



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

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

DISTRICT BOARD
Megan Clark
Ronald Ford
Craig K. Murray
Gary E. Robards
Crystal J. Yezman

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

BOARD MEETING AGENDA

June 15, 2023

MATERIALS RELATED TO ITEMS ON THIS AGENDA ARE AVAILABLE FOR PUBLIC INSPECTION DURING NORMAL BUSINESS HOURS AT THE DISTRICT OFFICE, 101 LUCAS VALLEY ROAD, SUITE 300, SAN RAFAEL, OR ON THE DISTRICT WEBSITE WWW.LGVSD.ORG

Estimated Time

4:30 PM OPEN SESSION:

4:35 PM CLOSED SESSION:

A. CONFERENCE WITH LABOR NEGOTIATOR – Agency designated representative : Gregory Ramirez, IEDA; Employee organization : IUOE Local 3;pursuant to Government Code Section 54957.6

5:05 PM OPEN SESSION:

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.

5:10 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 May 25 and June 1, 2023
- B. Approve the Warrant List for June 15, 2023
- C. Approve Board Compensation for May 2023
- D. Approve Request by Board member, Megan Clark, to remotely attend the Regular Meeting of the Board scheduled for June 30, 2023, due to "emergency circumstances" pursuant to Gov. Code Sec 54953 (f)(2)(A) (ii).

Possible expenditure of funds: Yes, items B and C.

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


- 5:15 PM 3. INFORMATION ITEMS:**
STAFF/CONSULTANT REPORTS:
1. General Manager's Report – verbal
 2. Engineering Department Report – written
 3. Board Policy F-50 Reserves - written
- 6:00 PM 4. UNREPRESENTED EMPLOYEE CONTRACTS EXTENSION**
Board to review and approve the Unrepresented Employee Contract extensions.
- 6:10 PM 5. BOARD MEMBER REPORTS:**
1. CLARK
 - a. NBWA Board Committee, 2023 Operations Control Center Ad Hoc Committee, Other Reports
 2. FORD
 - a. NBWRA, 2023 Operations Control Center Ad Hoc Committee, 2023 McInnis Marsh Ad Hoc Committee, 2023 Fleet Management Ad Hoc Committee, 2023 GM Evaluation Ad Hoc Committee, SF Bay Trail Ad Hoc Committee, Other Reports
 3. MURRAY
 - a. Marin LAFCO, 2023 Biosolids Ad Hoc Committee, CASA Energy Committee, 2023 Development Ad Hoc Committee, SF Bay Trail Ad Hoc Committee, Other Reports
 4. ROBARDS
 - a. Gallinas Watershed Council/Miller Creek, 2023 Engineering Ad Hoc Committee re: STPURWE, 2023 McInnis Marsh Ad Hoc Committee, 2023 Development Ad Hoc Committee, 2023 GM Evaluation Ad Hoc Committee, Other Reports
 5. YEZMAN
 - a. Flood Zone 7, CSRMA, 2023 Ad Hoc Engineering Committee re: STPURWE, Marin Special Districts, 2023 Biosolids Ad Hoc Committee, Other Reports
- 6:20 PM 6. BOARD REQUESTS:**
- A. Board Meeting Attendance Requests – Verbal
 - B. Board Agenda Item Requests – Verbal
- 6:25 PM 7. VARIOUS INDUSTRY RELATED ARTICLES**
- 6:30 PM 8. ADJOURNMENT**

FUTURE BOARD MEETINGS JUNE 30 AND JULY 6, 2023

AGENDA APPROVED:	Megan Clark, President	Patrick Richardson, Legal Counsel
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CERTIFICATION: I, Teresa Lerch, Board Secretary of the Las Gallinas Valley Sanitary District, hereby declare under penalty of perjury that on or before June 12, 2023 4:30 p.m., I posted the Agenda for the Board Meeting of said Board to be held on June 15, 2023, at the District Office, located at 101 Lucas Valley Road, Suite 300, San Rafael, CA.

DATED: June 8, 2023



Teresa L. Lerch
Board Secretary

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

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

AGENDA ITEM A

6/15/2023

CLOSED SESSION

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

AGENDA ITEM 1

6/15/2023

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.

MEETING MINUTES OF MAY 25, 2023

THE BOARD OF DIRECTORS AND STAFF OF THE LAS GALLINAS VALLEY SANITARY DISTRICT MET IN OPEN SESSION ON MAY 25, 2023 AT 1:02 AT THE DISTRICT OFFICE, 101 LUCAS VALLEY ROAD, SUITE 300 CONFERENCE ROOM, SAN RAFAEL, CA. 94903

BOARD MEMBERS PRESENT: Megan Clark, Craig Murray, Gary Robards and Crystal Yezman

BOARD MEMBERS ABSENT: Ron Ford

STAFF PRESENT: Curtis Paxton, General Manager; Teresa Lerch, Board Secretary; Dale McDonald, District Treasurer;

OTHERS PRESENT: Patrick Richardson, District Counsel; Gregory Ramirez, IEDA;

ANNOUNCEMENT: President Clark announced that the agenda had been posted as evidenced by the certification on file in accordance with the law.

1. PUBLIC COMMENT: None.

2. CLOSED SESSION:

ACTION:

THE BOARD OF DIRECTORS OF THE LAS GALLINAS VALLEY SANITARY DISTRICT ADJOURNED TO CLOSED SESSION ON MAY 25, 2023 , AT 1:03 PM, AT THE DISTRICT OFFICE, 101 LUCAS VALLEY ROAD, SUITE 300, CONFERENCE ROOM, SAN RAFAEL, CALIFORNIA.

Lerch left the meeting at 1:03 pm.

CONFERENCE WITH LABOR NEGOTIATOR – Agency designated representative : Gregory Ramirez, IEDA; Employee organization: IUOE Local 3: pursuant to Government Code Section 54957.6

ADJOURNMENT:

ACTION:

The Board of Directors of the Las Gallinas Valley Sanitary District reconvened the Regular Session on May 25, 2023 at 2:18 pm.

REPORT ON CLOSED SESSION: President Clark reported that there were no reportable actions in Closed Session.

3. ADJOURNMENT:

ACTION:

Board approved (M/S Yezman/Robards 4-0-1-0) the adjournment of the meeting at 2:19 PM.

AYES: Clark, Murray, Robards and Yezman.

NOES: None.

ABSENT: Ford

ABSTAIN: None.

The next Board Meeting is scheduled for June 1, 2023, 4:30 PM at the District Office.

ATTEST:

Teresa Lerch, Board Secretary

APPROVED:

Craig K. Murray, Vice President

MEETING MINUTES OF JUNE 1, 2023

THE BOARD OF DIRECTORS AND STAFF OF THE LAS GALLINAS VALLEY SANITARY DISTRICT MET IN OPEN SESSION ON JUNE 1, 2023 AT 4:31 PM AT THE DISTRICT OFFICE, 101 LUCAS VALLEY ROAD, SUITE 300 CONFERENCE ROOM, SAN RAFAEL, CA. 94903

BOARD MEMBERS PRESENT: Megan Clark, Ron Ford, Craig Murray, Gary Robards and Crystal Yezman.

BOARD MEMBERS ABSENT: None.

STAFF PRESENT: Curtis Paxton, General Manager; Dale McDonald, District Treasurer; Mel Liebmann, Plant Manager.

OTHERS PRESENT: Patrick Richardson, District Counsel.

ANNOUNCEMENT: President Clark announced that the agenda had been posted as evidenced by the certification on file in accordance with the law.

1. PUBLIC COMMENT: None.

President Clark announced that she will miss the June 15th Board meeting.

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 May 18, 2023
- B. Approve the Warrant List for June 1, 2023
- C. Approve Yezman attendance at CASA CWEA Partnering for Impact meeting June 6, 2023
- D. Approve Call for Bids - Primary Clarifier #1 Rehabilitation Using In-Kind Mechanism
- E. Approve Regional Government Services Master Agreement Extension Amendment No. 3
- F. Approve ArcSine Engineering SCADA Support Services Contract for July 1, 2023 to June 30, 2026
- G. Approve Data Instincts Agreement Amendment No. 1
- H. Approve Award of Contract for Revisions to LGVSD Standard Specifications and Drawings
- I. Approve 2023 Sewer Rate Study Final Report
- J. Approve Strategic Plan

ACTION:

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

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

3. INFORMATION ITEMS:

STAFF / CONSULTANT REPORTS:

1. General Manager's Report – Paxton reported.
2. Engineering Department Report – moved to next meeting.
3. Operations Department Report – Liebmann reported.
4. Proposed Fiscal Year 2023-2024 Budget – McDonald reported. Discussion ensued.

4. APPROVE RESOLUTION 2023-2307 SETTING TIME AND PLACE FOR PUBLIC HEARING ON THE BUDGET FOR THE FISCAL YEAR 2023-2024

Board reviewed Resolution 2023-2307 fixing the time and place for a public hearing on the 2023-2024 budget.

ACTION:

Board approved (M/S Yezman/Ford (5-0-0-0) Resolution 2023-2307 fixing the time and place for a public hearing on the 2023-2024 budget for June 30, 2023 at 4:30 pm at the San Rafael Schools District Office.

AYES: Clark, Ford, Murray, Robards and Yezman

NOES: None.

ABSENT: None.

ABSTAIN: None.

5. DRAFT ORDINANCE 193 AMENDING TITLE 3, CHAPTER 2 RELATING TO REIMBURSEMENT FOR PUBLIC SEWER MAIN EXTENSIONS AND SET PUBLIC HEARING DATE

Board reviewed Draft Ordinance 193 amending Title 3, Chapter 3 relating to reimbursement for public sewer main extensions and set public hearing.

ACTION:

Board approved (M/S Murray/Robards (5-0-0-0) setting a public hearing for Draft Ordinance 193 for July 6, 2023.

AYES: Clark, Ford, Murray, Robards and Yezman

NOES: None.

ABSENT: None.

ABSTAIN: None.

6. BOARD MEMBER REPORTS

1. CLARK

- a. NBWA Board Committee – verbal report
- b. 2023 Operations Control Center Ad Hoc Committee – no report
- c. Other Reports–none

2. FORD

- a. NBWRA – no report
- b. 2023 Operations Control Center Ad Hoc Committee – no report
- c. 2023 GM Evaluation Ad Hoc Committee – meeting on June 6th.
- d. 2023 McInnis Marsh Ad Hoc Committee – no report
- e. 2023 Fleet Management Ad Hoc Committee – no report
- f. 2023 SF Bay Trail Ad Hoc Committee – verbal report
- g. Other Reports – none

3. MURRAY

- a. Marin LAFCO – verbal report
- b. CASA Energy Committee –no report
- c. 2023 Biosolids Ad Hoc Committee – no report
- d. 2023 Development Ad Hoc Committee – no report
- e. 2023 SF Bay Trail Ad Hoc Committee – no report
- f. Other Reports – none

4. ROBARDS

- a. Gallinas Watershed Council/Miller Creek – no report
- b. 2023 Engineering Ad Hoc Committee re: STPURWE – no report
- c. 2023 McInnis Marsh Ad Hoc Committee – no report
- d. 2023 Development Ad Hoc Committee – no report
- e. 2023 GM Evaluation Ad Hoc Committee – no report

f. Other Reports – none

5. YEZMAN

- a. Flood Zone 7– no report
- b. CSRMA – no report
- c. Marin Special District Association – no report
- d. 2023 STPURWE Engineering Ad Hoc Committee – no report
- e. 2023 Biosolids Ad Hoc Committee – no report
- f. Other Reports– National River Otter Day, Stream Maintenance requirements.

7. **BOARD REQUESTS:**

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

8. **MISCELLANEOUS DISTRICT CORRESPONDENCE:**

Discussion ensued.

9. **ADJOURNMENT:**

ACTION:

Board approved (M/S Yezman/Ford 5-0-0-0) the adjournment of the meeting at 6:58 PM.

AYES: Clark, Ford, Murray, Robards and Yezman

NOES: None.

ABSENT: None.

ABSTAIN: None.

The next Board Meeting is scheduled for June 15, 2023 at 4:30 pm in-person at the District Office.

ATTEST:

Teresa Lerch, Board Secretary

APPROVED:

Craig K. Murray, Vice President

Agenda Item 2B
Date June 15, 2023

Las Gallinas Valley Sanitation District
Warrant List 6/15/2023 DRAFT

	Date	Num	Vendor	Original Amount	Addition and Adjustment	Total Amount	Description for items
1	6/15/2023	EFT1	ADP Payroll	0.00		0.00	6/16/2023 Payroll & Processing Charges
2	6/15/2023	ACH	A&P Moving	96.80		96.80	Document Storage -June
3	6/15/2023	N/A	Aqua Engineering	7,786.00		7,786.00	STPURWE- Engineering Services, Integrated Wastewater Master Plan
4	6/15/2023	N/A	Aries Industries	1,308.20		1,308.20	Truck Repair
5	6/15/2023	N/A	AT&T dba Calnet	300.58		300.58	Phone Lines @ Pump Stations
6	6/15/2023	N/A	Brenntag	4,444.87		4,444.87	Purchase Citric Acid
7	6/15/2023	ACH	Byers Law Office	11,810.00		11,810.00	Legal Services- May
8	6/15/2023	EFT	CalPERS 457 Plan	0.00		0.00	EE's Contribution to Deferred Comp.- Pay Period 5/29 - 6/11
9	6/15/2023	EFT	CalPERS CERBT-OPEB	11,630.00		11,630.00	Pre-Fund CERBT Payment -June
10	6/15/2023	EFT	CalPERS Retirement	0.00		0.00	EE & ER Payment to Retirement- Pay Period 5/29 - 6/11
11	6/15/2023	N/A	Cintas	54.05		54.05	Refill First Aid Kits
12	6/15/2023	N/A	Comet Building Maintenance	2,601.83		2,601.83	Janitorial Services- May
13	6/15/2023	ACH	Contractor Compliance and Monitoring	4,043.75		4,043.75	Labor Compliance- May
14	6/15/2023	ACH	CORE Utilities	3,746.80		3,746.80	IT Services- May
15	6/15/2023	ACH	CPS HR	1,553.42		1,553.42	HR Consulting Services
16	6/15/2023	ACH	Data Instincts	7,360.00		7,360.00	Secondary Upgrade Project Ribbon Cutting Celebration
17	6/15/2023	EFT	Direct Dental	632.31		632.31	Dental Payments
18	6/15/2023	ACH	Downing Heating	1,960.00		1,960.00	2nd Quarter Preventative Maintenance on HVAC Equipment
19	6/15/2023	ACH	Du-All Safety	4,728.00		4,728.00	Safety and Training for LGVSD- May, Audiometry Testing
20	6/15/2023	N/A	Environmental Science Associates	450.00		450.00	Flood Protection Plan for Biosolids
21	6/15/2023	N/A	Federal Express	42.26		42.26	Misc. Mailings
22	6/15/2023	ACH	Ford, Ron	200.00		200.00	Health Reimbursement
23	6/15/2023	N/A	G.D. Nelson Construction	64,194.64		64,194.64	Standby Generator System Install
24	6/15/2023	ACH	Gardeners Guild	1,238.00		1,238.00	Landscape Maintenance @ Plant-June
25	6/15/2023	ACH	Grainger	2,603.35		2,603.35	Misc. Supplies
26	6/15/2023	N/A	Graphicsmith	53.30		53.30	Internet Site Design- May
27	6/15/2023	ACH	Hanford ARC	3,770.00		3,770.00	Lower Middle Creek Revegetation Maintenance Services- May
28	6/15/2023	N/A	Hildebrand Consulting	2,300.00		2,300.00	2023 Sewer Rate Study
29	6/15/2023	N/A	Jackson's Hardware	112.37		112.37	Misc. Supplies

