



101 Lucas Valley Road, Suite 300
San Rafael, CA 94903
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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
Craig K. Murray
Barry Nitzberg
Gary E. Robards
Crystal J. Yezman

The Mission of the Las Gallinas Valley Sanitary District is to protect public health and our environment, providing effective wastewater collection, treatment, and resource recovery.

BOARD MEETING AGENDA

November 21, 2024

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

OPEN SESSION:

4:00 PM

1. PUBLIC COMMENT

This portion of the meeting is reserved for people 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.

CLOSED SESSION:

4:05 PM

2. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION – Significant exposure to litigation pursuant to subdivision (b) of Gov. Code Section 54956.9 - One potential case.

OPEN SESSION:

4:35 PM

3. CONSENT CALENDAR

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

- A. Approve the Board Minutes for October 17, 2024
- B. Receive and Ratify the Check Warrant List
- C. Approve Board Compensation for October 2024
- D. Approve Murray attending CASA Winter Conference January 29-31 in Palm Springs
- E. Approve Modification to the January 2025 Board meeting schedule

Possible expenditure of funds: Yes, Item B through D.

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

- 4:45 PM** **4. REVIEW OF THE GARBAGE AND REFUSE RATE FOR 2025, RESOLUTION 2024-2344 AND SET PUBLIC HEARING FOR ORDINANCE NO. 196**
Board to review the Marin Sanitary Service Rate Setting Report, Resolution 2024-2344, Draft Ordinance No. 196 and set a Public Hearing date.
- 5:15 PM** **5. INFORMATION ITEMS:**
STAFF/CONSULTANT REPORTS:
1. General Manager's Report – verbal
 2. Solar Project Update – verbal
 3. Engineering Department Report – written
 4. Operations Department Report – written
- 5:45 PM** **6. SIDE LETTER OF AGREEMENT NO. 3 BETWEEN LAS GALLINAS VALLEY SANITARY DISTRICT AND OPERATING ENGINEERS UNION LOCAL NO. 3**
Board to review the Side letter of Agreement No. 3 between LGVSD and OE3.
- 6:00 PM** **7. BOARD MEMBER REPORTS:**
1. CLARK
 - a. NBWA Board Committee, Operations Control Centers Ad Hoc Committee, Fleet Management Ad Hoc Committee, FutureSense Ad Hoc Committee, Energy Ad Hoc Committee, CASA Workforce Committee, Other Reports
 2. MURRAY
 - a. Marin LAFCo, Flood Zone 6, Biosolids Ad Hoc Committee, CASA Energy Committee, Development Ad Hoc Committee, San Francisco Bay Trail Ad Hoc Committee, Energy Ad Hoc Committee, Other Reports
 3. NITZBERG
 - a. Operations Control Centers Ad Hoc Committee, Fleet Management Ad Hoc Committee, McInnis Marsh Ad Hoc Committee, San Francisco Bay Trail Ad Hoc Committee, Other Reports
 4. ROBARDS
 - a. Gallinas Watershed Council/Miller Creek, NBWRA, Engineering Ad Hoc Committee re: STPURWE, McInnis Marsh Ad Hoc Committee, Development Ad Hoc Committee, FutureSense Ad Hoc Committee, Other Reports
 5. YEZMAN
 - a. Flood Zone 7, CSRMA, Ad Hoc Engineering Committee re: STPURWE, Marin Special Districts, Biosolids Ad Hoc Committee, Other Reports

- 6:15 PM **8. BOARD REQUESTS:**
 - A. Board Meeting Attendance Requests – verbal
 - B. Board Agenda Item Requests – verbal

6:20 PM **9. VARIOUS INDUSTRY RELATED ARTICLES**

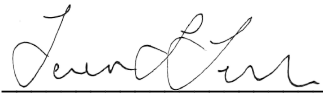
6:30 PM **10. ADJOURNMENT**

FUTURE BOARD MEETINGS DECEMBER 5 AND DECEMBER 19, 2024

AGENDA APPROVED:	Craig K. Murray, 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 November 18, 2024 4:00 p.m., I posted the Agenda for the Board Meeting of said Board to be held on November 21, 2024 at the District Office, located at 101 Lucas Valley Road, Suite 300, San Rafael, CA.

DATED: November 15, 2024



 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 sessions. 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 of 1990 (42 U.S.C. Sec. 12132), if you need special assistance to participate in this meeting, please contact the Board Secretary at 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 disability-related modifications or accommodations, including auxiliary aids or services, to help ensure accessibility to this meeting.**

AGENDA ITEM 1

11/21/2024

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.

11/21/2024

CLOSED SESSION

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

MEETING MINUTES OF NOVEMBER 7, 2024

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

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

BOARD MEMBERS ABSENT: None

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

OTHERS PRESENT: Patrick Richardson, District Counsel;

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

1. PUBLIC COMMENT: None.

CLOSED SESSION:

ACTION:

THE BOARD OF DIRECTORS OF THE LAS GALLINAS VALLEY SANITARY DISTRICT ADJOURNED TO CLOSED SESSION ON NOVEMBER 7, 2024, AT 4:02 P.M. AT THE DISTRICT OFFICE, 101 LUCAS VALLEY ROAD, SUITE 300, CONFERENCE ROOM, SAN RAFAEL, CALIFORNIA.

Lerch and McDonald left the meeting at 4:02 pm.

2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – Significant exposure to litigation pursuant to subdivision (b) of Gov. Code Section 54956.9 – Two potential cases.

ADJOURNMENT:

ACTION:

The Board of Directors of the Las Gallinas Valley Sanitary District reconvened the Regular Session on November 7, 2024 at 4:51 p.m.

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

STAFF PRESENT: Curtis Paxton, General Manager, Teresa Lerch, Board Secretary; Dale McDonald, District Treasurer; Mike Cortez, District Engineer, Greg Pease, Collections/Safety/Maintenance Manager

OTHERS PRESENT: Patrick Richardson, District Counsel;

PUBLIC COMMENT: None.

REPORT ON CLOSED SESSION:

President Murray reported that there was nothing to report.

3. CONSENT CALENDAR:

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

- A. Approve the Board Minutes for October 17, 2024
- B. Receive and Ratify the Check Warrant List
- C. Approve Transfer of Biosolids Program Monitoring and Research Support Contract to Parsons
- D. Approve Contract Amendment No. 1 for GHD Terra Linda Highway 101 Undercrossing Sewer Lining Project
- E. Approve Award of Contract for Rafael Meadows Fencing Project

Items B and E were pulled for discussion.

ACTION:

Board approved (M/S Robards/Clark (5-0-0-0) the Consent Calendar items A through E

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

4. INFORMATION ITEMS:

STAFF / CONSULTANT REPORTS:

- 1. General Manager's Report – Paxton reported.
- 2. Administration Department Report – McDonald reported.
- 3. Quarterly Financial Report – McDonald reported.
- 4. Presentation of GFOA Certificate of Achievement for Excellence in Financial Reporting – McDonald reported.
- 5. Collections/Maintenance/Safety Department Report – Pease reported.

5. AWARD OF CONTRACT TO HAZEN AND SAWYER FOR BIOSOLIDS MANAGEMENT STRATEGY

The Board reviewed Hazen and Sawyer's proposal for Biosolids Management Strategy.

Board approved (M/S Yezman/Robards (5-0-0-0) Hazen and Sawyer's proposal for Biosolids Management Strategy in the amount of \$199, 640.

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

6. 101 LUCAS VALLEY ROAD ADMIN OFFICE LEASE RENEWAL

Board reviewed the existing and future terms of the Lease Agreement for 101 Lucas Valley Road, Suite 300, San Rafael.

Board approved (M/S Robards/Clark (5-0-0-0) authorizing the General Manager to execute an amendment to the current Lease Agreement for 101 Lucas Valley Road, Suite 300 with Rathlin Properties, LLC, extending the lease for five (5) years through November 30, 2029.

AYES: Clark, Murray, Nitzberg, Robards and Yezman

NOES: None.

ABSENT: None.

ABSTAIN: None.

7. BOARD REPORTS

1. CLARK
 - a. NBWA Board Committee – no report
 - b. Operation Control Centers Ad Hoc Committee – no report
 - c. Fleet Management Ad Hoc Committee – no report
 - d. FutureSense Ad Hoc Committee – no report
 - e. Energy Committee Ad Hoc Committee – no report
 - f. CASA Workforce Committee – no report
 - g. Other Reports – SDLF Leadership Academy – verbal report
2. MURRAY
 - a. Marin LAFCO –no report
 - b. Flood Zone 6 – no report
 - c. CASA Energy Committee – no report
 - d. Biosolids Ad Hoc Committee – no report
 - e. Development Ad Hoc Committee – no report
 - f. SF Bay Trail Ad Hoc Committee – no report
 - g. Energy Ad Hoc Committee – no report
 - h. Other Reports- SDLF Leadership Academy – verbal report
3. NITZBERG
 - a. Operation Control Centers Ad Hoc Committee – no report
 - b. Fleet Management Ad Hoc Committee – no report
 - c. McInnis Marsh Ad Hoc Committee – no report
 - d. SF Bay Trail Ad Hoc Committee – no report
 - e. Other Reports – no report
4. ROBARDS
 - a. Gallinas Watershed Council/Miller Creek – verbal report
 - b. NBWRA – no report
 - c. STPURWE Engineering Ad Hoc Committee –no report
 - d. McInnis Marsh Ad Hoc Committee – no report
 - e. Development Ad Hoc Committee – no report
 - f. FutureSense Ad Hoc Committee – no report
 - g. Other Reports – reported on the Metropolis North San Pedro Road project
5. YEZMAN
 - a. Flood Zone 7– no report
 - b. CSRMA – no report
 - c. Marin Special District Association – verbal report
 - d. STPURWE Engineering Ad Hoc Committee – no report
 - e. Biosolids Ad Hoc Committee – no report
 - f. Other Reports– no report

7. BOARD REQUESTS:

- A. Board Meeting Attendance Requests – None.
- B. Board Agenda Item Requests – Ordinance modification increasing the Sewer Lateral Assistance Program loan maximum.

8. VARIOUS INDUSTRY ARTICLES

Discussion ensued.

9. ADJOURNMENT:

ACTION:

The board approved (Robards/Clark 5-0-0-0) the adjournment of the meeting 6:19 p.m.

AYES: Clark, Murray, Nitzberg, Robards and Yezman.

NOES: None.

ABSENT: None.

ABSTAIN: None.

The next Board Meeting is scheduled for November 21, 2024 at 4:00 pm at the District office.

ATTEST:

Teresa Lerch, Board Secretary

APPROVED:

Gary E. Robards, Vice-President

Report Criteria:
Report type: GL detail
Check Detail.Input date = 11/08/2024

GL Period	Check Issue Date	Invoice Number	Description	Invoice GL Account	Invoice Amount	Amount
A & C Auto Air & Radiator Inc						
21370						
11/24	11/08/2024	86021	AC Recharge - 2019 Freightliner	10-460-5310	295.40	295.40
Total A & C Auto Air & Radiator Inc:						295.40
All Star Rents						
21371						
11/24	11/08/2024	1282269-4	Propane cost after rental return	10-480-5232	70.63	70.63
Total All Star Rents:						70.63
AT&T						
21372						
11/24	11/08/2024	10-7-2024 TO 1	Phone Lines at Pump Station - October	10-500-5423	466.62	466.62
11/24	11/08/2024	10-7-2024 TO 1	Phone lines- Recycled Water	60-620-5423	224.83	224.83
Total AT&T:						691.45
Bay Area Background Checks						
21373						
11/24	11/08/2024	203252	Background check- R Gondoli and B Pankow	10-480-5337	166.00	166.00
Total Bay Area Background Checks:						166.00
Beecher Engineering, Inc.						
21374						
11/24	11/08/2024	1024-51	Electrical Engineering Services for Primary Effluent Pump Station	10-935-5601	3,680.00	3,680.00
Total Beecher Engineering, Inc.:						3,680.00
Brady Industries						
30000820						
11/24	11/08/2024	9376122	Cups	10-400-5221	408.25	408.25
Total Brady Industries:						408.25
Buck's Saw Service Inc						
30000821						
11/24	11/08/2024	116330	Hedgetrimmer and Blower	10-480-5312	1,453.87	1,453.87
11/24	11/08/2024	116876	Chainsaw File	10-460-5311	6.49	6.49
Total Buck's Saw Service Inc:						1,460.36
California Special Districts Assoc						
21375						
11/24	11/08/2024	MEMBERSHIP	Membership 1-25 to 12-25	10-400-5461	9,627.00	9,627.00
Total California Special Districts Assoc:						9,627.00
CalNet						
21376						
11/24	11/08/2024	22478793	Phone Lines at Pump Station	10-500-5423	345.35	345.35

M = Manual Check, V = Void Check

GL Period	Check Issue Date	Invoice Number	Description	Invoice GL Account	Invoice Amount	Amount
11/24	11/08/2024	22251	STPURWE Labor Compliance Services - DAC	10-902-5601	23.00	23.00
11/24	11/08/2024	22252	Venetia Harbor Pump Station Concrete Slab Repair	10-810-5601	432.00	432.00
11/24	11/08/2024	22253	On-Call Contract for Labor Compliance Services (2024-2025)	10-420-5342	6,191.50	6,191.50
11/24	11/08/2024	22254	Labor compliance services for solar photovoltaic system replacement	10-812-5601	129.00	129.00
Total Contractor Compliance and Monitoring, In:						7,695.50
CPS HR Consulting						
30000824						
11/24	11/08/2024	0014144	Human Resources Consulting Services	10-400-5331	503.72	503.72
11/24	11/08/2024	0014685	Human Resources Consulting Services	10-400-5331	3,530.53	3,530.53
Total CPS HR Consulting:						4,034.25
Dash Mechanical Engineering LLC						
21381						
11/24	11/08/2024	2266	Biowheel related inventory components	10-600-5319	107,932.59	107,932.59
Total Dash Mechanical Engineering LLC:						107,932.59
Direct Dental Administrators LLC						
20241031						
10/24	10/31/2024	D20241101-28	Dental Payment - Collections	10-460-5117	162.98	162.98 M
Total Direct Dental Administrators LLC:						162.98
Exponent, Inc.						
30000825						
11/24	11/08/2024	576996	Bio-Wheel Failure Analysis of Chain & Motor - Task D Chain Link Co	10-480-5339	7,192.50	7,192.50
11/24	11/08/2024	577007	Planetary Gear Failure	10-600-5317	467.50	467.50
Total Exponent, Inc.:						7,660.00
First American Title Company						
21382						
11/24	11/08/2024	OVERPAYMEN	Reimbursement of overpaymet PSL 687 Woodbine Drive	10-400-9999	10.00	10.00
Total First American Title Company:						10.00
Freyer & Laureta Inc						
30000826						
11/24	11/08/2024	24-599	On-Call Contract for Engineering Services 2024-2025	10-745-5601	990.00	990.00
Total Freyer & Laureta Inc:						990.00
Gardeners Guild						
30000827						
11/24	11/08/2024	119048	Maintenance for Sep 24	10-600-5312	2,153.00	2,153.00
Total Gardeners Guild:						2,153.00
GHD Inc.						
30000828						
11/24	11/08/2024	380-0057300	Biosolids Program & Research Project Support Services	10-813-5601	59,129.80	59,129.80
11/24	11/08/2024	380-0059568	John Duckett Pump Station Electrical Upgrades and Terra Linda Tru	10-754-5601	5,287.30	5,287.30

