/6/2018	ACH	GHD Inc.	115.50	
20	3/6/2018	15519	Marin Ace	93.62	
21	3/6/2018	15520	Marin Municipal Water District	947.93	
22	3/6/2018	ACH	Mission Linen	1,682.96	Uniform service 1/15/18-02/26/18
23	3/6/2018	15521	Oberkamper & Associates	822.50	
24	3/6/2018	15522	Operating Engineers Local No. 3	436.20	
25	3/6/2018	ACH	Orion Protection Services Group, Inc.	318.50	
26	3/6/2018	15525	Pacific Gas & Electric	2,500.00	Secondary Treatment & RWTF upgrade: advance payment for PG&E
27	3/6/2018	EFT	Sun Life Financial - DISABILITY	1,683.03	Mar-18
28	3/6/2018	EFT	Sun Life Financial - LIFE	449.84	
29	3/6/2018	ACH	Thatcher Company of California, Inc.	3,632.01	3000 gal Ferric Chloride \$4.79/dry ton x 7.38 dry tons. Digester Hydrogen Sulfide Control
30	3/6/2018	ACH	Timmons Group	770.00	

Las Gallinas Valley Sanitary District  
Warrant List  
03-06-18

	Date	Num	Vendor/Description	Amount	Notes/Explanation
31	3/6/2018	ACH	Univar USA Inc.	3,257.61	Liquid Sodium Bisulfite FY17/18 (2/09/18)
32	3/6/2018	EFT	Vision Service Plan	375.30	
33	3/6/2018	ACH	Western Water Constructors, Inc.	15,633.68	BERS work through 1/25/18; progress payment #13
34	3/6/2018	15523	Zee Medical Company	196.09	
TOTAL				<u>\$ 419,808.13</u>	

Las Gallinas Valley Sanitary District  
Warrant List  
03-15-18 DRAFT

	Date	Num	Vendor/Description	Amount	Notes/Explanation
1	3/15/2018	EFT	ADP, Inc	TBD	Payroll 3/16/18
2	3/15/2018	ACH	A and P Moving Inc	85.75	
3	3/15/2018	TBD	AQUA Engineering, Inc	65,616.40	Secondary Plant Upgrades (work through 1/31/18)
4	3/15/2018	TBD	ArcSine Engineering	77,590.89	Secondary Treatment Recycled Water Upgrade Project Design Support/SCADA upgrades
5	3/15/2018	EFT	Bank of Marin	27,723.45	February loan payment
6	3/15/2018	EFT	Bank of Marin	19,612.19	February loan payment
7	3/15/2018	TBD	Brown and Caldwell	10,280.15	Peer review of RWTF Amend #1
8	3/15/2018	ACH	Byers Law Office	9,375.00	February legal services plus outside expert fees
9	3/15/2018	ACH	CalPERS Fiscal Services Division	11,280.00	Pre-fund GASB MAR 2018
10	3/15/2018	EFT	Calif. Public Employees Retirement System	TBD	Pension contribution employee and employer for 3/16/18 paydate
11	3/15/2018	EFT	CalPERS Supplemental Income 457 Plan	TBD	Employee salary deferrals for 3/16/18
12	3/15/2018	ACH	Core Utilities, Inc.	2,099.97	IT support FEB 2018
13	3/15/2018	ACH	Data Instincts	3,975.00	Public Outreach and Awareness (Nov/Dec)
14	3/15/2018	ACH	Downing Heating & Air Conditioning, Inc.	1,834.49	Repair leak of a/c unit in Admin building
15	3/15/2018	ACH	Du-All Safety, LLC	2,408.00	Monthly maintenance agreement
16	3/15/2018	ACH	EOA, Inc.	20,149.18	Technical support for Regulatory Permits (Jan 2018)
17	3/15/2018	TBD	Gill, Chris	195.00	
18	3/15/2018	TBD	Herb's Pool Service, Inc.	162.30	
19	3/15/2018	TBD	JC Tree Care, Inc.	875.00	
20	3/15/2018	ACH	Liebmann, Mel	64.00	
21	3/15/2018	ACH	Murray, Craig	1,964.28	CASA conference Washington DC; 2/26-28/18
22	3/15/2018	TBD	Nicolay Consulting Group, INC	11,000.00	Technical support for Regulatory Permits
23	3/15/2018	ACH	Nute Engineering	7,899.00	Amendment #4 - Plant Improvements
24	3/15/2018	ACH	Nute Engineering	910.00	
25	3/15/2018	ACH	Nute Engineering	384.00	
26	3/15/2018	TBD	Pacific Gas & Electric - 1991349158-5	6,761.17	Pump Stations and Plant 1/17-2/14/18
27	3/15/2018	TBD	Pacific Gas & Electric - 8960712333-1	154.56	
28	3/15/2018	TBD	Roy's Sewer Service	1,781.25	
29	3/15/2018	ACH	US Bank	1,680,219.96	Bond Principal and Interest payment due 4/1/18
			<b>TOTAL</b>	<b>\$ 1,964,400.99</b>	

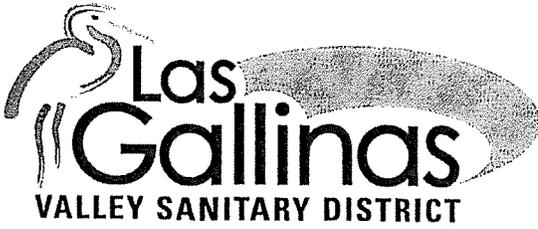
Agenda Item 2C  
Date March 15, 2018

February 2018

Directors' Meeting Attendance Recap

<u>Name</u>	<u>Total Meetings</u>
Megan Clark	6
Rabi Elias	3
Russell Greenfield	3
Craig Murray	6
Judy Schriebman	<u>4</u>
<b>Total</b>	<u><u>22</u></u>

Meeting Date: 3/15/2018  
Paydate 3/16/2018



300 Smith Ranch Road, San Rafael, CA 94903

Office: 415.472.1734 Fax: 415.499.7715

**BOARD MEMBER ATTENDANCE**

Director's Name: MEGAN CLARK Month: FEBRUARY 2018

Board Members shall be compensated for up to the legal limit of six (6) meeting per month and one (1) per day. Board members are limited to four (4) conferences or seminars per year. For multi-day conferences, compensation shall be at a maximum of one (1) meeting per day.

REGULAR and SPECIAL MEETINGS		CHARGING DISTRICT	
Date	Description of meeting	Yes	No
2/8	REG.	X	
2/22	REG.	X	
<b>TOTAL</b>		<b>2</b>	

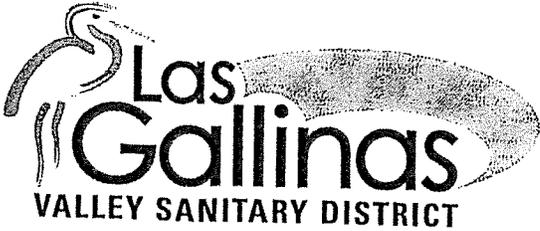
OTHER MEETINGS		CHARGING DISTRICT	
Date	Description of meeting	Yes	No
2/2	H.R. COMM.	X	
2/5	DIST. ELECTION COMM.	X	
2/20	"	X	
2/26	"	X	
<b>TOTAL</b>		<b>4</b>	

<b>TOTAL MEETINGS CHARGED:</b>	<b>6</b>
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I hereby certify that the meetings as set forth above are true and correct and are for the purpose of conducting official business for the Las Gallinas Valley Sanitary District.

Megan Clark  
 Signature  
JM 3/15/18  
 Approved By/ Date

2/22/18  
 Date  
3/16/2018  
 Pay Date



300 Smith Ranch Road, San Rafael, CA 94903  
 Office: 415.472.1734 Fax: 415.499.7715

**BOARD MEMBER ATTENDANCE**

Director's Name: Rabi Elias Month: Feb 2018

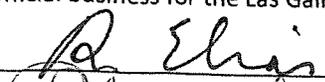
Board Members shall be compensated for up to the legal limit of six (6) meeting per month and one (1) per day. Board members are limited to four (4) conferences or seminars per year. For multi-day conferences, compensation shall be at a maximum of one (1) meeting per day.

REGULAR and SPECIAL MEETINGS		CHARGING DISTRICT	
Date	Description of meeting	Yes	No
2/8	Regular	✓	
2/22	Regular	✓	
<b>TOTAL</b>		2	

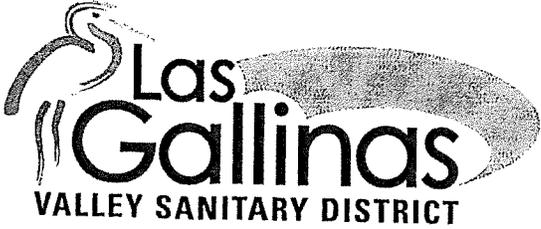
OTHER MEETINGS		CHARGING DISTRICT	
Date	Description of meeting	Yes	No
2/26	NBWRA	✓	
<b>TOTAL</b>		1	

<b>TOTAL MEETINGS CHARGED:</b>	<b>3</b>
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I hereby certify that the meetings as set forth above are true and correct and are for the purpose of conducting official business for the Las Gallinas Valley Sanitary District.

  
 \_\_\_\_\_  
 Signature  
  
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 Approved By/ Date

\_\_\_\_\_  
 2/22/18  
 Date  
 \_\_\_\_\_  
 3/16/2018  
 Pay Date



300 Smith Ranch Road, San Rafael, CA 94903  
 Office: 415.472.1734 Fax: 415.499.7715

**BOARD MEMBER ATTENDANCE**

Director's Name: Russ Greenfield Month: February 2018

Board Members shall be compensated for up to the legal limit of six (6) meeting per month and one (1) per day. Board members are limited to four (4) conferences or seminars per year. For multi-day conferences, compensation shall be at a maximum of one (1) meeting per day.

REGULAR and SPECIAL MEETINGS		CHARGING DISTRICT	
Date	Description of meeting	Yes	No
2/8/18	Regular	✓	
2/22/18	Regular	✓	
<b>TOTAL</b>		<b>2</b>	

OTHER MEETINGS		CHARGING DISTRICT	
Date	Description of meeting	Yes	No
2/7/18	SPA	✓	
<b>TOTAL</b>		<b>1</b>	

**TOTAL MEETINGS CHARGED:** 3

I hereby certify that the meetings as set forth above are true and correct and are for the purpose of conducting official business for the Las Gallinas Valley Sanitary District.

Russ Greenfield  
 Signature  
DM 3/15/18  
 Approved By/Date

2/22/18  
 Date  
3/16/18  
 Pay Date



300 Smith Ranch Road, San Rafael, CA 94903  
 Office: 415.472.1734 Fax: 415.499.7715

**BOARD MEMBER ATTENDANCE**

Director's Name: MURRAY, Craig K. Month: February 2018

Board Members shall be compensated for up to the legal limit of six (6) meeting per month and one (1) per day. Board members are limited to four (4) conferences or seminars per year. For multi-day conferences, compensation shall be at a maximum of one (1) meeting per day.

REGULAR and SPECIAL MEETINGS		CHARGING DISTRICT	
Date	Description of meeting	Yes	No
2/2/18	HR Subcommittee – RGS, Future Sense Proposal Reviews	X	
2/8,22/18	Board Meeting	XX	
2/15/18	Energy Subcommittee – CASA Air, Climate Change & Energy Workgroup Meeting, Walnut Creek	X	
<b>TOTAL</b>		4/4	

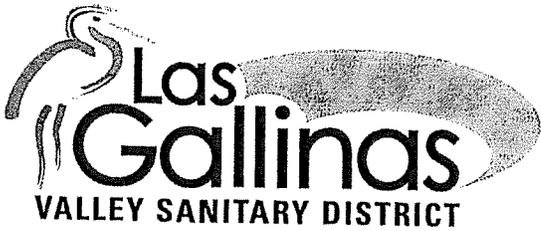
OTHER MEETINGS		CHARGING DISTRICT	
Date	Description of meeting	Yes	No
2/2,8/18	LAFCO IPAD Review; Regular LAFCO Commission Meeting		XX
2/23/18	Travel Day CASA Wash DC	X	
2/26,27,28/18	CASA/ACWA Conference Wash DC	XXX	
<b>TOTAL</b>		4/6	

**TOTAL MEETINGS CHARGED:** 8 *Max: V kh*

I hereby certify that the meetings as set forth above are true and correct and are for the purpose of conducting official business for the Las Gallinas Valley Sanitary District.