Las Gallinas Valley Sanitation District Warrant List 6/15/2023 DRAFT							
	Date	Num	Vendor	Original Amount	Addition and Adjustment	Total Amount	Description for items
30	6/15/2023	ACH	Kennedy Jenks	40,701.40		40,701.40	Integrated Wastewater Master Plan- April
31	6/15/2023	ACH	Kenwood Energy	1,182.50		1,182.50	Solar System Upgrades- May
32	6/15/2023	N/A	Kyocera	2,690.57		2,690.57	Quarterly Service Contract on Copy Machines
33	6/15/2023	EFT	Kyocera	1,491.26		1,491.26	Quarterly Lease on Copy Machines
34	6/15/2023	N/A	Linscott Engineering	2,601.12		2,601.12	Emergency Repair Work to Ruptured Water Pipe @ Plant
35	6/15/2023	N/A	Marin Ace	96.07		96.07	Misc. Supplies
36	6/15/2023	ACH	McDonald, Dale	770.95		770.95	Reimbursement- 2023 GFOA Annual Conference
37	6/15/2023	ACH	Murray, Craig	125.00		125.00	Health Reimbursement
38	6/15/2023	N/A	North Bay Gas	387.79		387.79	Welding Rod & Helmet
39	6/15/2023	N/A	North Valley Labor Compliance Services	150.00		150.00	Labor Compliance Review for Hanford ARC
40	6/15/2023	N/A	Operating Engineers	690.36		690.36	Union Dues- 6/2
41	6/15/2023	N/A	Pace Supply	5,192.24		5,192.24	Pump Control Panel for McInnis PS
42	6/15/2023	N/A	PG&E	9,517.04		9,517.04	Electricity @ Pump Station
43	6/15/2023	N/A	Platt	372.89		372.89	Misc. Supplies
44	6/15/2023	N/A	Rathlin Properties	9,319.00		9,319.00	Rent @ 101 Lucas Valley Rd.- July
45	6/15/2023	ACH	Retiree Augusto	148.68		148.68	Retiree Health -July
46	6/15/2023	ACH	Retiree Burgess	132.25		132.25	Retiree Health -July
47	6/15/2023	ACH	Retiree Cummins	132.25		132.25	Retiree Health -July
48	6/15/2023	ACH	Retiree Cutri	448.36		448.36	Retiree Health -July
49	6/15/2023	ACH	Retiree Emanuel	269.02		269.02	Retiree Health -July
50	6/15/2023	ACH	Retiree Gately	269.02		269.02	Retiree Health -July
51	6/15/2023	ACH	Retiree Guion	269.02		269.02	Retiree Health -July
52	6/15/2023	ACH	Retiree Kermoian	132.25		132.25	Retiree Health -July
53	6/15/2023	ACH	Retiree Mandler	132.25		132.25	Retiree Health -July
54	6/15/2023	ACH	Retiree McGuire	698.50		698.50	Retiree Health -July
55	6/15/2023	ACH	Retiree Memmott	185.29		185.29	Retiree Health -July
56	6/15/2023	ACH	Retiree Petrie	148.68		148.68	Retiree Health -July
57	6/15/2023	ACH	Retiree Petty	132.25		132.25	Retiree Health -July
58	6/15/2023	ACH	Retiree Reetz	415.50		415.50	Retiree Health -July

Las Gallinas Valley Sanitation District Warrant List 6/15/2023 DRAFT							
	Date	Num	Vendor	Original Amount	Addition and Adjustment	Total Amount	Description for items
59	6/15/2023	ACH	Retiree Reilly	132.25		132.25	Retiree Health -July
60	6/15/2023	ACH	Retiree Vine	132.25		132.25	Retiree Health -July
61	6/15/2023	ACH	Retiree Wettstein	732.00		732.00	Retiree Health -July
62	6/15/2023	ACH	Retiree Williams	732.00		732.00	Retiree Health -July
63	6/15/2023	ACH	Robards, Gary	200.00		200.00	Health Reimbursement
64	6/15/2023	ACH	Satcom Global	165.44		165.44	Satelite Phone Service- June
65	6/15/2023	N/A	Shape Incorporated	138,043.35		138,043.35	Spare Pump for John Duckett Pump Station
66	6/15/2023	ACH	Terryberry	222.70		222.70	Employee Recognition- Rogers 5- Years
67	6/15/2023	N/A	Towne Communications	172.58		172.58	Quarterly Warrant Agreement on Phone System
68	6/15/2023	N/A	Unicorn Group	161.67		161.67	Expenses Associated with Ribbon Cutting Celebration
69	6/15/2023	N/A	United Site Services	692.43		692.43	Porta-Potty- 5/27 - 6/23
70	6/15/2023	ACH	Univar	15,030.13		15,030.13	Sodium Hypochlorite
71	6/15/2023	ACH	US Bank	1,850.00		1,850.00	Administrative Fees for Revenue Bond- 5/01/2023 - 4/30/2024
72	6/15/2023	N/A	Verizon Wireless	1,555.30		1,555.30	Wireless Phone Bill
73	6/15/2023	EFT	Vision Service Plan	585.63		585.63	Vision Payment- June
74	6/15/2023	N/A	Water Components & Building Supply	578.15		578.15	Misc. Supplies
75	6/15/2023	N/A	West Yost	4,633.00		4,633.00	Security Assessment for LGVSD Wastewater & Collections Systems
76	6/15/2023	EFT	WEX Health	50.00		50.00	FSA Admin Fees
77	6/15/2023	N/A	Woodland Center Auto Supply	62.65		62.65	Chain Cable Lube, Glass Cleaner, Anti-Freeze
78	6/15/2023	ACH	Yezman, Crystal	200.00		200.00	Health Reimbursement

**Las Gallinas Valley Sanitation District
Warrant List 6/15/2023 DRAFT**

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

TOTAL \$ 383,753.57 \$ - \$ 383,753.57

EFT1	EFT1 = Payroll (Amount Required)	0.00	0.00		0.00	Approval:
EFT2	EFT2 = Bank of Marin loan payments	0.00	0.00		0.00	
PC	Petty Cash Checking	0.00	0.00		0.00	Finance
>1	Checks (Operating Account)	0.00	0.00		0.00	
N/A	Checks - Not issued	260,564.31	260,564.31		260,564.31	GM
EFT		14,389.20	14,389.20		14,389.20	
ACH	ACH = LGVSD initiated "push" to Vendor	108,800.06	108,800.06		108,800.06	Board
	Total	<u>\$ 383,753.57</u>	<u>\$ 383,753.57</u>			

Difference: \$ -

STPURWE Costs 15,146.00

Agenda Item 2C
Date Jun 15, 2023

Directors' Meeting Attendance Recap

<u>Name</u>	<u>Total Meetings</u>
Megan Clark	6
Ron Ford	3
Craig Murray	6
Gary Robards	6
Crystal Yezman	<u>4</u>
Total	<u><u>25</u></u>

Meeting Date: 6/15/2023
Paydate: 6/16/2023



101 Lucas Valley Road, Suite 300, San Rafael, CA 94903

Office: 415.472.1734 Fax: 415.499.7715

BOARD MEMBER ATTENDANCE FORM

Director's Name: _____ Megan Clark _____ Month: _____ May 2023 _____

Board Members shall be compensated for up to the legal limit of six (6) meetings 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
5-4-23	Regular	X	
5-8-23	Special – Budget Workshop	X	
5-18-23	Regular	X	
5-25-23	Special – Union Negotiations	X	
TOTAL		4	

OTHER MEETINGS		CHARGING DISTRICT	
Date	Description of meeting	Yes	No
5-5-23	NBWA	X	
5-16-23	Legislative Days	X	
5-17-23	Legislative Days		X
TOTAL		2	

Total Meetings for which I am Requesting Payment: Max of six (6) per Health & Safety Code §4733	6
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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
Director Signature

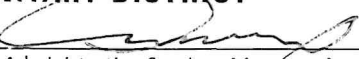
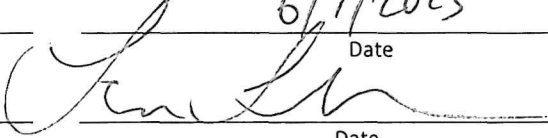
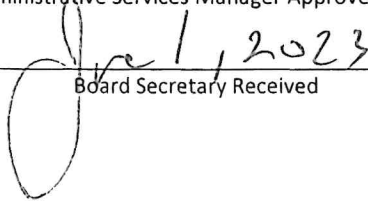
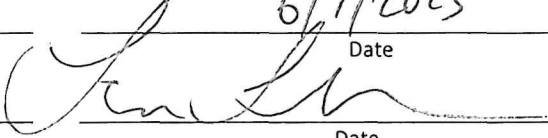
5-31-23
Date



101 Lucas Valley Road, Suite 300, San Rafael, CA 94903

Office: 415.472.1734 Fax: 415.499.7715

BOARD MEMBER ATTENDANCE FORM

 _____	 _____
Administrative Services Manager Approved	Date
 _____	 _____
Board Secretary Received	Date

6/1/2023



101 Lucas Valley Road, Suite 300, San Rafael, CA 94903

Office: 415.472.1734 Fax: 415.499.7715

BOARD MEMBER ATTENDANCE FORM

Director's Name: Ron Ford Month: May 2023

Board Members shall be compensated for up to the legal limit of six (6) meetings 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
05/04	Reg. Board	X	
05/18	Reg. Board	X	
05/03	Special Board meeting	X	
05TOTAL		3	

OTHER MEETINGS		CHARGING DISTRICT	
Date	Description of meeting	Yes	No
TOTAL		0	

Total Meetings for which I am Requesting Payment: Max of six (6) per Health & Safety Code §4733	3
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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.

Ronald Ford
Director Signature

[Signature]
Administrative Services Manager Approved

[Signature]
Board Secretary Received

05/30/2023
Date

6/1/2023
Date

6/1/23
Date



101 Lucas Valley Road, Suite 300, San Rafael, CA 94903

Office: 415.472.1734 Fax: 415.499.7715

BOARD MEMBER ATTENDANCE FORM

Director's Name: MURRAY, Craig K. Month: May 2023

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
5/4/23	Board Meeting	X	
5/8/23	Public Hearing – Prop.218 Rate Setting	X	
5/9/23	Development Ad Hoc Committee – City of San Rafael	X	
5/18/23	Board Meeting		X
5/25/23	Special Board Meeting – Labor Negotiations	X	
TOTAL		4/5	

OTHER MEETINGS		CHARGING DISTRICT	
Date	Description of meeting	Yes	No
5/4/23	Financing the Future Working Group and Rising Sea level Commissioner Working Group Meeting – San Francisco Metro Center		X
5/4/23	CASA Air Quality, Climate Change & Energy (ACE) Workgroup Meeting	X	
5/7/23	Merrydale Road/Las Gallinas Creek Headwater Litter Removal c/o City of San Rafael: 5/7 1.0 hr		X
5/7/23	Judy Schreiberman Celebration of Life – Marin Rod and Gun Club		X
5/9/23	International Right of Way Association, San Francisco Santa Rosa Bay Area Chapter 2 Meeting		X
5/10/23	WEF Conference Travel Day – OAK:STL:CLT	X	
5/11/23	Safe Routes to School Quarterly Meeting – SMART Station south side crossing to Venetia Valley School Updates		X
5/16-19/23	WEF/IWA Residuals Biosolids Conference – Charlotte NC	XXXX	
5/23/23	Marin LAFCo – Legislation Sub Committee Meeting		X
5/25/23	CASA Air Quality, Climate Change & Energy (ACE) Workgroup Meeting	X	



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BOARD MEMBER ATTENDANCE FORM

5/30/23	Marin County Jury Duty		X
TOTAL		7/13	

Total Meetings for which I am Requesting Payment: Max of six (6) per Health & Safety Code §4733	11/18
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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.


 Craig K. Murray

 Director Signature

 Administrative Services Manager Approved

 Board Secretary Received

May 24, 2023

 Date
 6/1/2023

 Date
 5/25/23

 Date

BOARD MEMBER ATTENDANCE FORM

Director's Name: GARY ROBARDS Month: MAY 2023

Board Members shall be compensated for up to the legal limit of six (6) meetings 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
5/4/23	Regular Board Meeting	X	
5/8/23	SEWER CHARGE WORKSHOP	X	
5/9/23	AD HOC DEVELOPMENT	X	
5/25/23	SPECIAL MEETING	X	
TOTAL			

OTHER MEETINGS		CHARGING DISTRICT	
Date	Description of meeting	Yes	No
5/3/23	GALLINAS WATERSHED	X	
5/16/23 5/19/23	WEF CONFERENCE BIOSOLIDS	X	
TOTAL			

Total Meetings for which I am Requesting Payment: 6
Max of six (6) per Health & Safety Code §4733

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]
Director Signature

5/27/23
Date

[Signature]
Administrative Services Manager Approved

6/1/2023
Date

[Signature]
Board Secretary Received

6/1/23
Date



101 Lucas Valley Road, Suite 300, San Rafael, CA 94903
 Office: 415.472.1734 Fax: 415.499.7715

BOARD MEMBER ATTENDANCE FORM

Director's Name: Yezman Month: May 2023

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.

Date	REGULAR and SPECIAL MEETINGS Description of meeting	CHARGING DISTRICT	
		Yes	No
05/06/2023	Regular Board Mtg	X	
05/18/2023	Regular Board Mtg	X	
05/08/2023	Special Board Mtg	X	
05/25/2023	Special Board Mtg	X	
TOTAL		X	
		4	

Date	OTHER MEETINGS Description of meeting	CHARGING DISTRICT	
		Yes	No
TOTAL			

Total Meetings for which I am Requesting Payment: Max of six (6) per Health & Safety Code §4733	4
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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]
 Director Signature

[Signature]
 Administrative Services Manager Approved

[Signature]
 Board Secretary Received

05/30/2023
 Date

6/1/2023
 Date

6/1/23
 Date

Agenda Item 2D
Date Jun 15, 2023

Teresa Lerch

From: Megan Clark <meganclark139@hotmail.com>
Sent: Tuesday, June 6, 2023 12:04 PM
To: Teresa Lerch
Subject: request for Zoom authorization

I, Megan Clark, request authorization, from the Board of Las Gallinas Valley Sanitary District, pursuant to Gov. Code Sec. 54953 (f)(2)(A(ii) ["emergency circumstances"], for authorization to attend the Regular Board Meeting scheduled for June 30, 2023, remotely due to my just having knee surgery and for my need to recover from the surgery. Furthermore, the surgery will make driving and walking, and negotiating the walkways and stairs to the School District Boardroom difficult and potentially injurious due to my surgery.

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... ..
... ..

6/15/2023

General Manager Report

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

DESIGN (Number of projects in design phase: 12)

- Rafael Meadows Pump Station Standby Generator Installation
 - Generator enclosure has been repaired through a change order.
 - Completed start-up testing with Peterson/Caterpillar.
 - Staff prepared responses to submittals and RFI's for compliance requirements.
 - Punchlist items are in progress.
- Solar Photovoltaic System Upgrades
 - Power Purchase Agreement with ForeFront Power (FFP) has been fully executed.
 - FFP and its subcontractor began preliminary site investigations and testing of existing equipment in March.
 - Submitted application to PG&E's Self-Generation Incentive Program.
 - Conducting weekly meetings with FFP and Kenwood Energy on design and permitting aspects of the project.
 - Design of new solar PV system is in progress by ForeFront.
 - Tentative construction start date: Nov 2023.
 - Tentative construction completion date: Oct 2024.
- Standby Generator System Installation for Adrian, McPhail, and Industrial Park Pump Station
 - Received BAAQMD permits for all three pump stations. Two generators have been ordered. Pending confirmation from the contractor on the procurement of the third generator.
 - Contractor was on site in March 2023 to review site layouts and perform preliminary measurements.
 - Provided inspection requirements to Bellecci & Associates.
 - Contractor started construction in May 2023.

CONSTRUCTION (Number of projects in construction: 8)

- Secondary Treatment Plant Upgrade & Recycled Water Expansion ("Big Project")
 - Target completion date: June 2, 2023, pending site fencing and minor AC paving.
 - Target ribbon cutting: June 8, 2023.

CALL FOR BIDS (Number of projects: 5)

- Primary Clarifier 1 Rehabilitation
 - Obtained equipment pricing from Ovivo to match existing primary clarifier mechanism.
- Combined Project - TWAS Enclosure/Sludge Basin & Reception Pad
- Digester MCC-2 Upgrades
- Terra Linda Force Main Access Structures
- Pump Station Site Lighting Improvements

OTHER (Number of projects: 9)

- Integrated Wastewater Master Plan
 - Staff reviewed Phase 3 re-scoping memo from Kennedy Jenks (KJ) and finalized District comments after meeting with management.
 - Conducted re-scoping meeting with KJ to discuss District comments.
 - KJ is finalizing Phase 2 technical memos, including condition assessment on treatment plant, collection system, disaster resilience, and asset management. Anticipates submittal in May 2023.