M = Manual Check, V = Void Check

GL Period	Check Issue Date	Invoice Number	Description	Invoice GL Account	Invoice Amount	Amount
Total GHD Inc.:						64,417.10
Grainger						
30000829						
11/24	11/08/2024	9296208532	Misc. Supplies	10-480-5315	190.87	190.87
11/24	11/08/2024	9296267892	Misc. Supplies	10-480-5315	1,434.78	1,434.78
11/24	11/08/2024	9299393257	Acoustic Curtain with Noise Barrier Septum	10-480-5315	2,816.64	2,816.64
Total Grainger:						4,442.29
Hach Company						
30000830						
11/24	11/08/2024	14236412	Assy. Colorimeter, CL17sc	10-600-5315	1,286.97	1,286.97
Total Hach Company:						1,286.97
Hansel Auto Group Henry Curtis Ford						
21383						
11/24	11/08/2024	246430	F-350 maintenance	10-460-5310	233.75	233.75
Total Hansel Auto Group Henry Curtis Ford:						233.75
Hazen and Sawyer						
21384						
11/24	11/08/2024	20148-003-37	Digester Room MCC #2 Upgrade	10-747-5601	4,610.00	4,610.00
11/24	11/08/2024	20148-008-2	On-Call Contract for Engineering Services - September 2024	10-745-5601	4,365.00	4,365.00
Total Hazen and Sawyer:						8,975.00
Jackson's Hardware Inc						
21385						
11/24	11/08/2024	166198	Misc. Supplies	10-480-5317	280.70	280.70
Total Jackson's Hardware Inc:						280.70
JDB Systems						
21386						
11/24	11/08/2024	8675	Check VFD at Recycled Water for Fault Alarm	10-600-5317	933.20	933.20
11/24	11/08/2024	8677	Smith Ranch VFD Troubleshooting	10-480-5317	1,428.20	1,428.20
11/24	11/08/2024	8678	Repair on Clarifier #2	10-600-5317	2,856.40	2,856.40
Total JDB Systems:						5,217.80
Kennedy Jenks Consulting Inc						
30000831						
11/24	11/08/2024	175411	STPURWE: Amendment 2 - Construction Management and Inspectio	10-902-5601	752.50	752.50
Total Kennedy Jenks Consulting Inc:						752.50
Kenwood Energy						
30000832						
11/24	11/08/2024	LGVSD-2409	BESS Consulting Services - Aug 24	10-934-5601	92.50	92.50
11/24	11/08/2024	LGVSD-2409	Solar PV System Upgrade - Aug 24	10-830-5601	8,331.25	8,331.25
11/24	11/08/2024	LGVSD-2411	BESS Consulting Services	10-934-5601	3,119.37	3,119.37
11/24	11/08/2024	LGVSD-2411	Solar PV System Upgrade - Extension of original contract	10-830-5601	1,115.00	1,115.00
11/24	11/08/2024	LGVSD-2411	BESS Consulting Services - Additional amount	10-934-5601	1,765.63	1,765.63

M = Manual Check, V = Void Check

GL Period	Check Issue Date	Invoice Number	Description	Invoice GL Account	Invoice Amount	Amount
Total Kenwood Energy:						14,423.75
Lerch, Teresa						
30000833						
11/24	11/08/2024	2024 BOARD S	Bus, Parking, and Per Diem	10-400-5467	410.00	410.00
Total Lerch, Teresa:						410.00
Marin Ace						
21387						
11/24	11/08/2024	77214	Misc. Supplies	10-460-5315	29.08	29.08
11/24	11/08/2024	77217	Misc. Supplies	10-460-5315	31.44	31.44
Total Marin Ace:						60.52
McDonald, Dale						
30000834						
11/24	11/08/2024	TABLET COMP	Tablet Computer Reimbursement per Policy A-3 and Employee Contr	10-400-5221	1,471.59	1,471.59
Total McDonald, Dale:						1,471.59
Murray, Craig						
30000835						
11/24	11/08/2024	DENTAL REIM	Dental reimbursement 10.30.24	10-440-5115	220.00	220.00
Total Murray, Craig:						220.00
Platt Electric Supply						
21388						
11/24	11/08/2024	5Q25949	Electrical Supplies	10-480-5315	91.75	91.75
11/24	11/08/2024	5Q32743	Electrical Supplies	10-480-5315	424.04	424.04
Total Platt Electric Supply:						515.79
Precision Crane Service Inc.						
21389						
11/24	11/08/2024	97627	Lift three motors and one chain with crane	10-480-5315	1,357.00	1,357.00
Total Precision Crane Service Inc.:						1,357.00
Regional Government Services						
30000836						
11/24	11/08/2024	17592	Financial Management Services - Sept 24	10-400-5342	10,096.50	10,096.50
Total Regional Government Services:						10,096.50
SMART						
21390						
11/24	11/08/2024	655300	License fee 10-1-2024 TO 9-30-2025 for MP 21.92	10-400-5451	685.80	685.80
Total SMART:						685.80
Spiess, Robert						
21391						
11/24	11/08/2024	2024-25C (8.6	2024/25 Sewer service charges and tax assessment consulting	10-400-5342	2,450.00	2,450.00

M = Manual Check, V = Void Check

GL Period	Check Issue Date	Invoice Number	Description	Invoice GL Account	Invoice Amount	Amount
Total Spiess, Robert:						2,450.00
SWRCB-ELAP FEES						
21392						
11/24	11/08/2024	EA-AN-0225-2	ELAP Annual Accreditation Fee 2025	10-560-5455	5,525.00	5,525.00
Total SWRCB-ELAP FEES:						5,525.00
Terryberry						
30000837						
11/24	11/08/2024	S09506	Employee Recognition - G Cook	10-400-5229	143.35	143.35
11/24	11/08/2024	S13325	Employee Recognition- A Asaro	10-400-5229	178.81	178.81
Total Terryberry:						322.16
Thatcher Company of California Inc.						
30000838						
11/24	11/08/2024	202425010591	Sodium Bisulfite - Annual FY 24/25 Budget	10-600-5282	8,054.61	8,054.61
Total Thatcher Company of California Inc.:						8,054.61
Towne Communications, Inc.						
21393						
11/24	11/08/2024	134963	Quarterly Charge for Warranty Agreement on Phone System	10-400-5423	265.92	265.92
Total Towne Communications, Inc.:						265.92
Univar USA Inc.						
30000839						
11/24	11/08/2024	52505427	Sodium Hypochlorite - Annual FY 24/25 Budget	10-600-5281	16,393.66	16,393.66
11/24	11/08/2024	52527026	Sodium Hypochlorite - 10 28 24	10-600-5281	17,239.78	17,239.78
Total Univar USA Inc.:						33,633.44
West Yost						
21394						
11/24	11/08/2024	2060307	Cybersecurity Consulting Services	10-600-5342	2,592.25	2,592.25
Total West Yost:						2,592.25
WEX Health Inc.						
20241011						
10/24	10/11/2024	10.11.24 FSA	FSA Reimbursement 10.11.24	10-000-2130	78.93	78.93 M
20241025						
10/24	10/25/2024	0002029779-IN	FSA Administration - September 2024	10-000-2130	50.00	50.00 M
202410311						
10/24	10/31/2024	10.31.2024 FS	FSA Reimbursement 10.31.24	10-000-2130	89.41	89.41 M
Total WEX Health Inc.:						218.34
Woodland Center Auto Supply Inc.						
21395						
11/24	11/08/2024	898562	Diesel Exhaust Fluid	10-460-5310	111.37	111.37
Total Woodland Center Auto Supply Inc.:						111.37

M = Manual Check, V = Void Check

GL Period	Check Issue Date	Invoice Number	Description	Invoice GL Account	Invoice Amount	Amount
Xylem Water Solutions, Inc.						
21396						
11/24	11/08/2024	3556D45130	Bracket Guide Bar - Upper	10-600-5317	403.94	403.94
Total Xylem Water Solutions, Inc.:						403.94
Grand Totals:						324,420.83

Board Member: _____

General Manager:  11/14/2024

Finance Manager:  11/13/24

Agenda Item 3C
Date November 21, 2024

Directors' Meeting Attendance Recap

<u>Name</u>	<u>Total Meetings</u>
Megan Clark	6
Barry Nitzberg	2
Craig Murray	6
Gary Robards	6
Crystal Yezman	<u>3</u>
Total	<u><u>23</u></u>

Meeting Date: 11/21/2024
Paydate: 11/15/2024



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: OCTOBER 2024

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
Oct. 3	REG.	X	
17	REG.	X	
TOTAL		2	

OTHER MEETINGS		CHARGING DISTRICT	
Date	Description of meeting	Yes	No
Oct. 1	AWWA	X	
2	Future Sense	X	
4	NBWA	X	
9	ad hoc Energy meeting	X	
TOTAL		4	

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

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 11-7-24 Date

Administrative Services Manager Approved _____ Date _____

[Signature] Board Secretary Received 11/7/24 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: October 2024

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
10/3/24	Board Meeting	X	
10/17/24	Board Meeting	X	
TOTAL		1/1	

OTHER MEETINGS		CHARGING DISTRICT	
Date	Description of meeting	Yes	No
10/1/24	CA Water Boards Meeting – Cleanup Fund FUN		X
10/3/24	The Science of Goal Setting, Prism, Marcus Wade PhD		X
10/5/24	Chevron-Refinery-Tour, Open-House—Richmond, CA		X
10/9/24	Ad Hoc Energy Committee	X	
10/10/24	LAFCo Marin - Regular Commission Meeting		X
10/10/24	CASA Air Quality, Climate Change & Energy (ACE) Workgroup Meeting	X	
10/16/24	State CALAFCo Annual Conference – Travel Day	X	
10/17,18/24	State CALAFCo Annual Conference – Tenaya, Yosemite	XX	
10/17/24	San-Francisco-Bay-Conservation-and-Development-Commission-Public Hearing-to-Establish-Guidelines-for-Preparation-of-Sea-Level-Rise-SB-272		X
10/18/24	Annual-Fall-Conference-Appraisal-Institute-Northern-CA-Chapter		X
10/20,27/24	Merrydale Road/Las Gallinas Creek Headwater Litter & Debris Removal c/o City of San Rafael: 10/20 0.5 hrs; 10/27 1.5 hrs		XX
10/29/24	US EPA PFAS: Rule Implementation and Treatment Confirmation		X
10/31/24	Ad Hoc Development Committee	X	



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

BOARD MEMBER ATTENDANCE FORM

TOTAL	6/14
-------	------

Total Meetings for which I am Requesting Payment: Max of six (6) per Health & Safety Code §4733	7/15
----------------------------------------------------------------------------------------------------	------

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

November 1, 2024

Date

Administrative Services Manager Approved

Board Secretary Received

Date

11/1/24

Date

BOARD MEMBER ATTENDANCE FORM

Director's Name GARY ROBARDS Month: Oct 2021

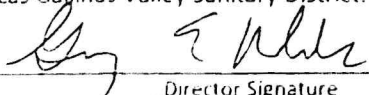
Board Members shall be compensated for up to the legal limit of six (6) meetings per month and one (1) per day. Board members are limited to four (4) conferences or seminars per year. For multi-day conferences, compensation shall be at a maximum of one (1) meeting per day.

REGULAR and SPECIAL MEETINGS		CHARGING DISTRICT	
Date	Description of meeting	Yes	No
10/13/24	REGULAR BOARD MEETING	X	
10/17/24	REG. BOARD MEETING	X	
TOTAL		2	

OTHER MEETINGS		CHARGING DISTRICT	
Date	Description of meeting	Yes	No
10/2/24	AD HOC FUTURE SENSE	X	
10/9/24	GALLINAS WATERSHED	X	
10/28/24	AD HOC ENGINEERING	X	
10/31/24	AD HOC DEVELOPMENT	X	
TOTAL		4	

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.

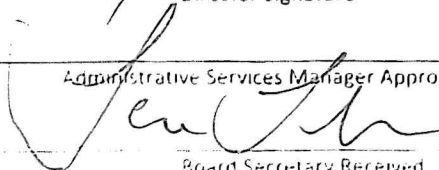


Director Signature

11/1/24

Date

Administrative Services Manager Approved



Board Secretary Received

11/4/24

Date

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: Crystal Yezman Month: October 2024

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
10/17	Regular Mtg	X	
TOTAL			

OTHER MEETINGS		CHARGING DISTRICT	
Date	Description of meeting	Yes	No
10/24/24	MSDA exec. mtg	X	
10/28/24	Engineering Ad-Hoc	X	
TOTAL			

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

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

Director Signature

11/7/24
Date

Administrative Services Manager Approved

Date

Board Secretary Received

11/7/24
Date



BOARD MEMBER CONFERENCE/ MEETING/WEBINAR ATTENDANCE REQUEST

Date: 11/14/24 Name: MURRAY, CRAIG K.

I would like to attend the WINTER CONFERENCE Meeting
of CASA

To be held on the 29TH day of JAN. 25 from 8 a.m. / p.m. to
31ST day of JAN. 25 from 5 a.m. / p.m.
TO

Location of meeting: PALM SPRINGS

Actual meeting date(s): 1/29-31/25

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

Purpose of Meeting: UPDATES; EDUCATION; FELLOWSHIP

Meeting relevance to District: STATEWIDE ORG.

Board Members to register for Webinars and Meetings

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

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

Frequency of Meeting: 1x

Estimated Costs of Travel (if applicable): \$1,600.

Date submitted to Board Secretary: 11/14/24

Board approval obtained on Date: _____

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



Item Number 3E

GM Review CP

Agenda Summary Report

To: Board of Directors
From: Teri Lerch, Executive Assistant/Board Secretary
 (415) 526-1510; tlerch@lgsd.org
Mtg. Date: November 21, 2024
Re: January 2025 Board Meeting Schedule Modification
Item Type: Consent Action Information Other
Standard Contract: Yes No (See attached) Not Applicable

STAFF RECOMMENDATION

The Board approve cancelling the January 2, 2025 Board meeting.

BACKGROUND

The District Board Meetings are regularly scheduled on the first and third Thursday of each month. Occasionally, special meetings are scheduled, or Board Meetings need to be cancelled to accommodate scheduling conflicts.

The first monthly meeting of 2025 falls on January 2, 2025. Staff requests the cancelling of the January 2nd Board meeting due to the Holiday week scheduling. The next scheduled Board meeting is January 16, 2025.

PREVIOUS BOARD ACTION

N/A

FISCAL IMPACT

N/A

PERSON TO BE NOTIFIED:

Public notice in accordance with District Policy and as required under the Brown Act.