\_\_\_\_\_  
 Signature  
*[Signature]*  
 Approved By/ Date 3/12/18

\_\_\_\_\_  
 February 22, 2018  
 Date  
3/16/18  
 Pay Date



300 Smith Ranch Road, San Rafael, CA 94903  
Office: 415.472.1734 Fax: 415.499.7715

**BOARD MEMBER ATTENDANCE**

Director's Name: JUDY SCHRIEBMAN Month: FEB 2018

Board Members shall be compensated for up to the legal limit of six (6) meeting per month and one (1) per day. Board members are limited to four (4) conferences or seminars per year. For multi-day conferences, compensation shall be at a maximum of one (1) meeting per day.

REGULAR and SPECIAL MEETINGS		CHARGING DISTRICT	
Date	Description of meeting	Yes	No
2/8	Reg. mtg	✓	
2/22	Reg mtg	✓	
<b>TOTAL</b>		2:2	

OTHER MEETINGS		CHARGING DISTRICT	
Date	Description of meeting	Yes	No
2/2	NBLWA Board mtg	✓	
2/5	MCSTOPPP CAC		✓
2/7	GWC mtg	✓	
<b>TOTAL</b>		2:3	

**TOTAL MEETINGS CHARGED:** 4

I hereby certify that the meetings as set forth above are true and correct and are for the purpose of conducting official business for the Las Gallinas Valley Sanitary District.

Judy Schriebman  
Signature  
3/14/18  
Approved By/ Date

2-22-2018  
Date  
3/14/18  
Pay Date



Consent 2D  
Staff/Consultant Reports \_\_\_\_\_  
Agenda Item \_\_\_\_\_

# Agenda Summary Report

Date March 15, 2018

---

**To:** Chris DeGabriele, PE, Interim General Manager *CD*  
**From:** Susan McGuire, Administrative Services Manager *SM*  
**Mtg. Date:** March 15, 2018  
**Re:** Sexual Harassment Prevention Training for Elected Officials

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## BACKGROUND:

The District has previously provided condensed sexual harassment prevention training to the Board through one hour sessions during regular Board meetings. The enactment of AB 1661 on September 29, 2016 now requires that elected officials receive 2 hours of training, similar to what staff receives. Staff has identified an upcoming and cost effective local workshop being offered by the California Special Districts Association on Thursday, November 8, 2018 at the Novato Fire District Station 61 from 10 am to 12 pm. The cost is \$40 per attendee, which is less than the cost of hosting specialized training at the District.

The date of the November 8<sup>th</sup> training is the same as a regular Board meeting. Staff suggests moving the regular Board meeting to the following Thursday, November 15, 2018.

## STAFF RECOMMENDATION:

1. Board members attend the California Special Districts Association sponsored Sexual Harassment Prevention Training;
2. Reschedule the November 8, 2018 Board meeting to November 15, 2018.

## FISCAL IMPACT:

\$200 for training.

## PERSON TO BE NOTIFIED:

California Special Districts Association and public via normal noticing protocol.

Please join us for the North Bay Watershed Association 2018 Conference

Agenda Item 2E  
March 25, 2018  
2018

## Extreme Future: *Fire, Floods, a Rising Bay*

### Conference Objective:

The conference will bring together key leaders and stakeholders from around the North Bay to explore how the region can move forward to effectively manage our water resources in the face of increasingly severe natural disasters and a changing climate.

### Who Will Attend?

Public officials, leaders in the environmental, scientific, and business sectors.

**Friday, April 6th, 2018**

### Sheraton, Sonoma County

745 Baywood Drive  
Petaluma, CA 94954

**8:00 AM to 5:00 PM**

8:00 AM Registration

9:00 AM Opening Presentation

12:15 PM Lunch

4:00 PM Wine Reception and Networking

### Partial List of Speakers

**The Honorable Jared Huffman**, Congressman, California 2nd District  
**The Honorable Mike Thompson**, Congressman, California 5th District  
**Lt. Colonel Travis J. Rayfield**, Commander and District Engineer, U.S. Army Corps of Engineers, San Francisco District  
**Sam Schuchat**, Executive Officer, California Coastal Conservancy  
**Grant Davis**, General Manager, Sonoma County Water Agency

### Registration

Online registration now open at [nbwatershed.org/conferences/](http://nbwatershed.org/conferences/).

### Register early and save!

Early Bird registration before March 1, 2018: \$95

Regular registration opens March 1, 2018: \$115

Late registration after March 28 and walk-ins: \$135

Student registration: \$30

### Contact

Frances Knapczyk at (707) 252-4189 x3124 or [Frances@naparcd.org](mailto:Frances@naparcd.org).

Sophie Porcelli, NBWA Staff, at (707) 524-6430 or [Sophie.Porcelli@scwa.ca.gov](mailto:Sophie.Porcelli@scwa.ca.gov).



# Please join us for the North Bay Watershed Association 2018 Conference

# 2018

## Program

- 8:00 AM **Registration, Continental Breakfast and Networking**
- 9:00 AM **Welcome and Introduction**  
**Jack Gibson**, NBWA Chair and Marin Municipal Water District Board of Directors  
**Morning Moderator: Damon Connolly**, Supervisor, Marin County
- 9:10 AM **Morning Keynote Speaker**  
**Grant Davis**, General Manager, Sonoma County Water Agency
- 9:30 AM **PANEL – Responding to a Rising Bay**  
**Sam Schuchat**, Executive Officer, California Coastal Conservancy  
**Allison Brooks**, Chair, Resilient by Design Executive Board  
**Max Korten**, Director of Parks and Open Space, Marin County
- 10:45 AM **Break**
- 11:00 AM **PANEL – Preparing for the New Normal: Floods**  
**Dr. Fraser Shilling**, UC Davis  
**Dr. Lisa Micheli**, President and CEO, Pepperwood Preserve  
**Rick Thomasser**, Napa County Flood Control and Water Conservation District
- 12:15 PM **Lunch**
- 1:00 PM **Luncheon Keynote Discussion – Leadership from the North Bay**  
**Introduction and Afternoon Moderator: Ryan Gregory**, Supervisor, Napa County  
**Facilitator: Brad Sherwood**, Government Affairs Manager, Sonoma County Water Agency  
**Congressman Jared Huffman**, California 2nd District  
**Congressman Mike Thompson**, California 5th District
- 1:45 PM **Break**
- 2:00 PM **Afternoon Speaker**  
**Introduction: Ryan Gregory**, Supervisor, Napa County  
**Lt. Colonel Travis J. Rayfield**, Commander and District Engineer, U.S. Army Corps of Engineers San Francisco District
- 2:30 PM **PANEL – October 2017 Fires: Regional Response and Planning for Future Risks**  
**Bill Dodd**, California Senator, District 3  
**Belia Ramos**, Supervisor, Napa County  
**Valerie Minton Quinto**, Executive Director, Sonoma Resource Conservation District
- 3:45 PM **Summary and Next Steps**  
**Steve Moore**, Vice Chair, California State Water Resources Control Board
- 4:00 PM **Wine Reception and Networking**



Consent 2F  
Staff/Consultant Report \_\_\_\_\_  
Agenda Item \_\_\_\_\_

# Agenda Summary Report

Date March 15, 2018

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**To:** Chris DeGabriele, Interim General Manager  
**From:** Greg Pease  
**Mtg. Date:** March 15, 2018  
**Re:** Sewer Line Maintenance Worker, Hiring and Salary Negotiation

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## BACKGROUND:

The Collections Department is staffed by a Collection System/Safety Manager, a Lead Sewer Line Maintenance Worker and three Sewer Line Maintenance Workers. One Sewer Line Maintenance Worker position will become vacant when Brian Johnson is expected to retire from District employment in April of this year. This key position is a necessity that provides sufficient staffing required to operate and maintain the District's 105 miles of gravity collection system, 7.5 miles of force mains and assist with the District's 28 pump stations.

Staff is looking for a candidate that has some education, training and/or experience in the wastewater industry. This person must have knowledge of operational characteristics of mechanical equipment and tools used in the area of work assigned, standard tools, methods, and practices, and can fill the vacated position no later than July 1, 2018.

## STAFF RECOMMENDATION:

Board approve recruitment, salary negotiation and hiring of a Sewer Line Maintenance Worker.

## FISCAL IMPACT:

Sewer Line Maintenance Worker Grade I (Steps 4-8) \$5,015.23 to \$6,095.96 per month  
Sewer Line Maintenance Worker Grade II (Steps 5-9) \$5,265.87 to \$6,400.51 per month  
Sewer Line Maintenance Worker Grade III (Steps 6-10) \$5,529.16 to \$6,720.48 per month

Additional pay is available above scale for dual certification at 5% and 10% for triple certification.

Monthly Commute Stipend of \$250 to \$500 available to Collections staff that lives within 15 and 7.5 miles of the District office respectively.

## PERSON TO BE NOTIFIED:

N/A



Consent 2G  
Staff/Consultant Reports \_\_\_\_\_  
Agenda Item \_\_\_\_\_

# Agenda Summary Report

Date March 15, 2018

---

**To:** Chris DeGabriele, PE, Interim General Manager  
**From:** Michael P. Cortez, PE, District Engineer  
**Mtg. Date:** March 15, 2018  
**Re:** Approve Interim General Manager Authority to Award Contract to ArcSine Engineering for Design Services for the Marin Lagoon Pump Station

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## BACKGROUND:

In response to staff's request, ArcSine Engineering has submitted a proposal to evaluate and recommend upgrades to Marin Lagoons Pump Station #1, which is one of the nine (9) pump stations installed with the Marin Lagoons development and turned over to the District circa 1988. The design will provide for upgrades to the pump station's original programmable logic controllers (PLCs), level transducers, and other components, including electronic modeling of new Supervisory Control and Data Acquisition (SCADA) system to be integrated to the existing District SCADA system. The design documents produced by ArcSine will be suitable for use at the other Marin Lagoons pump stations and similar pump stations within the collection system as part of District's ongoing effort to standardize electrical/control components and telemetry system.

The fee estimate for the proposed tasks submitted by ArcSine Engineering is \$29,500. The project will be funded through a special account for repair and maintenance previously collected from Marin Lagoons homeowners.

## STAFF RECOMMENDATION:

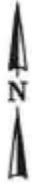
Board Approve Interim General Manager Authority to Award Contract to ArcSine Engineering for Design Services for the Marin Lagoon Pump Station Design.

## FISCAL IMPACT:

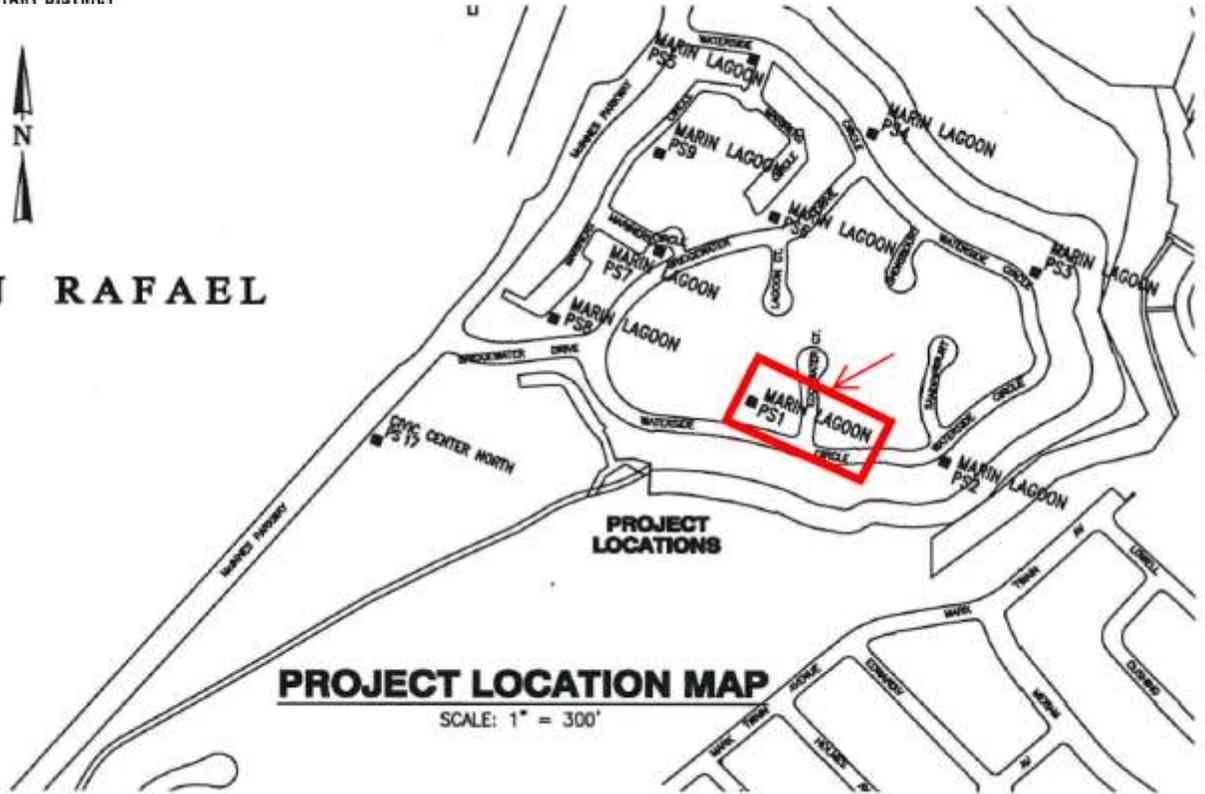
Not to exceed \$29,500

## PERSON(S) TO BE NOTIFIED:

ArcSine Engineering  
Marin Lagoons Homeowners Association



SAN RAFAEL



Figures 1 & 2. Marin Lagoon PS #1.