Engineering Report (Feb through May 2023)

Job No.	Project Name/Updates	% Completion
DESIGN PROJECTS		
11200-03	John Duckett Pump Station & Sewer Main Capacity and Storage <ul style="list-style-type: none"> Redefined scope to reflect the following in the current CIP budgeting: <ol style="list-style-type: none"> Maintain current proposed pump station location for sea level rise mitigation. Remove force main realignment as project component. Designate exposed pipe creek crossing replacement and Hwy 101 trunk sewer crossing as critical project components. 	30%
20100-02	Operation Control Center Building Design <ul style="list-style-type: none"> Schematic Design is currently on hold. Fire Hydrant Line is currently being installed under the STPURWE project. Comcast fiber cable line is under design by Comcast staff and contractors. 	16% (On-hold)
20600-04	Flow Equalization Basin <ul style="list-style-type: none"> On-hold pending evaluation of final treatment facility layout. Need to discuss rescoping of design services with Hazen & Sawyer to reprioritize tasks based on recent storms and new secondary treatment process performance. 	25% (On-hold)
21600-03	Venetia Harbor Paving <ul style="list-style-type: none"> Staff to finish the grading and paving plan based on topographic data and prepare informal bid set. 	50%
20300-09	Smith Ranch Pump Station Electrical Upgrades <ul style="list-style-type: none"> Freyer & Laureta is updating the design per District staff input. Scope: New control panel, ATS, standby natural gas-powered generator, etc. Received draft design submittal. 	51%
21350-01	Automatic Transfer Switches for Pump Stations <ul style="list-style-type: none"> Freyer & Laureta and staff are evaluating the feasibility to expand current design scope to replace the existing variable frequency drive with a prefabricated single or duplex control panels at Captains Cove and Marin Lagoon pump stations. Staff will provide additional instruction to F&L. 	50%
21600-01	Emergency Bypass Pumping Analysis & Emergency Response Plan <ul style="list-style-type: none"> Freyer & Laureta continues to prepare the draft emergency response plan. 	50%
21600-09	Plant Lighting Improvements <ul style="list-style-type: none"> Five (5) additional flat panel light fixtures and conduit trenching were completed as part of STPURWE. Staff is evaluating if additional area lighting is still required for safe operations at night. 	75%
22500-03	Solar Photovoltaic System Upgrades <ul style="list-style-type: none"> Power Purchase Agreement with ForeFront Power (FFP) has been fully executed. FFP and its subcontractor began preliminary site investigations and testing of existing equipment in March. Submitted application to PG&E's Self-Generation Incentive Program. Conducting weekly meetings with FFP and Kenwood Energy on design and permitting aspects of the project. Design of new solar PV system is in progress by ForeFront. Tentative construction start date: Nov 2023. Tentative construction completion date: Oct 2024. 	8%
23200-01	Collection System Hydraulic Model <ul style="list-style-type: none"> Hazen reviewed record drawings and prepared model for existing conditions. A subconsultant (ADS) installed one rain gauge and 10 flow meters in the collection system. Flow monitoring will end in May. Staff and Hazen met to discuss preliminary flow monitoring results based on collected data. 	40%
TBD	Reclamation Pond Diversion Boxes <ul style="list-style-type: none"> Staff is developing scope for replacement of critical gates at two diversion boxes. Staff has reached out for informal bids from several contractors. 	5%
TBD	Annual Plant Paving at Various Locations <ul style="list-style-type: none"> Staff to redefine scope, e.g. plant entrance, or reuse and combine with other locations. 	5%

Job No.	Project Name/Updates	% Completion
CONSTRUCTION PROJECTS		
11500-09	Miller Creek Vegetation Maintenance <ul style="list-style-type: none"> On-going with Hanford ARC. Received comments from the Water Board on the annual vegetation and geomorphic monitoring reports. 	17%
12300-05	Rafael Meadows Pump Station Standby Generator Installation <ul style="list-style-type: none"> Generator enclosure has been repaired through a change order. Completed start-up testing with Peterson/Caterpillar. Staff prepared responses to submittals and RFI's for compliance requirements. Punchlist items are in progress. 	90%
12600-07 & 16650-02	Secondary Treatment Plant Upgrade & Recycled Water Expansion <ul style="list-style-type: none"> Target completion date: June 2, 2023, pending site fencing and minor AC paving. Target ribbon cutting: June 8, 2023. 	99%
21300-03	Standby Generator System Installation for Adrian, McPhail, and Industrial Park PS <ul style="list-style-type: none"> Received BAAQMD permits for all three pump stations. Two generators have been ordered. Pending confirmation from the contractor on procurement of the third generator. Contractor was on site in March 2023 to review site layouts and perform preliminary measurements. Provided inspection requirements to Bellecci & Associates. Contractor started construction in May 2023. 	45%
21300-06	Venetia Harbor Pump Station Concrete Slab Repair <ul style="list-style-type: none"> Linscott completed installation of a retaining wall around the concrete slab for subsidence repair. 	100%
21600-08	Grit Screw Conveyor Systems Replacement <ul style="list-style-type: none"> Held pre-construction meeting for construction in May. Hazen & Sawyer will provide inspection services for the project. Grit screw conveyor equipment has been delivered to the contractor for installation. 	37%
22125-04	On-Call Construction Contract <ul style="list-style-type: none"> North San Pedro Road Sewer Repair (100% complete) Las Gallinas Easement Sewer Repair (100% complete) 	Continuous
23500-05	Center Pivot No.1 Replacement <ul style="list-style-type: none"> Center pivot equipment was delivered on site. Demolition began in May. 	10%
REQUESTS FOR PROPOSALS		
<i>None.</i>		
CALL FOR BIDS		
12600-07	Combined Project - TWAS Enclosure/Sludge Basin and Reception Pad <ul style="list-style-type: none"> Issue Call for Bids for combined project in May 2023. 	
20200-01	Terra Linda Force Main Access Structures <ul style="list-style-type: none"> Freyer & Laureta submitted 100% design for ten access points along John Duckett Force Main. Staff is preparing formal bidding documents. 	
21300-04	Pump Station Site Lighting Improvements <ul style="list-style-type: none"> Freyer & Laureta provided design specifications and drawings. Light fixture type and model shall meet Dark Sky Initiative specifications. Staff is preparing bidding documents. 	
21600-07	Digester Room MCC#2 Upgrades <ul style="list-style-type: none"> Hazen included provisions for future boiler relocation in the design. Hazen submitted 100% design plans. Staff is finalizing formal bidding documents for public bids. 	
22600-01	Primary Clarifier 1 Rehabilitation <ul style="list-style-type: none"> Obtained equipment pricing from Ovivo to match existing primary clarifier mechanism. Preparing bidding documents. 	

Job No.	Project Name/Updates	% Completion
OTHER PROJECTS		
20100-04	Integrated Wastewater Master Plan <ul style="list-style-type: none"> • Staff reviewed Phase 3 re-scoping memo from Kennedy Jenks and finalized District comments after meeting with management. • Conducted re-scoping meeting with KJ to discuss District comments. • Kennedy Jenks is finalizing Phase 2 technical memos, including condition assessment on treatment plant, collection system, disaster resilience, and asset management. Anticipates submittal in May 2023. 	Phase 2: 85%
20125-01	On-Call Engineering Contract <ul style="list-style-type: none"> • Hazen & Sawyer will provide inspection services for the Grit Screw Conveyor Systems Replacement project. 	Continuous
21500-08	Biosolids Program <ul style="list-style-type: none"> • Staff provided comments and bidding format guidance to GHD on the RFP for biosolids land application. • Continue to hold biweekly progress meetings with GHD. • Submitted Biosolids and Site Characterization Workplan and Sampling and Analysis Plan to the Water Board in compliance with the Notice of Availability (NOA). 	Continuous
21500-08	Groundwater Monitoring Well Installation <ul style="list-style-type: none"> • Completed project close out. 	100%
21500-08	Flood Protection Plan <ul style="list-style-type: none"> • Submitted Flood Protection Plan prepared by ESA to the Water Board in compliance with the NOA. • Waiting for comments from the Water Board. 	95%
N/A	Sludge Lagoon Liner Replacement/Repair <ul style="list-style-type: none"> • Staff and GHD agreed to include the repair in the biosolids land application RFP. Service provider selected for the land application task can be utilized to empty the lagoon prior to repair/replacing the liner. 	
21600-07	Secondary Digester Inspection <ul style="list-style-type: none"> • Completed. 	100%
22125-02	Standard Specifications and Drawings Update <ul style="list-style-type: none"> • Issued RFP to update the 2000 LGVSD Standard Specifications and Drawings. • Staff evaluated the only proposal received from Hazen & Sawyer in response to the RFP. 	2%
22125-03	On-Call Inspection <ul style="list-style-type: none"> • On-going with Bellecci & Associates for collection system, development, and other projects as necessary. 	Continuous
LAND DEVELOPMENT		
	245 Nova Albion Way <ul style="list-style-type: none"> • Total of 100 living units. • Pending Land Development Ad Hoc Committee discussion. 	
	Congregation Rodef Sholom – 170 N San Pedro <ul style="list-style-type: none"> • Construction of a new 23,317 SF two-story building (synagogue) to replace the existing 14,357 SF building. • Coordinated District's pipebursting project with developer's contractor. • Bellecci & Associates inspected the sewer lateral tie-in. 	
	Los Gamos Apartments <ul style="list-style-type: none"> • Total of 192 apartment units. • Pending Land Development Ad Hoc Committee discussion. 	
	Northgate Redevelopment - 5800 Northgate Mall <ul style="list-style-type: none"> • Redevelop Northgate Mall to include both retail and multi-family units. <i>Project Concept 2025: retail space plus 965 multi-family units</i> <i>Project Concept 2040: retail space plus 1374 multi-family units</i> • Pending Land Development Ad Hoc Committee discussion. 	

Job No.	Project Name/Updates	% Completion
	Other Projects Reviewed by Staff (Will Serve Letters Issued):	
	<ul style="list-style-type: none"> • 98 Duran Dr – New ADU • 90 Esmeyer Dr – New ADU • 216 Mirada Ave – New ADU • 810 Pine Lane – New ADU • 55 Ranch Rd – Barn to ADU Conversion • Sourdough & Co. at 412 Las Gallinas Ave – New Restaurant in Existing Building 	
	Other Projects Reviewed by Staff (Will Serve Letters Not Required):	
	<ul style="list-style-type: none"> • 754 Las Colindas Rd – Residential Remodel • 635 Montecillo Rd – Residential Interior Remodel • 840 Montecillo Rd – Residential Interior Remodel • 505 Vendola Dr – Residential Interior Remodel • 80 Wallace Wy – Residential Interior Remodel • Embark Clinic at 4000 Civic Center Dr – Tenant Improvements • Exchange Bank at 3950 Civic Center Dr – Tenant Improvements • Golden Gate Veterinary Clinic at 4460 Redwood Hwy – Tenant Improvements • Marin Aging & Disability Institute at 70 Skyview Ter – Tenant Improvements • Starbucks at 260 Northgate Dr – Tenant Improvements • Marin Bible Church at 3 North San Pedro Rd – Tenant Improvements • Sol Food Warehouse at 79 Mitchell Blvd – Tenant Improvements 	
	Building Permit Lists	
	<ul style="list-style-type: none"> • Reviewed building permit lists from City of San Rafael: <ul style="list-style-type: none"> - Issued 18 request for information letters • Reviewed building permit lists from Marin County: <ul style="list-style-type: none"> - Placed 18 permit holds - Released 13 permit holds 	
	SEWER LATERAL VIDEO INSPECTION - COLLECTIONS DEPARTMENT	
	<ul style="list-style-type: none"> • Reviewed 41 sewer lateral inspection videos and issued Letters of Findings. 	



Item Number 3.3

GM Review CP

Agenda Summary Report

To: Board of Directors
From: Dale McDonald, Administrative Services Manager
 (415) 526-1519 dmcdonald@lqvsd.org
Mtg. Date: June 15, 2023
Re: Financial Policy Review of F-50 (Reserves) and Target Balances
Item Type: Consent Action Information Other
Standard Contract: Yes No (See attached) Not Applicable

STAFF RECOMMENDATION

Review proposed changes to Financial Policy F-50 (Reserves) and provide direction to staff.

BACKGROUND

The District Reserve Policy guides the Board and staff on the establishment of reserves, explains the purpose and reasons for the size of each reserve, and provides for the oversight of reserves.

As part of the budget process, the Reserve Policy was reviewed. Target goals were discussed with the Board on June 1 and there was support for increasing the target goals for some of the reserves.

The District also has restricted funds that are set aside for specific purposes. Restricted assets can be restricted by bond indentures, external constraints (such as agreements), or laws and regulations of other governments. There is no policy guidance on reserves other than administrative and budgetary procedures. It is recommended that the restricted reserves held by the District be added to the reserves policy.

Suggested changes and additions to Financial Policy F-50 (Reserves) are shown as red underline (~~red strikeout~~ for changes) in the attached draft policy.

Comments received will be incorporated and brought back to the Board for approval by formal resolution at a future meeting.

PREVIOUS BOARD ACTION

Reserve Policy was last modified by Board Resolution No. 2022-2255 on May 19, 2022.

ENVIRONMENTAL REVIEW

N/A

FISCAL IMPACT

None. The fiscal impact will occur when funds are allocated to reserves as part of the budget process and adoption scheduled for June 30, 2023.

F-50 RESERVES

Purpose

This policy establishes reserves, explains the purpose and reasons for the size of each reserve, and provides for the oversight of reserves.

The District requires reserves for operations and capital needs. Reserves provide financing safeguards for the District’s operations. Such funds are available for extraordinary expenses and to fund cash flow. In addition, reserve fund investments generate earnings to supplement other revenues.

The District has two types of reserve funds: Designated Reserves and Restricted Reserves. Board Designated Reserves are comprised of funds set aside for specific purposes as determined by the District Board of Directors, which include, but are not limited to, funding for capital facility construction, replacement and refurbishment, and establishing operating and rate stabilization. The Board has the authority to redirect the use of the Designated Reserves as the needs of the District change. Restricted Reserves are funds held to satisfy limitations set by external requirements and restraints of agreements, creditors, grantors, or law.

F-50-10 Designated Reserve Fund Policies

PURPOSE	OPERATING & RATE STABILIZATION RESERVE Fund unexpected expense increases or offset loss of Sewer Service Charge revenue. Replenish any reserves used over a 6-to-10-year period.	VEHICLE & EQUIPMENT RESERVE (VERF) Fund capital vehicle replacement based on VERF program. Replenish any reserves used to adequately fund program for 3 to 4 years.	EMERGENCY REPAIR RESERVE Fund emergency repairs. Replenish the reserve over a 2 to 3 year period.	CAPITAL RESERVE Provide capital for major capital projects including upgrades and expansions.	TOTAL COMBINED RESERVES
CURRENT STATUS					
Target Goal (as of 6/30/23)	\$9,085,46610,000,000	\$1,000,0000	\$1,000500,000	\$411,000,000.	\$1523,085,466500,000
Balance (as of 06/30/23) Balance	\$2,651,8984,248,594	\$1,094,425499,376	\$1,000,000166,667	\$3,425,6449,184,772	\$8,171,96715,099,409
Percent Reached	2942%	10150%	10078%	8683%	
Risks	The reserve is used to absorb unexpected cost increases and spread them over more than one year. Provide for this reserve by funding from property tax and ERAF funds.	Aging vehicle fleet without proper replacement funding risks operational interruptions and sewer overflow response delays.	Balance may be used to fund working capital needs. Fund would not be large enough to address a catastrophic event.	Without a reserve, projects are funded with current year revenue in excess of O&M needs; or the District has to rely on bond financing. At the time the reserve balance was established the District had operating and capital reserves of \$10M.	

LONG-TERM GOALS					
Basis for Target Goal	7 months of operating and debt service cash flow based on most current budget; amount to be evaluated annually based on proposed budget. Reserve can be used to stabilize and avoid dramatic rate increases.	VERF program that determines useful vehicle life, varying from 5 to 10 years. Vehicle schedule used to develop target goal annually as part of budget process.	The cost to repair a major pump station or other infrastructure.	To provide capital for major capital projects that span two or more years. Accumulated depreciation to be reviewed and factored into setting target to have current ratepayer pay for the utilization of the District's assets.	
The district will build up the reserves based on: (a) the annual Construction CPI and (b) annual allocations of property tax and ERAF funds, as available.					
Considerations	Due to the timing of revenue receipts an increased margin would be more comfortable. A sudden increase in costs would have to be absorbed by operating reserves since the rate setting process occurs every 4 to 5 years.	May not be sufficient to fund three or more unexpected large vehicle or equipment purchases.	The reserve would be able to absorb one major repair or several smaller ones; a catastrophic event would require federal or state funding.	Should be sufficient for cash funding or regular projects but may not be enough for larger infrastructure replacements where debt may be incurred.	

F-50-15 Target Goal and Balances. The target goal varies by reserve fund and is developed annually as part of the budget process. Target goals may change as future budgets are adopted. For the latest balances refer to the most recently adopted budget.

F-50-20 Use of Designated Reserves. Upon recommendation of the General Manager, the Board shall identify the reserve to be utilized and authorize the General Manger to transfer reserve funds to the respective operational or capital funds as part of the budget process. Any use outside of the budget process shall be reflected in any revised budget or by resolution of the Board.

F-50-30 Restricted Reserves

Capacity Connection Fee Fund: Cash available from the collection of Capital Facilities Charge Connection Fees is kept in a separate fund. The fee is charged to developers based upon the estimated cost to construct additional capacity to serve the new development. These funds are restricted by law for expansion of sewer facilities that increase capacity within the District's service area. Funds are disbursed from the reserve as expenditures are incurred to increase system capacity to serve the new connections that contributed to the fund through fees collected. The fund balance accrues interest monthly. (Government Code § 66013(c)).

Captains Cove Fund: In 2003, the District entered into an agreement with the Captain's Cove Homeowner's Association to accept into the public sewer system the private sewer pumping and collections systems serving Captain's Cove, a 160-unit condominium project. A special sewer service charge surcharge is collected annually to fund the maintenance and operational costs of the disproportionate number of pump stations within the community. Funds are

Resolution No. <u>2022-22552023-xxxx</u>	Date Approved: <u>May 19, 2022</u> *** <u>DRAFT</u> ***
President of the Board	Last Revised: <u>May 19, 2022</u> <u>May 19, 2022</u>

disbursed from the reserve to cover Operating and Maintenance costs which include, but are not limited to, the following: the actual cost of labor (including general and administrative overhead plus tools and supplies normally applied), equipment and vehicle charges, consumables (such as electrical power), and spare parts and/or replaced components as necessary. Use of funding for capital outlay projects that serve Captain's Cove is identified as part of the budget process and must be approved by Board action.

