

**BOARD OF DIRECTORS OF THE
LAS GALLINAS VALLEY SANITARY DISTRICT**

ORDINANCE NO. 197

**AN ORDINANCE AMENDING TITLE 2, CHAPTER 8, TO THE ORDINANCE CODE
OF THE LAS GALLINAS VALLEY SANITARY DISTRICT, AUTHORIZING
CONTRACTUAL ASSESSMENT BETWEEN THE DISTRICT AND PRIVATE
PROPERTY OWNERS TO ADD THE COSTS OF REPAIRS OF SEWER LATERALS
TO THE PROPERTY TAX ROLL FOR EACH INDIVIDUAL PROPERTY FOR WHICH
THE CURRENT PROPERTY OWNER ENTERS INTO A CONTRACTUAL
ASSESSMENT AGREEMENT WITH THE DISTRICT.**

The Board of Directors of the Las Gallinas Valley Sanitary District, Marin County, California, does ordain as follows:

ARTICLE 2. PRIVATE SEWER LATERAL REHABILITATION PROGRAM:

The contents of Title 2, Chapter 8, Article 2, Section 202 Criteria for participation in the Private Sewer Lateral Rehabilitation Program is amended to read as follows:

Section 202. Criteria for participation in the Private Sewer Lateral Rehabilitation Program:

- a. Property Owners must submit an application (and any additional documentation required by the District) for inclusion in the Private Sewer Lateral Rehabilitation Program. All applications and documents must be completed, received and approved by the District before any work may commence. A “Contractual Assessment Agreement” (a copy of which is attached hereto as Exhibit “A”) shall be executed and submitted to the District and approved by the District.
- b. Sewer laterals in the worst condition shall be given priority.
- c. Property owners must have a video inspection of their sewer laterals and have the laterals rated under the Pipeline Assessment Certification Program (PACP) guidelines.
- d. The sewer lateral must have least one (1) PACP rated defect.
- e. The property shall not be encumbered with delinquent property taxes, special assessments or other assessment loans. If delinquencies exist, the property owner must provide documents of special payment arrangements to eliminate the delinquency, and related payment histories.
- f. Property owner is in good standing with no claims, no active lawsuit and/or no funds outstanding due to District.

The contents of Title 2, Chapter 8, Article 2, Section 203 Criteria for participation in the Private Sewer Lateral Rehabilitation Program for property owners whose property(ies) are not part of the current year’s Sewer Improvement Project is amended to read as follows:

Section 203. Criteria for participation in the Private Sewer Lateral Rehabilitation Program for property owners whose property(ies) are not part of the current year's Sewer Improvement Project.

- a. Applications will be taken on a first-come, first-served basis.
- b. A video inspection of the sewer lateral may be observed by District personnel.
- c. The property owner must obtain three (3) quotes from a licensed contractor. If the owner is a licensed contractor or plumber they may elect to complete the work themselves and finance the costs of materials and equipment.
 - 1) District has the discretion to provide Contractual Assessment Funds in an amount not to exceed either a) the lowest of the qualified bids submitted to the District by the property owner, or b) the actual cost of construction of the work performed, whichever is less.
- d. All applications and documents must be completed, received and approved by the District before any work may commence.
- e. The property owner is responsible for managing the work, including the activities of the contractor, District permitting and inspection, restoration work, repairs and claims for damages incurred. The property owner shall retain all receipts, permits, inspection reports and other documents.
- f. The District may authorize payment once the property owner has presented documentation, including all necessary permits and inspections, an itemized statement of costs, and Conditional Release executed by the contractor, and a Notice of Completion, executed by the property owner, accepting the improvements and authorizing payment. A "Contractual Assessment Agreement" (a copy of which is attached hereto as Exhibit "A") shall be executed and submitted to the District and approved by the District prior to payment. The District will pay the contractor directly for the work performed.
- g. For any extra work, the property owner may present a written request for additional Contractual Assessment Funds for said extra work. However, the District shall have sole discretion to approve/disapprove any additional Contractual Assessment Funds for any extra work. The contractor shall not be paid any additional Contractual Assessment Funds for extra work, unless a written change order or extra work order is executed by the property owner, contractor and the District prior to the extra work being commenced.
- h. Property owner is in good standing with no claims, no active lawsuit and/or no funds outstanding due to District.

The contents of Title 2, Chapter 8, Article 2, Section 207 Contractual Assessment Principle and Interest Rate is amended to read as follows:

Section 207. Contractual Assessment Principle and Interest Rate:

- a. The principal sum of cost of repairs to each property owner's sewer lateral shall constitute a lien against Owner(s) property, not unlike that of a regular assessment against said property for the District's regular annual assessment for sewer charges related to sewer service for purposes of collection of said principal sum and interest.
- b. Said principle sum to accrue interest at the rate of two percent (2%) per annum.
- c. The maximum amount of the initial Contractual Assessment Principle allowed per property shall be \$~~10~~15,000.
- d. The term of each Contractual Assessment shall be ten (10) years.
- e. There shall be no prepayment penalty. Nor shall the payment schedule be accelerated upon the sale or transfer of the property.

The remainder of the ordinance shall remain the same.

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I hereby certify that the foregoing is full, true, and correct copy of the Ordinance duly and regularly passed and adopted by the Sanitary Board of the Las Gallinas Valley Sanitary District of Marin County, California, at a meeting hereof held on December 19, 2024 by the following vote of members thereof:

AYES:
NOES:
ABSENT:
ABSTAIN:

Teresa Lerch, Board Secretary
Las Gallinas Valley Sanitary District

APPROVED:

Craig K. Murray, President
Las Gallinas Valley Sanitary District

(seal)