**SETTLEMENT AGREEMENT AND GENERAL RELEASE OF CLAIMS**

This Settlement Agreement and General Release of Claims, hereinafter referred to as "Agreement," is made and entered into by and between the Las Gallinas Valley Sanitary District and Mark Williams.

**IDENTIFICATION OF THE PARTIES:**

The parties ("Parties") to this Agreement are:

1. The Las Gallinas Valley Sanitary District, its Board members, officers, agents, deputies, representatives, employees, successors, assigns, predecessors, departments, and/or attorneys (collectively referenced as "the District" or "District"); and
2. Mark Williams (referenced as "Mark Williams" or "Williams").

**RECITALS:**

WHEREAS, Williams was a long term employee, serving in the role of Plant Superintendent and later as General Manager.

WHEREAS, the Parties desire to resolve all claims and disputes between them;

WHEREAS, each Party denies all wrongdoing and makes no admission of liability or culpability by virtue of entering into this Agreement.

**TERMS AND SETTLEMENT**

NOW THEREFORE, in consideration of the mutual covenants set forth below, the Parties agree as follows:

1. This Agreement is entered into in compromise of disputed claims. Williams acknowledges that the execution of this Agreement, and the terms herein, do not constitute an admission by District or Williams of any violation of federal, state or local law, ordinance or regulation, or of any liability or wrongdoing whatsoever. Neither this Agreement, nor anything in this Agreement, shall be construed to be or shall be admissible in any proceeding as evidence of liability or wrongdoing by any party, unless specifically stated herein. This Agreement may be introduced in any proceeding to enforce the Agreement.

2. The Parties agree not to bring any lawsuit or file any complaint seeking any recovery for any alleged damages from each respective Party.

3. In exchange, District shall pay Williams six months' pay at Williams' last rate of pay of \$115.557 per hour for full time forty hours a week work totaling \$120,179.28 in a paycheck made payable to "Mark Williams." District will issue Williams a W-2 for the payment. The payment shall be made within fourteen (14) days after this Agreement is executed and the 7-day revocation period has passed. Further, District will allow Williams to keep his District-issued laptop and iPad, with no reimbursement from Williams to District. Further, District will pass a neutrally worded resolution that Williams will have had an opportunity to approve, acknowledging Williams' years of service and general accomplishments with the District, attached hereto as Exhibit A. Lastly, District will remove any reference to any investigation into his performance from his confidential, official personnel file and place it in a separate and sealed confidential personnel file to be maintained in the possession of District Counsel, David Byers. Such records will not be disclosed to any person absent a subpoena for records, and/or required legal process. The District agrees to assert a right to privacy in such records and to take all necessary legal action to prevent such disclosure. The District also agrees to inform Williams within twenty-four hours of any request for records regarding such investigation and/or records.

4. Williams agrees he will not ever apply for or seek employment with the District, in any capacity, ever again.

5. Williams understands that he will fully assume all tax obligations, if any, on his portion of the payments set forth in Paragraph 3 and that he shall be exclusively liable for the payment of any federal, state, and local taxes that Williams may be required to pay. Under no circumstances shall Williams be liable for any taxes that the District may be required to pay. Williams understands and agrees that District is providing Williams with no tax or legal advice, and makes no representations regarding tax obligations or consequences, if any, related to this Agreement.

6. Except as otherwise provided in this Agreement, Williams and District hereby fully, irrevocably and unconditionally release each other from any and all lawsuits, arbitrations, administrative hearings, appeals, complaints, charges of discrimination/harassment/retaliation, requests for information, grievances, claims, actions, causes of action, judgments, liens, indebtedness, damages, obligations, losses, liabilities, costs, claims for attorneys' fees or costs, and all other claims and rights of action of all kinds and descriptions, which they have or may have, whether known or unknown, suspected or unsuspected, which were raised or might have been raised, or arise out of, or are connected with the decision to terminate his employment, and/or his employment relationship with the District, that occurred up to the date of the execution of this Agreement..

Nothing in this Agreement requires or allows a waiver of claims that cannot be waived as a matter of law. Nothing in this Agreement waives any rights Williams has to any retirement benefit he is eligible for.

7. Williams and the District recognize the legal obligation of an employer to defend, indemnify and hold harmless a public employee in connection with that public employee acting within the course and scope of his employment. The District acknowledges that this legal obligation to indemnify Williams applies irrespective of any other provision in this Agreement, and such duty by the District applies into the future, assuming Williams was acting within the course and scope of his employment. Nothing in this Agreement prohibits Williams from seeking indemnification from District, and District reserves any and all defenses to having to indemnify, hold harmless and defend Williams.

8. Williams and the District acknowledge that they enters into this Agreement voluntarily, and also expressly acknowledges that each Party has been informed of and is familiar with California Civil Code section 1542 which provides as follows:

"A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM OR HER MUST HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR."

Williams expressly waives the provisions of California Civil Code section 1542, and further waives any rights he might have to invoke said provisions as to the subject matter of this Agreement, now or in the future with respect to the releases set out in this Agreement. The Parties intend to fully, finally, and forever settle all claims between them that arise from, or that are in any way connected with Williams's employment relationship with the District that occurred up to the date he executed this Agreement and in relation to his proposed termination. Williams hereby agrees to accept and assume the risk that any matter in this Agreement may hereafter be found to be other than or different from the facts he believes at the time of this Agreement to be true, and agrees that this Agreement shall be and will remain effective notwithstanding any such differences in fact.

9. District acknowledges that Williams is knowingly and voluntarily waiving and releasing any and all rights Employee may have under the Federal Age Discrimination in Employment Act of 1967, as amended, (ADEA).

- A. Williams acknowledges that his waiver of rights or claims arising under the ADEA is in writing, written in a manner calculated to be understood, and is understood by him.
- B. Williams further acknowledges that he has been advised this by writing and counsel that he has the right to consult with an attorney prior to executing this Agreement and that he has done so;
- C. Williams expressly understands that by execution of this document, he does not waive any ADEA rights or claims that may arise after the date this Agreement is executed;
- D. Williams acknowledges that the waiver of his rights on claims arising under the ADEA is in exchange for the consideration outlined above, which is above and beyond that to which he is otherwise entitled to receive from the District;
- E. Williams has twenty-one (21) days from the receipt of this Agreement within which to consider waiving and releasing any and all rights he may have under the ADEA, and that in consultation with and on the advice of his attorney, he is freely and voluntarily choosing to execute this Agreement on this date; and
- F. Williams has seven (7) days following the execution of this Agreement to revoke this waiver and release of rights under the ADEA. Williams states and agrees that any exercise of this Right of Revocation shall be communicated in writing, in the form of a letter from Williams's undersigned counsel to the District's undersigned counsel, which shall be transmitted to District's Counsel, David Byers, no later than 5:00 p.m. on the seventh day following the effective date of this Agreement.

10. Williams understands and expressly agrees that this Agreement shall bind and benefit his spouse, domestic partner, children, heirs, agents, representatives, and/or assigns.

11. The Parties to this Agreement represent and acknowledge that they are competent to sign this Agreement, and that they do so voluntarily.

12. The Parties hereby authorize, instruct and direct its/his attorneys of record to execute all documents, and to take all actions, required by this Agreement to accomplish and carry out its terms in a timely fashion.

13. The Parties agree that each will bear its/ his own costs and attorneys' fees incurred in connection with all matters resolved by this Agreement, except as set forth in paragraph 3.

14. This Agreement constitutes a single integrated contract expressing the entire Agreement of the District and Williams. This Agreement shall supersede, and render null and void any and all prior agreements between the Parties hereto, concerning the subject matter hereof. Any modifications to this Agreement shall be mutual, only be made in writing, and signed by both Parties.

15. The Parties represent that they have thoroughly discussed the terms of this Agreement with representatives of the Parties' own choosing, have carefully read and fully understand all of the provisions of this Agreement, and that each Party is voluntarily entering into this Agreement without coercion. Each party further understand that the waiver has made and the terms agreed to herein are knowing, conscious, and with the full appreciation that each Party is forever foreclosed from pursuing any of the rights so waived. No promise, inducement, or other representation not expressed herein has been made to each Party in connection with this Agreement.

16. This Agreement is executed and delivered in the State of California and the rights and obligations of the parties hereunder shall be construed and enforced in accordance with the laws of the State of California.

17. No waiver by any party of any breach of any term or provision of this Agreement shall be construed to be, nor shall be, a waiver of any preceding, concurrent or succeeding breach of the same or any other term or provision of this Agreement.

18. This Agreement is deemed to have been drafted jointly by the Parties. Any uncertainty or ambiguity shall not be construed for or against any party based upon attribution of drafting to any party.

19. This Agreement may be executed in several counterparts, and shall be admissible in counterparts. All executed copies are duplicate originals and are equally admissible in evidence.

20. Should Williams or District sue to enforce this Agreement, the prevailing party shall be responsible for his/its own attorneys' fees and costs. The Parties agree to resolve disputes about the enforcement of this Agreement in the Marin County Superior Court, and the Parties agree not to interpose any objection or defense based on lack of personal jurisdiction or improper venue in any such action.

County Superior Court, and the Parties agree not to interpose any objection or defense based on lack of personal jurisdiction or improper venue in any such action.

21. The Parties represent that they have not transferred or assigned, or purported to transfer or assign, to any person or entity, any claim described in this Agreement. The Parties further agree to indemnify and hold each other harmless against any and all claims based upon, arising out of, or in any way connected with any such actual or purported transfer or assignment.

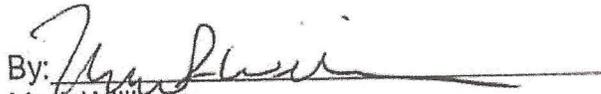
22. Should any provision in this Agreement be declared or determined to be illegal or invalid, the validity of the remaining parts, terms, or provisions shall not be affected thereby, and the illegal or invalid part, term, or provision shall be deemed not to be part of this Agreement, and all remaining provisions shall remain valid and enforceable.

23. The language of all parts in this Agreement shall be construed as a whole, according to its fair meaning, and not strictly for or against either party.

THE UNDERSIGNED FURTHER STATE THAT THEY HAVE HAD A REASONABLE TIME WITHIN WHICH TO CONSIDER THIS AGREEMENT BEFORE EXECUTING IT, THAT THEY CAREFULLY READ THE AGREEMENT, THAT THEY HAVE DISCUSSED THIS AGREEMENT WITH THEIR OWN LEGAL COUNSEL, THAT THEY KNOW AND UNDERSTAND ITS CONTENTS, INCLUDING, BUT NOT LIMITED TO, ITS BINDING EFFECT, AND THAT THEY SIGN THIS AGREEMENT AS THEIR OWN FREE ACT.

IN WITNESS WHEREOF, this Agreement has been executed by the Parties on the dates shown below:

PLEASE READ CAREFULLY. THIS AGREEMENT AND GENERAL RELEASE INCLUDES A RELEASE OF ALL KNOWN AND UNKNOWN CLAIMS.