Item Number 4
GM Review CP

Agenda Summary Report

To: Board of Directors

From: Dale McDonald, Administrative Services Manager *DM*
(415) 526-1519 dmcDonald@lqvsd.org

Meeting Date: November 21, 2024

Re: Review of Proposed Garbage and Refuse Rate Adjustment for 2025 and Proposed Third Amendment to Marin Sanitary Service Franchise Agreement and Set Public Hearing for Ordinance No.196.

Item Type: Consent Action X Information Other .

Standard Contract: Yes No (See attached) Not Applicable X .

STAFF RECOMMENDATION

1. Review proposed Garbage and Refuse Rate Adjustment for 2025 and proposed Third Amendment to the Revised and Restated Exclusive Franchise Agreement to Collect, Transfer, Process, Market, and Dispose of Solid Waste, Recyclable and Organic Materials between the Marin Sanitary Service to comply with Senate Bill (SB) 1383 regulations.
2. Adopt Resolution 2024-2344 approving the Third Amendment to the Revised and Restated Exclusive Franchise Agreement to Collect, Transfer, Process, Market, and Dispose of Solid Waste, Recyclable and Organic Materials.
3. Set a public hearing for December 19, 2024, to allow for discussion and input from the public concerning the proposed rate increase to be adopted by Ordinance No. 196. A notice of the public hearing will be published in the Marin Independent Journal and posted on the District's website.

BACKGROUND

This report details the proposed 2025 rate adjustment necessary for Marin Sanitary Service ("MSS") to provide refuse, recycling and organics/compost hauling and processing for customers ("ratepayers") in the unincorporated areas of the Las Gallinas Valley Sanitary District ("District") and the proposed Third Amendment to MSS Franchise Agreement amending Chapter 1 of Title 4 of the Las Gallinas Valley Sanitary District code. Rate payers include residential homeowners, apartment owners, commercial property owners, and other businesses and tenants. The proposed rate adjustment will increase rates by 3.63% over 2024 levels for all ratepayers. It includes adjustments based on an agreed-upon rate setting methodology the District has with Marin Sanitary Service.



I. Franchise Agreement

The District has a franchise agreement with MSS for refuse collection and recycling services. The District entered into a Revised and Restated Exclusive Franchise Agreement to Collect, Transfer, Process, Market, and Dispose of Solid Waste, Recyclables, and Organic Materials (Agreement) on February 28, 2013. The original term of the Agreement was from February 28, 2013 through December 31, 2033. A provision for automatic annual extensions began at the end of calendar year 2014, allowing both parties to extend the agreement one calendar year unless 12 months written notice of either parties intent to terminate the annual extension was given. Both parties are satisfied with the agreement and no termination request has been made.

The first amendment to the Franchise Agreement in 2019 substantially streamlined and simplified the annual rate adjustment methodology, setting rates based on set revenues due to MSS, which are escalated annually based on one simple index: the Water, Sewer, and Trash Collection, U.S. city average, Bureau of Labor Statistics ID CUSROOOOSEHG (WST) index. The index has increased 4.74% over the last twelve months and averaged 3.99% over the last 10 years.

A second amendment to the Franchise Agreement, adopted on February 17, 2022, provided for the District to work with MSS to comply with the State of California's SB 1383 Short-Lived Climate Pollutants Reduction Act, regulating organics waste reduction in the landfill as described in more detail below.

A third amendment to the Franchise Agreement is being recommended for adoption by staff, as described in further detail below.

II. Environmental Initiatives and Goals

While the original purpose of refuse service had to do with public health and safety around sanitation, it is increasingly geared more toward making progress on waste reduction and climate change goals, which are also forms of public health and safety. The State of California has adopted several pieces of legislation mandating significant reductions of waste hauled to the landfill, recognizing the embedded environmental impacts and greenhouse gas emissions associated with them.

Compliance for AB 1826 was passed in October 2014 and set requirements for all businesses and multi-family complexes that meet certain criteria to arrange for organics recycling.

SB 1383 was passed in September 2016 and took effect January 1, 2022, setting even more stringent requirements for these customers to divert organic waste from the landfill. Taken together, these two mandates represent the most significant change to the laws affecting the industry since AB 939 was passed in 1989.

In summary, the overall industry is moving from "bringing garbage to the landfill" to "resource hauling" including transport to recyclers and re-users to find the next highest and best use with



the landfill being the last option. MSS has been a leader in this movement, as they have invested in facilities and technologies to divert materials from the landfill, including the construction of the Marin Resource Recovery Center, Marin Recycling Center, and investments in the Food-2-Energy (F2E) program with Central Marin Sanitation Agency.

III. Marin Sanitary Services and Programs

MSS provides residential, commercial, and multi-family refuse services. In addition, MSS provides trash and recycling pick-up for the District's facilities. MSS has a low-income rate assistance program for customers who meet the PG&E Care program eligibility requirements.

Residential service includes single-family units and three or fewer units in a single structure. The District's residential customers receive weekly trash, recycling, and organics/compost collection services. Residential customers also receive twice yearly residential curbside collections of up to 14 additional bags/cans of yard waste, recycling, and/or garbage; and twice yearly residential on-call collection of up to two large items each time.

Commercial service includes all businesses and residential apartment buildings with four or more units. Commercial customers receive separate trash and recycling containers as well as cardboard pickup, and may choose from a variety of carts, bins, and commercial compactors. In addition, customers are offered the choice of two commercial organics diversion programs.

Customers with significant amounts of pre-consumer food waste may participate in the F2E program. Commercial customers with post-consumer food waste, food soiled papers, and yard waste may participate in the commercial composting program. All commercial services can be picked up from one to six times per week.

Multi-family buildings are classified as commercial customers since they are a business enterprise and operate differently than single family homes. They receive separate trash, recycling, and organics containers depending on the area available for can storage. MSS works with apartment managers and tenants to develop 'green teams' to increase recycling and composting at their complexes.

Organics recycling services began in 2022 to meet SB 1383 compliance. MSS also provides compliance monitoring and inspection services, contamination monitoring, outreach and education, and reporting functions on behalf of the District.

In addition, MSS does most of the outreach for the District in compliance with the State's Mandatory Commercial Recycling and Mandatory Composting laws (AB 341 and AB 1826), which place requirements on businesses to recycle and compost, and also requires the District to provide for annual monitoring and notifications to non-compliant businesses. MSS has also assisted with an illegal dumping abatement program by responding to calls of illegal dumping along the roadways within the unincorporated portions of the District boundaries. As District staff receives complaints of illegal dumping, they notify MSS for collection. MSS remains responsive to staff requests to resolve the complaints.



Several jurisdictions in Marin that have contracts with MSS and utilize a similar rate setting methodology have joined together as a Franchisors’ Group to share information and reduce costs: San Rafael, Larkspur, Ross, the Las Gallinas Valley Sanitary District, Fairfax, San Anselmo, and the County of Marin, including areas within the Ross Valley Sanitary District boundaries. Rate Year 2025 will be the fifth year that the Towns of Fairfax and San Anselmo are included in the rate setting application. The Franchisors’ Group meets several times per year to oversee MSS’s operations, to review MSS’s rate proposals, and to supervise the work of the consultant conducting the rate review.

IV. Rate Review and Methodology

In accordance with the Agreement, MSS submitted an application for rate review, requesting an increase in service charges to be effective January 1, 2025 (Attachment A). The rate application was prepared in accordance with Exhibit B of the Agreement, using the Indexed Year Rate Revenue Requirement approach. The District retained R3 Consulting Group, Inc. (“R3”) as an independent consultant on behalf of the Franchisors’ group and the District, and R3 reviewed the rate application in accordance with the rate-setting methodology set forth in the Agreement. The rate review and proposed adjustments are contained in the R3 Report (Attachment B).

Each agencies’ rate increase differs slightly from the overall rate increase as each agency is intrinsically different from one another; the type of services provided, the level of subscription, the ratio of residential to commercial and industrial customers, the terrain in which services are performed, disposal costs per capita, rate structures, and governmental fees.

While the District has the second highest percentage increase within the Franchisors’ Group, the District’s comparable rates, as shown on the survey completed by R3, remain the lowest. The rate adjustments proposed for the seven agencies within the Marin Franchisors’ Group are included in the MSS Combined Service Area Rate Application. The proposed Rate Adjustments are summarized and shown below in Table 1.

**Table 1
2025 Rate Increase By Agency**

Las Gallinas Valley Sanitary District	3.63%
Town of Ross	3.61%
County of Marin	3.61%
City of San Rafael	2.92%
Larkspur	3.34%
Town of San Anselmo	4.44%
Fairfax	3.53%

R3 conducted a survey of comparable rates within the MSS Franchisor’s Group and other non-MSS agencies within Marin as part of the rate review. It summarizes the survey data for residential 32-gallon cart weekly service with curbside recycling and organics pickup. Las Gallinas Valley Sanitary District rates are the lowest among the MSS franchise agencies and below the average cost of \$57.18 for other non-MSS agencies.



PROPOSED THIRD AMENDMENT TO FRANCHISE AGREEMENT

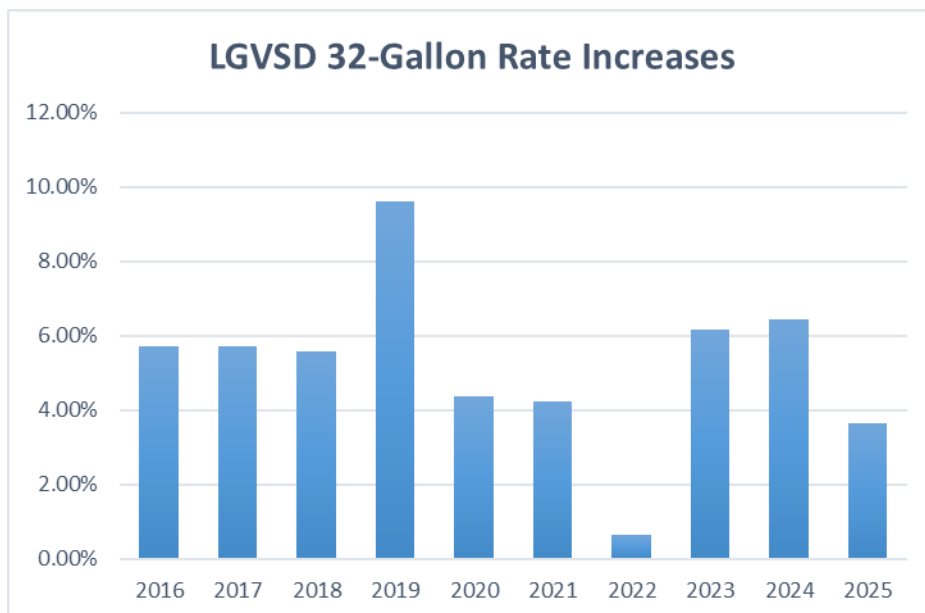
Elimination of Customer-Owned Cans

In accordance with the Agreement, MSS submitted during the 2025 rate application process a request to amend the Revised and Restated Exclusive Franchise Agreement to Collect, Transfer, Process, Market, and Dispose of Solid Waste, Recyclable and Organic Materials between the Marin Sanitary Service to comply with Senate Bill (SB) 1383 regulations (see Attachment A, Exhibit A and Exhibit B). MSS would like to amend the number of compostable material carts provided as part of bundled residential rate from one (1) up to two (2). In addition, MSS will cease to empty customer-owned carts or remove compostable bags for residential customers. This proposed change is in alignment with SB 1383 requirements and helps to ensure MSS staff can collect customer compostable materials without the additional risk of injury. There is no rate impact to this proposed amendment change (see Attachment C for Resolution 2024-2344 and the Third Amendment changes to the Franchise Agreement).

This amendment removes the ability of residents utilize their privately owned, non-MSS issued green carts or compostable bags for green waste. Instead, customers will be allowed to request an additional green waste cart that will be provided by MSS for free and can be utilized as part of regular weekly collection. This amendment ensures the District maintains compliance with SB 1383 Short-Lived Climate Pollutants Reduction Act, which regulates the color of waste cans and prescribes that haulers can only collect organics waste from their issued cans.

PROPOSED RATE ADJUSTMENT

The recommended District proposed rate increase is 3.63%. This is less than the historical 10-year average of 5.21%. Over the past ten years rate adjustments in our District have ranged from 0.64% to 9.60%. Last year's adjustment was 6.45%.

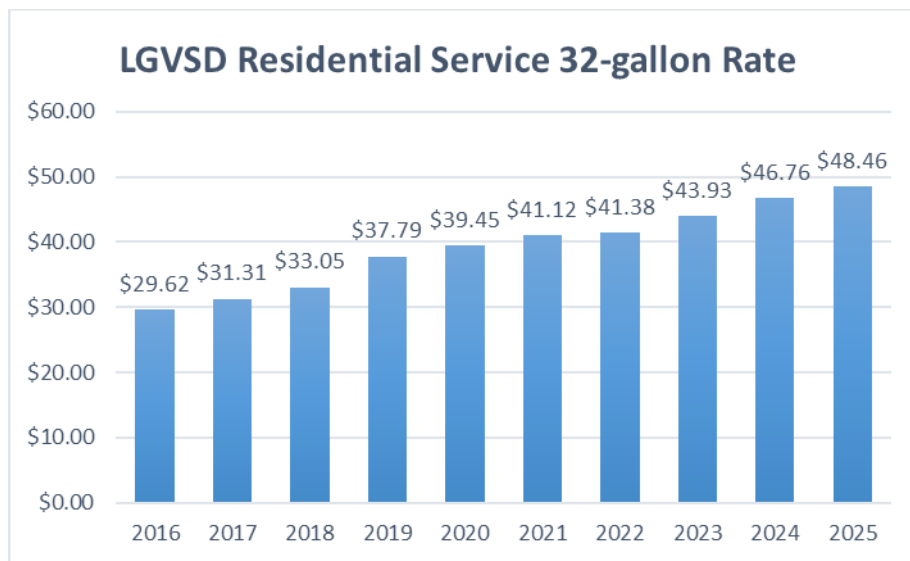




Rate Payer Categories and Comparisons

Based on the above recommendation, the cost for bundled services based on a 32-gallon residential landfill cart would be increased approximately \$1.70 per month, from \$46.76 to \$48.46. Residential bundles service includes 1 landfill (garbage) cart, 1 organics cart, and 1 recycling cart.

The cost of commercial service for a 3-yard landfill dumpster picked up once per week would be increased by approximately \$24.59 per month, from \$677.48 to \$702.07. Recycling is included in all accounts. Businesses with a vigorous recycling program can reduce their regular container size or pickup schedule resulting in lower rates.



As in previous years, staff is recommending that the rate adjustment be applied across the board to all residential, multi-family and commercial service accounts. Actual rates proposed for all services are provided in the draft ordinance (Attachment D, Appendix A, Exhibit C) .

District residents and commercial customers will be notified of the hearing by publishing a notice of the public hearing in the Marin Independent Journal and posting on the District’s website.

PREVIOUS BOARD ACTION

Ordinance 194 – Refuse rates effective January 1, 2024 adopted March 21, 2024.