Marin Lagoon Fund: In 1989, the District approved a sanitary sewerage system necessary to serve the community of Marin Lagoon. The cost of maintenance and operation of (9) nine sanitary sewerage lift stations are far in excess of those costs incurred by the District in providing such service to other parts of the District. A special sewer service charge surcharge is collected annually to fund the maintenance and operational costs of the disproportionate number of sanitary sewerage lift stations within the community. Funds are disbursed from the reserve to cover Operating and Maintenance costs which include, but are not limited to, the following: the actual cost of labor (including general and administrative overhead plus tools and supplies normally applied), equipment and vehicle charges, consumables (such as electrical power), and spare parts and/or replaced components as necessary. Use of funding for capital outlay projects that serve Marin Lagoon is identified as part of the budget process and must be approved by Board action.

Recycled Water Capital Repair and Replacement Fund: The 2017 agreement between Las Gallinas Valley Sanitary District ("Producer") and Marin Municipal Water District ("Distributor") for purchase and sale of recycled water includes a requirement that the Producer establish and maintain a separate fund for capital repair and replacement costs of the Recycled Water Treatment Facility ("RWTF") constructed as part of the Secondary Treatment Plant Upgrade Recycled Water Expansion Project. Both the Producer and Distributor pay into the fund by multiplying the total annual -Operation and Maintenance Costs charged to the RWTF by 10%. The fund will pay for any items that cost more than five thousand dollars (\$5,000.00) and have a useful life of more than one year. Capital repair or replacement items or projects costing less than \$5,000 will be charged to the Producer's Operation and Maintenance budget. The Capital Repair and Replacement Fund shall not exceed \$500,000 in total, and such funds shall only be used for capital repair and replacement costs of the RWTF. The fund balance accrues interest monthly.

Resolution No. <u>2022-22552023-xxxx</u>	Date Approved: <u>May 19, 2022</u> ^{*** DRAFT ***}
President of the Board	Last Revised: <u>May 19, 2022</u> <u>May 19, 2022</u>

F-50 RESERVES

Purpose

This policy establishes reserves, explains the purpose and reasons for the size of each reserve, and provides for the oversight of reserves.

The District requires reserves for operations and capital needs. Reserves provide financing safeguards for the District’s operations. Such funds are available for extraordinary expenses and to fund cash flow. In addition, reserve fund investments generate earnings to supplement other revenues.

F-50-10 Reserve Fund Policies

	OPERATING & RATE STABILIZATION RESERVE Fund unexpected expense increases or offset loss of Sewer Service Charge revenue. Replenish any reserves used over a 6-to-10-year period.	VEHICLE & EQUIPMENT RESERVE (VERF) Fund capital vehicle replacement based on VERF program. Replenish any reserves used to adequately fund program for 3 to 4 years.	EMERGENCY REPAIR RESERVE Fund emergency repairs. Replenish the reserve over a 2 to 3 year period.	CAPITAL RESERVE Provide capital for major capital projects including upgrades and expansions.	TOTAL COMBINED RESERVES
CURRENT STATUS					
Target Goal	\$9,085,466	\$1,000,0000	\$1,000,000	\$4,000,000.	\$15,085,466
06/30/21 Balance	\$2,651,898	\$1,094,425	\$1,000,000	\$3,425,644	\$8,171,967
Percent Reached	29%	101%	100%	86%	
Risks	The reserve is used to absorb unexpected cost increases and spread them over more than one year. Provide for this reserve by funding from property tax and ERAF funds.	Aging vehicle fleet without proper replacement funding risks operational interruptions and sewer overflow response delays.	Balance may be used to fund working capital needs. Fund would not be large enough to address a catastrophic event.	Without a reserve, projects are funded with current year revenue in excess of O&M needs; or the District has to rely on bond financing. At the time the reserve balance was established the District had operating and capital reserves of \$10M.	
LONG-TERM GOALS					
Basis for Target Goal	7 months of operating and debt service cash flow based on most current budget; amount to be evaluated annually based on proposed budget. Reserve can be used to stabilize and avoid dramatic rate increases.	VERF program that determines useful vehicle life, varying from 5 to 10 years. Vehicle schedule used to develop target goal annually as part of budget process.	The cost to repair a major pump station or other infrastructure.	To provide capital for major capital projects that span two or more years. Accumulated depreciation to be reviewed and factored into setting target to have current ratepayer pay for the utilization of the District’s assets.	
The district will build up the reserves based on: (a) the annual Construction CPI and (b) annual allocations of property tax and ERAF funds, as available.					

Considerations	Due to the timing of revenue receipts an increased margin would be more comfortable. A sudden increase in costs would have to be absorbed by operating reserves since the rate setting process occurs every 4 to 5 years.	May not be sufficient to fund three or more unexpected large vehicle or equipment purchases.	The reserve would be able to absorb one major repair or several smaller ones; a catastrophic event would require federal or state funding.	Should be sufficient for cash funding or regular projects but may not be enough for larger infrastructure replacements where debt may be incurred.	
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F-50-20 Use of Reserves. Upon recommendation of the General Manager, the Board shall identify the reserve to be utilized and authorize the General Manger to transfer reserve funds to the respective operational or capital funds. Any use shall be reflected in any revised budget.

Resolution No. 2022-2255	Date Approved: May 19, 2022
President of the Board	Last Revised: May 19, 2022



Item Number 4
GM Review CP

Agenda Summary Report

To: Board of Directors
From: Curtis Paxton, General Manager
(415) 526-1511 cpaxton@lqvsd.org
Meeting Date: June 15, 2023
Re: Extension of Employment Agreements for Management and Unrepresented Employees
Item Type: Consent Action X Information Other .
Standard Contract: Yes No X (See attached) Not Applicable .

STAFF RECOMMENDATION

Board to approve the Extension of Employment Agreements for management and unrepresented employee contracts listed below.

BACKGROUND

The following management and unrepresented employee contracts are set to expire on June 30, 2023. The below employees wish to allow the District to complete its negotiations with Operating Engineers Local 3 for its represented members before considering changes to their management and unrepresented employee contracts.

- Administrative Services Manager McDonald
- Collections/Safety/Maintenance Manager Pease
- Administrative/Financial Specialist Schultz
- District Engineer Cortez
- Plant Manager Liebmann

Due to time constraints, and pursuant to Government Code Section 54956(b) which requires management contracts be considered during a regular meeting of the governing body, this is the final meeting for which contract changes can be considered before the agreements expire. The General Manager has authority to execute contract extensions per Board Policy B-80.

Not executing the extensions would mean employment would technically cease for the above employees on July 1, 2023 unless the employees call for reopening of their employment agreement by June 30, 2023.

PREVIOUS BOARD ACTION

N/A

ENVIRONMENTAL REVIEW

N/A

FISCAL IMPACT

N/A

EXTENSION OF EMPLOYMENT AGREEMENT

Between Las Gallinas Valley Sanitary District

And

Dale McDonald (Administrative Services Manager)

This EXTENSION OF EMPLOYMENT AGREEMENT (“Agreement”) is made and entered into this ___ day of _____, 2023, by and between the Las Gallinas Valley Sanitary District, a special district, (“District or Employer”) and Dale McDonald, (“Employee”) both of whom understand as follows:

RECITALS

WHEREAS, an Employment Agreement exists between the District and Employer, entered into the 16th of December 2021, for which term is set to end on June 30, 2023; and

WHEREAS, Employer desires to continue to employ the services of Dale McDonald as Administrative Services Manager of the Las Gallinas Valley Sanitary District; and

WHEREAS, both the Employer and Employee wish to extend the term of the agreement for six (6) months to provide for and to allow the District to complete negotiations with its represented employees; and

WHEREAS, the Employer and Employee agree that if a successor Memorandum of Understanding (MOU) between the District and Operating Engineers Local 3 is not approved by the District before September 1, 2023, the Employee may call for and enter negotiations on the Employment Agreement independent from the represented employee group; and

WHEREAS, the Employer wishes to recognize that the Employee is offering to delay other modifications to their Employment Agreement and in return the Employer wants to confirm that any adjustments, including but not limited to salary adjustments, benefits, or other terms

subsequently made after this Extension is entered into, shall be retroactive to the first pay period that encompasses July 1, 2023; and

WHEREAS, both Employer and Employee have read this Extension of Employment Agreement and understand its contents fully.

NOW, THEREFORE, in consideration of the foregoing and the provisions and promises hereinafter set forth, the parties agree as follows:

Extension of Term of Employment Agreement

Section 2 (B) The term of the Employment Agreement is hereby extended and the Employment Agreement shall terminate on December 31, 2023 (the “Extended Term”).

Extension of General Provision to Employment Agreement

Section 9 (G) - The Employee may reopen negotiations with regards to this Employment Agreement if the District has not come to agreement with the union on a Memorandum of Understanding between the District and Operating Engineers Local 3 by September 1, 2023. Any increase in salary, benefits, or terms negotiated will be retroactive to the first pay period that encompasses July 1, 2023.

IN WITNESS WHEREOF, Las Gallinas Valley Sanitary District has caused this Agreement to be signed and executed on its behalf by the General Manager, and duly attested by its District Secretary, and the Employee has signed and executed this Agreement the day and year first above written.

General Manager
Las Gallinas Valley Sanitary District

Date: _____

Dale McDonald

Date: _____

Teresa Lerch
District Secretary

Seal

APPROVED AS TO FORM:

EXTENSION OF EMPLOYMENT AGREEMENT

Between Las Gallinas Valley Sanitary District

And

Michael Cortez (District Engineer)

This EXTENSION OF EMPLOYMENT AGREEMENT (“Agreement”) is made and entered into this ___ day of _____, 2023, by and between the Las Gallinas Valley Sanitary District, a special district, (“District or Employer”) and Michael Cortez, (“Employee”) both of whom understand as follows:

RECITALS

WHEREAS, an Employment Agreement exists between the District and Employer, entered into the 16th of December 2021, for which term is set to end on June 30, 2023; and

WHEREAS, Employer desires to continue to employ the services of Michael Cortez as District Engineer of the Las Gallinas Valley Sanitary District; and

WHEREAS, both the Employer and Employee wish to extend the term of the agreement for six (6) months to provide for and to allow the District to complete negotiations with its represented employees; and

WHEREAS, the Employer and Employee agree that if a successor Memorandum of Understanding (MOU) between the District and Operating Engineers Local 3 is not approved by the District before September 1, 2023, the Employee may call for and enter negotiations on the Employment Agreement independent from the represented employee group; and

WHEREAS, the Employer wishes to recognize that the Employee is offering to delay other modifications to their Employment Agreement and in return the Employer wants to confirm that any adjustments, including but not limited to salary adjustments, benefits, or other terms

subsequently made after this Extension is entered into, shall be retroactive to the first pay period that encompasses July 1, 2023; and

WHEREAS, both Employer and Employee have read this Extension of Employment Agreement and understand its contents fully.

NOW, THEREFORE, in consideration of the foregoing and the provisions and promises hereinafter set forth, the parties agree as follows:

Extension of Term of Employment Agreement

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Extension of General Provision to Employment Agreement

Section 9 (G) - The Employee may reopen negotiations with regards to this Employment Agreement if the District has not come to agreement with the union on a Memorandum of Understanding between the District and Operating Engineers Local 3 by September 1, 2023. Any increase in salary, benefits, or terms negotiated will be retroactive to the first pay period that encompasses July 1, 2023.

IN WITNESS WHEREOF, Las Gallinas Valley Sanitary District has caused this Agreement to be signed and executed on its behalf by the General Manager, and duly attested by its District Secretary, and the Employee has signed and executed this Agreement the day and year first above written.

General Manager
Las Gallinas Valley Sanitary District

Date: _____

Michael Cortez

Date: _____

Teresa Lerch
District Secretary

Seal

APPROVED AS TO FORM:

EXTENSION OF EMPLOYMENT AGREEMENT

Between Las Gallinas Valley Sanitary District

And

Greg Pease (Collection System/Safety/Maintenance Manager)

This EXTENSION OF EMPLOYMENT AGREEMENT (“Agreement”) is made and entered into this ___ day of _____, 2023, by and between the Las Gallinas Valley Sanitary District, a special district, (“District or Employer”) and Greg Pease, (“Employee”) both of whom understand as follows:

RECITALS

WHEREAS, an Employment Agreement exists between the District and Employer, entered into the 16th of December 2021, for which term is set to end on June 30, 2023; and

WHEREAS, Employer desires to continue to employ the services of Greg Pease as Collection System/Safety/Maintenance Manager of the Las Gallinas Valley Sanitary District; and

WHEREAS, both the Employer and Employee wish to extend the term of the agreement for six (6) months to provide for and to allow the District to complete negotiations with its represented employees; and

WHEREAS, the Employer and Employee agree that if a successor Memorandum of Understanding (MOU) between the District and Operating Engineers Local 3 is not approved by the District before September 1, 2023, the Employee may call for and enter negotiations on the Employment Agreement independent from the represented employee group; and

WHEREAS, the Employer wishes to recognize that the Employee is offering to delay other modifications to their Employment Agreement and in return the Employer wants to confirm that any adjustments, including but not limited to salary adjustments, benefits, or other terms

subsequently made after this Extension is entered into, shall be retroactive to the first pay period that encompasses July 1, 2023; and

WHEREAS, both Employer and Employee have read this Extension of Employment Agreement and understand its contents fully.

NOW, THEREFORE, in consideration of the foregoing and the provisions and promises hereinafter set forth, the parties agree as follows:

Extension of Term of Employment Agreement

Section 2 (B) The term of the Employment Agreement is hereby extended and the Employment Agreement shall terminate on December 31, 2023 (the “Extended Term”).

Extension of General Provision to Employment Agreement

Section 9 (G) - The Employee may reopen negotiations with regards to this Employment Agreement if the District has not come to agreement with the union on a Memorandum of Understanding between the District and Operating Engineers Local 3 by September 1, 2023. Any increase in salary, benefits, or terms negotiated will be retroactive to the first pay period that encompasses July 1, 2023.

IN WITNESS WHEREOF, Las Gallinas Valley Sanitary District has caused this Agreement to be signed and executed on its behalf by the General Manager, and duly attested by its District Secretary, and the Employee has signed and executed this Agreement the day and year first above written.

General Manager
Las Gallinas Valley Sanitary District

Date: _____

Greg Pease

Date: _____

Teresa Lerch
District Secretary

Seal

APPROVED AS TO FORM:

EXTENSION OF EMPLOYMENT AGREEMENT

Between Las Gallinas Valley Sanitary District

And

Robert Liebmann (Plant Manager)

This EXTENSION OF EMPLOYMENT AGREEMENT (“Agreement”) is made and entered into this ___ day of _____, 2023, by and between the Las Gallinas Valley Sanitary District, a special district, (“District or Employer”) and Robert Liebmann, (“Employee”) both of whom understand as follows:

RECITALS

WHEREAS, an Employment Agreement exists between the District and Employer, entered into the 16th of December 2021, for which term is set to end on June 30, 2023; and

WHEREAS, Employer desires to continue to employ the services of Robert Liebmann as Plant Manager of the Las Gallinas Valley Sanitary District; and

WHEREAS, both the Employer and Employee wish to extend the term of the agreement for six (6) months to provide for and to allow the District to complete negotiations with its represented employees; and

WHEREAS, the Employer and Employee agree that if a successor Memorandum of Understanding (MOU) between the District and Operating Engineers Local 3 is not approved by the District before September 1, 2023, the Employee may call for and enter negotiations on the Employment Agreement independent from the represented employee group; and

WHEREAS, the Employer wishes to recognize that the Employee is offering to delay other modifications to their Employment Agreement and in return the Employer wants to confirm that any adjustments, including but not limited to salary adjustments, benefits, or other terms

subsequently made after this Extension is entered into, shall be retroactive to the first pay period that encompasses July 1, 2023; and

WHEREAS, both Employer and Employee have read this Extension of Employment Agreement and understand its contents fully.

NOW, THEREFORE, in consideration of the foregoing and the provisions and promises hereinafter set forth, the parties agree as follows:

Extension of Term of Employment Agreement

Section 2 (B) The term of the Employment Agreement is hereby extended and the Employment Agreement shall terminate on December 31, 2023 (the “Extended Term”).

Extension of General Provision to Employment Agreement

Section 9 (G) - The Employee may reopen negotiations with regards to this Employment Agreement if the District has not come to agreement with the union on a Memorandum of Understanding between the District and Operating Engineers Local 3 by September 1, 2023. Any increase in salary, benefits, or terms negotiated will be retroactive to the first pay period that encompasses July 1, 2023.

IN WITNESS WHEREOF, Las Gallinas Valley Sanitary District has caused this Agreement to be signed and executed on its behalf by the General Manager, and duly attested by its District Secretary, and the Employee has signed and executed this Agreement the day and year first above written.