By:  Dated: February 21, 2018  
Mark Williams

By Megan Clark Dated: February 20, 2018  
Megan Clark  
Board President  
Las Gallinas Valley Sanitary District

APPROVED AS TO FORM:

By: \_\_\_\_\_ Dated: February \_\_, 2018  
Wendy Musell  
Stewart & Musell  
Attorneys for Mark Williams

By: Morin I. Jacob Dated: February 20, 2018  
Morin I. Jacob  
Liebert Cassidy Whitmore  
Attorneys for Las Gallinas Valley Sanitary District

**RESOLUTION NO. 2018-2115**

**A RESOLUTION TO EXPRESS THE LAS GALLINAS VALLEY SANITARY DISTRICT'S APPRECIATION FOR MARK R. WILLIAMS DEDICATED SERVICE FOR MANAGEMENT OF THE WASTEWATER COLLECTIONS, TREATMENT AND RECYCLED WATER OPERATIONS**

**LAS GALLINAS VALLEY SANITARY DISTRICT**

**WHEREAS** the Board of the Las Gallinas Valley Sanitary District recognizes Mark R. Williams for his 15 years of dedication as the Plant Superintendent and later as the General Manager;

**WHEREAS** Mark R. Williams through innovation and perseverance implemented numerous projects, programs and procedures that met the Board's challenge to become a "leading" Marin County sewerage agency;

**WHEREAS** Mark R. Williams through his commitment to the environment improved treatment plant effluent quality, reduced greenhouse gas emissions and sewer overflows;

**WHEREAS** Mark R. Williams implemented process changes that reduced treatment plant power consumption and chemical usage;

**WHEREAS** Mark R. Williams implemented process changes that assisted Marin Municipal Water District in producing recycled water;

**WHEREAS** through leadership and vision Mark R. Williams implemented a recycled water program that resulted in construction of an expandable recycled water plant that is being expanded to serve Marin Municipal Water District;

**WHEREAS** Mark R. Williams and staff secured \$2,433,700 of grant funding for the construction of a recycled water plant and \$1,322,030 of grant funding for a biogas energy project.

**NOW, THEREFORE, BE IT RESOLVED** that the Las Gallinas Valley Sanitary District hereby recognizes the contributions of Mark R. Williams.

\* \* \* \* \*

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 15<sup>th</sup> day of March 2018, by the following vote of the members thereof:

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

\_\_\_\_\_  
Teresa Lerch, District Secretary

Las Gallinas Valley Sanitary District

APPROVED:

(seal)

---

Megan Clark, President Board of Directors



Because of legal noticing requirements, you may receive more than one copy of this notice. This notice applies to all properties receiving service from Las Gallinas Valley Sanitary District.

300 Smith Ranch Road  
San Rafael, CA 94903

**Board of Directors**

Megan Clark  
Rabi Elias  
Russell R. Greenfield  
Craig K. Murray  
Judy Schriebman

**District Administration**

Chris DeGabriele, *Interim General Manager*

Presorted  
Standard  
US Postage  
PAID  
Unicorn Group



Item: 3B

Date: March 15, 2018

April 13, 2018

**NOTICE TO PROPERTY OWNERS**

**June 14, 2018 Public Hearing on Sewer Service Charge Increase**

The District will hold a public hearing on its proposed 2018-19 budget and sewer rates on Thursday, June 14, 2018, at 4:30 PM at the District's office, 300 Smith Ranch Road, San Rafael, CA 94903. In 2015, a plan was approved that detailed sewer service charges through 2019-20. The proposed 2018-19 increase will be reviewed by the Board for approval at the June 14th public hearing.

**Rate Change Explained**

At a public hearing on June 11, 2015, in conformance with the requirements of Proposition 218, the District approved a five-year sewer service charge increase plan. The initial rate increase took effect on July 1, 2015.

Funds from sewer service charges are used for all District sewer services, including: maintenance, replacement and updating aging sewer system facilities to meet new stringent regulatory requirements. Making critical improvements helps the District avoid costly regulatory fines, protects public health, and safeguards the environment.

To cover the cost of these critical services and upgrades, the District proposes increasing the rate from \$867 to \$898 per year per sanitary sewer unit (less than \$3/month) effective July 1, 2018.

**How the District Keeps Costs Down**

The District maintains a small staff and proactively plans for and makes responsible investments in infrastructure and improvements. Good compliance with regulatory requirements has helped the District avoid costly fines that have been imposed on other sanitary agencies.

**How the Funds are Being Used**

While the majority of the funding is being reserved for the expansion and upgrade of the treatment plant (\$60 million), LGVSD has completed, or is working on, the following projects to date:

- Rehabilitating sewer and lower lateral pipelines
- Increasing capacity of sewer mains for high flow events.
- Rehabilitating pump stations and improving force mains.
- Maintaining facilities to avoid equipment failure, make emergency repairs when necessary and replace vehicles and equipment.
- Completion of a Biogas Energy Recovery System (replacing a 20 year old methane fueled generator) which also can generate CNG (compressed natural gas) to fuel the District's new CNG sewer maintenance truck.
- Rehabilitation of the primary digester to improve solids decomposition and increase methane production for power generation and vehicle fuel.

**Our Commitment to Excellence**

**Public Education and Outreach Award  
Three-County Area  
2012, 2013, 2014, 2015, 2016**

**Collection System of the Year  
Three-County Area  
2008, 2010, 2012, 2016**

**Excellence in Financial Reporting,  
Certificate of Achievement, 2016**

**District Transparency Certificate of  
Excellence by the Special District  
Leadership Foundation**

**To Protest the Proposed Changes**

Protests against the proposed changes in the sewer service charge must be submitted in writing to the District before the end of the public hearing to be held on June 14, 2018 at 4:30 PM. Protests must identify the owner(s) of the property or properties for which the protest is entered, and be signed by the property owner. If a majority of owners of affected parcels within the District submit written protests against the proposed changes, the District will not approve the sewer service charge increases.

**ATTEND THE RATE HEARING:** June 14, 2018 at 4:30 PM at the District's office  
300 Smith Ranch Road, San Rafael, CA 94903

**WEB:** www.lgvsd.org **PHONE:** 415-472-1734 **EMAIL:** info@lgvsd.org

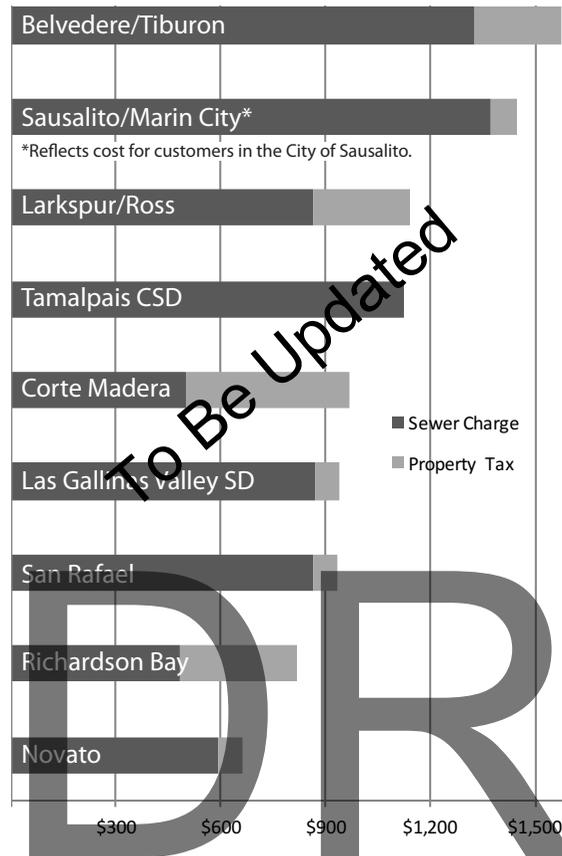
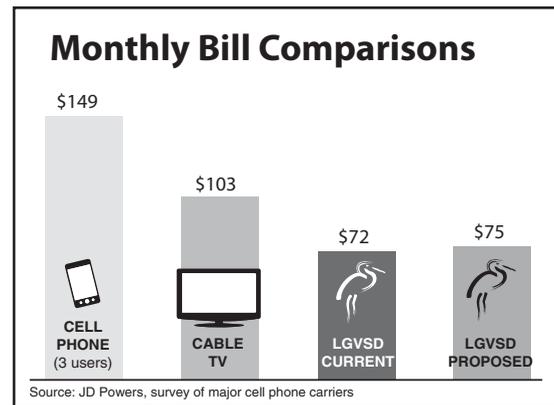
In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the District at (415) 472-1734 at least 24 hours prior to the meeting. Notification prior to the meeting will enable the District to make reasonable accommodation to help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

This notice is being sent pursuant to Government Code § 53756(d). • Printed on recycled paper using soy ink.

## LGVSD Rates\* Remain Below Marin County Average

The annual cost of sewer service for a typical District single family residential customer (or sanitary sewer unit) are below the average median of comparable Marin County communities.

\*Agencies also receive property tax revenue to fund operations. These revenues are a significant source of funding and vary greatly among sewer districts and cities providing services.



## Moving Forward on the Treatment Plant Upgrade

In order to address critical issues (aging infrastructure, changes in wastewater content, and new regulations), the District is embarking on one of the largest projects in the District's history with the Treatment Plant upgrade. Construction is expected to start in summer 2018. When complete, LGVSD will be able to deliver full secondary biological treatment capacity for flows up to 18 million gallons per day (MGD) and raise the elevation of the secondary treatment facilities to make the plant more resilient against flooding and the impacts of sea level rise.

A design for a new Operations and Control

Center is also underway. The plans address general safety concerns, operational issues and sea level rise, but also use innovative and cost-effective ways to build the new structure.

In addition, the District and Marin Municipal Water District (MMWD) have agreed to expand the existing LGVSD Recycled Water Treatment Facility. The expanded facility will replace the existing MMWD facility which has reached the end of its useful life, allowing LGVSD to operate a single recycled water treatment plant. The expansion will improve efficiency and is expected to lower the cost to produce recycled water.

## Summary of Las Gallinas Valley Sanitary District Sewer Service Charges for July 1, 2018 through June 30, 2019

This is the fourth year in a five-year program of rate changes approved in 2015. The amount and method for calculating charges for various classes of customer are outlined below.

### Residential Rates Beginning July 1, 2018

**Residential Rates:** The annual sewer service charge for single family homes or similar residential units such as condominiums and mobile homes will be set at an amount of no more than \$898 per living unit for the fiscal year beginning July 1, 2018. Multi-family residential units such as apartments are charged 90% of the annual single family home sewer service charge.

### Non-Residential Rates Beginning July 1, 2018

**Non-Residential Rates:** The rates for non-residential customers are proportional to the increase in residential rates. Rates are calculated individually for each type of non-residential use as described below.

User Classes	Rate Calculation	Water Use Calculation
<b>Domestic strength users:</b> Commercial, office buildings, retail, churches, halls, public agencies, laundromats, service stations, medical offices, hospitals, convalescent/nursing homes, barber/beauty shops, and car washes	The annual sewer service charge rate times the average summer and winter water use times a strength factor of:  1.0	To calculate water use, the District obtains the average of winter and summer water usage for each non-residential customer from the Marin Municipal Water District. This data is then converted to equivalent single family residential units (or sanitary sewer units). Water used solely for irrigation and recycled water which does not enter the sewer system, i.e. water not used for toilet flushing, laundry, commercial car washes, etc., is excluded from the calculation.
<b>High strength users:</b>		
Bakeries	3.2	
Markets with disposals	2.6	
Restaurants/Cafes	2.4	
Mortuaries, mixed uses/ other, hotels with restaurants	2.0	
<b>Industrial and other high-strength users</b>	Contact the District for assistance	
<b>Schools without showers or cafeteria facilities</b>	0.01 times the annual sewer service charge rate per average daily attendance for students, faculty and employees	
<b>Schools with showers or cafeteria facilities</b>	0.02 times the annual sewer service charge rate per average daily attendance for students, faculty and employees	

**3/15/2018**

**Interim General Manager Report**

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

**3/15/2018**

**SECONDARY TREATMENT AND RECYCLED WATER  
TREATMENT FACILITY UPGRADE PROJECT PATH**

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

**Las Gallinas Valley Sanitary District  
 Treasurer's Report - Operating and Investment Accounts  
 For the month of February 2018**

I. Account Summary: Bank and Investment Accounts

Accounts Summary	February 28, 2018	January 31, 2018	Change from Previous Month
<b>Summary of Bank and Investment Accounts</b>			
<b>Bank of Marin</b>			
Operating	\$ 241,643	\$ 232,907	\$ 8,736
Operating Sweep	119,333	35,328	84,005
Zero Balance	103,713	110,007	(6,294)
Surcharge-Marín Lagoon	109,536	103,171	6,365
Surcharge-Captains Cove	30,907	24,558	6,349
Connection Fee	25,287	325,570	(300,283)
Private Sewer Lateral Rehab	176,387	141,196	35,191
Capital Project Reserve Fund	2,142,451	1,962,246	180,205
Liquid Savings	1,577,060	2,115,569	(538,509)
<b>Petty cash</b>	949	786	163
<b>Investment Accounts</b>			
Debt Service Reserve-Recycled Water	584,585	584,585	-
Debt Service Reserve-SRF Loan	292,895	292,895	-
Local Agency Investment Fund	19,710,008	19,710,008	-
Cash and Investments	<u>\$ 25,114,754</u>	<u>\$ 25,638,826</u>	<u>\$ (524,072)</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 from the Connection Fee account were transferred to the Operating account to pay for budgeted expenditures related to a project.