ENVIRONMENTAL REVIEW

N/A

FISCAL IMPACT

Attachment A contains the complete rate request. As shown, the 3.63% overall increase is applied to all customer types and service options. If approved, these rates are projected to satisfy the District’s contractual obligations to meet the MSS revenue requirement including franchise fees.



Attachments:

- Attachment A Marin Sanitary Service's 2025 Combined Rate Application Cover letter and Rate Sheet with Exhibit A and Exhibit B

- Attachment B Review of Marin Sanitary Service's 2025 Rate Application by R3

- Attachment C Resolution 2024-2344 Adopting the Third Amendment to the Franchise Agreement

- Attachment D Draft Ordinance Amending Chapter 1, An Ordinance Regulating Garbage, Rubbish, Waste Matter and Refuse, and the Collection, Removal and Disposal Thereof, of Title 4 of the District Code, including proposed Schedule of Rates.



August 30, 2024

Sent via e-mail

Mr. Cory Bytof
Sustainability Coordinator
City of San Rafael

Mr. Curtis Paxton
General Manager
Las Gallinas Valley Sanitary District

Ms. Kimberly Scheibly
Zero Waste Marin Executive Director
County of Marin

Ms. Heather Abrams
Town Manager
Town of Fairfax

Mr. Daniel Schwarz
City Manager
City of Larkspur

Mr. Dave Donery
Town Manager
Town of San Anselmo

Ms. Christa Johnson
Town Manager
Town of Ross

Mr. Garth Schultz
Principal
R3 Consulting Group

Subject: 2025 Combined Service Area Rate Application

Dear Ms. Scheibly, Abrams, Johnson, and Messrs. Bytof, Paxton, Schwarz, Donery, and Schultz

Attached is Marin Sanitary Service's (MSS) rate calculation for rates to be effective January 1, 2025, in our combined service area. The 2025 Rate Application has been prepared in accordance with Exhibit B, Collector's Rate Revenue Requirement and Rate Adjustment methodology. This methodology was ratified by the Marin Franchisors' Group (MFG) during the 2019 Rate Application process. The same methodology was adopted by the Town of Fairfax and the Town of San Anselmo in 2019, during the 2020 Rate Application process.

Overview

Exhibit B specifies that the 2025 Rate Application is to be prepared utilizing the Indexed Rate Revenue Requirement methodology. This means that a majority of MSS's operating costs are adjusted by the change in the Consumer Price Index for Water and Sewer and Trash Collection, US city average, (referred to as the WST index). Other operating costs such as Garbage Landfilling, Organics Processing, Recyclable Materials Processing, Zero Waste Marin Fees, and Other Agency Fees are adjusted based upon projections or other methods to arrive at 2025 expenses. These adjusted expenses, plus Franchise Fees and Collector Profit, are totaled for the 2025 Rate Revenue Requirement.

1050 Andersen Drive, San Rafael, CA 94901
p: (415) 456-2601 f: (415) 456-7595
www.marinsanitaryservice.com



The 2025 Rate Revenue Requirement is calculated individually for each jurisdiction to account for varying Franchises Fees and Other Agency Fees. The 2025 Rate Revenue Requirement is then divided by the 2024 Rate Revenue Requirement to arrive at the 2025 Rate Adjustment Factor for each jurisdiction.

The rate-setting process in an Indexed Rate Year is relatively straightforward and there are a limited number of supporting schedules. These schedules and related files will be provided to R3 Consulting Group, Inc. for their review. While the process this year was streamlined, there are three significant issues that led us to request additional rate increase amounts. These are discussed below.

SB1383-Short-Lived Climate Pollutants Reduction Act- Organics waste reduction in the landfill

AB 1826 was passed in October 2014 and set requirements for all businesses and multi-family complexes that meet certain criteria to arrange for organics recycling. SB 1383 was passed in September 2016 and expands upon the requirements of AB 1826. Taken together, these two mandates represent the most significant change to the laws affecting our industry since AB 939 was passed in 1989.

We have implemented the changes due to SB 1383 as directed in our franchise agreement amendments. This includes the purchase of new processing equipment that has allowed us to expand our Food2Energy program. We have also expanded our organics routes including the creation of a new route in 2021. In 2022 we hired an additional outreach specialist to help with SB 1383 compliance for the residents, multi-family properties, and businesses in our service area.

This year, we do not anticipate any significant increases in cost to fulfill our obligations with SB 1383. However, it remains that the changes are incremental and will occur over the next several years, during which time our pool of operating costs subject to the WST indexing may not compensate for our cost increases related to these changes (in law).

Annual Rate Revenue Reconciliation-2023

As noted in our June 2024 update meeting, our actual annual billings compared to the 2023 rate revenue requirement had a shortfall of \$446 thousand. This is a decrease from last year as we continue to see a recovery from the economic effects of the pandemic on the communities we serve.

Property Insurance

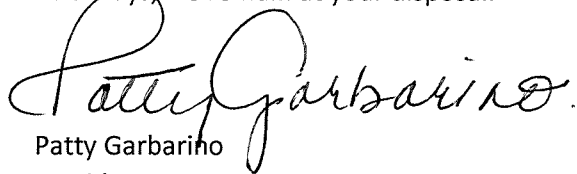
As noted in the past few years' Rate Applications, our long-time property insurance carrier, Affiliated FM, non-renewed their entire book of Waste Hauling business throughout the country. This was due to some very large claims they had at waste facilities in other parts of the country. In addition, the wildfires in California over the last few years have put added pressure on the property insurance marketplace.

The end result is that the annual premium for our combined facilities increased from about \$80,000 to almost \$940,000. The extraordinary request we have included relates specifically to the increased tipping fee at MRRRA, the company that processes the recyclables collected within our franchise agreements. We have explored the option of self-insurance and found that it is not available for property insurance.

Conclusion

We look forward to working closely with the R3 Consulting Group personnel during the review process and will supply them with all necessary financial documentation. Once the review is completed, we look forward to meeting with you to discuss the rate review report.

As always, we remain at your disposal.

A handwritten signature in black ink that reads "Patty Garbarino". The signature is written in a cursive, flowing style.

Patty Garbarino
President

Cc: Jason Raleigh, Marin Sanitary Service
Justin Wilcock, Marin Sanitary Service
Dale McDonald, Las Gallinas Valley Sanitary District
Cristine Alilovich, City of San Rafael
Berenice Davidson, County of Marin
Casey Poldino, County of Marin

**Marin Sanitary Service
Combined Service Area Rate Application
COLLECTOR'S RATE REVENUE REQUIREMENT AND RATE ADJUSTMENT
INDEXED YEAR - RATE YEAR 2025**

	MSS Service Area Total	Marin Franchisor's Group Total	San Rafael	Larkspur	County	San Anselmo	LGVSD	Fairfax	Ross
Collector Operations	34,998,237	30,045,508	19,086,959	4,797,457	2,982,949	3,328,154	2,553,227	1,624,574	624,917
Garbage Landfilling and Organics Processing	6,131,611	5,009,669	3,182,484	799,909	497,365	702,775	425,715	419,168	104,196
Change in Law - SB 1383 Costs	410,618	352,291	224,558	57,789	35,974	38,968	26,761	19,360	7,209
Subtotal for Profit Calculation	41,540,466	35,407,468	22,494,001	5,655,155	3,516,288	4,069,896	3,005,703	2,063,101	736,322
Collector Profit (90.5% Operating Ratio)	4,360,601	3,716,806	2,361,249	593,635	369,113	427,227	315,516	216,569	77,293
Recyclable Materials Processing	1,236,512	1,040,348	660,900	166,116	103,287	123,835	88,407	72,329	21,638
Interest	755,623	683,273	434,061	109,100	67,836	46,496	58,064	25,855	14,211
Zero Waste Marin Fees	537,137	453,007	287,781	72,333	44,975	53,434	38,496	30,696	9,422
Franchise Fees	5,833,819	4,960,100	3,091,261	798,952	747,976	596,242	185,259	277,477	136,652
Other Agency Fees	2,331,476	2,169,976	1,480,601	568,400	120,975	84,000	-	77,500	-
Annual Rate Revenue Reconciliation	446,498	443,824	281,947	70,867	44,063	72,328	37,716	(69,654)	9,231
Extraordinary Item - Recycling Property Insurance	192,250	161,750	102,755	25,827	16,059	19,254	13,745	11,246	3,364
Total 2025 Rate Revenue Requirement	57,234,384	49,036,552	31,194,556	8,060,385	5,030,572	5,492,712	3,742,906	2,705,120	1,008,133
Total 2024 Rate Revenue Requirement	55,420,353	47,548,034	30,308,192	7,799,684	4,855,288	5,259,405	3,611,849	2,612,914	973,020
2025 Rate Revenue Adjustment	3.27%	3.13%	2.92%	3.34%	3.61%	4.44%	3.63%	3.53%	3.61%



September 10, 2024

Curtis Paxton
Las Gallinas Valley Sanitary District
300 Smith Ranch Rd.
San Rafael, CA 94903

Dear Mr. Paxton,

As part of the 2025 rate application, Marin Sanitary Service (MSS) wishes to request an amendment to the Revised and Restated Exclusive Franchise Agreement to Collect, Transfer, Process, Market, and Dispose of Solid Waste, Recyclable and Organic Solid Materials signed February 28, 2013.

MSS would like to amend the number of compostable materials carts provided as part of the bundled residential rate from one (1) to two (2). In addition, the company will cease to remove bags or to empty customer-owned carts for residential customers. This proposed change is in alignment with SB 1383 requirements and also helps to ensure our employees are able to collect customer compostable materials without the additional risk of injury from lifting heavy bags of leaves, grass, and other green waste typically disposed of in the compostable materials stream.

Attached is the proposed amendment language as well as a program change roll-out plan. There will be no rate impact to this amendment change. We look forward to reviewing this with our 2025 rate adjustment requests.

Sincerely,

Justin Wilcock
Director of Operations
Marin Sanitary Service

CC: Dale McDonald, Las Gallinas Valley Sanitary District
Garth Schultz, R3
Patty Garbarino, Marin Sanitary Service
Jason Raleigh, Marin Sanitary Service

1050 Andersen Drive, San Rafael, CA 94901
p: (415) 456-2601 f: (415) 456-7595
www.marinsanitaryservice.com



Exhibit A

Proposed Contract Language (changes in ***Bold Italics***)

Exhibit A: Description of Services

II. Residential Service

Compostable (Organic) Materials

- As part of the Residential Customer rates, COMPANY shall provide each Residential Customer with ~~one~~ ***two (2) 32, 64, or 96-gallon*** cart for Organics, currently green in color, to be placed at the curb.
- Customers may, for a fee as listed in Exhibit C, have up to ~~two~~ ***up to four (4)*** additional ~~64 gallon~~ "green" carts

Exhibit A: Description of Services

II. Residential Service

Additional Services

Clean-up Programs

Extra Solid Waste, ***and /or*** Recyclable Materials, ~~***and /or Compostable Materials***~~ can also be Collected for a fee as listed in Exhibit C in customer provided bags, not to exceed 32 gallons in size and 60 pounds by weight, when placed next to the regular container on Collection day.

Exhibit B

Implementation Plan

Messaging Plan

Type	Description	Delivery Date
Website updated	Rationale and details on program change	December 2024(once approved)
Postcard mailed	Rationale for program change	January 2025
Email campaign	Program change details	January 2025
Social Media Campaign	Program change details	January-February 2025
Cart hanger	Reminder that own cans will no longer be accepted after February 1, 2025, for customers who put out extra cans/bags.	January 2025
Cart hanger	Explanation of why cart/bags were not collected	February 2025 forward

Elimination of Customer-Owned Cans Roll-Out

1. Beginning January 1, 2025
 - a. Residential customers will be educated on the new program rules which go into effect February 1, 2025.
 - b. Customers may call in for one (1) additional bundled cart or to exchange to a larger cart, at no charge.
 - c. Customers may rent up to four additional organics carts for a total of 6 organics carts.
 - d. Program basics:
 - i. Owner organics cans will continue to be collected until January 31, 2025
 - ii. ALL customers who set out owner cans will have a cart hanger left with information on the new program EVERY TIME THE OWNER CANS ARE EMPTIED in January 2025.
 1. The following documentation will be collected from January 1-January 31, 2025 every time a customer sets out owner cans:
 - a. Date
 - b. Customer Name
 - c. Customer Address
 - d. Number of owner cans set out
2. Effective February 1, 2025
 1. No customer owned carts or extra bags will be allowed for service
 2. MSS will remove and recycle any personal cans at the customer’s request through April 1, 2025 at no additional cost.

FINAL REPORT

Las Gallinas Valley Sanitary District

Review of Marin Sanitary Service's 2025 Rate Application

submitted electronically: October 30, 2024

October 30, 2024

Dale McDonald
Administrative Services Manager
Las Gallinas Valley Sanitary District
101 Lucas Valley Road, Suite 300
San Rafael, CA 94903
submitted via email: dmcdonald@lgvsd.org

SUBJECT: Final Report – Review of Marin Sanitary Service’s 2025 Rate Application

Dear Mr. McDonald,

R3 Consulting Group, Inc. (R3) is pleased to submit this report detailing the results of our review of Marin Sanitary Service’s (MSS’s) 2025 rate application for the Las Gallinas Valley Sanitary District (District).

This review was conducted pursuant to R3’s engagement with the seven agencies (Agencies) served by MSS, including the City of San Rafael, City of Larkspur, County of Marin, Las Gallinas Valley Sanitary District, Town of Ross, Town of Fairfax, and the Town of San Anselmo.

This report summarizes results from our review of MSS’s 2025 indexed rate application per the streamlined rate setting methodology established in 2019. The methodology is described in the amended Exhibit B to the Franchise Agreement that the District holds with MSS.

* * * * *

We appreciate the opportunity to be of service to the District. Should you have any questions regarding this report or need any additional information, please do not hesitate to reach out directly.

Sincerely,



Jim Howison | *Sr. Managing Consultant*
R3 Consulting Group, Inc.
925.768.7244 | jhowison@r3cgi.com

1. FINDINGS

Executive Summary

On August 30, 2024, MSS submitted its application for an increase to its solid waste rates, to be effective January 1, 2025. This is an indexed year rate adjustment, which primarily projects compensation due to MSS based on the applicable Water-Sewer-Trash CPI Index (WST). Based on our review of the rate application, R3 concurs with MSS's calculated 2025 rate revenue requirement for the District of \$3,742,906, which is \$131,056 higher than the 2024 rate revenue requirement of \$3,611,849. The corresponding adjustment to the District's solid waste rates for 2025 is 3.63%, based on January 1, 2025 effective date.