General Manager
Las Gallinas Valley Sanitary District

Date: _____

Robert Liebmann

Date: _____

Teresa Lerch
District Secretary

Seal

APPROVED AS TO FORM:

EXTENSION OF EMPLOYMENT AGREEMENT

Between Las Gallinas Valley Sanitary District

And

Amy Schultz (Administrative/Financial Specialist - Confidential)

This EXTENSION OF EMPLOYMENT AGREEMENT (“Agreement”) is made and entered into this ___ day of _____, 2023, by and between the Las Gallinas Valley Sanitary District, a special district, (“District or Employer”) and Amy Schultz, (“Employee”) both of whom understand as follows:

RECITALS

WHEREAS, an Employment Agreement exists between the District and Employer, entered into the 16th of December 2021, for which term is set to end on June 30, 2023; and

WHEREAS, Employer desires to continue to employ the services of Amy Schultz as Administrative/Financial Specialist - Confidential of the Las Gallinas Valley Sanitary District; and

WHEREAS, both the Employer and Employee wish to extend the term of the agreement for six (6) months to provide for and to allow the District to complete negotiations with its represented employees; and

WHEREAS, the Employer and Employee agree that if a successor Memorandum of Understanding (MOU) between the District and Operating Engineers Local 3 is not approved by the District before September 1, 2023, the Employee may call for and enter negotiations on the Employment Agreement independent from the represented employee group; and

WHEREAS, the Employer wishes to recognize that the Employee is offering to delay other modifications to their Employment Agreement and in return the Employer wants to confirm that any adjustments, including but not limited to salary adjustments, benefits, or other terms

subsequently made after this Extension is entered into, shall be retroactive to the first pay period that encompasses July 1, 2023; and

WHEREAS, both Employer and Employee have read this Extension of Employment Agreement and understand its contents fully.

NOW, THEREFORE, in consideration of the foregoing and the provisions and promises hereinafter set forth, the parties agree as follows:

Extension of Term of Employment Agreement

Section 2 (B) The term of the Employment Agreement is hereby extended and the Employment Agreement shall terminate on December 31, 2023 (the “Extended Term”).

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Section 9 (G) - The Employee may reopen negotiations with regards to this Employment Agreement if the District has not come to agreement with the union on a Memorandum of Understanding between the District and Operating Engineers Local 3 by September 1, 2023. Any increase in salary, benefits, or terms negotiated will be retroactive to the first pay period that encompasses July 1, 2023.

IN WITNESS WHEREOF, Las Gallinas Valley Sanitary District has caused this Agreement to be signed and executed on its behalf by the General Manager, and duly attested by its District Secretary, and the Employee has signed and executed this Agreement the day and year first above written.

General Manager
Las Gallinas Valley Sanitary District

Date: _____

Amy Schultz

Date: _____

Teresa Lerch
District Secretary

Seal

APPROVED AS TO FORM:

6/15/2023

BOARD MEMBER REPORTS

CLARK

NBWA Board Committee, 2023 Operations Control Center Ad Hoc Committee, Other Reports

FORD

NBWRA, 2023 Operations Control Center Ad Hoc Committee, 2023 GM Evaluation Ad Hoc Committee, 2023 McInnis Marsh Ad Hoc Committee, 2023 Fleet Management Ad Hoc Committee, 2023 SF Bay Trail Ad Hoc Committee, Other Reports

MURRAY

Marin LAFCO, CASA Energy Committee, 2023 Biosolids Ad Hoc Committee, 2023 Development Ad Hoc Committee, 2023 SF Trail Ad Hoc Committee, Other Reports

ROBARDS

Gallinas Watershed Council/Miller Creek, 2023 Engineering Ad Hoc Committee re: STPURWE, 2023 McInnis Marsh Ad Hoc Committee, 2023 GM Evaluation Ad Hoc Committee, 2023 Development Ad Hoc Committee, Other Reports

YEZMAN

Flood Zone 7, CSRMA, Marin Special Districts Association, 2023 Ad Hoc Engineering Sub-Committee re: STPURWE, 2022 Biosolids Ad Hoc Committee, Other Reports



ITEM	LEAD
Welcome/Roll Call	Jackie Zipkin (Chair), Greg Kester and Sarah Deslauriers (CASA)
Review/Approval of Agenda	All

PRIORITY ISSUES/ACTION ITEMS

	ITEM	LEAD	NOTES
1.	CARB Advanced Clean Vehicle Regulations	Sarah Greg Steve David	Proposed Regulations were adopted April 28 – no flexibility for SB 1383 vehicles in regulations (limits biomethane-fueled vehicles to those in fleet as of Jan 1, 2024); Board resolution acknowledges need to collaborate with CASA on SB 1383 and multi-uses for biogas, pursuing follow-on coordination / education of CARB/state agencies
2.	SB 1383: Organic Waste CH₄ Reductions	Greg Sarah	CalRecycle outreach to Counties, Little Hoover Commission met May 23 on draft report and voted to approve implementation delay
3.	EPA Renewable Fuel Standard RINs	Greg	EPA released proposed set rule Nov 30, CASA testified Jan 10 and submitted comments Feb 10 supporting RIN values for sludge- vs food waste-derived biogas, adoption by June 2023
4.	CARB Low Carbon Fuel Standard	Greg	Potential changes to LCFS being considered, comments submitted Mar 15, May 23 workshop on auto-adjusting CI targets post-2030 - comments due June 6, community meetings May 31 and June 1 to receive public feedback on proposed changes to LCFS
5.	Methane Review/Monitoring at WRRFs	Sarah	Princeton study states “WRRF methane emissions could be double what was previously thought”, scheduling meeting with researchers at Princeton, tracking UC Riverside research
6.	Criteria Pollutants & Toxics Emissions Reporting & Hot Spots Program	Sarah David	Wastewater sector can report BAU through 2028, met w/ CARB Apr 25 to kick off formal process / review of documents underway, confirmed flow definition and scheduling follow-up meeting with CARB, begin drafting RFP for team selection, Air Toxics Subgroup meeting monthly – next meeting: June 14
7.	Adaptation Update	Sarah	Sea Level Rise Action Plan – OPC met April 24 , CCC to consider NOAA call to not include H++ scenario in SLR Guidance and seeking GHG reductions in land use policy/planning through comment on draft Sustainability Principles doc, ongoing updates to matrix summarizing Regional Water Board permit requirements for climate change, alliance of regional collaboratives for climate adaptation

STATE LEGISLATIVE & BUDGET UPDATE

	ITEM	LEAD	STATUS
1.	State Legislation	Jessica	2023 legislation, updated ACE bill list provided
2.	Governor’s Budget	Jessica	2023-24 Governor’s budget, May Revision

INFORMATIONAL ITEMS

	ITEM	LEAD	NOTES
1.	AB 32 Scoping Plan Update : Carbon Neutrality by 2045	Sarah	Connect w/ CNRA on Natural & Working Lands GHG model updates (to include carbon sequestration on croplands)
2.	Carbon Sequestration Meta-Analysis	Sarah	Final report by Q1 2023, c-sequestration potential summary
3.	BACT for Large Emergency Diesel Engines: BAAQMD, SMAQMD, SJVAPCD, SCAQMD	David	BAAQMD, SMAQMD, and SJVAPCD adopted Tier 4; SCAQMD to adopt Tier 4 w/ source test provisions
4.	Potential Amendments to Diesel Engine Off-Road Standards	Sarah	CARB Tier 5 rulemaking (including CO ₂ standards), proposal 2024, implement to begin 2028

UPCOMING CONFERENCES/EVENTS

NAME	DATE/LOCATION
CASA/CWEA Partnering for Impact	June 6, Berkeley
CASA Annual Conference	August 9-12, San Diego

NEXT MEETING: June 22nd, 8:30-10:30 am

Air Quality, Climate Change, & Energy (ACE) Workgroup Meeting

May 25, 2023 (8:30 – 10:30 am)
Zoom Link – See Meeting Appointment



1

Priority Issues/
Action Items



2

1. CARB's Advanced Clean Fleet Regulations

Applies to gross vehicle weight rating >8,500 lbs (medium- and heavy-duty)

Public Fleets Regulation applies to State and local government fleets (city, county, special district, State agency)

- **If NOT considered** a low population county, having >10 vehicles in fleet:
 - January 1, 2024, 50% of vehicle purchases in each calendar year must be ZEVs
 - January 1, 2027, 100% of vehicle purchases in each calendar year must be ZEVs
- **If considered** low population county, ≤10 vehicles in fleet:
 - January 1, 2027, 100% of vehicle purchases in each calendar year must be ZEVs.
- Extensions available but confusing – CASA is looking at supporting streamlining the process!



3

1. CARB's Advanced Clean Fleet Regulations

High Priority & Federal Fleets Requirements

If you are large (>50 vehicle) **OR** have trucks that support diversion of organic waste in effort to implement SB 1383 mandates, you can opt into this regulation

- If eligible, allows more time to transition medium- and heavy-duty fleet vehicles
- Does **NOT** provide for expansion of trucks fueled by biomethane in support of SB 1383 (limits trucks in fleet to those fueled exclusively by biomethane and supporting SB 1383 implementation as of January 1, 2024)

Percentage of vehicles that must be ZEVs →	10%	25%	50%	75%	100%
Milestone Group 1: Box trucks, vans, buses w/ two axles, yard tractors, light-duty package delivery vehicles	2025	2028	2031	2033	2035 & beyond
Milestone Group 2: Work trucks, day cab tractors, buses with three axles	2027	2030	2033	2036	2039 & beyond
Milestone Group 3: Sleeper cab tractors and specialty vehicles	2030	2033	2036	2039	2042 & beyond



CASA is summarizing the regulation – circulating for internal review at this time

4

1. CARB's Advanced Clean Fleet Regulations

Next Steps

- CASA to champion/coordinate regular meetings with CARB Board, CARB staff and state agencies on ACF implementation
- Developing draft regulation summary document and update as needed
- Support streamlining extension requests
- Set up follow-on education meeting with Senator Henry Stern
- Other:
 - Early Lessons Learned Group
 - CARB expected to be sued as the regulation is submitted to Office of Administrative Law

5



2. SB 1383 Organic Waste Methane Emissions Reduction

- 40% methane reduction by 2030 (relative to 2013 levels)
- Organic waste diversion from landfills (includes biosolids, digestate, and sludges)
 - 50% by 2020 (relative to 2014 levels)
 - 75% by 2025 (relative to 2014 levels)
- Implementation
 - State to enforce jurisdictions Jan 1, 2022 (local entities enter agreements)
 - Local jurisdictions to start enforcement Jan 1, 2024
 - Compliance by Jan 1, 2025
- CalRecycle outreach regarding county ordinances
- Article 2 applicant, H Cycle, theoretically produces a low-carbon hydrogen using thermal conversion technology – to be approved
- Little Hoover Commission met May 24th – voted to recommend delay in implementation

6



3. EPA Renewable Fuel Standard: RINs



- Misinterpretation since 2017
- RFS Renewable Identification Number (RIN) values for sludge-based biogas (D3, cellulosic) vs food waste-based biogas (D5, advanced biomass fuel)
- Proposed Set Rule released for public comment Nov 30th – reflects “Plan B” apportioning RINs based on feedstock
 - Allows specifying operational parameters for sewage sludge digestion
 - Volume awarded a D3 RIN to be subtracted from the total volume of biogas produced – the difference assumed to be produced from the added organic waste and awarded D5 RIN
 - eRINs – RIN credit awarded to vehicle manufacturer vs biogas producer
- Comments submitted February 10th
- Planned adoption by June 2023

7



4. CARB Low Carbon Fuel Standard

- Designed to reduce fossil fuel dependence:
 - Decrease carbon intensity of CA’s transportation fuel pool
 - Provide increasing range of low-carbon and renewable alternatives
- July 2022 to present day workshops discussed potential changes with recommendations to promote biogas-to-hydrogen pathways
- Feedback on Feb 22nd workshop, comments submitted March 15th
- May 23rd workshop presented on auto-adjusting CI targets post-2030 via an auto-acceleration mechanism, comments due June 6th
- Low Carbon Fuel Standard Virtual Community Meetings to provide overview of LCFS program and receive input on potential future LCFS changes
 - Session 1: May 31, 2023, 6 to 8 PM
 - Session 2: June 1, 2023, 6 to 8 PM

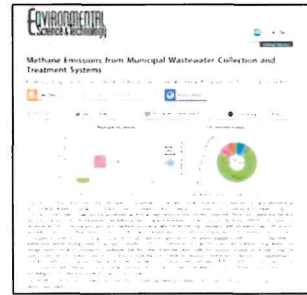
8



5. Methane Review/Monitoring at WRRFs

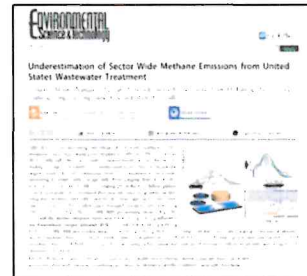
1. Methane Emissions from Municipal Wastewater Collection and Treatment Systems

Cuihong Song, Jun-Jie Zhu, John L. Willis, Daniel P. Moore, Mark A. Zondlo, and Zhiyong Jason Ren
 doi: [10.1021/acs.est.2c04388](https://doi.org/10.1021/acs.est.2c04388)
 Published: February 3rd, 2023



2. Underestimation of Sector-Wide Methane Emissions from United States Wastewater Treatment

Daniel P. Moore, Nathan P. Li, Lars P. Wendt, Sierra R. Castaneda, Mark M. Falinski, Jun-Jie Zhu, Cuihong Song, Zhiyong Jason Ren, and Mark A. Zondlo
 doi: [10.1021/acs.est.2c05373](https://doi.org/10.1021/acs.est.2c05373)
 Published: February 27th, 2023



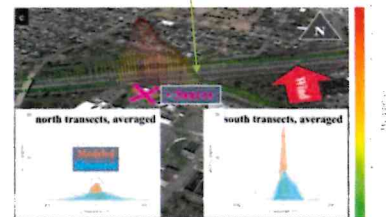
9



5. Methane Review/Monitoring at WWTPs

- Two Princeton methane studies led by Mark Zondlo and Z. Jason Ren
 - Two approaches → same conclusion
 - Overall Conclusion: CH₄ emissions from WWTPs are significantly **underestimated** compared to IPCC/EPA estimates
- **Approach 1: Real-Time Data Collection (Zondlo Group)**
 - Objective: Measure emissions downwind of 63 WWTPs
 - Methods: Mobile Lab + Gaussian Modeling
 - Result: U.S. WW Sector emits **1.9 times** more CH₄ (**11.6 MMT CO₂-eq/year**) than IPCC/EPA inventory (**6.3 MMT CO₂-eq/year**)

Princeton Mobile Lab



10



5. Methane Review/Monitoring at WWTPs

- Approach 2: Desktop Literature Review (Ren Group)
 - Objective: Analyze WW sector (WWTPs & sewers) methane measurements from all published literature
 - Methods: Literature Mining
 - Results: U.S. WW Sector emits **2.5 times** more CH₄ (**10.9 ± 7.0 MMT CO₂-eq/year**) than 2020 EPA Report (**4.3 MMT CO₂-eq/year**)

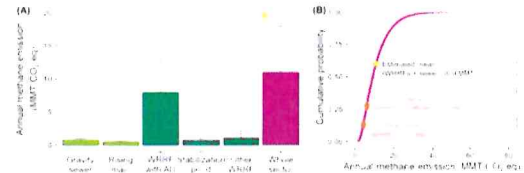


Figure 7. Nationwide CH₄ emissions from the U.S. wastewater sector. (A) Estimated annual methane emissions (MMT CO₂-eq) for each group and (B) cumulative probability of CH₄ emissions from the whole wastewater sector.

- Conclusion: Based on measured & published-research data, it is estimated that the **U.S. WW Sector emits about twice as much CH₄** as IPCC/EPA estimates

11



5. Methane Review/Monitoring at WWTPs

- Factors not included in Approach 1
 - Diurnal/Seasonal Sampling
 - Long-term monitoring
 - Consistency with number of samples/facility
 - Age of ADs (assumed as point sources)
 - Comparison to common measurement methods (tracer release, flux chambers)
 - Facility operating conditions
 - Large load digester days
 - Septic tank offloading
 - FOG diversion
- Factors influencing Approach 2 results
 - Sewer methane not included in IPCC estimates
 - IPCC acknowledges sewer methane, however, not enough data for quantification

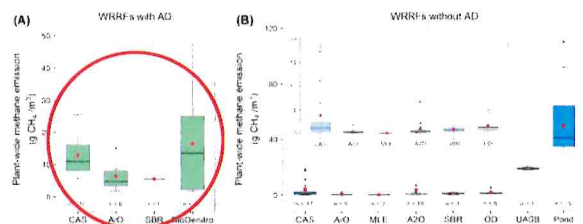


Figure 8. A summary of plant-wide CH₄ emissions with respect to different biological treatment processes for WRRFs with and without anaerobic digestion. The inset in (B) highlights those with relatively low CH₄ emissions. Boxplots show 25th, 50th, and 75th percentiles and outlier bounds are based on 1.5 × IQR (inter-quartile range, equaling 75th percentile minus 25th percentile) of CH₄ emissions. Red dots represent the arithmetic mean, n = the number of monitoring data.