Revenue from the sewer user charge which fund the Private Sewer Lateral Assistance program were deposited to the account from Operating account.

Reimbursement by MMWD for its share of the April 2018 bond payment was received and deposited to the Capital Project Reserve fund.

**Statement of Compliance:**

The investments accounts are invested in compliance with the District's investment policy, adopted at the February 23, 2017 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: Susan McGuire  
 Susan McGuire, CPA Administrative Services Manager

Reviewed by: Chris DeGabriele  
 Chris DeGabriele, PE Interim General Manager

**Las Gallinas Valley Sanitary District  
Treasurer's Report - 2017 Revenue Bonds  
For the month of February 2018**

I. Summary of Bond Accounts and Cumulative Activities Since Inception

<b>Accounts Summary</b>	<b>Starting Balance 4/28/2017</b>	<b>Total Activities Since Inception</b>	<b>Ending Balance February 28, 2018</b>
1 Bond Project Fund	\$41,000,000	\$(1,058,138) <sup>(a)</sup>	\$ 39,941,862
2 Cost of Issuance Fund	193,121	(156,052)	37,069
3 Bond Payment Fund	<u>-</u>	<u>11</u>	<u>11</u>
 Total	 <u>\$41,193,121</u>	 <u>\$(1,214,179)</u>	 <u>\$ 39,978,942</u>

<sup>(a)</sup> Funds drawn to reimburse project costs were transferred to the Capital Project Reserve Fund.

II. Accounts Details for the month of February 28, 2018

1 Bond Project Fund	
Beginning Balance February 1, 2018	\$ 39,941,862
Interest income from Local Area Investment Fund (LAIF) Not posted yet	<u>-</u>
Ending Project Fund Balance at February 28, 2018	<u>\$ 39,941,862</u>

2 Cost of Issuance Fund	
Beginning Balance February 1, 2018	\$ 37,063
Interest income from US Bank estimated to be an annual yield of 2.0%	<u>6</u>
Ending Project Fund Balance at February 28, 2018	<u>\$ 37,069</u>

3 Bond Payment Fund	
Beginning Balance February 1, 2018	\$ 11
Interest income from US Bank estimated to be a 2.0% for annual yield	<u>-</u>
Ending Project Fund Balance at February 28, 2018	<u>\$ 11</u>

## 3/15/2018 BOARD REPORTS

### Agenda Item 4B1

#### LAFCO

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

### Agenda Item 4B2

#### Gallinas Watershed Council/Miller Creek Watershed Council

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

### Agenda Item 4B3

#### JPA Local Task Force on Solid and Hazardous Waste

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

### Agenda Item 4B4

#### NBWA

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

### Agenda Item 4B5

#### NBWRA

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

### Agenda Item 4B6

#### Engineering Subcommittee

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

### Agenda Item 4B7

#### Human Resources Subcommittee

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

## 3/15/2018 BOARD REPORTS

### Agenda Item 4B8a

#### Other Reports – San Rafael District Elections

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

### Agenda Item 4B8b

#### Other Reports – CASA Climate Change and Energy Workshop

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

Agenda Item 4/B4  
Date March 15, 2018



## North Bay Watershed Association

Board Meeting Notice

### March 2<sup>nd</sup>, 2018

9:30 a.m. – 11:30 a.m.  
Marin Municipal Water District  
Board Room  
220 Nellen Avenue  
Corte Madera, CA 94925

#### Next Meeting: NBWA Conference

April 6<sup>th</sup>, 2018  
8:00 a.m. – 5:00 p.m.  
Sheraton Sonoma  
County  
745 Baywood Drive  
Petaluma, CA 94954

## Board Meeting Agenda

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- |   |        |
|---|--------|
| <b>1. Call to Order</b><br><i>Jack Gibson, Chair</i>  | 9:30   |
| <b>2. Public Comment</b>  |        |
| <b>3. Approval of Agenda</b><br><i>Approve</i>  | 1 min. |
| <b>4. Approval of Minutes</b><br><i>Approve</i>   | 5 min. |
| <b>5. Treasurer's Report</b><br><i>Accept</i>   | 1 min. |
| <b>6. Director's Report</b><br><i>Information and Questions</i>   |        |
| <b>7. Water Supply and Water Quality Act of 2018: What's in the Proposal?</b><br><i>Dr. Jerry Meral</i>   | 9:45   |
| <b>8. Overview and What's New at Marin Municipal Water District</b><br><i>Information</i><br>Krishna Kumar, General Manager,<br>Marin Municipal Water District  | 10:15  |
| <b>9. Surprises at Lagunitas Creek</b><br><i>More Habitat and New Fish</i><br>Greg Andrew, Fisheries Program Manager, MMWD<br>Justine Brumm and Gabby Guaiumi, Americorps/Watershed<br>Stewards Program | 10:45  |
| <b>10. Items of Interest</b>  | 11:15  |
| <b>11. Items for the Next Agenda</b><br>CONFERENCE  | 11:25  |

NBWA---Board Meeting Mar. 2, 2018 Report  
Judy Schriebman

Next NBWA meeting is the conference, April 6 from 8 am to 5 pm at the Sheraton Sonoma County, 745 Baywood Drive in Petaluma. Sponsorships of \$24K have been received, allowing money earlier set aside to be released for projects. There will be a presentation on the first round of funds from Prop AA at the conference. The Spring Newsletter is available on NBWA site [here](#) and past issues are now online as well. Worth reading and subscribing to.

Report from Jerry Meral, Director of the CA Water Program of the [Natural Heritage Institute](#) , on the new proposed Parks/Water Bond for the Nov. 2018 ballot. Dr. Meral has been active in CA Water politics for a long time. This new bond provides funds for urban streams, fish habitat, wastewater and water supply for DACs, etc. His PPT breakdown of funds will be on the NBWA website soon. This bond is being supported by a large number of diverse groups. No funding for dams or the Delta Tunnel but funding to repair a Central Valley Irrigation ditch that has some concerned.

Report from Krishna Kumar of MMWD on water supply. Report from Mike Ban of MMWD on dam safety. 7 dams; 3 inspected yearly b/c of their size. Oroville dam increasing deeper look at geophysical area inspection and reporting at state dams. Report from Greg Andrew and two Americorps interns on fish in MMWD land. Increasing size of floodplain for Lagunitas creek for fish refugia, which has 5 dams on it. Saw pink salmon in the creek for the first time in 30 years; species considered extirpated and only found further north, until this year. Redds were counted. Coho found and steelhead returned in great numbers this year. Pinks spawn first, then Coho, then Steelhead. Earlier restoration work appears to have helped increase the number of fish returning, because they go out to the ocean in greater numbers and larger.

Agenda Item

4B5

Date

March 15, 2018



## NORTH BAY WATER REUSE PROGRAM

*Expanding Water Supplies with Regional Reuse*

### BOARD OF DIRECTORS MEETING

#### AGENDA

Monday, February 26, 2018  
9:30 AM

Novato City Hall Council Chambers  
901 Sherman Avenue, Novato, CA 94945

Members and Consultants unable to attend in person may call in: 1 (602) 567-4030 (Local dial in), 1 (888)227-0011 (Toll Free), Access code: **1988**  
<https://Conferencing2.brwncaid.com/conference/1988>

1. **Call to Order (1 minute)**
2. **Roll Call (1 minute)**
3. **Public Comment (3 minutes)**  
(Any member of the public may address the Board at the commencement of the meeting on any matter within the jurisdiction of the Board. This should not relate to any item on the agenda. It is the policy of the Authority that each person addressing the Board limit their presentation to three minutes. Non-English speakers using a translator will have a time limit of six minutes. Any member of the public desiring to provide comments to the Board on an agenda item should do so at the time the item is considered. It is the policy of the Authority that oral comments be limited to three minutes per individual or ten minutes for an organization. Speaker's cards will be available in the Boardroom and are to be completed prior to speaking.)
4. **Introductions (2 minutes)**
5. **Board Meeting Minutes of December 4, 2017 (2 minutes)**  
(The Board will consider approving the minutes from the December 4, 2107 Board meeting.)
6. **Election of Officers**  
(The Board will elect a Chair and Vice Chair for 2018.)

Action  
Pages 5 – 8

Action  
Pages 9 – 10

North Bay Water Reuse Authority • c/o Sonoma County Water Agency, 404 Aviation Boulevard, Santa Rosa, CA 95403  
707-235-8965 • NBWRA.org

County of Marin • Las Gallinas Valley Sanitary District • Novato Sanitary District • Marin Municipal Water District • North Marin Water District • Sonoma County Water Agency  
City of Petaluma • Sonoma Valley County Sanitation District • County of Napa • Napa Sanitation District • City of American Canyon

- Information and Discussion  
Pages 13 – 26  
Pages 27 – 40
7. **Report from the Chair (10 minutes)**  
(The Chair will report on the following items.)  
7.a Consultant Progress Reports  
7.b Financial Reports  
7.c Phase 1 Status Report
- Information and Discussion  
Pages 41 – 42
8. **Board Information Requests (2 minutes)**  
(The Board will be provided with a brief update on their information requests.)
- Information and Discussion  
Pages 43 – 52
9. **Draft FY2018/19 Budget**  
(The Board will review and discuss the Draft FY2018/19 Budget.)
- Information  
Pages 53 – 63
10. **Program Development, Federal, and State Advocacy Update (15 minutes)**  
(The Board will be updated on Program Development, Federal and State Advocacy activities.)
- Information  
Pages 64 – 74
11. **Engineering, Environmental, and Public Involvement Services Report (15 minutes)**  
(The Board will be updated on Engineering, Environmental, and Public Involvement Services activities)
- Discussion  
Pages 75 – 77
12. **Items for Future Discussion and Action (5 minutes)**  
(The Board will consider items for future discussion and action.)
- Information  
Page 78
13. **Comments from Chair and Board Members (5 minutes)**  
(The Chair and Board members may make brief announcements or reports on his or her own activities, pose questions for clarification, and/or request that items be placed on a future agenda. Except as authorized by law, no other discussion or action may be taken.)
- Page 79
14. **Adjournment (1 minute)**

**Next Board Meeting**  
**Monday, May 21, 2018, 9:30 A. M., Novato City Hall**

(In compliance with the Americans with Disabilities Act of 1990, if you need special assistance to participate in a Board meeting, or you need a copy of the agenda, or the agenda packet, in an appropriate alternative format, please contact the Program Manager at (510) 410-5923. Notification of at least 48 hours prior to the meeting or time when services are needed will assist in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service. A copy of all the documents constituting the agenda packet is available for public inspection prior to the meeting at 404 Aviation Boulevard, Santa Rosa, CA 95403. Any person may request that a copy of the agenda or the agenda packet be mailed to them for a fee of \$.10 per page plus actual mailing costs. If you wish to request such a mailing, please contact Chuck Weir, Weir Technical Services, 3026 Ferndale Court, Pleasanton, CA 94588, 510-410-5923, [chuckweir@sbcglobal.net](mailto:chuckweir@sbcglobal.net). The agenda for each meeting is also available on-line at [www.nbwra.org](http://www.nbwra.org) and will be available at the meeting.)

North Bay Water Reuse Authority • c/o Sonoma County Water Agency, 404 Aviation Boulevard, Santa Rosa, CA 95403  
707-235-8965 • NBWRA.org

County of Marin • Las Gallinas Valley Sanitary District • Novato Sanitary District • Marin Municipal Water District • North Marin Water District • Sonoma County Water Agency  
City of Petaluma • Sonoma Valley County Sanitation District • County of Napa • Napa Sanitation District • City of American Canyon

**3/15/2018**

**Other Reports- San Rafael District Elections**

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

Agenda Item 4B8.b  
Date March 15, 2018raig Murray

CASA Air, Climate Change, and Energy Workgroup Meeting Walnut Creek, CA Feb 15, 2018

Concurrent Video Conferencing at 3 Carollo Offices in Walnut Creek, Sacramento and Orange County. Lead Jackie Zipkin (Chair), Greg Kester and Sarah Desauriers (CASA). Twenty-Five discussion items. Topic Highlight of Meeting was a presentation by Anil Prahbu of CARB to provide Program update and review template to estimate site-specific C intensities. Met Chair Jacqueline (Jackie) T. Zipkin, P.E., Manager of Environmental Services, EBMUD, 375 Eleventh Street, MS 702, Oakland, CA 94623-1055, Tel: 510-287-1608, Email: jzipkin@ebmud.com; jzipkin@ebda.org.