Table 1: 2025 Rate Adjustment Summary

	2024	2025	Dollar Change	Percentage Change	Adjustment to Rates
Collector Operations	2,441,216	2,553,227	112,011	4.59%	3.10%
Garbage Landfilling and Organics Processing	398,080	425,715	27,635	6.94%	0.77%
State Compliance Database Subscription	(561)	0	561	-100.00%	0.02%
SB 1383 Compliance	26,521	26,761	240	0.90%	0.01%
Profit Calculation	300,773	315,516	14,743	4.90%	0.41%
Recyclable Materials Processing	100,299	88,407	(11,892)	-11.86%	-0.33%
Interest	55,516	58,064	2,548	4.59%	0.07%
Zero Waste Marin Fees	52,740	38,496	(14,244)	-27.01%	-0.39%
Franchise Fees	178,221	185,259	7,038	3.95%	0.19%
Annual Rate Revenue Reconciliation	47,421	37,716	(9,705)	-20.47%	-0.27%
Recycling Property Insurance	11,624	13,745	2,121	18.25%	0.06%
Total Annual Rate Revenue Requirement	3,611,849	3,742,906	131,056	3.63%	3.63%

2025 Rate Adjustment Details

Collector Operations

Collector Operations compensates MSS for labor, benefits, general and administrative, depreciation and lease, maintenance, fuel and oil. Per Exhibit B, compensation for Collector Operations is adjusted using the CPI index for Water and Sewer and Trash Collection. R3 used publicly available Bureau of Labor Statistics data to verify the calculated increase of 4.59% to Collector Operations. Per Exhibit B, the rate adjustment is subject to a 2.5% minimum and a 5% maximum rate cap for MSS's collection operations. The result is \$2,553,227 in Collector Operations for the District in 2025, which is an increase of \$112,011 compared to 2024.

Garbage and Organics Tipping Fees

Garbage Landfilling and Organics Processing tipping fee projections are calculated using actual tonnages collected from January 1 through June 30, 2024, which are then annualized to project total 2024 tonnages. Those tonnages are then multiplied by the projected 2025 tipping fees calculated in accordance with Exhibit B. This is based on the actual per ton tipping fees for each waste stream category, or if unavailable, projected tipping fees are calculated using the current year per ton tipping fees escalated by the change in WST— subject to a minimum increase of 2.5% and a maximum increase of 5.0%.

R3 reviewed MSS's projected 2024 tons and the 2025 per ton tipping fees for residential garbage, residential green waste/organics, commercial garbage, commercial mixed waste for processing, commercial food scraps, and MSS-served Agencies' waste delivered to MSS. Per Exhibit B, R3 confirmed that MSS materially correctly projected tons by category using annualized actual tons for the first six months of the current rate year and, as actual tipping fees are unavailable, applied the 4.59% WST adjustment to project 2025 per ton tip fees. The result is \$425,715 in Garbage and Organics Tipping fees for the District in 2025, which is an increase \$27,635 compared to 2024.

Database Subscription for Compliance with State Law

The rate setting methodology allows for the recovery of additional revenues associated with costs for changes in law and/or new State mandates. For increased operating expenses due to State Laws, including AB 1826 and SB 1383, MSS has included in its rate application a line item for a compliance database. Zero Waste Marin has assumed responsibility for the tracking and reporting of materials. In, 2024, MSS discontinued its subscription to Recyclist and received a refund of \$561. For 2025 there is no remaining portion of the credit.

Compliance with SB 1383

MSS is requesting continued revenue in association with SB 1383 with the goal of increasing compliance with the State of California's organics state mandate(s). The company will continue to provide compliance monitoring and inspection services, contamination monitoring, outreach and education, and reporting functions on behalf of the District. The total 2025 revenue recovery for these new SB 1383 compliance measures for MSS is \$26,761, or an increase of \$240 or 0.90% from 2024.

Profit Calculation

R3 reviewed the calculation of MSS's profit, which is a function of total allowable operating expenses (\$3,005,703 for the District) divided by the contractually set operating ratio of 90.5% and subtracting the same sum, rounded to the nearest dollar. MSS's actual profit achievement will vary depending on the company's real revenues and expenses; as such, profit is not guaranteed. The result is \$315,516 in Calculated Profit for the District in 2025, which is an increase of \$14,743 compared to 2024. The increase is due to increases in allowable operating expenses, which were described in the previous sections of this report.

Recyclable Materials Processing

A net recyclable materials processing cost is calculated each year to share the risks and rewards of changing recycling markets between rate payers and MSS. Per Exhibit B, the Recyclable Materials Processing cost is escalated by the annual change in the WST and that amount is then divided by the number of all tons of recyclable materials processed at Marin Recycling Center from July 1 of the prior rate year through June 30 of the current rate year.

The recyclable materials revenue amount is calculated based on 90% of the total revenue received by the Marin Recycling Center for recyclable materials, which is then divided by the number recyclable material tons processed at Marin Recycling Center. The calculation does not include income or tons from recyclable materials processed for third parties or agencies that were not customers of MSS or the Marin Recycling Center as of December 31, 2018. For Rate Year 2025, the resulting Net Recyclable Materials Processing Cost Per Ton is \$73.58, a decrease of \$5.29 from the 2024 value of \$78.87. The result is \$88,407 in Recyclable Materials Processing costs for the District in 2025, which is a decrease of \$11,892.

Interest

Interest is based on MSS's actual interest from its loan amortization schedules for actual and projected capital expenditures for services under the Agreement as of the last base year review in 2019. This is increased in the same manner as Collector Operations, as described above, via WST annually. The result is \$58,064 in interest for the District in 2025, which is an increase of \$2,548 compared to 2024.

Zero Waste Marin Fees

Zero Waste Marin Fees are set as a pass-through as government fees and, per Exhibit B to the agreements, changes in such fees result in appropriate adjustments to rates to compensate MSS for increases or decreases in such fees. Zero Waste Marin fees included in the annual indexed rate applications for the MSS service area are set to be equal to the current Zero Waste Marin Fee assessments for the current fiscal year, with 100% of the MSS hauler fees passed through to the MSS Agencies, and with none of the MSS Transfer Station fees passed through to the MSS Agencies. The result is \$38,496 in Zero Waste Marin Fees for the District in 2025, which is a decrease of \$14,244 compared to 2024. The decrease is due to grant funding obtained by Zero Waste Marin.

Franchise Fees

Franchise Fees are calculated by multiplying the applicable franchise fee percentage by each agency served by MSS by the revenues projected for each that Rate Year. The District's Franchise Fee is 5% of gross revenues. The result is \$185,259 in Franchise Fees for the District in 2025. Franchise Fees fund the costs of compliance with State laws, management and administration of the District's Agreement with MSS, and compensate the District for the value of the property rights conveyed to MSS via the Agreement.

Annual Rate Revenue Reconciliation

The Rate Revenue Reconciliation item is to reconcile the projected rate revenue from the 2023 rate adjustment to the actual revenue collected through rates charged during the 2023 rate year. MSS experienced a shortfall of \$37,716 in 2023 billed revenues in the District compared to the 2023 revenue requirement. That amount is therefore included in the 2025 rate application.

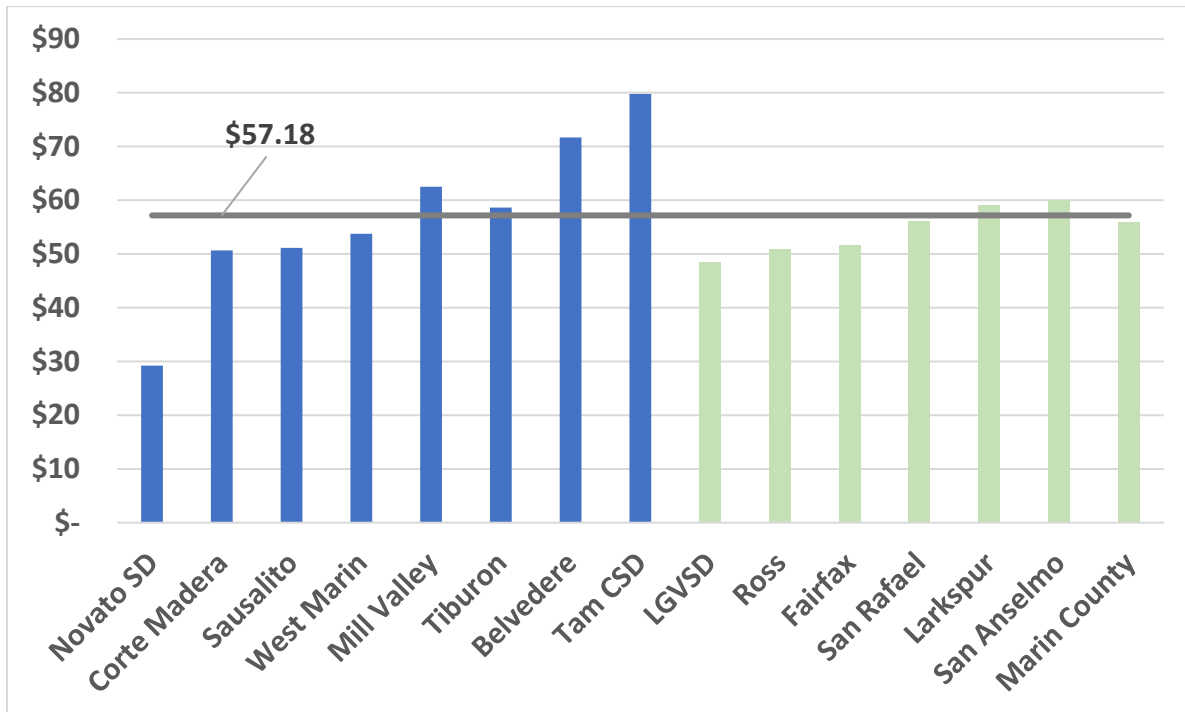
Recycling Property Insurance

Property insurance for recycling processing facilities has gone up across the country due to fire risks from lithium batteries. MSS has had no such claims but has received rate increases based on its risk profile. MSS has previously and separately briefed the Agencies on this item, and R3 is aware of the market circumstances surrounding it. R3 finds that this extraordinary item is supported and reasonable. The result is \$13,745 in Recycling Property Insurance for the District in 2025, which is an increase of \$2,121 compared to 2024.

Survey of Comparable Rates

Figure 1 illustrates R3's survey of solid waste rates as of October 2024 for agencies located throughout Marin County. These survey results are presented as an indication of the reasonableness of the resulting rates for 2025. For comparison purposes, agencies serviced by Marin Sanitary Services (MSS) are designated in green and represent the proposed pricing for 32-gallon cart, including the current rate increase. Other, non-MSS service agencies are designated in blue and are current pricing, though price increases are expected for 2025 as well. The average cost for the 30–35-gallon cart for non-MSS service agencies is represented by the grey line is \$57.18. The 32-gallon cart is projected to cost \$48.46 per month for the flat regions of the District. The District's commercial rates for a 3-cubic yard bin serviced one time per week will be \$702.07 compared to \$677.48 the previous year.

Figure 1: Comparison of MSS's 2025 Rates to Other Marin County Agencies



RESOLUTION NO. 2024-2344

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE LAS GALLINAS VALLEY SANITARY DISTRICT APPROVING A THIRD AMENDMENT TO THE REVISED AND RESTATED EXCLUSIVE FRANCHISE AGREEMENT BETWEEN MARIN SANITARY SERVICE AND THE LAS GALLINAS VALLEY SANITARY DISTRICT

WHEREAS, the Las Gallinas Valley Sanitary District and Marin Sanitary Service have entered into a written Revised and Restated Exclusive Franchise Agreement to Collect, Transfer, Process, Market, and Dispose of Solid Waste, Recyclable and Organic Materials ("Franchise Agreement") dated February 28, 2013; and

WHEREAS, the Las Gallinas Valley Sanitary District and Marin Sanitary Service amended this agreement on January 1, 2019 with the First Amendment to the Revised and Restated Exclusive Franchise Agreement; and

WHEREAS, the Las Gallinas Valley Sanitary District and Marin Sanitary Service further amended this agreement on February 17, 2022 with the Second Amendment to the Revised and Restated Exclusive Franchise Agreement to update Marin Sanitary Service services to comply with Senate Bill 1383, and

WHEREAS, Las Gallinas Valley Sanitary District and Marin Sanitary Service now desire a third amendment to the Franchise Agreement to update Marin Sanitary Service services to comply with the can color requirement for organic collection as required by Senate Bill 1383; and

WHEREAS, the Las Gallinas Valley Sanitary District has determined that such adjustments are proper, in the best interest of all citizens, and will promote public health, safety and welfare; and

WHEREAS, the Las Gallinas Valley Sanitary District Board of Directors has reviewed and duly considered the Agenda Summary Report, and documents and other oral and written evidence presented.

NOW THEREFORE IT IS HEREBY RESOLVED that the Las Gallinas Valley Sanitary District determines the "Third Amendment to the Revised and Restated Exclusive Franchise Agreement between Marin Sanitary Service and the Las Gallinas Valley Sanitary District" attached hereto as "Exhibit A" and incorporated herein by reference, is hereby approved and shall be included as part of the Revised and Restated Exclusive Franchise Agreement dated February 28, 2013. The General Manager is hereby authorized to execute the Third Amendment, subject to final approval as to form by the District Counsel.

* * * * *

I hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly passed and adopted by the Board of Directors of the Las Gallinas Valley

Sanitary District, Marin County, California, at a meeting thereof held on November 21, 2024, by the following vote of the members thereof:

AYES, and in favor thereof, Members:

NOES, Members:

ABSTAIN, Members

ABSENT, Members:

Teresa Lerch, Board Secretary
Las Gallinas Valley Sanitary District

APPROVED:

(seal)

Craig K. Murray, President Board of Directors

THIRD AMENDMENT TO THE REVISED AND RESTATED EXCLUSIVE FRANCHISE AGREEMENT TO COLLECT, TRANSFER, PROCESS, MARKET, AND DISPOSE OF SOLID WASTE, RECYCLABLE AND ORGANIC MATERIALS BETWEEN MARIN SANITARY SERVICE AND THE LAS GALLINAS VALLEY SANITARY DISTRICT

This THIRD AMENDMENT (this “Amendment”) to the Revised and Restated Exclusive Franchise Agreement to Collect, Transfer, Process, Market, and Dispose of Solid Waste, Recyclable and Organic Materials between the Marin Sanitary Service, Inc. (“Company” or “Collector”) and the Las Gallinas Valley Sanitary District (“District”) is made and entered into December ____, 2024.

WHEREAS, District and Company entered into a written agreement on February 28, 2013 and as amended on January 1, 2019 and February 17, 2022 (together the “Agreement”) pursuant to which the Company renders Solid Waste, Recyclable and Organic Materials collection, removal, processing and disposal services to businesses, residents and government institutions in the District; and

WHEREAS, the Company has requested adjustments to terms of services to protect worker health and safety by requiring the use of Company provided containers for general solid waste collection; and

WHEREAS, the District and Company have negotiated and agree to revisions in definitions, terms and conditions regarding adjustments to the terms of service.

NOW, THEREFORE, the parties agree as follows:

1. Effective Date. This Amendment shall take effect January 1, 2025.
2. Description of Services, Section II (Residential Service), Organics, is replaced in its entirety as follows:

As part of the Residential Customer rates, Collector shall provide each Residential Customer with up to two (2) 32, 64, or 96-gallon Compostable Materials Carts to be placed at the curb or Collector-approved designated Collection location next to their Solid Waste container for one time per week Collection by 6:00 am the day of service. All Residential Customers must be offered Compostable Materials Collection for the collection of accepted Yard Trimmings, Food Waste and Food Soiled Papers in the same Container. A full list of accepted materials is available on the Collector’s website (marinsanitaryservice.com). Only Collector provided tipper carts will be allowed for the weekly collection of compostable materials. Up to four (4) additional Compostable Materials Carts beyond the first two (2) shall be provided to a Residential Customer upon request, at a cost specified in Exhibit C. Compostable Materials placed in Collector-provided Carts or at the curb for Collection are the property of Collector.