Experience & literature shows methane emissions in range of 0 – 5 g CH₄/m³

12



5. Methane Review/Monitoring at WRRFs

- Next steps
 - Reaching out to researchers for follow up discussions
 - Let us know if you've been contacted by UC–Riverside (Francesca Hopkins) to research your emissions – they are partners with Princeton, but performing separate research

13



6. Criteria Pollutants & Toxics Reporting and Air Toxics “Hot Spots” Program Updates – Statewide Two-Step Process

- AB 617 gives CARB authority to “harmonize” air monitoring, reporting, & emission reductions from stationary sources
- AB 2588 Hot Spots compound list is >1,700 compounds (from >500)
 - Unknown toxicity levels
 - Unknown emission factors
 - Many are not relevant to WWTPs
- Phased compliance allows WWTPs to:
 - Report business-as-usual through 2028 (reporting begins 2029 for 2028 data)
 - Perform “two-step process” to determine relevant shortlist of compounds
 1. Scan air space of unit processes (or other process) to determine detectable compounds
 2. Determining the sampling and analysis methods to quantify emissions (Mimic 1990 Pooled Emissions Estimation Program, PEEP, but broader in scope)

14



6. Statewide Two-Step Process – Next steps

- **Follow up on CARB Kickoff meeting** April 25th where we:
 - Reviewed approach to Step 1 (desktop exercise and/or narrow Step 1 to be performed at single WWTP in Bay Area, Central Valley, South Coast)
 - Introduced list of compounds and POTWs - CARB reviewing draft data
 - Asked foundational questions
- **Coordinate meetings w/ air districts** on Step 1 and field test participants – confirm Step 1 w/ CARB
- **Continue refining list of POTWs** based on actual daily flow – discuss use of annual average daily flow for a selected year (consider 2019):
 - >5 MGD, uncovered primaries
 - >10 MGD, covered primaries
- **Administrative tasks**
 - Confirm governing structure – CASA to serve as Fiscal Agent, identify Executive Committee
 - **Being drafting RFP**
 - Refine estimated budget and contributions by flow

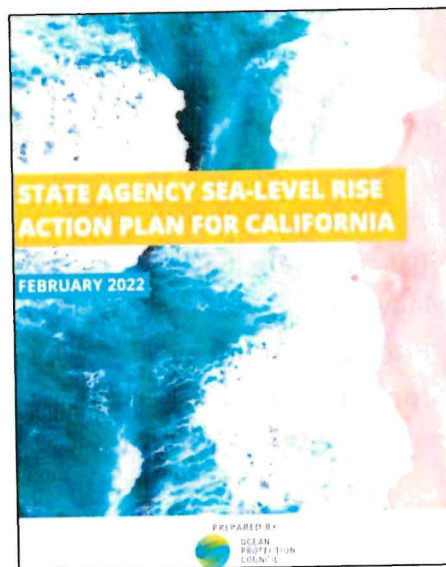
Preliminary actions led by Air Toxics Subgroup – next meeting June 14th



15

7. Adaptation: OPC Sea Level Rise Action Plan (FY 2021/22 – 2024/25)

- Released Feb 2022 by SLR Leadership Team (finalized in August 2022)
- ~80 State Actions categorized by SLR Principle
 1. Best Available Science
 2. Partnerships
 3. Communications
 4. Local Support
 5. Alignment
 6. Resilience Projects
 7. Equity & Social Justice
- Next round of updates in spring 2023
- OPC Meetings
 - August 15
 - December 12



16

7. Adaptation: OPC Sea Level Rise Action Plan (FY 2021/22 – 2024/25)

- April 24th Meeting
- Sea-level rise taskforce focused on developing scenarios of sea-level rise (peer review by technical experts)
- Approved Funding
 - \$1 million to create a technical assistance program to support sea-level rise adaptation planning
 - \$310,00 to expand the California Coastal Adaptation Planning Inventory
 - \$540,000 to implement OPC’s Equity Plan
 - \$5.4 million to accelerate kelp research and restoration
 - \$450,000 to establish a statewide groundfish sampling program
 - \$450,000 to develop offshore wind environmental monitoring guidance



17

7. Adaptation: CA Coastal Commission Sea Level Rise

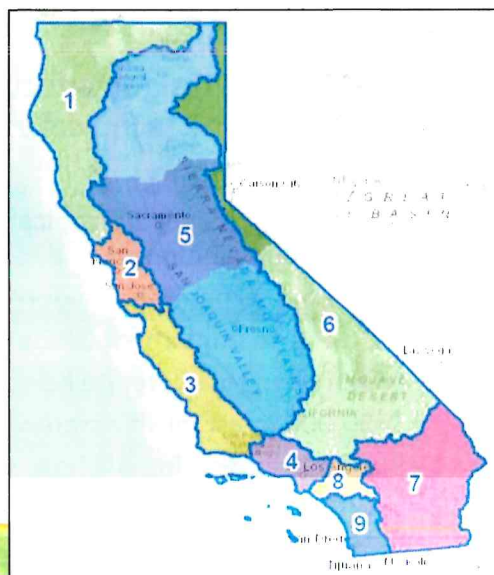
- Coastal Commission Local Government Sea Level Rise Working Group to discuss options for further development and implementation of sea level rise adaptation options, including via Local Coastal Program updates.
- Statewide SLR planning guidance to be updated – CCC to consider NOAA’s recommendation, not to consider the H++ scenario
- Sustainability Principles draft document targeting GHG reductions
 - While planning to adapt to new conditions is essential, so are actions to proactively reduce GHG emissions
 - Set of 10 guiding principles and 7 actions supporting reduction of GHG emissions (through land use policy and permitting decisions)



18

7. CA Adaptation: Varying Approaches to Resilience Planning across Regional Water Boards

- NPDES/WDR permit renewals requiring climate change vulnerability assessments, action plans, resilience plans, disaster preparedness plans, etc...of varying scopes depending on the Regional Water Board
- Some are more prescript than others
- Please be aware of your region's approach and let us know if any new



19

7. Adaptation: Alliance of Regional Collaboratives for Climate Adaptation

- North Coast Resource Partnership (NCRP)
- Capital Region Climate Readiness Collaborative (CRCRC)
- Sierra Climate Adaptation & Mitigation Partnership (Sierra CAMP)
- Bay Area Climate Adaptation Network (BayCAN)
- Central Coast Climate Collaborative (4C)
- Inland Southern California Climate Collaborative (ISC3)
- Los Angeles Regional Collaborative for Climate Action and Sustainability (LARC)
- San Diego Regional Climate Collaborative (SDRCC)

20



2023 Outlook:

State Legislation Update

(subgroup to meet in May again and as bills evolve to provide guidance to State Leg Committee)

Governor’s budget

(deficit leading to cuts relative to last year)



21

Assembly Bills in Review

Watch
Spot
Support
Oppose
Disapprove

- AB 43 (Holden D) GHG emissions: building materials: embodied C trading system
- AB 241 (Reyes D) Air quality programs: funding (Enhanced Fleet Modernization Program)
(failed 5/19 deadline)
- AB 530 (Boerner Horvath D) County Water Authority Act: exclusion of territory
- AB 573 (Garcia D) Organic waste (OW): meeting recovered OW product procurement targets
(failed 5/19 deadline)
- AB 678 (Alvarez D) Biomethane procurement targets or goals: core transport agents
- AB 849 (Garcia D) Community emissions reduction programs
- AB 985 (Arambula D) SJVAPCD: emission reduction credit
(failed 5/19 deadline)
- AB 1216 (Muratsuchi D) WWTPs: monitoring of air pollutants
(failed 5/19 deadline)
- (failed 5/19 deadline)
- (failed 5/19 deadline)
- AB 1548 (Hart D) GHG Reduction Fund: grant program: recycling infrastructure projects
- AB 1550 (Bennett D) Green hydrogen (unless amended)
- AB 1594 (Garcia D) Medium- and heavy-duty ZEV: public agency utilities
- AB 1628 (McKinnor D) Microfiber Filtration (unless amended)
(failed 5/19 deadline)
- (failed 5/19 deadline)



22

Senate Bills in Review

Watch
Spot
Support
Oppose
Disapprove

- (failed 5/19 deadline)
- SB 414 (Allen D) Climate change: applications using hydrogen: assessment (failed 5/19 deadline)
- SB 493 (Min D) Air pollution: alternative vehicles and electric and hydrogen infrastructure (failed 5/19 deadline)
- SB 663 (Archuleta D) CA RPS Program: renewable hydrogen
- SB 674 (Gonzalez D) Air pollution: refineries: community air monitoring systems: fence-line monitoring systems (failed 5/19 deadline)
- SB 781 (Stern D) Methane emissions: ~~low methane~~ natural gas producing low methane emissions

23



Informational Items

24



1. AB 32 Scoping Plan Update: Carbon Neutrality

- **CARB Target:** Carbon neutrality by 2045
- Scoping Plan outlines programs to be implemented
 - Natural and Working Lands (AB 284 / SB 27)
 - Building Decarbonization
 - Electricity Decarbonization (SB 100)
 - Transportation Sector (EO N-79-20)
 - Short-Lived Climate Pollutants (SB 1383 regulations)
 - Environmental Justice (manage GHG and local air pollutants)

- Natural and Working Lands Climate Smart Strategy targets increased C-sequestration and improved soil health
- Modeling to be updated in 2023 to address limitations (replacing synthetic fertilizer and soil amendments to croplands)

25



2. Carbon Sequestration Meta-Analysis

Systematic Reviews & Data Extraction

- Virginia Tech to understand C-sequestration potential from land-applied biosolids
- Review of published and unpublished data
- Promote biosolids research, identify gaps, and inform/harmonize future collection methods

Status of Report Summarizing Findings

- Report release in 2023
- Expecting high level overview and evidence of c-sequestration via biosolids land application

26



3. BACT, Large Emergency Diesel Engines $\geq 1,000$ bhp

- Air District Activities
 - BAAQMD – effective January 1, 2020
 - Sacramento Metro AQMD – effective June 4, 2021
 - San Joaquin Valley APCD – effective April 29, 2022
 - South Coast AQMD – approved September 2, 2022
 - BACT scientific review committee and public review process underway
 - Compliant engines are tested by their manufacturers, SCAP would like to see testing requirements for compliant engines matching that for certified engines to avoid unnecessary testing requirements onsite
 - Side note: SCAQMD advises operators not to use backup generators when the power is NOT out (for example, during the September 2022 heat wave)

- CARB interest in replacing existing backup generators by 2037
- SCAQMD to incentivize (\$) demonstration of new technology

27



4. Potential Amendments to Diesel Engine Off-Road Emission Standards

- “Tier 5 Rulemaking”
 - Reduce NO_x (up to 90%) and PM (up to 75%) compared to Tier 4 standards
 - Stringent exhaust standards for all power categories, including those that do not utilize exhaust aftertreatment (i.e., DPFs and SCRs)
 - First-time CO₂ standards
- Proposal to Board expected by 2024
- Implementation to begin in 2028
- CARB has funded research projects to assess feasibility of lower NO_x, PM, and CO₂ emission standards, as well as representative useful-life periods

28



Conferences/Events

- **CASA/CWEA Partnering for Impact**
June 6th, Berkeley
- **CASA Annual Conference**
August 9-11, San Diego

29



Upcoming Meetings

- June 22nd



Thank you!

30



CASA ACE Committee Bill Tracker 5/24/2023

[AB 43](#)

(Holden D) Greenhouse gas emissions: building materials: embodied carbon trading system.

Current Text: Amended: 3/30/2023 [html](#) [pdf](#)

Introduced: 12/5/2022

Last Amend: 3/30/2023

Status: 5/18/2023-From committee: Do pass. (Ayes 12. Noes 3.) (May 18). Read second time. Ordered to third reading.

Location: 5/18/2023-A. THIRD READING

Calendar: 5/25/2023 #66 ASSEMBLY THIRD READING FILE - ASSEMBLY BILLS

Summary: Current law requires the State Air Resources Board, by July 1, 2023, to develop a comprehensive strategy for the state's cement sector to achieve net-zero emissions of greenhouse gases associated with cement used within the state as soon as possible, but no later than December 31, 2045. Current law, effective January 1, 2023, requires the state board, by July 1, 2025, to develop, in consultation with specified stakeholders, a framework for measuring and then reducing the average carbon intensity of the materials used in the construction of new buildings, including those for residential uses. This bill would require the state board to establish an embodied carbon trading system, as defined, and would make it applicable to building materials providers, developers, architectural and engineering firms, and construction companies. The bill would require the state board to integrate the embodied carbon trading system into the framework on or before December 31, 2026, and to implement the system on and after January 1, 2029. The bill would require the state board to adopt rules and regulations for the credit allocation method, the anticipated carbon price in the scheme, and trading periods, and would make a violation of a rule, regulation, order, emission limitation, emissions reduction measure, or other measure adopted by the state board pursuant to these and other requirements of the bill an emission of an air contaminant for the purposes of the penalty provisions of the California Global Warming Solutions Act of 2006.

Position

Watch

Assigned

Jessica

Group

ACE, SLC

[AB 241](#)

(Reyes D) Air quality programs: funding.

Current Text: Amended: 5/18/2023 [html](#) [pdf](#)

Introduced: 1/13/2023

Last Amend: 5/18/2023

Status: 5/22/2023-Read second time. Ordered to third reading.

Location: 5/22/2023-A. THIRD READING

Calendar: 5/25/2023 #439 ASSEMBLY THIRD READING FILE - ASSEMBLY BILLS

Summary: Current law creates the Enhanced Fleet Modernization Program to provide compensation for the retirement and replacement of passenger vehicles and light-duty and medium-duty trucks that are high polluters. Current law requires the Bureau of Automotive Repair to administer the program and the State Air Resources Board to adopt the guidelines for the program. Current law requires the guidelines to ensure vehicle replacement or a mobility option be an option for all motor vehicle owners and may be in addition to compensation for vehicles retired. Current law creates the Enhanced Fleet Modernization Subaccount in the High Polluter Repair or Removal Account and makes available, upon appropriation, all moneys in the account to establish, implement, and administer the program. This bill would require the guidelines to ensure each replacement vehicle in the program be either a plug-in hybrid or zero-emission vehicle unless the state board makes a specified determination in consultation with the State Energy Resources Conservation and Development Commission, as specified

Position

Watch

Assigned

Jessica

Group

ACE

[AB 530](#)

(Boerner D) County Water Authority Act: exclusion of territory: procedure.

Current Text: Amended: 5/15/2023 [html](#) [pdf](#)

Introduced: 2/8/2023

Last Amend: 5/15/2023

Status: 5/16/2023-Re-referred to Com. on NAT. RES.

Location: 5/15/2023-A. NAT. RES.

Summary: The County Water Authority Act provides for the formation of county water authorities and grants to those authorities specified powers with regards to providing water service. The act provides 2 methods of excluding territory from any county water authority, one of which is that a public agency whose corporate area as a unit is part of a county water authority may obtain exclusion of the area by submitting to the electors within the public agency, at any general or special election, the proposition of excluding the public agency's corporate area from the county water authority. Current law requires that, if a majority of the electors approve the proposition, specified actions take place to implement the exclusion. This bill would additionally require the public entity to submit the proposition of excluding the public agency's corporate area from the county water authority to the electors within the territory of

the county water authority. The bill would require the 2 elections to be separate; however, the bill authorizes both elections to run concurrently.

Position	Assigned	Group
Watch	Jessica	ACE, SLC

AB 573 (Garcia D) Organic waste: meeting recovered organic waste product procurement targets.

Current Text: Amended: 5/18/2023 [html](#) [pdf](#)

Introduced: 2/8/2023

Last Amend: 5/18/2023

Status: 5/22/2023-Read second time. Ordered to third reading.

Location: 5/22/2023-A. THIRD READING

Calendar: 5/25/2023 #479 ASSEMBLY THIRD READING FILE - ASSEMBLY BILLS

Summary: Current law requires, no later than January 1, 2018, the State Air Resources Board to approve and begin implementing a comprehensive short-lived climate pollutant strategy to achieve a certain reduction in statewide emissions of methane, including a goal of a 75% reduction in the level of the statewide disposal of organic waste from the 2014 level by 2025. Current law requires the Department of Resources Recycling and Recovery, in consultation with the state board, to adopt regulations to achieve these organic waste reduction goals, that provide for, among other things, the calculation by the department of recovered organic waste product procurement targets for each local jurisdiction, and that may include penalties to be imposed by the department for noncompliance. This bill would require the department, for purposes of those regulations, to allow a local jurisdiction, until December 1, 2039, in procuring recovered organic waste products to meet the target procurement requirements, to use California-derived recovered organic waste that the local jurisdiction sends for processing at a facility or operation outside of the state that meets certain conditions, as provided.

Position	Assigned	Group
Support in concept	Jessica	ACE

AB 678 (Alvarez D) Biomethane procurement targets or goals: core transport agents.

Current Text: Amended: 3/27/2023 [html](#) [pdf](#)

Introduced: 2/13/2023

Last Amend: 3/27/2023

Status: 5/23/2023-In Senate. Read first time. To Com. on RLS. for assignment.

Location: 5/23/2023-S. RLS.

Summary: Current law requires the Public Utilities Commission to require each gas corporation to provide bundled basic gas service to all core customers in its service territory unless the customer chooses or contracts to have natural gas purchased and supplied by another entity. Current law requires the commission, in consultation with the State Air Resources Board, to consider adopting specific biomethane procurement targets or goals for each gas corporation, as specified. This bill would revise that latter requirement to instead require the commission to consider adopting specific biomethane procurement targets or goals for each gas corporation and core transport agent, as defined.

Position	Assigned	Group
Support	Jessica	ACE

AB 849 (Garcia D) Community emissions reduction programs.