Priority Items: 1. SB 1383 SLCP Reduction Implementation - Informal Rule Development. Workshop April 4 in Sacramento. (This is more So. Coast than Bay Area. State need to ID First Community. City can nominate itself. So Coast look to CAP & Trade benefits.; 2. AB 617 Non-vehicular air pollution criteria air pollutants and toxic air contaminants. Community Air Protection Program Implementation - Concept Paper outlines statewide strategy & air monitoring plan. CA EnviroScreen is likely to be used to monitor mobile sources. 617 will require Metrics to measure progress. Board wants to run management Not EJAC (Env. Justice Action). EnviroScreen to help CARB and Districts on how to monitor. ; 3. SWRCB's Climate Change Resolution & RWQCBs. Resolution No 2017-0012: RWQCBs to respond by July 1, CV draft Work Plan Comments, track RWQCB efforts. This review of climate change impacts will include permit modification and other regulatory requirements to reduce vulnerability of water and wastewater infrastructure to flooding storm surge and sea level rise. Comment that this will include upper Watersheds. There was comments on a roundtable discussion during CASA's Winter Conference. Some regions looking into Vulnerability Assessment and Mitigation Plans (assess short and long term vulnerabilities and plans for mitigation), watershed-based permits, wet weather program enhancements (stormwater capture and reuse), temporary discharge permit relief. There is also looks at synergistic coordination of other economic sectors. CNRA Safeguarding CA Plan: 2018 Update: CA's Adaption Strategy released Jan. 30. Looks at Low Carbon Vehicles for Integration Sharon Green of LA, Leg. Analyst, said that having methodologies to perform would help especially for smaller WWTPs. Legislative/Legal Update: 2018 Bill Cycle: February 16 deadline for bill introductions. Weekend following February 16 is called the Big Dump based on the large flow of last minute bills. It was known that over 800 bills were introduced to be reviewed over the weekend. There will be a 30 day quiet window for review. March to April 20 bills will be heard. April 27 Decision to review. Question if there is goal to get rid of all internal combustion cars by 2040. Governor's Proposed Budget: Cap and Trade revenue allocations. \$1.25B expenditures in 2018-2019. AB 617 allocates \$250M in Implementation includes \$99M in Dairy Methane.

Discussion/Informational Items: 16. 1. NACWA Climate/Resilience Position Statement (Comments due Feb.16); 2. SWRCB: Co-digestion Capacity Analysis (Project kick off Feb.21) Purpose: CA POTW Co-Digestion Capacity Analysis. Project Kick Off: Feb.21. ; 3. ARB/CEC/JPL Methane hot spots research & BAAQMD Expert Panel - Methane hot spots Phase I Interim Report "no discernable methane emissions from WWTPs". CH4 (Methane); Question about compost facilities. aerial monitoring tools do not pick up more diffuse facilities such as compost facility. Hot spots are storage and dairy facilities. 4. N2O (Nitrous Oxide) Emissions from WWTPs - Updating summary report, present to ARB; 5. CARB Triennial Strategic Research Plan - Public Workshop Jan.26; 6. 2030 Target Scoring Plan - Adopted December 14, 2017; 7. Renewable Fuel Standard (RFS) & Food Waste Derived Biogas - Greg/Patrick discuss next steps. EPA looking at RIN Credits not cellulosic biofuel. Biorenewables to qualify for D3 RIN credits not D5. Measures of RINs w/Dairy and Food Waste.; 8. Pipeline injection of Biomethane - Discussions with CPUC

and SCG. Need to evaluate Heating req., Siloxane removal, and cost to interconnect.; 9. Bio MAT contracts from PG&E - Motion to compel PG&E to execute BioMat contracts. BioMAT: Bioenergy Market Adjustment Tariff (SB 1122). PG&Es program allocation is 111 MW divided among three categories: 30.5 MW Biogas from wastewater treatment, municipal organic waste diversion, food processing, and codigestion; 33.5 MW from Biogas from dairy and other agricultural bioenergy; 47 MW from biogas or biomass using byproducts of sustainable forest management. PG&E announced Dec. 19 that it will not executed BioMAT contracts until legal issues with the Winding Creek Solar case have been resolved.; 10. Biosolids and Fire Reclamation Efforts - Solicitation continues WRF funding potential; 11. US Forest Services Wood Innovation Grant - Two-year Project focused on tree mortality for biochar. Five agencies to test: SOCWA, VVWRA, Delta Diablo, Monterey and South Tahoe); 12. Forest Carbon Plan - Draft Plan - WWTPs to use biochar from forest biomass for odor control, final expected in 2018. Comment one company in Canada.; 13. Cal OSHA PEL for Hydrogen Sulfide (H<sub>2</sub>S) - Considering decreasing PEL to 1 ppm (from 10 ppm). . ; 14. CARB Pollution Mapping Tool - Provides public access to air emissions data, toxic air contaminants included January 1, 2018. Public tool can search for large facilities, GHG emissions, large contaminants.; 15. Proposed Flare Rules: SJVAPCD & SCAQMD - Summaries of proposed flare rules. Will be discussed March 8 at the next working group mtg.; 16. Regional Highlights/Hot Topics - Discuss regional issues having statewide implications. Greg to use 2011 UC Davis despite rules already adopted. Met with, when prior Director Rob Vogue retired, Drew Bohan the new CA Energy Commission Director and will meet again in March.



**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. and  
returning on \_\_\_\_\_ day of \_\_\_\_\_ from \_\_\_\_\_ a.m. / p.m.

Actual meeting date(s): \_\_\_\_\_

Purpose of Meeting: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Frequency of Meeting: \_\_\_\_\_

Estimated Costs of Travel (if applicable): \_\_\_\_\_

\_\_\_\_\_

Please submit to the District Administrative Assistant, no later than 2:00 p.m. on the  
Friday prior to the Board Meeting.

-----  
For Office Use Only

Request was  Approved  Not Approved at the Board Meeting held on \_\_\_\_\_.

**3/15/2018**

**BOARD AGENDA ITEM REQUESTS**

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

## Sheriff's department reports phone scam

## Tax filing help events scheduled at library

### THE COUNTY

The sheriff's department issued a warning about a financial scam involving a bogus jury summons.

The victim said someone claiming to be "Lt. Foley" called to say an arrest warrant had been issued because the victim had supposedly missed jury duty.

The caller instructed the victim to secure bond by buying \$1,500 worth of Green Dot MoneyPak prepaid gift cards. The caller then got the victim to provide the access numbers.

The victim realized the fraud after contacting the sheriff's department and learning there was no "Lt. Foley."

### FAIRFAX

Income tax advice sessions for seniors and low to middle-income residents will be held at the library over the next two months.

The free sessions are scheduled for Feb. 19, 21, 26 and 28; March 5, 7, 12, 14, 19, 21, 26 and 28; and April 2, 4, 9, 11 and 16. The sessions will be held from 10 a.m. to 2 p.m.

The library is at 2097 Sir Francis Drake Blvd. More information is available by phone at 415453-8151 or by email at [marintaxaide@gmail.com](mailto:marintaxaide@gmail.com).

### NOVATO

#### Health assistance offered for seniors

Free health services for elder residents will be offered Feb. 21 at the Margaret Todd Senior Center.

The services will include hearing, dental, vision and skin cancer screenings, glucose tests, blood pressure checks, acupuncture, massage, cranial sacral work and fall prevention assessments.

A physical therapist will adjust canes and walkers. Participants can also bring old and unused medications and mercury thermometers for disposal. New digital thermometers will be available.

The event is scheduled for 9:30 a.m. to noon at the center, which is at 1560 Hill Road. More information is available at 415-899-8290.

### SAN RAFAEL

#### Adviser reappointed to Las Gallinas board

The Board of Supervisors reappointed Joyce Clements to the County Service Area No. 18 Advisory Board.



The five-member board consults with county officials on projects and programs in the Las Gallinas area. Terms are two years.

The supervisors reappointed Clements at their meeting on Tuesday.

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Friday, 02/16/2018 Pag.A04 Copyright Terms and Terms of Use. Please review new arbitration language here.

# EAST BAY REGIONAL PRIVATE SEWER LATERAL PROGRAM



## SITE MAP

- Home
- What is a PSL?
- Why Should I Fix My PSL?
- FEES**
- Compliance Certificate**
  - Buying/Selling Property
  - Building/Remodeling
  - Changing Water Meter Size
- Exemption Certificate**
- Time Extension Certificate**
- \$4,500 Refund**
- Guidelines and Resources
  - Pautas para Contratistas
  - 東灣區域私人污水支管計劃
- Voluntary Compliance**
- FAQ
- Privacy
- Contacts

## SCHEDULE INSPECTION

- Reschedule Inspection
- Cancel Inspection

## REQUEST CERTIFICATE

- Check Compliance Status
- Compliance Certificate
- Exemption Certificate
- Time Extension Certificate

## Protecting Our San Francisco Bay

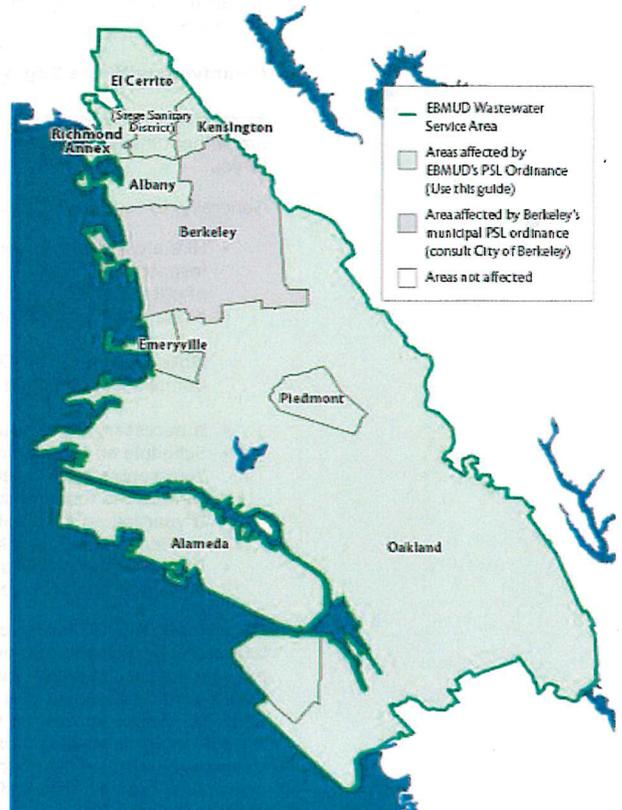
In 2009, the United States Environmental Protection Agency (EPA) and the California Regional Water Quality Control Board ordered the East Bay Municipal Utility District (EBMUD), the six cities that make up the greater Bay Area and one sewer district to fix old, cracked sanitary sewer pipes. Many pipes are in need of repair to prevent the infiltration of rainwater, which can overwhelm wastewater pipes and treatment facilities and cause untreated and partially treated wastewater to be released into the Bay. The EPA's mandate compelled EBMUD and its partners to phase in a Regional Private Sewer Lateral (PSL) Ordinance beginning in 2011. Affected property owners must obtain a certificate from EBMUD certifying that all of their PSLs are leak-free. Property owners may also voluntarily choose to have their laterals tested and certified.

### Affected Areas

Use the map (right) as a guide to determine if your property is covered by the Regional PSL Ordinance. Only EBMUD wastewater customers in the green shaded areas are affected.

The Ordinance is in effect in the following locations:

- Alameda
- Albany
- Emeryville
- Oakland
- Piedmont
- Kensington
- El Cerrito
- Richmond Annex



**Note:** The city of Berkeley is operating its own separate program. If your property is in Berkeley, please contact them to determine your requirements. <http://www.cityofberkeley.info/psl/>

## PSL Program Fee Changes

**New PSL Program Fees were adopted July 11, 2017. Please find more information here.**

### Program Start Dates

The Regional PSL Program start dates are listed below. The program is effective for escrows and building and remodeling permits opened on or after the program start date in each community or when a request is made to change the size of a water meter.

Location	Start Date
Alameda	January 1, 2015
Albany	January 1, 2015
Emeryville and Piedmont	August 22, 2011
Oakland	January 16, 2012
Stege Sanitary District (serving El Cerrito, Kensington, and Richmond Annex)	October 17, 2011

### Regional PSL Ordinance Triggers

### East Bay Regional Private Sewer Lateral Program

The Regional PSL Ordinance applies ONLY if you are buying or selling a property, building or remodeling in excess of \$100,000, or changing the size of your water meter. Additionally, you may voluntarily have your PSL certified to be in compliance with the Regional PSL Ordinance when you are having work performed on the lateral without meeting any of the triggers.