3. Description of Services, Section II (Residential Service), Additional Services, is replaced in its entirety as follows:

Special pickups of large, hard to handle or bulky items may be requested for an additional fee as listed in Exhibit C. Estimates shall be provided by Collector. These bulky items will be collected in non-compaction vehicles and taken to Marin

Resource and Recovery Center (MRRC) for sorting resulting in greater re-use and recycling. Extra solid waste and/or recyclable materials can also be collected for a fee as listed in Exhibit C in cans or bags not greater than 32 gallons when placed next to the regular container on collection day.

Holiday trees will be collected curbside on the regularly-scheduled pickup day during the month of January. If trees are greater than six (6) feet in length, they must be cut in half. All metal stands, plastic tree bags, and ornaments must be removed. Flocked trees will not be accepted.

At the District's request, Collector shall distribute fifteen (15) tons of compost three times per year, spring, summer and fall at no cost to residents. The District shall provide a designated location and will provide a bunker. Compost delivery will commence in the summer of 2013.

[Remainder of this page intentionally left blank]

IN WITNESS WHEREOF, this Amendment is entered into as of the date first written above.

Las Gallinas Valley Sanitary District

Marin Sanitary Service, Inc.

By: _____
Name: _____
Title: _____
Date: _____

By: _____
Name: _____
Title: _____
Date: _____

APPROVED AS TO FORM:

Patrick M.K. Richardson, District Counsel

ATTEST:

Board Secretary

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

ORDINANCE NO. 196

AN ORDINANCE AMENDING CHAPTER 1, AN ORDINANCE REGULATING SOLID WASTE, RECYCLABLE AND ORGANIC MATERIALS, AND THE COLLECTION, REMOVAL AND DISPOSAL THEREOF, TITLE 4 – GARBAGE SERVICE, AS AMENDED, OF THE ORDINANCE CODE OF THE LAS GALLINAS VALLEY SANITARY DISTRICT.

WHEREAS, Section 236 of the Las Gallinas Valley Sanitary District (“District”) code provides that a charge shall be imposed and collected by the authorized refuse and recycling agent. Marin Sanitary Services (MSS) is the authorized refuse and recycling agent in the District. MSS has proposed a 3.63% increase in customer rates for calendar year 2025. Along with San Rafael, Larkspur, Fairfax, San Anselmo, portions of Marin County and the Town of Ross, the District retained R3 Consulting Group, Inc., an independent consulting firm, to review the appropriateness of the proposed rate increase. R3 has determined the proposed rate increase is appropriate per their Final Report dated October 30, 2024. Based on R3’s findings, the District determines that the proposed increase is based on a formula determined by MSS’s actual costs of service and is authorized under the Franchise Agreement; and

WHEREAS, the services and rates for the collection of solid waste, including food waste and recycling and resource recovery, proposed and charged by MSS are set forth in Appendix A; and

WHEREAS, MSS will cease to remove bags or empty customer-owned carts filled with compostable material for residential customers in alignment with Senate Bill (SB) 1383 Short-Lived Climate Pollutants Reduction Act, which regulates the color of waste cans and prescribes that haulers can only collect organics waste from their issued cans and further helps to ensure MSS staff are able to collect customer compostable materials without the additional risk of injury.

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

Section 1. Title 4, Chapter 1, Section 224 (a) Receptacles Provided by Collector, subsections (3) and (4) of the Ordinance Code of the Las Gallinas Valley Sanitary District is hereby amended as follows:

(3) Organics: Collector shall provide each Residential Customer with up to two (2) 32, 64, or 96-gallon Compostable Materials Carts to be placed at the curb or Collector-approved designated Collection location next to their Solid Waste container for one time per week Collection by 6:00 am the day of service. All Residential Customers must be offered Compostable

Materials Collection for the collection of accepted Yard Trimmings, Food Waste and Food Soiled Papers in the same Container. A full list of accepted materials is available on the Collector's website (marinsanitaryservice.com). Only Collector provided tipper carts will be allowed for the weekly collection of compostable materials. Up to four (4) additional Compostable Materials Carts beyond the first two (2) shall be provided to a Residential Customer upon request, for a fee listed in Section 236. Compostable Materials placed in Collector-provided Carts or at the curb for Collection are the property of Collector.

~~Collector shall provide all residential customers with one 32 or 64 gallon cart for Organics (Compost Container) to be placed at the curb or Collector approved designated collection location next to their Garbage container for one time per week collection by 6:00 a.m. the day of service. Customers may, for a fee listed in Section 236, have up to two additional 64 gallon carts to be set out on the regularly scheduled day. Individual carts should not weigh more than 65 pounds. Carts are the property of the Collector. All residential customers must be offered Organics collection.~~

(4) Additional Services: Special pickups of large, hard to handle, or bulky items may be requested for an additional fee listed in Section 236. Estimates shall be provided by Collector. These bulky items will be collected in non-compaction vehicles and taken into Marin Recovery Center (MRRC) for sorting resulting in greater re-use and recycling. Extra solid waste and/or recyclable materials can also material can be collected for a fee listed in Section 236 in cans or bags not greater than 32 gallons when placed next to the regular container on collection day. Holiday trees will be collected curbside on the regularly scheduled pickup day during the month of January. If trees are greater than six (6) feet in length, they must be cut in half. All metal stands, plastic tree bags, and ornaments must be removed. Flocked trees will not be accepted.

Section 2. Appendix A of Title 4, Chapter 1 of the Las Gallinas Valley Sanitary District Ordinance Code, the schedule of maximum rates and fees effective January 1, 2025 to be imposed and collected by MSS, attached hereto as "Appendix A" and incorporated herein by reference, is hereby approved.

All other ordinances and parts of ordinances inconsistent herewith are hereby repealed.

* * * * *

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

AYES:

NOES:

ABSTAIN:

ABSENT:

Teresa Lerch, Board Secretary
Las Gallinas Valley Sanitary District

APPROVED:

Craig K. Murray, President
Las Gallinas Valley Sanitary District

(seal)

**LAS GALLINAS VALLEY SANITARY DISTRICT
EXHIBIT C - SCHEDULE OF RATES**

RESIDENTIAL REFUSE COLLECTION RATES			
Rate increase:		3.63%	
Effective date:		01/01/2025	
<i>Residential Service (Bundled service includes 1 landfill (garbage) cart, 1 organics cart, & 1 recycling split cart)</i>			
REOCURING CHARGES	Weekly Service Rates (Billed Quarterly)	Flat rate	
		Monthly Rate	Quarterly Rate
	20 gallon cart	\$41.20	\$123.60
	32 gallon cart	\$48.46	\$145.38
	64 gallon cart	\$96.92	\$290.76
	96 gallon cart	\$145.38	\$436.14
	Low income - 20 gal* cart	\$32.96	\$98.88
	Low income - 32 gal* cart	\$38.77	\$116.31
	Low income - 64 gal* cart	\$77.54	\$232.62
	Low income - 96 gal* cart	\$116.30	\$348.90
	Additional Organics Cart Rental (35 or 64 gallon cart)	\$2.86	\$8.58
	Additional Split Cart Rental (64 or 96 gallon cart)	\$2.86	\$8.58
	Additional Monthly Charges	Monthly Fee	Quarterly Fee
		(per cart, each way)	
	Distance 0' - 50'	\$6.65	\$19.95
Distance Over 50'	\$8.56	\$25.68	

*Must meet PG&E CARE program eligibility requirements.

NOTE: We may not be able to accommodate any collection requests NOT at the curb due to a variety of factors including safety, accessibility, and efficiency. Requests to be assessed and approved by Route Manager.

	Additional Service Fees per Occurrence	Fee
ONE TIME SERVICE FEES	Return Fees - Off day	\$25.00
	Return Fees - Same day	\$10.00
	Resume Service/Late Fee	\$35.00
	Contamination (cart) any size cart	\$30.00
	Overload/Overweight (cart)	\$25.00
	Extra bag garbage	\$15.00
	Extra bag yard waste	\$10.00
	Steam Clean (cart)	\$15.00
	Special Collection	\$35.00
	Special Handling (Bulky items)	\$30.00
	Bulky item fees per item	Fees Vary
	Cart Strap Set-up Admin Fee	\$25.00
	20 Gal Cart Replacement Fee	\$55.00
	32 Gal Cart Replacement Fee	\$60.00
	64 Gal Cart Replacement Fee	\$65.00
	96 Gal Cart Replacement Fee	\$75.00
64 Gal Split Cart Replacement Fee	\$90.00	
96 Gal Split Cart Replacement Fee	\$100.00	

**LAS GALLINAS VALLEY SANITARY DISTRICT
EXHIBIT C - SCHEDULE OF RATES**

COMMERCIAL REFUSE MONTHLY COLLECTION RATES

Rate increase: **3.63%**
Effective date: **01/01/2025**

RECURRING CHARGES	Collections per Week							Additional One Time Empty/On Call
	1	2	3	4	5	6		
COMMERCIAL CARTS, BINS, ROLL-OFFS								
Garbage								
20 gallon cart*	\$42.14	\$84.28	\$126.42	\$168.56	\$210.70	\$252.84	\$9.72	
32 gallon cart	\$49.57	\$99.14	\$148.71	\$198.28	\$247.85	\$297.42	\$11.44	
64 gallon cart	\$99.14	\$198.28	\$297.42	\$396.56	\$495.70	\$594.84	\$22.88	
96 gallon cart	\$148.71	\$297.42	\$446.13	\$594.84	\$743.55	\$892.26	\$34.32	
1 yard bin	\$346.97	\$694.79	\$1,041.77	\$1,388.75	\$1,736.48	\$2,083.37	\$80.07	
2 yard bin	\$524.52	\$1,012.78	\$1,500.66	\$1,988.46	\$2,476.73	\$2,964.56	\$121.04	
3 yard bin	\$702.07	\$1,330.74	\$1,959.51	\$2,588.20	\$3,216.94	\$3,845.72	\$162.02	
4 yard bin	\$926.97	\$1,817.18	\$2,707.59	\$3,597.72	\$4,487.97	\$5,378.49	\$213.92	
5 yard bin	\$1,151.89	\$2,303.64	\$3,455.69	\$4,607.26	\$5,759.01	\$6,911.31	\$265.82	
6 yard bin	\$1,333.93	\$2,528.44	\$3,723.07	\$4,917.58	\$6,112.22	\$7,306.86	\$307.83	
10 yard roll-off	\$2,119.30	\$4,018.69	\$5,917.64	\$7,816.77	\$9,716.31	\$11,615.37	\$489.07	
18 yard roll-off	\$3,478.02	\$6,517.28	\$9,556.44	\$12,595.76	\$15,635.25	\$18,674.42	\$802.62	
20 yard roll-off	\$4,238.59	\$8,037.36	\$11,835.26	\$15,633.55	\$19,432.59	\$23,230.74	\$978.14	
25 yard roll-off	\$5,298.26	\$10,046.72	\$14,794.07	\$19,541.94	\$24,290.76	\$29,038.43	\$1,222.68	
Organics (F2E or Compost)								
32 gallon	\$23.41	\$46.82	\$70.23	\$93.64	\$117.05	\$140.46	\$5.40	
64 gallon	\$46.82	\$93.64	\$140.46	\$187.28	\$234.10	\$280.92	\$10.80	
1 yard	\$163.82	\$327.64	\$491.46	\$655.28	\$819.10	\$982.92	\$37.80	
2 yard	\$327.64	\$655.28	\$982.92	\$1,310.56	\$1,638.20	\$1,965.84	\$75.61	
3 yard	\$491.46	\$982.92	\$1,474.38	\$1,965.84	\$2,457.30	\$2,948.76	\$113.41	
10 yard roll-off	\$1,483.51	\$2,967.02	\$4,450.53	\$5,934.04	\$7,417.55	\$8,901.06	\$342.35	
18 yard roll-off	\$2,670.32	\$5,340.64	\$8,010.96	\$10,681.28	\$13,351.60	\$16,021.92	\$616.23	
20 yard roll-off	\$2,967.02	\$5,934.04	\$8,901.06	\$11,868.08	\$14,835.10	\$17,802.12	\$684.70	
25 yard roll-off	\$3,708.78	\$7,417.56	\$11,126.34	\$14,835.12	\$18,543.90	\$22,252.68	\$855.87	
Garbage Compactors (Per empty)								
Roll-off Compactor Tipping fee per ton		\$168.19			Roll-off Compactor Hauling charge		\$341.64	
Stationary FL (Per Compacted Yard)		\$142.47			Roll-off Compactor Special handling		Rates Vary	
Other Charges	Service		Fee		Details			
	Lock		\$25.00		Monthly fee			
	Box rental		Fees Vary		Minimum Bimonthly fee			
	Minimum Load		ML		Monthly fee			
	Distance < 50ft		\$6.65		Monthly fee per cart, each way			
Distance > 50ft		\$8.54		Monthly fee per cart, each way				

* Customers must have a sufficient level of service for the volume of material generated. Requests for 20gal carts require assessment and approval of a Route Manager.

NOTE: All container types and sizes may not be available at all locations depending on a variety of factors including safety, accessibility, and efficiency. Requests to be assessed and approved by Route Manager.