Current Text: Amended: 3/29/2023 [html](#) [pdf](#)

Introduced: 2/14/2023

Last Amend: 3/29/2023

Status: 5/18/2023-From committee: Do pass. (Ayes 11. Noes 4.) (May 18). Read second time. Ordered to third reading.

Location: 5/18/2023-A. THIRD READING

Calendar: 5/25/2023 #227 ASSEMBLY THIRD READING FILE - ASSEMBLY BILLS

Summary: Current law requires the State Air Resources Board to prepare, and to update at least once every 5 years, a statewide strategy to reduce emissions of toxic air contaminants and criteria air pollutants in communities affected by a high cumulative exposure burden. Current law requires the state board to include in the statewide strategy, among other components, an assessment and identification of communities with high cumulative exposure burdens for toxic air contaminants and criteria air pollutants, prioritizing disadvantaged communities and sensitive receptor locations based on specified factors. Current law requires the state board, based on the assessment and identification of communities with high cumulative exposure burdens, to select locations around the state for preparation of community emissions reduction programs. Current law requires an air district encompassing any location selected by the state board to adopt, in consultation with the state board, within one year of the state board's selection, a community emissions reduction program to achieve emissions reductions for the location selected using cost-effective measures, as specified. Current law also requires an air district to submit the community emissions reduction program to the state board

for review and approval as prescribed. Current law requires the air district and the state board to implement and enforce the measures in the community emissions reduction program consistent with their respective authority. This bill would additionally require the air district, in adopting a community emissions reduction program, to consult with other relevant state agencies. By imposing additional duties on air districts, this bill would impose a state-mandated local program.

Position	Assigned	Group
Watch	Jessica	ACE

AB 985 (Arambula D) San Joaquin Valley Unified Air Pollution Control District: emission reduction credit system.

Current Text: Amended: 5/18/2023 [html](#) [pdf](#)

Introduced: 2/15/2023

Last Amend: 5/18/2023

Status: 5/22/2023-Read second time. Ordered to third reading.

Location: 5/22/2023-A. THIRD READING

Calendar: 5/25/2023 #527 ASSEMBLY THIRD READING FILE - ASSEMBLY BILLS

Summary: Current law requires the board of every air district to establish by regulation a system by which all reductions in the emission of air contaminants that are to be used to offset certain future increases in the emission of air contaminants be banked prior to use to offset future increases in emissions, except as specified. Current law requires the state board to develop and adopt a methodology for use by air districts to calculate the value of credits issued for emission reductions from stationary, mobile, indirect, and areawide sources when those credits are used interchangeably, consistent with certain requirements. Current law also requires the State Air Resources Board to periodically update the methodology as it applies to future transactions, if necessary. Current law provides for the establishment of the San Joaquin Valley Unified Air Pollution Control District vested with the authority to regulate air emissions from stationary sources located in the San Joaquin Valley Air Basin. This bill would require the district to revise the regulation establishing its emission reduction credit system to specify a time period by which existing and future emission reduction credits will expire. The bill would provide that this revision of the emission reduction credit system is subject to disapproval by the state board within 60 days after adoption by the district.

Position	Assigned	Group
Refer to ACE Committee	Jessica	ACE

AB 1216 (Muratsuchi D) Wastewater treatment plants: monitoring of air pollutants.

Current Text: Amended: 4/26/2023 [html](#) [pdf](#)

Introduced: 2/16/2023

Last Amend: 4/26/2023

Status: 5/18/2023-Read third time. Passed. Ordered to the Senate. (Ayes 59. Noes 15.) In Senate. Read first time. To Com. on RLS. for assignment.

Location: 5/18/2023-S. RLS.

Summary: Would require, on or before January 1, 2025, the owner or operator of a wastewater treatment facility that is located within 1,500 feet of a residential area and has an original design capacity of 425,000,000 gallons or more per day to develop, install, operate, and maintain a wastewater treatment-related fence-line monitoring system in accordance with guidance developed by the appropriate air quality management district. The bill would require the wastewater treatment-related fence-line monitoring system to include equipment capable of measuring pollutants of concern, including hydrogen sulfide, nitrogen oxides, and volatile organic compounds emitted to the atmosphere from wastewater treatment or reclamation processes that the appropriate district deems appropriate for monitoring. The bill would also require the owner or operator of a wastewater treatment facility to collect real-time data from the wastewater treatment-related fence-line monitoring system, to maintain records of that data, and to transmit the data to the appropriate air quality management district in accordance with the district's guidance. In addition, the bill would require, to the extent feasible, the data generated by these systems to be provided to the public as quickly as possible in a publicly accessible format.

Position	Assigned	Group
Oppose	Jessica	ACE, Attorneys, SLC

AB 1548 (Hart D) Greenhouse Gas Reduction Fund: grant program: recycling infrastructure projects.

Current Text: Amended: 4/20/2023 [html](#) [pdf](#)

Introduced: 2/17/2023

Last Amend: 4/20/2023

Status: 5/18/2023-From committee: Do pass. (Ayes 15. Noes 0.) (May 18). Read second time. Ordered to third reading.

Location: 5/18/2023-A. THIRD READING

Calendar: 5/25/2023 #378 ASSEMBLY THIRD READING FILE - ASSEMBLY BILLS

Summary: Current law requires the Department of Resources Recycling and Recovery, with additional moneys from the Greenhouse Gas Reduction Fund that may be appropriated to the department, to administer a grant program to provide financial assistance to promote the in-state development of infrastructure, food waste prevention, or other projects to reduce organic waste or to process organic and other recyclable materials into new value-added products. Current law requires the program to provide eligible financial assistance for certain activities, including recyclable material manufacturing. Current law specifies eligible infrastructure projects for purposes of the program. Current law requires the department to consider if and how the project may benefit disadvantaged communities in awarding a grant for organics composting or organics in-vessel digestion. This bill would expand the scope of the grant program to include providing financial assistance to promote in-state development of projects to sort and aggregate organic and other recyclable materials, as provided, or to divert items from disposal through enhanced reuse opportunities. The bill would require the grant program to provide eligible financial assistance for increasing opportunities for reuse of materials diverted from landfill disposal and for recyclable material recovery, sorting, or baling equipment for use at publicly owned facilities. The bill would authorize eligible infrastructure projects for the grant program to include projects undertaken by a local government at publicly owned facilities to improve the recovery, sorting, or baling of recyclable materials to get those materials into the marketplace, the purchase of equipment and construction of facilities to help develop, implement, or expand edible food waste recovery operations, and the establishment of reuse programs to divert items from landfill disposal for reuse by members of the public.

Position	Assigned	Group
Watch	Jessica	ACE

AB 1550 (Bennett D) Green hydrogen.

Current Text: Amended: 5/22/2023 [html](#) [pdf](#)

Introduced: 2/17/2023

Last Amend: 5/22/2023

Status: 5/23/2023-Read second time. Ordered to third reading.

Location: 5/23/2023-A. THIRD READING

Calendar: 5/25/2023 #573 ASSEMBLY THIRD READING FILE - ASSEMBLY BILLS

Summary: Would require, on and after January 1, 2045, that all hydrogen produced and used in California for the generation of electricity or fueling of vehicles be green hydrogen, as defined, in furtherance of the state's policy to achieve net zero greenhouse gas emissions as soon as possible, but no later than 2045. The bill would require the State Air Resources Board, in consultation with the Public Utilities Commission and the State Energy Resources Conservation and Development Commission, to develop interim targets to ensure the state achieves that requirement. Because a violation of a state board regulation implementing this requirement would be a crime, the bill would impose a state-mandated local program.

Position	Assigned	Group
Disapprove	Spencer	ACE

AB 1594 (Garcia D) Medium- and heavy-duty zero-emission vehicles: public agency utilities.

Current Text: Amended: 5/18/2023 [html](#) [pdf](#)

Introduced: 2/17/2023

Last Amend: 5/18/2023

Status: 5/22/2023-Read second time. Ordered to third reading.

Location: 5/22/2023-A. THIRD READING

Calendar: 5/25/2023 #559 ASSEMBLY THIRD READING FILE - ASSEMBLY BILLS

Summary: Executive Order No. N-79-20 establishes the goal of transitioning medium- and heavy-duty vehicles in California to zero-emission vehicles by 2045 for all operations where feasible and by 2035 for drayage trucks, and requires the State Air Resources Board to develop and propose medium- and heavy-duty vehicle regulations to meet that goal. This bill would require any state regulation that seeks to require, or otherwise compel, the procurement of medium- and heavy-duty zero-emission vehicles by a public agency utility to ensure that those vehicles can support a public agency utility's ability to maintain reliable water and electric services, respond to disasters in an emergency capacity, and provide mutual aid assistance statewide and nationwide, among other requirements. The bill would define a public agency utility to include a local publicly owned electric utility, a community water system, and a wastewater treatment provider, as specified. This bill contains other existing laws.

Position	Assigned	Group
Support in concept	Jessica	ACE

AB 1628 (McKinnor D) Microfiber filtration.

Current Text: Amended: 3/22/2023 [html](#) [pdf](#)

Introduced: 2/17/2023

Last Amend: 3/22/2023

Status: 5/18/2023-From committee: Do pass. (Ayes 11. Noes 4.) (May 18). Read second time. Ordered to third reading.

Location: 5/18/2023-A. THIRD READING

Calendar: 5/25/2023 #398 ASSEMBLY THIRD READING FILE - ASSEMBLY BILLS

Summary: Would require, on and after January 1, 2029, that all new washing machines offered for sale in California for residential, commercial, or state use contain a microfiber filtration system, as defined, with a mesh size not greater than 100 micrometers.

Position	Assigned	Group
Support, if amended	Jessica	ACE, SLC

SB 414

(Allen D) Climate change: applications using hydrogen: assessment.

Current Text: Amended: 5/18/2023 [html](#) [pdf](#)

Introduced: 2/9/2023

Last Amend: 5/18/2023

Status: 5/22/2023-Read second time. Ordered to third reading.

Location: 5/22/2023-S. THIRD READING

Calendar: 5/24/2023 #208 SENATE SENATE BILLS -THIRD READING FILE

Summary: Would, on or before December 31, 2025, require the State Air Resources Board, in consultation with the State Energy Resources Conservation and Development Commission (Energy Commission) and the Public Utilities Commission (PUC), upon appropriation by the Legislature, to complete an assessment of the use of hydrogen in certain applications, as specified. The bill would require the assessment to incorporate the findings of, and not duplicate, the above-described evaluation. The bill would require the state board, the Energy Commission, and the PUC to consider the findings in the assessment in their plans, rulemakings, reports, or other process related to the planning, implementation, or regulation of hydrogen production, distribution, storage, or usage in the state.

Position	Assigned	Group
Watch	Jessica	ACE

SB 493

(Min D) Air pollution: alternative vehicles and electric and hydrogen infrastructure.

Current Text: Amended: 4/24/2023 [html](#) [pdf](#)

Introduced: 2/14/2023

Last Amend: 4/24/2023

Status: 5/18/2023-From committee: Do pass. (Ayes 7. Noes 0.) (May 18). Read second time. Ordered to third reading.

Location: 5/18/2023-S. THIRD READING

Calendar: 5/24/2023 #89 SENATE SENATE BILLS -THIRD READING FILE

Summary: Current law requires the State Energy Resources Conservation and Development Commission, in consultation with the State Air Resources Board and the Public Utilities Commission (PUC), to prepare a statewide assessment of fuel cell electric vehicle fueling infrastructure and fuel production needed to support the adoption of zero-emission trucks, buses, and off-road vehicles at levels necessary for the state to meet the goals and requirements of Executive Order No. N-79-20 and any state board regulatory action that requires or allows zero-emission vehicles in the heavy-duty vehicle and off-road sectors. Current law also requires the Energy Commission, working with the state board and the PUC, to prepare a statewide assessment of the electric vehicle charging infrastructure needed to support the levels of electric vehicle adoption required for the state to meet its goals of putting at least 5,000,000 zero-emission vehicles on California roads by 2030, and of reducing emissions of greenhouse gases to 40% below 1990 levels by 2030. This bill would require the assessment of the fuel cell electric vehicle fueling infrastructure and fuel production to additionally include an assessment of storage and transport facilities, and the assessment of the electric vehicle charging infrastructure to additionally include electric system infrastructure and electric generation. The bill would expand the scope of the latter assessment to include the electric vehicle charging infrastructure, electric system infrastructure, and electric generation needed for the state to meet the goals of Executive Order No. N-79-20 and any state board regulatory action that requires or allows zero-emission vehicles in the heavy-duty vehicle and off-road sectors. The bill would require both assessments to identify any barriers to the deployment of hydrogen infrastructure and any barriers to the deployment of electric infrastructure, respectively, for medium- and heavy-duty fleets and recommendations for addressing those barriers.

Position	Assigned	Group
Watch	Spencer	ACE

SB 663

(Archuleta D) California Renewables Portfolio Standard Program: renewable hydrogen.

Current Text: Amended: 5/18/2023 [html](#) [pdf](#)

Introduced: 2/16/2023

Last Amend: 5/18/2023

Status: 5/22/2023-Read second time. Ordered to third reading.

Location: 5/22/2023-S. THIRD READING

Calendar: 5/24/2023 #241 SENATE SENATE BILLS -THIRD READING FILE

Summary: Current law establishes the California Renewables Portfolio Standard Program, which requires the Public Utilities Commission to implement annual procurement targets for the procurement of eligible renewable energy resources, which is defined as an electrical generating facility that meets the definition of "renewable electrical generation facility" subject to certain conditions, for all retail sellers, as defined, and requires local publicly owned electric utilities to adopt and implement a renewable energy resources procurement plan to achieve the targets and goals of the program. This bill would include a facility that uses renewable hydrogen, as defined, meeting certain requirements, including a requirement that sellers and purchasers of renewable hydrogen comply with a system for tracking and verifying the use of renewable hydrogen, as a renewable electrical generation facility for purposes of the California Renewables Portfolio Standard Program.

Position	Assigned	Group
Watch	Jessica	ACE

SB 674 (Gonzalez D) Air pollution: refineries: community air monitoring systems: fence-line monitoring systems.

Current Text: Amended: 4/10/2023 [html](#) [pdf](#)

Introduced: 2/16/2023

Last Amend: 4/10/2023

Status: 5/23/2023-In Assembly. Read first time. Held at Desk.

Location: 5/22/2023-A. DESK

Summary: Current law requires a refinery-related community air monitoring system to be installed near each petroleum refinery that meets certain requirements. Current law requires the owner or operator of a petroleum refinery to develop, install, operate, and maintain a fence-line monitoring system in accordance with guidance developed by the appropriate air quality management district or air pollution control district. Current law requires the air districts and the owners or operators of refineries to collect real-time data from those monitoring systems, to maintain records of that data, and, to the extent feasible, provide to the public those data in a publicly accessible format. This bill would extend the above requirements to refineries engaging in other types of refining processes, including those using noncrude oil feedstock, and to auxiliary facilities. The bill would require the refinery-related community air monitoring system and the fence-line monitoring system to be installed on or before January 1, 2026, and after a 30-day public comment period and those systems to be updated, as specified. The bill would require the appropriate air district to establish pollutants for the monitoring systems to monitor and would include certain pollutants identified by the Office of Environmental Health Hazard Assessment. The bill would authorize the air district to exclude a pollutant for monitoring at those monitoring systems, as provided. The bill would require air districts, on a 5-year basis, to review the list of pollutants being measured and would authorize the air districts to revise the list, as provided. The bill would require the air districts and the owners and operators of refineries to maintain records of the data collected from those systems for at least 5 years and would require the owners and operators to post online, and to notify the public of the availability of, quarterly reports containing certain information. The bill would require owners and operators of refineries to notify the air district and the public, as provided, as quickly as possible of any exceedances of the lowest available one-hour average reference exposure levels set by the office or the United States Environmental Protection Agency.

Position	Assigned	Group
Watch	Jessica	ACE

SB 781 (Stern D) Methane emissions: natural gas producing low methane emissions.

Current Text: Amended: 5/1/2023 [html](#) [pdf](#)

Introduced: 2/17/2023

Last Amend: 5/1/2023

Status: 5/18/2023-From committee: Do pass. (Ayes 5. Noes 2.) (May 18). Read second time. Ordered to third reading.

Location: 5/18/2023-S. THIRD READING

Calendar: 5/24/2023 #129 SENATE SENATE BILLS -THIRD READING FILE

Summary: The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency responsible for monitoring and regulating sources of emissions of greenhouse gases that cause global warming in order to reduce emissions of greenhouse gases. The act requires all state agencies to consider and implement strategies to reduce their greenhouse gas emissions. This bill would additionally require state agencies to prioritize strategies to reduce methane emissions, including emissions from imported natural gas, where feasible and cost effective. The bill would require the state board, no later than December 31, 2024, to establish a certification standard for natural gas producing low methane emissions.

CASA ACE
5/25/23
Craig K. Murray

CARB Board approved the Advanced Clean Fleet (ACF) Rules on 4/28/23, now rules are onto the Office of Administrative Law for approval. By Jan.1, 2024 (in approx. 6 months): 50% Vehicle Purchases need to be Electric (ZEVs) only in State of California. By Jan.1, 2027: 100% Vehicle Purchases need to be Electric only (ZEVs in State of California with limited exceptions. Goal is to eliminate Internal Combustion Engines (ICE) in all Sectors in all of CA.