#### PSL Exemptions from the Ordinance Triggers

Your PSL is exempt if it is less than 10 years old counting from the date of final permit sign-off, was fully replaced before the program effective date (see above), AND the permitting agency verifies the replacement. Follow the [Guidelines for Exemption](#) to obtain an exemption for your property.

#### Complying with the Regional PSL Ordinance

To receive a [Compliance Certificate](#) for your property demonstrating that all of the PSLs located on the property are without leaks and have proper connections, proceed to the [guidelines](#) and select the condition which applies to you.

Generally, to receive a [Compliance Certificate](#), the following steps will be taken:

- Hire a contractor to inspect your PSL. Commonly, this consists of a closed-circuit television (CCTV) inspection allowing for the contractor and you to visually see the condition of your PSL, including instances of offset joints, root intrusion and cracked or broken pipe segments which would prevent your PSL from passing the verification test.

**Note:** A copy of the CCTV inspection is NOT sufficient proof for obtaining a [Compliance Certificate](#). A [Compliance Certificate](#) is only granted after passing a verification test.

- If necessary, have your PSL repaired or replaced.
- Schedule an inspection with EBMUD.  
Your contractor will set-up and administer the verification test per the provided guidelines. EBMUD will witness the test and confirm that your PSL is free of leaks.
- If your lateral does not pass the verification test, additional work will be required on your PSL. The verification test must be rescheduled with EBMUD.
- If your lateral is free of leaks, a [Compliance Certificate](#) will be available for you shortly thereafter.
- Download and print your [Compliance Certificate](#).

**Disclaimer:** EBMUD issues compliance certificates solely on the basis of the performance of the tested sewer lateral in a verification test performed in the presence of EBMUD personnel. The verification test is designed for the sole purpose of determining whether the tested portion of a sewer lateral is free from leaks at the time the test is performed. By issuing this certificate, EBMUD warrants only that the tested portion of the sewer lateral passed a verification test on the date indicated. EBMUD makes no warranty, representation, or guarantee as to the sewer lateral's existing or future condition or its compliance with the legal standards of any other jurisdiction, including building or construction standards without limitation. EBMUD expressly disclaims any and all warranties, both express and implied, as to the sewer lateral's condition or compliance with legal standards and shall bear no liability in connection therewith.



GOVERNMENT FINANCE OFFICERS ASSOCIATION  
**NEWS RELEASE**

**FOR IMMEDIATE RELEASE**

02/15/2018

**For more information contact:**  
**Michele Mark Levine, Director/TSC**  
**Phone: (312) 977-9700**  
**Fax: (312) 977-4806**  
**E-mail: [mlevine@gfoa.org](mailto:mlevine@gfoa.org)**

(Chicago, Illinois)--The Certificate of Achievement for Excellence in Financial Reporting has been awarded to **Las Gallinas Valley Sanitary District** by Government Finance Officers Association of the United States and Canada (GFOA) for its comprehensive annual financial report (CAFR). The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

An Award of Financial Reporting Achievement has been awarded to the individual(s) or department designated by the government as primarily responsible for preparing the award-winning CAFR.

The CAFR has been judged by an impartial panel to meet the high standards of the program, which includes demonstrating a constructive "spirit of full disclosure" to clearly communicate its financial story and motivate potential users and user groups to read the CAFR.

*Government Finance Officers Association is a major professional association servicing the needs of nearly 19,000 appointed and elected local, state, and provincial-level government officials and other finance practitioners. It provides top quality publications, training programs, services, and products designed to enhance the skills and performance of those responsible for government finance policy and management. The association is headquartered in Chicago, Illinois, with offices in Washington, D.C.*

## Controversial glyphosate not being used

### COUNTY REPORT

By Mark Prado

*[mprado@marinij.com](mailto:mprado@marinij.com) @MarkPradoIJ on Twitter*

After years of use of glyphosate — the chemical in Roundup — the controversial product has not been applied to any county sites in the past two years, according to a new integrated pest management report.

The focus on glyphosate on county lands sharpened in 2015 when Marin County Parks erected signs on Ring Mountain informing the public that glyphosate would be used to kill non-native grasses. Those grasses had been strangling a rare native: the Tiburon mariposa lily, which exists only on Ring Mountain.

But after an outcry from residents concerned about potential health impacts, Marin parks officials postponed the application.

After the Ring Mountain issue, supervisors created a subcommittee to better understand and evaluate existing county practices.

What emerged were new goals: no glyphosate use within parks, an increase in non-herbicide alternatives and work with the public to reduce herbicide use countywide.

Now the chemical has not been used at county parks and other areas, such as medians and golf courses.

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“It’s great to read in this report that in 2017, the Marin County IPM program used zero glyphosate,” said Supervisor Damon Connolly, as the Board of Supervisors got an update on herbicide use on county lands this week.

The same report showed no use of the chemical in 2016, either.

“Our department has been committed to taking a thoughtful approach on how we manage our public lands,” Jim Chayka, integrated pest management coordinator for Marin, told supervisors. “The lead story this year is about glyphosate.”

In 2016 and 2017 a pilot project showed traffic medians could be maintained without glyphosate, the report noted.

The county integrated pest management plan sets rules and outlines alternatives for the control of pests and unwanted vegetation in lieu of pesticides and herbicides. It covers 147 sites, including regional parks, medians, pathways, public buildings, boat ramps and other facilities operated by the county.

The discussion of glyphosate use over the years has brought the delicate balance of maintaining biodiversity, fire safety and using chemicals to the fore.

Wildfire remains a threat in the county, especially during drought, and glyphosate is effective in controlling flammable growth that could torch hillsides and homes if left unchecked.

Controlled burns, weed cutting and hand pulling are among the methods that are used first to eliminate non-native vegetation, mostly French broom and scotch broom, that presents the fire danger. A phalanx of volunteers that have turned up to help pull invasives in recent years were praised by supervisors.

Passed in April 1999, the county's integrated pest management plan has proved successful: by 2008 pesticide use was cut by more than 80 percent since the ordinance took effect, according to the county.

And in 2008, the county's 12-member Integrated Pest Management Commission, made up largely of citizens, worked to update the policy.

"It was a good story right from the start and it keeps getting better and better and better," said Supervisor Katie Rice.

"What the county of Marin is doing is remarkable."

## Ninth Circuit Holds Discharging to Groundwater Wells Requires Clean Water Act Permit

By Meline MacCurdy  
March 6, 2018

### Introduction

A recent decision from the Ninth Circuit, *Hawaii Wildlife Fund. v. County of Maui*,<sup>[1]</sup> held that discharging sewage into groundwater wells requires a permit under the Clean Water Act (“CWA”), where those wells are hydrologically connected to the Pacific Ocean. The Ninth Circuit reached this ruling not because the groundwater was itself a regulated water body under the CWA, which has long been within the sole control of state regulators. Nor was there a dispute that the sewage indeed reached the Pacific Ocean via the groundwater injection wells. Rather, the issue turned on whether a discharge to wells that eventually migrates to the Pacific Ocean through groundwater constitutes a “point source” that requires a permit under the CWA. In holding that it does, the Ninth Circuit focused on the well at the point of discharge, concluding that it is a clear “discrete conveyance,” and held that the discharge need not be “directly” to navigable waters, where the discharge to the “discrete conveyance” is “fairly traceable” to the ocean.

The decision is a noteworthy ruling on what has been termed the “conduit theory”—that groundwater can act as a “conduit” of pollutants from facilities/operations to traditional navigable water (surface water) and trigger the need for a CWA permit. As described below, this theory has found its way into some recent district court decisions in different fact patterns, which are currently on appeal. The *Hawaii Wildlife* decision will be evaluated in these cases currently moving through the courts and has led the Environmental Protection Agency (“EPA”) to request public comment on the role of the conduit theory in the CWA.

### Background

The County of Maui (“County”) owns and operates four groundwater injection wells at the Lahaina Wastewater Reclamation Facility (“Facility”), which is the primary municipal wastewater treatment plant for West Maui. The wells are the County’s primary means of effluent disposal, which the County has operated for decades under permits issued by federal and state programs. In 2012, environmental groups filed citizen suits under the CWA alleging that the County’s effluent discharges required a permit under the CWA National Pollutant Discharge Elimination System (“NPDES”).

The Facility receives sewage from a collection system serving approximately 40,000 people. The sewage is treated and either sold to customers for irrigation purposes or injected into the four wells for disposal. Nearly all of the sewage is injected into groundwater wells. There is little dispute about whether the four wells reach the ocean. The County’s expert concluded that the flow of effluent reaching the ocean is “roughly the equivalent of installing a permanently-running garden hose at every meter along the 800 meters of coastline.”<sup>[2]</sup> Studies conducted by federal and state researchers placed tracer dye into three of the wells and monitored seeps in the ocean. The studies concluded that a hydrogeologic connection exists between the wells and the ocean.

The district court found the County liable for discharging effluent through groundwater and into the ocean without an NPDES permit. The district court reached this conclusion because: (1) the

County indirectly discharged a pollutant to the ocean through a groundwater conduit; (2) the groundwater is a point source; and (3) the groundwater is a navigable water under the CWA.

## The Ninth Circuit's Decision

The County appealed the district court's conclusion that the County was liable under the CWA. The Ninth Circuit upheld the district court, but differed in its reasoning. First, it concluded that all four wells were "point sources" under the CWA, because they were "discernible, confined and discrete conveyance[s] from which pollutants are discharged," and the definition of "point sources" under the CWA includes wells.[3] The court held that "[a]s the pollutants here enter navigable waters and can be traced [back] to ... identifiable point[s] of discharge, [the wells] are subject to NPDES regulation, as are all point sources under the plain language of the CWA." [4]

The court distinguished the groundwater wells from other "diffuse sources" held not to be point sources under the CWA in other cases. According to the court, the four wells were clearly "discrete conveyances" that could be regulated directly, as opposed to cars or utility poles discussed in other case law. The court observed that the County knew that the effluent injected into the wells would reach the ocean, as confirmed by the tracer dye study. These facts, according to the court, are different from "nonpoint source pollution caused primarily by rainfall around activities that employ or create pollutants, where the resulting runoff cannot be traced to any identifiable point of discharge." [5]

The court rejected the County's contention that the CWA covers only point sources that directly convey pollutants into navigable waters, and that the wells here do not qualify because they discharge into groundwater and then indirectly into the ocean. The court concluded that the effluent indeed comes from a discrete conveyance—the wells—as opposed to an unidentifiable point of discharge.

The court examined multiple cases from the Ninth Circuit and other circuit courts of appeal, addressing distinctions between point and nonpoint source pollution. For example, the court distinguished a 2010 Ninth Circuit decision, *Greater Yellowstone Coalition v. Lewis*, [6] that precipitation flowing into pits containing waste rock, which then filtered underground and eventually reached surface water, was not a point source under the CWA. The County's wells, according to the court, are unlike the pits in *Greater Yellowstone*, because they confine and contain the effluent before discharging it to the ground and eventually surface water. The court also relied on the Second Circuit's conclusion in a 1994 case, *Concerned Area Residents for Environment v. Southview Farm*, [7] that tankers that collected liquid manure and discharged that manure onto fields, from which the manure directly flows into navigable waters, are point sources under the CWA.

Similarly, the court relied on another Second Circuit decision, *Peconic Baykeeper, Inc. v. Suffolk County*, [8] holding that trucks and helicopters discharging pesticides to the air were "point sources" and not indirect discharges. According to the court, this was consistent with an earlier 2002 decision from the Ninth Circuit, *League of Wilderness Defenders/Blue Mountains Biodiversity Project v. Forsgren*. [9] The court explained that the County's position—that the point source must directly discharge into a navigable water—is inconsistent with these decisions, because in those cases the pollutants traveled to navigable waters via the air, and not via the original point sources.