On Call rate only available with approval from Route Manager

ONE TIME SERVICE FEES	Commercial Service Fees	Fee
	Return Fee - BIN	
Return Fee - CART -same day		\$10.00
Return Fee - CART -off day		\$25.00
Late Fee/Resume Service Fee		\$35.00
Contamination (BIN)		\$50.00
Contamination (CART)		\$30.00
Overload/Compaction (BIN)		\$60.00
Overload/Compaction (CART)		\$25.00
Additional Empty/Bag Garbage		\$15.00
Additional Empty BIN		Fees vary
Extra Bag Yard Waste		\$15.00
Steam Clean (1-6 yard BIN)		\$95.00
Steam Clean (CART)		\$15.00
Steam Clean (COMPACTOR/ROLL-OFF)		\$225.00
Lock Set-up Admin Fee		\$25.00
Lock Single Use Fee		\$5.00
Lock Purchase Fee		\$20.00
Lock Bar Bin Set-up Fee		\$75.00
Overweight Charge Per Ton*		\$205.00
20 Gal Cart Replacement Fee		\$55.00
32 Gal Cart Replacement Fee		\$60.00
64 Gal Cart Replacement Fee		\$65.00
96 Gal Cart Replacement Fee		\$75.00
64 Gal Split Cart Replacement Fee		\$90.00
96 Gal Split Cart Replacement Fee		\$100.00
Bin Repair/Replacement Fee**		Fees vary

*Boxes exceeding 300lbs/yard

**Fees vary by size up to \$1,200, not to exceed current replacement value.

**LAS GALLINAS VALLEY SANITARY DISTRICT
EXHIBIT C - SCHEDULE OF RATES**

MULTI-FAMILY DWELLING REFUSE MONTHLY COLLECTION RATES

Rate increase: **3.63%**
Effective date: **01/01/2025**

RECURRING CHARGES	MFD CARTS, BINS, ROLL-OFFS	Collections per Week						Additional One Time Empty/On Call
	Garbage	1	2	3	4	5	6	
	20 gallon cart*	\$41.19	\$82.38	\$123.57	\$164.76	\$205.95	\$247.14	\$9.51
	32 gallon cart	\$48.46	\$96.92	\$145.38	\$193.84	\$242.30	\$290.76	\$11.18
	64 gallon cart	\$96.92	\$193.84	\$290.76	\$387.68	\$484.60	\$581.52	\$22.37
	96 gallon cart	\$145.38	\$290.76	\$436.14	\$581.52	\$726.90	\$872.28	\$33.55
	1 yard bin	\$320.47	\$555.20	\$789.86	\$1,024.59	\$1,259.31	\$1,494.08	\$73.95
	2 yard bin	\$524.52	\$1,012.78	\$1,500.66	\$1,988.46	\$2,476.73	\$2,964.56	\$121.04
	3 yard bin	\$702.07	\$1,330.74	\$1,959.51	\$2,588.20	\$3,216.87	\$3,845.54	\$162.02
	4 yard bin	\$926.97	\$1,817.18	\$2,707.59	\$3,597.72	\$4,487.97	\$5,378.49	\$213.92
	5 yard bin	\$1,151.89	\$2,303.64	\$3,455.69	\$4,607.26	\$5,759.01	\$6,911.31	\$265.82
	6 yard bin	\$1,333.93	\$2,528.44	\$3,723.07	\$4,917.58	\$6,112.22	\$7,306.86	\$307.83
	10 yard roll-off	\$2,119.30	\$4,018.69	\$5,917.64	\$7,816.77	\$9,716.31	\$11,615.37	\$489.07
	18 yard roll-off	\$3,478.02	\$6,517.28	\$9,556.44	\$12,595.76	\$15,635.25	\$18,674.42	\$802.62
	20 yard roll-off	\$4,238.59	\$8,037.36	\$11,835.26	\$15,633.55	\$19,432.59	\$23,230.74	\$978.14
	25 yard roll-off	\$5,298.26	\$10,046.72	\$14,794.07	\$19,541.94	\$24,290.76	\$29,038.43	\$1,222.68
	Organics	1	2	3	4	5	6	Additional One Time Empty/On Call
	Additional Organics Cart Rental (35 gallon cart) after 4 TOTAL carts per cart per month	\$2.86	\$5.72	\$8.58	\$11.44	\$14.30	\$17.16	NA
	Additional Organics Cart Rental (64 gallon cart) after 4 TOTAL carts per cart per month.	\$2.86	\$5.72	\$8.58	\$11.44	\$14.30	\$17.16	NA
	1 yard	\$163.82	\$327.64	\$491.46	\$655.28	\$819.10	\$982.92	\$37.80
	2 yard	\$327.64	\$655.28	\$982.92	\$1,310.56	\$1,638.20	\$1,965.84	\$75.61
	3 yard	\$491.46	\$982.92	\$1,474.38	\$1,965.84	\$2,457.30	\$2,948.76	\$113.41
	Garbage Compactors (Per empty)							
	Roll-off Compactor Tipping fee per ton		\$168.19		Roll-off Compactor Hauling charge		\$341.64	
	Stationary FL (Per Compacted Yard)		\$142.47		Roll-off Compactor Special handling		Rates Vary	
	Other Charges	Service		Fee	Details			
		Lock		\$25.00	Monthly fee			
		Box rental		Fees Vary	Minimum Bimonthly fee			
		Minimum Load ML		Fees Vary	Monthly fee			
		Distance < 50ft		\$6.65	Monthly fee per cart, each way			
		Distance > 50ft		\$8.54	Monthly fee per cart, each way			

NOTE: Minimum service level is 32 gallons per unit or equivalent volume. Decrease to 20 gallon per unit is subject to company review and approval.
 NOTE: Up to four (4) Organics carts provided at no additional charge. Additional carts may be rented for a nominal monthly fee.
 NOTE: All container types and sizes may not be available depending on a variety of factors including safety, accessibility, and efficiency. Requests to be assessed and approved by Route Manager.
 On Call rate only available with approval from Route Manager

ONE TIME SERVICE FEES	MFD One Time Service Fees	Fee
		Return Fee - BIN
	Return Fee - CART -same day	\$10.00
	Return Fee - CART -off day	\$25.00
	Late Fee/Resume Service Fee	\$35.00
	Contamination (BIN) Per Yard	\$50.00
	Contamination (CART)	\$30.00
	Overload/Compaction (BIN)	\$60.00
	Overload/Compaction (CART)	\$25.00
	Additional Empty/Bag Garbage	\$15.00
	Extra Bag Yard Waste	\$10.00
	Additional Empty Garbage	Fees vary
	Steam Clean (BIN)	\$95.00
	Steam Clean (CART)	\$15.00
	Steam Clean (COMPACTOR/ROLL-OFF)	\$225.00
	Lock Set-up Admin Fee	\$25.00
	Lock Single Use Fee	\$5.00
	Lock Purchase Fee	\$20.00
	Lock Bar Bin Set-up Fee	\$75.00
	Overweight Charge Per Ton*	\$205.00
	20 Gal Cart Replacement Fee	\$55.00
	32 Gal Cart Replacement Fee	\$60.00
	64 Gal Cart Replacement Fee	\$65.00
	96 Gal Cart Replacement Fee	\$75.00
	64 Gal Split Cart Replacement Fee	\$90.00
	96 Gal Split Cart Replacement Fee	\$100.00
	Bin Repair/Replacement Fee**	Fees vary by size up to \$1,200

*Boxes exceeding 300lbs/yard
 **Fees vary by size not to exceed current replacement value.

11/21/2024

General Manager Report

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

11/21/2024

SOLAR PROJECT UPDATE

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



Job No.	Project Name/Updates	% Complete
DESIGN PROJECTS (11 projects)		
11200-03	John Duckett Pump Station Electrical & Terra Linda Trunk Sewer Creek Crossing/Terra Linda Highway 101 Trunk Sewer Undercrossing Lining Project <ul style="list-style-type: none"> Board approved Contract Amendment #1 with GHD to include the design of the Terra Linda Highway 101 Undercrossing Lining Project in the amount of \$89,371 on 11/7/2024. Design for the three major project components is in progress. 	10%
11500-09	Miller Creek Rock Vane Repair <ul style="list-style-type: none"> RWQCB approved the rock vane repair plans proposed by WRA. WRA is coordinating permit requirements with Corps, BCDC, and CDFW. Staff is coordinating the design and permitting requirements with WRA. 	Permitting: 30%
20600-04	Flow Equalization Basin <ul style="list-style-type: none"> On-hold pending results of the 24 MGD Treatment Plant Capacity Optimization Project. 	25% (On-hold)
21600-01	Emergency Response Plan (ERP) <ul style="list-style-type: none"> Freyer & Laureta (F&L) completed the ERP in September 2024. Engineering staff and Collections crew review the proposed final pump station emergency bypass improvements. 	70%
22500-04	Solar Photovoltaic System Upgrades <ul style="list-style-type: none"> ForeFront proposed mutual termination of the Power Purchase Agreement (PPA). Terms and conditions of the mutual termination under review by District legal counsel. Staff and Kenwood Energy are proactively developing an RFP for a revised capital expenditure project in lieu of a PPA. Staff and Kenwood Energy are developing bidding documents for the removal and offsite disposal of all non-working solar panels. 	5%
24460-05	Marin Lagoon Pump Stations #2-#9 Panel Replacement <ul style="list-style-type: none"> F&L is working to address staff comments on the 50% design. 	50%
24600-01	Multipurpose Laboratory Building Design <ul style="list-style-type: none"> Staff continue to hold weekly meetings with Noll & Tam. Staff and the Ad Hoc Committee held a meeting with Noll & Tam on 8/28/2024 to discuss features of the preferred building conceptual design (Wyandotte Jetty) before Noll & Tam proceed with the next design phase, which is schematic design. Staff and Noll & Tam submitted formal permit application to the City of San Rafael Design Review Board after discussing prerequisites with the Planning Director (Margaret Kavanaugh). Staff and Noll & Tam held pre-design kickoff meeting with the heads of the City of San Rafael Fire Department (Bob Sinnott) and City of San Rafael Building Department (Don Jepsen). Staff and Aqua Engineering are reviewing the proposed utility relocation plan prepared by subconsultant BKF Engineers. Staff and Noll & Tam held multiple meetings with structural, geotechnical, electrical, environmental, and mechanical subconsultants. 	15%

Job No.	Project Name/Updates	% Complete
24600-15	Primary Effluent PS & Secondary Clarifier Expansion to 24 MGD <ul style="list-style-type: none"> • The two project components to potentially eliminate blending for flows up to 24 MGD are in progress. • Secondary Clarifiers #1 & #2 Performance Upgrade: <ul style="list-style-type: none"> ○ Mathews Mechanical completed the installation of flocculation baffle systems for the two secondary clarifiers for \$51,770. ○ Pacific Wastewater Optimization is the design engineer and coordinated the installation and inspection with baffle manufacturer (One Water Technology) and installation contractor (Mathews Mechanical). • Primary Effluent PS Capacity Upgrade: <ul style="list-style-type: none"> ○ The two 12-MGD Cascade pumps are scheduled for delivery in April 2026. ○ Pacific Wastewater Optimization is coordinating the design of structural and electrical upgrades recommended by the pump manufacturer. ○ Staff and PWO are working with Zappetini Inc. to implement structural upgrades. ○ Staff issued a purchase order to Mike Brown Electric for \$49,510 for the installation of a new electric duct bank recommended by electrical subconsultant Todd Beecher. ○ Other electrical upgrades are currently being designed by the electrical subconsultant. 	50%
24600-02	Primary Sludge Pump Installation <ul style="list-style-type: none"> • Design by Pacific Wastewater Optimization is in progress. • Staff included interior walls coating and air exchange improvements in the design. • Staff anticipate bidding the project early next year for a target construction period after the rainy season. 	50%
24500-04	Sludge Lagoons Liner Evaluation <ul style="list-style-type: none"> • Titan Environmental has completed the repair of the pond liner for Lagoon B for \$48,865 and within budget. • Pacific Wastewater Optimization was the project manager and inspector. • Pacific Wastewater Optimization will prepare a Technical Memorandum that will assist staff in budgeting for future CIP and develop a long-term maintenance plan. 	50%
21500-08	Biosolids Management Strategy <ul style="list-style-type: none"> • The Board approved Hazen & Sawyer's proposal in the amount of \$199,640 on 11/7/2024. • Staff to prepare contract. 	
CONSTRUCTION PROJECTS (18 projects)		
12600-07 & 16650-02	Secondary Treatment Plant Upgrade & Recycled Water Expansion <ul style="list-style-type: none"> • Target completion date: TBD • District staff working with special counsel on project closeout strategy. 	99%
12600-07	Secondary Effluent Line Modifications <ul style="list-style-type: none"> • CATS4U has substantially completed the 42" pipeline, which has been in service since June 2024. • CATS4U is completing remaining work such as paving and railing, and other punchlist items. 	85%

Job No.	Project Name/Updates	% Complete
20200-01	John Duckett Force Main Access Structures <ul style="list-style-type: none"> Corcus Construction completed the construction and staff filed Notice of Completion at County Recorder's office on 10/7/2024. Staff anticipate releasing the retention in the amount of \$25,259 60 days after filing of the Notice of Completion. Staff have not received stop notices as of mid-November 2024. 	100%
21300-03	Standby Generator System Installation for Adrian, McPhail, and Industrial Park PS <ul style="list-style-type: none"> GD Nielson completed the construction and staff filed Notice of Completion at County Recorder's office on 10/7/2024. Staff anticipate releasing the retention in the amount of \$32,290 35 days after filing of the Notice of Completion. Staff have not received stop notices as of mid-November 2024. 	100%
21350-01	Automatic Transfer Switches for Venetia Harbor Pump Station <ul style="list-style-type: none"> Staff issued a Purchase Order to Mike Brown Electric for \$44,380 under the UPCCAA guidelines. Staff and F&L responded to submittals from Mike Brown Electric. 	5%
24580-01	Biosolids Land Application Services 2024 <ul style="list-style-type: none"> Custom Tractor Service (Neal Carstensen) completed all work associated with this year's (Year 2 of 3) biosolids land application program except seeding services. Mary Martis (formerly with GHD and now with Parsons) provided project support as it relates to the RWQCB permit and Purdue University PFAS research program requirements. 	50%
21600-07	Digester MCC-2 Upgrade <ul style="list-style-type: none"> Staff and Hazen & Sawyer are responding to RFIs and submittals from Blocka Construction. The installation of the MCC is delayed until April 2025 due to the long lead-time of electrical components. 	15%
22600-01	Primary Clarifier #1 Rehabilitation <ul style="list-style-type: none"> Tentative delivery of clarifier mechanism from Ovivo: April 2025 Construction will start after delivery of clarifier mechanism. (Spring 2025) 	10%
24125-01	On-Call Construction Contract (2023-2025) <ul style="list-style-type: none"> Staff to schedule multiple repairs identified by Collections with Piazza Construction. 	Continuous
24600-08	Treatment Plant Standby Generator Upgrade <ul style="list-style-type: none"> Staff and Aqua Engineering/SKM are responding to RFIs and submittals Anvil Builders. 	5%
20300-09	Smith Ranch Pump Station Electrical Upgrades <ul style="list-style-type: none"> Staff held a pre-construction meeting with Mike Brown Electric and Alpha CM on 10/16/2024. Tentative Notice to Proceed date is 12/13/2024. 	25%