Sacramento: State Budget deficit has grown again. State of California Deficit in January was \$25.5 Billion (B) and reported now that the State of California Deficit has grown to another \$9 Billion (B) to a reported \$31B. State Income Tax numbers won't be known until State Income Taxes are paid by with delayed date in October, 2023 and the budget view is expected to be even murkier. These numbers may very well affect the State Budget further. Review of funding levels for CASA related interest areas and Sacramento using unique words/jargon to describe funding levels such as the words "maintaining funding at" 89% ZEV funding; 57% coastal resilience rather than using the words "budget cuts". State of California Senior Fiscal Advisor has advised California Legislature that State of CA needs to cut another \$7B and therefore all 1x spending to be cut. Right now Sacramento is at the half way point of bill reviews. Next week all bills that made it through will appear at their Senate or Assembly Floors to die or pass. In June, CASA's Legislation Committee will start up for formal bill review and recommendations. Large number of bills presented this year and one of the areas of interest is Hydrogen. Bills pass through either the Policy Committee or the Authorization Committee and their place to die. Other favored terminology popular in Sacramento is the term "Green Electrolytic" and energy from all green sources (but this does not include or have a place for CASA WWTPs development of Biogas and its use). Comments that State of California needs to be more robust than Green Electrolytic. Serious concern with AB 1550 (Bennett D) Green Hydrogen and this bill will eliminate Biogas (from WWTP, Ag, Landfills...) for fuel consumption. If this bill gets passed, there will be no option for Biogas. Other interesting legislation such as AB 1628 (McKinnor D) Microfiber Filtration is that new washing machines will need a filter for microfibers and there may be some concern with biosolids. California is looking to present 5 Climate Bond Bills and determination if these would go primary election or November general election. Bonds considered include \$10B Homelessness Bond; \$10-15 or \$20B Resources Bond including Climate Change, Wildfire and all different categories not just water. Key is Water Recycling Funding and Regional Resilience.

On June 15, 2023, Governor and State has to pass its budget.



BOARD MEMBER MEETING ATTENDANCE REQUEST

Date: _____ Name: _____

I would like to attend the _____ Meeting
of _____

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

Location of meeting: _____

Actual meeting date(s): _____

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

Purpose of Meeting: _____

Meeting relevance to District: _____

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

Frequency of Meeting: _____

Estimated Costs of Travel (if applicable): _____

Date submitted to Board Secretary: _____

Board approval obtained on Date: _____

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

6/15/2023

BOARD AGENDA ITEM REQUESTS

Agenda Item 6B

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

Agenda Item 7
Date June 15, 2023

EDITORIAL

Hard decisions await MMWD amid scrutiny

When voters in the Marin Municipal Water District went to the polls in November, they spoke with their votes.

They wanted change.

In electing three new members to the district's board, they called for a change in the strategy and decisions that had left the district's water supply perilously close to running dry.

Back-to-back rain-soaked years rescued the district and has bought its leadership time to develop and implement a plan for increasing its supply and resiliency.

That is going to take a significant investment, which unfortunately translates into increasing rates and the cost of water.

The new board voted 4-1 to raise rates by an average of 20%.

Now it has to deliver. That is a whopping increase.

It is not uncommon for rates to be increased to make up for revenue lost due to prolonged conservation orders as MMWD customers saw in 2020-21 and last year.

Conservation is vital to preserving supply. It also means that MMWD is selling less water, which means less revenue to keep the district running.

Director Jed Smith says that without the rate increase, the district is losing \$1 million per month and has an aging water system "in need of drastic repair."

That dilemma, combined with the fact that the district is facing the pressing tasks of increasing its supply and also ramping up its promise for fire-safety work in its watershed, means increased water rates are needed.

The cost of living in Marin is rising.

While directors voted to increase rates, they also need to make a commitment to show it is making diligent progress in addressing those tasks.

The new rates shouldn't be spent on seemingly endless studies. Voters cast their ballot for change because it seemed the old board was caught flat-footed when it came to preparing the district for the drought.

The district is also looking at a \$200 million backlog of work needed to maintain its water system.

It was obvious that the former board's conservation-driven strategy wasn't enough. It helped stave off the crisis, but it didn't offer long-term supply and fiscal resiliency.

Voters weren't sure the old board was headed in that direction. It was working on developing plans that probably should have been in place years ago.

The new board is seeking federal funding to look at increasing storage at its three largest reservoirs — Kent, Nicasio and Soulajule. The real threat of a return of droughts should propel an expeditious action-focused process.

The new rates should include a promise that the board is going to focus on making progress, not more studies; that ratepayers are going to see results from the higher bills they are getting.

Reasonable timelines need to be stressed and kept.

The size of the rate increase should compel the board to deliver on that investment.

If not, the next election — this time with two board seats on the ballot — is 2024.

The last time the district either built a new reservoir and expanded its older ones was in the 1980s.

Marin has changed a lot since then. The district has twice spent millions studying and eventually shelving plans to build a desalination plant. During the recent drought, it scurried to develop plans for a new pipeline for Central Valley water, but the emergency waned as rainfall returned.

Planning, decision-making and action should be the focus of the board. As much as ratepayers focus on the fact they are paying a lot more, they also deserve to see progress.

Director Ranjiv Khush said the new rates are essential for the district to “get out of the ongoing cycle of water shortages.”

The new board was elected to make hard decisions and steer the district clear of the peril of running out of water that it faced only two years ago.

'Builder's remedy' option asserted

39-residence plan could increase to 150 homes

BY RICHARD HALSTEAD

RHALSTEAD@MARINIJ.COM

Marin County is facing its first "builder's remedy" application, a plan to construct homes in upper Lucas Valley.

John Bogdasarian, chief executive of the Promanas Group, a real estate private equity firm in Michigan, has filed a preliminary application under Senate Bill 330 to secure his right to build a residential project at 1501 Lucas Valley Road with only ministerial review. Bogdasarian purchased the property in February for more than \$5 million.

The developer has proposed 39 residences on the 61-acre parcel. On Friday, however, Bogdasarian said he is preparing a second SB 330 preliminary application that would vest his right to build as many as 150 homes at the site.

SB 330, known as the California Housing Accountability Act, mandates that if a city or county lacks a "substantially compliant" housing element, the jurisdiction is precluded from using its zoning or general plan standards to reject any housing project that meets certain affordability requirements.

To be eligible for the builder's remedy, at least 20% of a developer's proposed homes must be affordable for low-income residents or 100% of the homes must be affordable for moderate-income residents.

In a letter accompanying the application, Travis Brooks, an attorney representing the Promanas Group, wrote, "We note that pursuant to the state Department of Housing and Community Development's (HCD) March 23, 2023 letter, the county has not yet adopted a housing element that is 'substantially compliant' with state housing element law, though the deadline to do so was January 31, 2023."

Leelee Thomas, deputy director of the Marin County Community Development Agency, said Tuesday that the county is "waiting for HCD's comments on the revisions to our housing element."

According to the housing department's website, it received Marin County's revised housing element on May 17.

In his application filed on May 16, Bogdasarian says he plans to build 39 residences on the parcel. The plan includes 33 market-rate, single-family homes that would cover 99,132 square feet of building area. The project also would include six junior accessory dwelling units that would be deed-restricted as affordable for very-low-income residents.

Currently, there is just one residence on the parcel as well as a carport, water irrigation tank and a barn. Dirt roads provide access from Lucas Valley Road to the home.

The site at 1501 Lucas Valley Road is among 148 sites identified in the county's housing element as having potential for development. As with many of the other sites, the zoning on 1501 Lucas Valley Road was changed to make it easier for developers to build there.

Previously, 1501 Lucas Valley Road was zoned A-60, an agricultural designation that allowed only one home per 60 acres. The housing element changed the zoning to 15 dwellings per acre while also limiting development at the site to just 1.7 acres for a total of 26 residences.

However, Brooks states in his letter, "The project's 39 total units are permitted with a 50% density bonus above the base permitted 26 units — a bonus of 13 units."

Under state law, developers qualify for a density bonus if either 5% of their project's dwellings are affordable for very-low-income residents, or 10% are affordable for low-income residents.

"The project will also request multiple incentives, concessions, and/or waivers as appropriate, including a request to relax the county's 1.7-acre base lot coverage restriction on residential development at the site to 2.2 net acres," the letter says.

Under SB 330, the county would have no choice but to accede to Bogdasarian's requests. The law does not permit local jurisdictions to use inconsistency with a zoning ordinance or general plan to deny a project or condition a project in a way that makes it infeasible.

In a May 24 letter, Sonja Trauss, executive director of YIMBY Law, cautioned the county that if it fails to comply with the law, the organization "will not hesitate to take legal action to ensure that the law is enforced."

collaboratively.”

Brooks adds that the developer is reserving his option to rely on his vested rights under SB 330 and modify the project in such a way that he would benefit from the builder's remedy.

Under SB 330, if a developer submits a formal application within 180 days of submitting a preliminary application, then the zoning, design, subdivision and fee requirements in effect at the time the application was submitted remain in effect for the remainder of the entitlement process.

SB 330 allows developers who have filed a preliminary application to retain their SB 330 vested rights so long as the number of residences or square footage of construction are not changed by 20% or more.

Bogdasarian said the second SB 330 application that is being prepared for as many as 150 homes is something of an insurance policy, in case the county tries to stop him from developing the 39 homes.

“Then we would file for the absolute maximum density we think we could get accomplished on the site through legal channels,” he said.

Don Dickenson, a Marin County planning commissioner, noted that because of SB 330, the developer who received approvals from San Rafael to build an eight-story, 119-apartment complex at 703 Third St. could still choose to add more apartments to his project and make it even taller.

That is because Willis Polite, the owner of the property and managing partner of 703 Associates LLC, filed a preliminary SB 330 application in August 2022.

State bills seek broad reforms on water rights

BY IAN JAMES

LOS ANGELES TIMES

California's complex system of water rights took shape starting in the mid-1800s, when settlers saw the state's water as abundant and free for the taking — a time when a Gold Rush prospector could stake claim to river flows simply by nailing a notice to a tree.

Today, California's oldest and most senior water rights — called riparian and pre-1914 rights — have been passed along to thousands of agricultural landowners, irrigation districts and urban water suppliers that claim control of roughly one-third of the water that is diverted from the state's rivers and streams.

But increasingly, California water regulators are struggling to manage supplies for 39 million residents, agriculture and the environment as climate change warps the hydrologic cycle and brings longer-lasting and more severe droughts. Legal experts say the way the state manages this antiquated system is in dire need of reform. Among other problems, they say, current law prevents officials from verifying whether claims of senior water rights are valid, ordering those water users to reduce usage, or imposing fines that are large enough to penalize those who flout the rules. Three bills gaining momentum in the Legislature are seeking to change that, even as they draw heated opposition from water agencies and agricultural groups.

"These bills show that the Legislature is taking a serious look at bringing more comprehensive and consistent regulation to water rights — and empowering the State Water Resources Control Board to do the job California needs it to do," said Nell Green Nylen, a research fellow at the Wheeler Water Institute at the University of California at Berkeley law school.

Green Nylen is part of a group of legal experts who recently published a state-funded report outlining recommendations for legislative and policy changes to improve oversight and management of the water rights system. She said the bills in the Legislature would partially address some of their recommendations, while still leaving some "concerning gaps in the state's ability to manage water scarcity."

One bill — AB 1337, introduced by Assemblymember Buffy Wicks, D-Oakland — would clarify that the State Water Board has authority to issue a curtailment order for all diverters, including senior rights holders. The legislation was drafted in response to a recent decision by an appeals court, which sided with water agencies in the Sacramento-San Joaquin River Delta that had challenged the state's authority to order cuts. In its decision, the court suggested it's up to the Legislature to determine whether it's time to update the law.

Another measure approved by the Senate, SB 389, would give the State Water Board the authority to investigate and verify whether the claims of senior rights holders are valid and accurate.

"They've got to have more tools at their disposal to better understand the rights system as it exists," said Sen. Ben Allen, D-Santa Monica, who introduced the proposal.

California's existing water rights allocate far more water than is available in an average year, Allen noted, and state water regulators are tasked with making the system work through increasingly intense droughts.

The change would help the water rights system function the way it's supposed to, "before we run out of time to fix it," Allen said.

Another bill, AB 460, would strengthen the State Water Board's enforcement powers to stop illegal water diversions and would sharply increase fines for violators.

The bill is intended to prevent the sort of violations that occurred in August in the Shasta River watershed, when farmers and ranchers who belong to the Shasta River Water Association defied a curtailment order for eight days and diverted more than half the river's flow, flouting requirements aimed at protecting salmon. The State Water Board fined the association the maximum amount for the violation: \$4,000, which worked out to about \$50 for each of its members.

The case led to widespread calls for larger fines and stronger enforcement powers.

"If we have scofflaws out there taking water that is not theirs, then it really messes up the entire system," said Assemblymember Rebecca Bauer-Kahan, D-Orinda, who introduced the bill.

The bill would give the State Water Board the authority to issue temporary orders to stop the illegal taking of water, and would increase fines for violations to up to \$10,000 per day, plus \$2,500 per acre-foot of water diverted. (An acre-foot is 325,851 gallons, or enough to cover one acre a foot deep.)

Supporters of the reform proposals in the Legislature say the bills aren't meant to radically change the existing system, but rather to make a dysfunctional system work.

"These modest changes are a first step in retrofitting the water rights system for the 21st century challenges ahead," said Amanda Fencil, a climate scientist for the Union of Concerned Scientists. She said the measures offer critical updates to enable the State Water Board "to make informed and timely water management decisions and build climate resilience for the future."

The proposals are facing opposition from many water agencies and groups representing the agriculture industry.

The three bills "all create increased uncertainty in the water supply, which would make it harder for growers to plan — and could result in fewer planned acres of food grown," said Gail Delihant, senior director of California government affairs for Western Growers, which represents more than 1,500 crop growers, packers and shippers.

Delihant said the measures represent "attempts to destabilize the water rights system in California."

Also opposing the bills is the Association of California Water Agencies, or ACWA, which represents about 460 public agencies that deliver water to cities and farms. Kristopher Anderson, a legislative advocate for ACWA, said the bills "present a foundational change in the way California's water rights system is implemented, managed, and enforced."

"They would authorize the State Water Board to impose punitive penalties on even law-abiding water right holders, curtail water rights in any year, and strip entities of their water rights," Anderson said. "This package of legislation would create significant uncertainty, and lead to unintended consequences, for not just water right holders themselves, but communities and businesses across the state that depend on a reliable water supply."

Anderson said water agencies that belong to the association agree that higher fines are necessary to deter violations, such as those that occurred on the Shasta River last year. But he and other opponents argued the proposal is overly broad and goes beyond what is necessary.

In a letter opposing Wicks' bill, representatives of dozens of water districts and agriculture industry groups said they support proposals to "modernize administration" of the water rights system by improving how the state collects and manages data, and by deploying more stream gages, among other steps. They argued that as it stands, the proposal "threatens to remake the way water rights are managed in California by employing a top-down approach that would override decades of successful collaborative water management practices."

State officials are working on a project to modernize California's water rights information system by digitizing about 7 million pages of paper records. But officials have said that even those extensive records in many cases don't include original documents that show proof of pre-1914 water rights, which were grandfathered in under the 1913 Water Commission Act. That act established a permit process for rights from then on.

In a February meeting, state officials said there are currently about 2,600 riparian and pre-1914 water rights claims in the San Joaquin River watershed, and more than 3,900 rights claims in the Sacramento River watershed. The rights are held by various entities and individuals, among them agencies that supply cities and agricultural irrigation districts supplying farms that produce nuts, cotton, rice and other crops.

In their recent report, Green Nysten and other water law researchers recommended various changes to establish what they say would be a fair and effective framework for curtailing water rights. They said that the Legislature should clarify, among other things, that the State Water Board has broad authority to order curtailments for all diverters, including those with the oldest rights.

The researchers said the State Water Board "needs to implement curtailments on a regular basis, not only in times of extreme crisis or only in certain watersheds." They noted that other Western states routinely curtail water rights in this way.

"Drought response has been improvised, spotty and belated," said Dave Owen, a professor at UC College of the Law in San Francisco.

"If you talk to people at the board, they will bluntly tell you they're incredibly frustrated with their inability to gather information that they think they need. And then there are anemic enforcement mechanisms," Owen said. "We just have this huge mismatch between major problems, big expectations for the agency and a fairly weak set of implementation tools. And it just means that we sort of default to the status quo. We default to improvisation or we default to letting people just kind of do what they want with water — unless it is so egregiously obvious that there is a problem that we have to step in."

Michael Kiparsky, director of the Wheeler Water Institute at the UC Berkeley School of Law, said it's vital that state officials look ahead now to improve how the system functions to respond to the next drought.

"Our system for water administration in California just doesn't work," Kiparsky said. "It doesn't work because the state doesn't have the tools it needs to do the basics. Those basics include figuring out who should have the right to divert water from rivers and streams at any particular time, and telling those who should not be diverting water that they can't. It's a very basic function."