Finally, the court examined the Supreme Court's decision in *Rapanos v. United States*. [10] The court concluded that the plurality opinion written by Justice Scalia recognized that the CWA forbids not only the addition of a pollutant "directly" to a navigable water, but the addition of a pollutant "to" a navigable water. This could occur via indirect means, such as the discharge of manure onto fields in *Concerned Area Residents*, which Justice Scalia cited. As the court explained,

“[a]lthough the Court in *Rapanos* splintered on other issues, no Justice disagreed with the plurality opinion that the CWA holds liable those who discharge a pollutant from a defined point source to the ocean.”[11]

The court acknowledged that in previous opinions it has recognized Justice Kennedy’s concurrence in *Rapanos*, not Justice Scalia’s plurality, as controlling, but underscored that it did so in the context of cases involving wetlands. The court observed that this case is not about wetlands and emphasized that it was not deciding whether groundwater is a navigable water under the CWA. As a result, the court said its holding does not apply Justice Kennedy’s concurrence, and considered Justice Scalia’s plurality only “for its persuasive value.” In view of Justice Scalia’s plurality, the court concluded the County is “reading into the statute at least one critical term that does not appear on its face—that the pollutants must be discharged ‘directly’ to navigable waters from a point source.” [12]

The court held the County liable under the CWA because: (1) the County discharged pollutants from a point source; (2) the pollutants are fairly traceable from the point source to a navigable water such that the discharge is the functional equivalent of a discharge into the navigable water; and (3) the pollutant levels reaching navigable water are more than de minimis. The court highlighted that the second portion of its holding is narrower than the district court’s conclusion that the CWA covers pollutants to navigable water “regardless of how they get there.”[13] The court declined to rule on “when, if ever, the connection between a point source and a navigable water is too tenuous to support liability under the CWA,” because in this case the facts and the County’s concessions “clearly connect all four wells’ discharges to the consistently-emerging pollutants in the ocean.”[14]

On March 1, the County filed a petition for en banc rehearing. The County’s petition asserts that the Ninth Circuit panel’s “fairly traceable” test is inconsistent with the CWA and exposes governments and property owners to new CWA liability and “crippling” fines, where groundwater disposal and groundwater recharge has been historically viewed as outside the CWA. The petition also argues that the “fairly traceable” test is vague and fails to provide regulators and the public with sufficient clarity of whether an activity will require an NPDES permit.

## Impact

The reach of the Ninth Circuit’s decision is unclear, as at least four other cases involving similar issues are currently before the Fourth and Sixth Circuits, creating the possibility of a circuit split. For example, in *Sierra Club v. Virginia Electric & Power Co.*,[15] the Eastern District of Virginia allowed a case against a power company to go forward where power plant coal ash polluted surrounding surface waters via contaminated groundwater. That case is currently up on appeal before the Fourth Circuit. The Fourth Circuit is also evaluating an appeal of *Upstate Forever v. Kinder Morgan Energy Partners*,[16] where the District of South Carolina rejected a claim that a pipeline leak violated the CWA where the contaminants migrated into groundwater and, eventually, streams and wetlands.

The Sixth Circuit has two pending cases where the district courts reached different conclusions. In *Tennessee Clean Water Network v. Tennessee Valley Authority*,[17] the court held that the CWA covers discharges of pollutants from ash ponds that reach surface water through groundwater. And in *Kentucky Waterways Alliance v. Kentucky Utilities Co.*,[18] the district court dismissed a CWA citizen suit involving coal combustion pollutants from a coal-fired power plant that settled into ponds, migrated into groundwater, and eventually reached surface water. The district court determined that the CWA does not prohibit the discharge of a pollutant “through” groundwater, because “[a]dopting this theory would be inconsistent with the text and structure of the CWA,” where nonpoint source pollution could be “reformulated as point-source pollution by going up the causal chain” to identify the point source.[19]

## EPA Requests Comment

As courts continue to grapple with the conduit theory, EPA appears to be doing so as well. On February 20, 2018, shortly after the Ninth Circuit issued its decision in the *Hawaii Wildlife* case, EPA published a Federal Register notice seeking comments on its previous statements that a CWA permit is required where pollutant discharges from point sources reach jurisdictional waters via groundwater or other subsurface flow that has a direct hydrologic connection to jurisdictional waters.<sup>[20]</sup> The comment period is open until May 21, 2018.

## Conclusion

The Ninth Circuit's decision is noteworthy to industry, regulators, the regulated community, and public interest groups who have examined the so-called conduit theory for some time. The *Hawaii Wildlife* case is most applicable to circumstances involving groundwater injection wells with clear hydrological connections to surface water. It is possible that the reasoning could be applied to other fact patterns, such as public sewer systems (beyond the discrete well discharges in the *Hawaii Wildlife* case), concentrated feeding operations (at issue in the Second Circuit case described above), retention ponds, surface impoundments, ash ponds, underground storage tanks, septic tanks, and injection wells that discharge pollutants to groundwater through various types of potentially "discrete conveyances." If so, many entities could find themselves unwittingly subject to the CWA's permitting program, with the risk of penalties for failure to comply.

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[1] 881 F.3d 754 (9th Cir. 2018).

[2] *Id.* at 758.

[3] *Id.* at 760.

[4] *Id.* (internal quotations and citation omitted).

[5] *Id.* at 761 (internal quotations and citation omitted).

[6] 628 F.3d 1143 (9th Cir. 2010),

[7] 34 F.3d 114 (2d Cir. 1994),

[8] 600 F.3d 180 (2d Cir. 2010),

[9] 309 F.3d 1181 (9th Cir. 2002)

[10] 547 U.S. 715 (2006).

[11] 881 F.3d at 765.

[12] *Id.*

[13] *Id.* at 765 (quoting *Haw. Wildlife Fund v. County of Maui*, 24 F. Supp. 3d 980, 1000 (D. Hawaii 2014)).

[14] *Id.*

[15] 145 F. Supp. 3d 601 (E.D. Va. 2015)

[16] 252 F. Supp. 3d 488 (D.S.C. 2017).

[17] 273 F. Supp. 3d 775 (M.D. Tenn. 2017)

[18] No. 5:17-292-DCR, 2017 WL 6628917 (E.D. Ky. Dec. 28, 2017).

[19] *Id.* at \*11 (internal quotations and citations omitted).

[20] 83 Fed. Reg. 7126 (Feb. 20, 2018).

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## Residents seek district election map changes

### SAN RAFAEL

By Keri Brenner

[kbrenner@marinij.com](mailto:kbrenner@marinij.com) @KeriWorks on Twitter

San Rafael residents are pushing for changes to the new proposed district election maps — but there's confusion over which map, what color and which streets are affected.

“How can we choose any maps when we can't see the street names?” said resident Lori Schifrin at Monday's San Rafael City Council meeting where the new districts were discussed.

Schifrin was one of about a half-dozen residents expressing various opinions Monday on the seven different draft maps, now posted at the city website, [cityofsanrafael.org](http://cityofsanrafael.org).

Besides the lack of street names, some of the other issues voiced by residents were a need to keep the East San Rafael Economic Zone intact in District 4 and not split it into two districts, and to keep the Loch Lomond Marina area and the adjacent Glenwood neighborhood together in one district.

“We're two neighborhoods with the same issues,” said Bonnie Marmor of the Point San Pedro Road Coalition, which encompasses Loch Lomond and Glenwood.

Mayor Gary Phillips said he was concerned about the tight time frame to work out all the complexities. Because of the time pressure, the city has scheduled a public map workshop from 6 to 8 p.m. Monday, March 12 at City Hall, 1400 Fifth Ave.

“I think we need an ad hoc subcommittee to work on a composite map of all these suggestions,” Phillips said.

He volunteered for the subcommittee along with City Councilwoman Kate Colin. Phillips and Colin said they would bring their suggestions to the workshop Monday.

“The time limit is not of our own making,” Phillips said. “We're not real thrilled with it either.”

City officials are under threat of penalties or litigation for alleged violations of the California Voting Rights Act if the districts are not drawn within the 90-day window that ends in mid-April. If the four new districts are selected on March 19, and then adopted on April 16, they would go into effect for the November 2020 City Council elections. The mayor's position will remain elected at large.

“If we run into problems (with making last-minute map changes), we might have to go out to the second meeting in April,” said Chris Skinnell, outside legal counsel to the city on the district elections issue.

On Monday, Gabriel Huinac, a Canal area resident, submitted a new draft map, Canal No. 1, which he said was crafted using feedback from a number of people in the community. The map was not considered Monday night, since, by law, a new map must be posted for seven days before being publicly discussed.

Canal No. 1 will join other

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maps named Green, Purple, Violet, Tan, Orange and Olive — some created by the city's demographer, National Demographics Inc., and others submitted by the public.

Most of the maps have the Canal Area as District 4 and Terra Linda as District 1. District 3 is generally the downtown area; and District 2 is generally the Peacock Gap area. From there, however, the seven different draft maps diverge when it comes to specifics.

Ross Bishop of Spinnaker Point said his neighborhood is listed in District 4, which is mostly the Canal Area, in some maps, or District 2, Peacock Gap, in others. He said he was not concerned either way.

“I know that whomever we elect to council will represent the needs of all the district,” Bishop said.

Keith Granger of Terra Linda said he wondered how District 1 would be affected in the 2020 Census if large numbers of residents move into new housing being potentially envisioned at the Northgate Mall.

“If we have 2,000 or 3,000 new people coming into that area, how will that affect housing, traffic and parking?” he said.

Joanne Webster and Stephanie Plante, leaders of the San Rafael Chamber of Commerce, said they did not want to split the Canal Area residences and businesses along East and West Francisco boulevards into two districts — as is shown on some of the maps. As members of the East San Rafael Working Group, they said they have been meeting for two years with businesses and nonprofits such as Canal Alliance to strengthen the East San Rafael economy, Webster said.

“We’ve created all this synergy in the East San Rafael economic engine,” she said. “We want to keep the synergy intact.”

**CLASSIFIEDS**

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**Publication Day Deadline**

Monday	Friday 4:00 p.m.
Tuesday	Monday 4:00 p.m.
Wednesday	Tuesday 4:00 p.m.
Thursday	Wednesday 4:00 p.m.
Friday	Thursday 4:00 p.m.
Saturday	Friday 4:00 p.m.
Sunday	Friday 4:00 p.m.

**Easy ways to pay:** Use your Discover, Visa, American Express, Visa or Mastercard. Mail your check or your office or come in person. Pay by credit card check or cash. \$200.00 to \$100.00 p.m., Monday-Friday.

**CITY OF SAN RAFAEL**  
**NOTICE OF PUBLIC HEARING**  
Council of the City of San Rafael will hold a public hearing on March 19, 2018, at 7:00 p.m. Council Chambers, 1400 Fifth Avenue, San Rafael, CA 94915.

On March 19, April 2, and April 16, 2018, the City Council (Council) will hold a series of public hearings on the proposed ordinance (Ordinance) regarding establishing single-member council districts in which to conduct elections for the City Council members. The ordinance is intended to provide for the conduct of the draft map and the proposed sequence of elections for the City Council members. The ordinance also establishes district boundaries for the City Council members. The ordinance is intended to provide for the conduct of the draft map and the proposed sequence of elections for the City Council members. The ordinance also establishes district boundaries for the City Council members.

# It's all about Marin

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## Legal Notice      Legal Notice

### CITY OF SAN RAFAEL

#### NOTICE OF PUBLIC HEARING

The City Council of the City of San Rafael will hold a public hearing:

**DATE/TIME/PLACE:**  
Monday, March 19, 2018, at 7:00 p.m.  
City Hall Council Chambers, 1400 Fifth Avenue, San Rafael

**PURPOSE:**  
Public Hearing: On March 19, April 2, and April 16, 2018, at 7:00 p.m., in the City Council Chambers located at 1400 Fifth Avenue, the City Council of the City of San Rafael will conduct Public Hearings regarding establishing single-member council districts in which to conduct by-district elections for the City Council members, and the potential sequence of elections in such districts. At the public hearing on March 19, the public is invited to provide input regarding the content of the draft map or maps and the proposed sequence of elections and the City Council will consider adoption of an ordinance establishing district-based elections, the boundaries of the districts and the sequence of elections for each district. Comments can also be submitted via e-mail to [Lindsay.lara@cityofsanrafael.org](mailto:Lindsay.lara@cityofsanrafael.org). More information about the establishment of single-member districts for by-district elections, including draft maps when they become available, will be included on the City's website at <http://www.cityofsanrafael.org/district-election> in the event changes are necessary to the public hearing schedule noted above, a new notice will be published in accordance with law.

**IF YOU CANNOT ATTEND:** You may send a letter to Lindsay Lara, City Clerk, City of San Rafael, P.O. Box 151560, San Rafael, CA 94915-1560. You may also hand deliver a letter to the City Clerk prior to the meeting.

**FOR MORE INFORMATION:** You may contact Lisa Goldfin, Assistant City Attorney, at (415) 485-3081. Office hours are Monday through Friday, & 30 a.m. to 5:00 p.m.

**SAN RAFAEL CITY COUNCIL**  
/s/ **LINDSAY LARA**  
**LINDSAY LARA, City Clerk**

No.329 March 9, 2018