Job No.	Project Name/Updates	% Complete
21300-04	Pump Station Site Lighting Improvements <ul style="list-style-type: none"> • Staff had a pre-construction meeting with Mike Brown Electric and Alpha CM on 10/16/2024. • Tentative Notice to Proceed date is 12/13/2024. 	25%
24460-06 & 24460-07	Sewer Main Rehabilitation 2024 <ul style="list-style-type: none"> • Staff held a pre-construction meeting with Pacific Trenchless and Sanbell on 10/31/2024. • Tentative Notice to Proceed date is 11/25/2024. 	25%
25580-01	Center Pivot No. 3 Replacement <ul style="list-style-type: none"> • The Board approved the award of a contract to Amerine Systems Inc. in the amount of \$175,000 on 10/7/2024. • Staff prepared contract documents and awaiting signed copies from the contractor. 	25%
25580-02	Center Pivot No. 4 Replacement <ul style="list-style-type: none"> • The Board approved the award of a contract to Amerine Systems Inc. in the amount of \$180,000 on 10/7/2024. • Staff prepared contract documents and awaiting signed copies from the contractor. 	25%
22300-01	Rafael Meadows Pump Station Fencing Improvements <ul style="list-style-type: none"> • The board approved the award of a contract to DRYCO Construction, Inc. in the amount of \$294,391 on 11/7/2024. 	25%
21600-11	Annual Plant Paving <ul style="list-style-type: none"> • Repair of AC paving that staff identified for this fiscal year has been completed. • Staff are reallocating unused budget to other CIP projects. 	100%
21600-11	Annual Plant Fencing <ul style="list-style-type: none"> • Staff developed the scope of work for the plant main entrance gate replacement. • Staff will obtain quotes and proceed with construction as appropriate. 	50%
REQUESTS FOR PROPOSALS (1 project)		
24600-14	Battery Energy Storage System Rebid <ul style="list-style-type: none"> • Staff rejected the only proposal received from BPI Power on 5/30/2024, according to Kenwood Energy's recommendation. • Staff issued revised RFP and received two proposals on 10/22/2024. • Staff and Kenwood Energy are evaluating the bids and recommend the award of a contract for Board approval at an appropriate time in the future. 	
CALL FOR BIDS (None.)		
OTHER CIP PROJECTS (9 projects)		
20100-05	Integrated Wastewater Master Plan <ul style="list-style-type: none"> • The District and Kennedy Jenks executed a contract amendment for Phase 3 on 9/23/2024. • Staff to schedule a kickoff meeting with Kennedy Jenks in late November 2024. 	Phase 3: 0%

Job No.	Project Name/Updates	% Complete
21500-08	Biosolids Reporting and Monitoring Program and EPA PFAS Study <ul style="list-style-type: none"> • Staff continue to hold biweekly progress meetings with Mary Martis. • Staff continue to assist the Purdue research team with its soil and groundwater sampling efforts. • On 11/7/2024, the Board approved the transfer of contract from GHD to Parsons to maintain continuity of services due to key staff moving to Parsons. • Likewise, on 11/7/2024, the Board approved a contract amendment with GHD to end their services effective October 2024 due to key staff moving to Parsons. 	Continuous
21500-08	Flood Protection Plan for Biosolids Program <ul style="list-style-type: none"> • Submitted Flood Protection Plan prepared by ESA to the Regional Water Quality Control Board in compliance with the NOA. • Staff informed the Regional Water Board that flood protection requirements for the biosolids program will be addressed in the IWMP. 	95%
22125-02	Standard Specifications and Drawings Update <ul style="list-style-type: none"> • Staff are reviewing the latest version of District Standards prepared by Hazen & Sawyer. 	50%
23200-01	Collection System Hydraulic Model and Flow Monitoring <ul style="list-style-type: none"> • The collection system hydraulic model is complete. • I/I source detection by ADS is in progress. • Staff to retain Hazen & Sawyer for hydraulic model calibration and as-needed services for proposed land development sewer capacity studies. 	95%
25420-01	On-Call Engineering Contract (2024-2025) <ul style="list-style-type: none"> • Renewed contract with Hazen & Sawyer. 	Continuous
25420-02	On-Call Inspection Contract (2024-2025) <ul style="list-style-type: none"> • Renewed contract with Bellecci & Associates. 	Continuous
20300-09 21300-04	Smith Ranch Pump Station Electrical Upgrades and Pump Station Site Lighting Improvements Construction Management & Inspection Services <ul style="list-style-type: none"> • Contract executed with Alpha CM for construction management and inspection oversight for both projects awarded to Mike Brown Electric (contractor). 	
24460-01	Sewer Main Rehabilitation 2024 Construction Management & Inspection Services Construction Management & Inspection Services <ul style="list-style-type: none"> • Contract executed with Sanbell for construction management & inspection oversight for this year's sewer main rehabilitation with inflow and infiltration reduction project awarded to Pacific Trenchless. 	

UPCCAA PROJECTS (6 projects)

Date PO Requested	Contractor	Description	% Complete
4/23/2024	CATS4U	Waste Gas Burner & Digester Gas Line Replacement	25%
7/11/2024	Myers & Sons	Secondary Clarifier Mechanism Removal	5%
7/31/2024	Linscott Engineering Contractors	Bollards for 500-Gallon Diesel Tank	99%
9/25/2024	Mathews Mechanical	Flo-Clip Baffle Installation	25%
9/25/2024	Mike Brown Electric	Cascade Pumps Electrical Duct Bank Installation	5%
9/25/2024	Titan Environmental	Sludge Lagoons Liner Repair	5%

OTHER SMALL PROJECTS (6 projects)

Date PO Requested	Consultant/Vendor	Description	Status
2/7/2024	Pacific Wastewater Optimization	Phase 2 - Alternatives Analysis for Increasing Flow to Primary Effluent Pump Station	In progress
3/25/2024	Pacific Wastewater Optimization	Electrical Upsizing Analysis	In progress
4/19/2024	Exponent	Bio-Wheel Failure Analysis of Chain & Motor – Task D Chain Link Comparison	In progress
5/13/2024	Dash Mechanical Engineering, LLC	Two Gearmotors for Bio-Wheels	In progress
7/12/2024	Carollo Engineers	Alternatives Evaluation for Nitrogen Removal in Aeration Basin	In progress
9/6/2024	Oberkamper & Associates	Boundary Survey for Rafael Meadows Pump Station	In progress

LAND DEVELOPMENT (19 projects)

245 Nova Albion Way

- Total of 100 living units.
- Staff discussed the next steps in the plan review process with the Developer on 11/13/2024.

Los Gamos Apartments

- Total of 192 apartment units.
- No activities since the last report.

Northgate Redevelopment - 5800 Northgate Mall

- Redevelop Northgate Mall to include both retail and multi-family units.
Project Concept 2025: retail space plus 965 multi-family units
Project Concept 2040: retail space plus 1374 multi-family units
- Staff sent a written response to miscellaneous inquiries from the City of San Rafael Planning Commission on 11/13/2024.

The Oaks Senior Living Facility - Marinwood Ave

- The project consists of the construction of 126 senior living units (apartments).
- The County of Marin granted entitlements in 2018.

- Staff reviewed application materials and sewer capacity study from the Developer.
- Staff sent a letter of approval of proposed sanitary sewer improvements to the Developer.

Marinwood Plaza - 121, 155, 175 and 197 Marinwood Avenue

- The project consists of the construction of 125 affordable multifamily residential/mixed units in four (4), 3-story buildings.
- Staff attended an open house on 10/15/2024.

Talus Reserve – Erin Drive

- Marin County approved the Developer’s request to increase the number of ADUs in the project.
- Staff issued supplemental Will Serve Letter for 22 additional ADUs on 10/4/2024.

Townhomes at 140 & 160 N San Pedro Rd

- The project consists of the demolition of existing improvements and subdividing the property into 62 lots with 62 three-story residential town homes.
- Staff provided comments on the redevelopment pre-application transmitted by the County Planning Division.

Mount Lassen Development – 7 Mount Lassen Dr

- The project consists of 29 single family dwelling units
- Staff requested additional information from applicant

Chevron Gas Station Development – 170 Merrydale Rd

- Staff provided comments on preliminary plans transmitted by the City Planning Division.

Other Projects Reviewed by Staff (Will Serve Letters Issued):

- 710 Penny Royal CT – ADU
- 15 Roosevelt Ave – ADU
- 42 Rhinestone Ter - ADU

Other Projects Reviewed by Staff (Will Serve Letters Not Required):

- 112 Blackstone Dr – Addition and Interior Remodel
- 868 Rincon Wy – Interior Remodel
- 65 Trellis Dr – Detached Addition
- 574 Idylberry Rd – Interior Remodel
- Kaiser San Rafael – 1650 Los Gamos Dr – Mobile MRI Trailer with Sink
- Golden Gate Regional Center – 4000 Civic Center Dr – Tenant Improvement
- Four Points Hotel - 1010 Northgate Dr – Tenant Improvement

Building Permit Lists

- Reviewed building permit lists from City of San Rafael: Issued 1 request for information letter.
- Reviewed building permit lists from Marin County:
 - Placed 15 permit holds.
 - Released 9 permit holds.

SEWER LATERAL VIDEO INSPECTION - COLLECTIONS DEPARTMENT

- Reviewed 41 sewer lateral inspection videos and issued Letters of Findings.
-

CRITICAL PROCESS

- Treatment plant effluent was discharged to the reclamation storage ponds for the duration of this report period. A portion of the stored water was returned to the recycled water facility during periods of low plant influent flow.
- All water quality parameters met or exceeded permissible limits for this period. Monthly reports were submitted to their respective regulatory agencies in accordance with permit requirements.
- Three Biowheel aeration trains were in operation for this entire period. Staff rotated empty basins to perform maintenance activities.
- Biowheel drive component failures were observed by operations staff and replaced by maintenance staff throughout the quarter.
- July - Secondary Effluent temporary bypass pumping ends following completion of the Secondary Effluent Line Modifications Project.
- August – A new flowmeter was installed in the new secondary effluent flow structure.
- August – Two bulk chemical storage tanks for chemically enhanced primary treatment and hydrogen sulfide mitigation in the anaerobic digesters were installed by staff.
- September – In preparation for winter storm flows, a contract sewer cleaning service performed annual removal of rock, silt and debris buildup in the headworks influent channel.

NON-CRITICAL PROCESS

- July – Cybersecurity improvements project meetings with staff, West Yost & ArcSine Engineering.
- July – LGVSD staff toured the Sausalito Marin City Sanitary District’s wastewater plant and then reciprocated by hosting a tour of the LGVSD plant, two weeks later.
- August – Baywork Stackable Internships Program selected to fulfill LGVSD’s goal to grow and refine our region’s recruitable pool of wastewater professionals.
- August – Vegetation was cleared in the reclamation solar fields by a contractor.
- August – Staff hosted the BACWA Operations & Maintenance Committee meeting in the wastewater treatment plant’s conference room and concluded with a plant tour.
- September - 900,000 gallons of biosolids applied to dedicated land disposal site.
- September – Operations staff met with EOA, Inc. staff to discuss NPDES Permit renewal process, plan and submission deadlines.
- September – Water Board staff perform biosolids pre-application inspection of the dry farmed pastureland used for the District’s beneficial biosolids project.
- Methods listed in the LGVSD Environmental Laboratory Accreditation Program certificate were updated to comply with the Method Update Rule requirements and all Performance Testing Studies for accredited methods passed without anomalies.

PERFORMANCE METRICS

Sewage Treated

- 1.88 million gallons per day average daily influent flow from July through September.

Recycled Water Production

- 27.6 million gallons of recycled water were pumped to North Marin Water District
- 100.6 million gallons of recycled water were pumped to Marin Municipal Water District
- 10.2 million gallons of recycled water were used for internal needs at LGVSD WWTP

Reclamation

- Pond Levels Beginning of July – Pond #1 = 7.48' - Pond #2 = 6.88' ~ 80% of Capacity
- Pond Levels at the End of September – Pond #1 = 6.5' - Pond #2 = 6.0' ~ 69% of Capacity

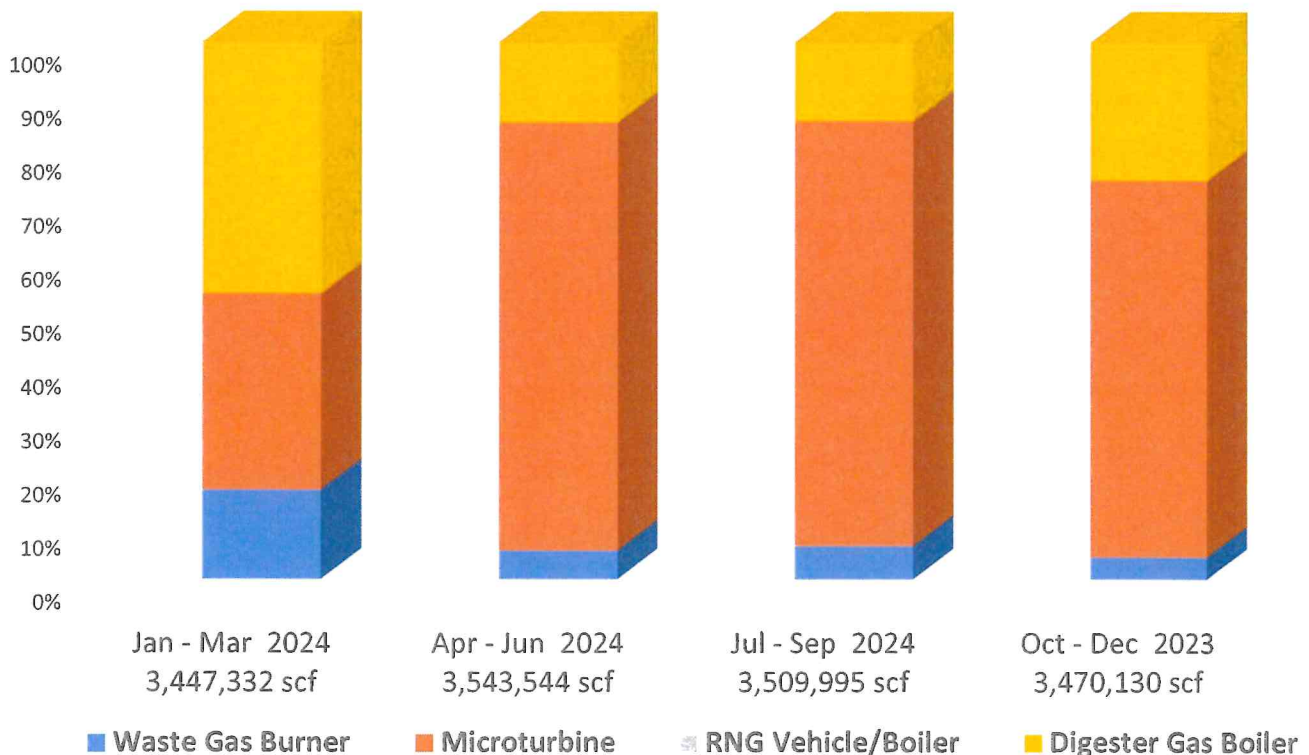
Solar Power Generation

- 6300 kWh offsetting approximately \$1890 in PG&E/MCE electrical consumption costs using an average rate of \$0.30/kWh. Inverters B & C were shut down 12/2021 for safety.

Biogas Utilization

- Total Digester Gas Produced – 3,509,995 scf – Microturbines at 91% uptime producing a total of 98,251 kWh, offsetting approximately \$29,475 in PG&E/MCE electrical consumption costs using an average rate of \$0.30/kWh.

2023-24 Biogas Utilization





Item Number 6
GM Review CP

Agenda Summary Report

To: Board of Directors
From: Dale McDonald, Administrative Services Manager
(415) 526-1519 dmcdonald@lqvsd.org
Meeting Date: November 21, 2024
Re: Consider adoption of Side Letter of Agreement Between Las Gallinas Valley Sanitary District and Operating Engineers Local No. 3 Amending Vacation Cash Out to Incorporate Irrevocable Election Limitation
Item Type: Consent Action Information Other
Standard Contract: Yes No (See attached) Not Applicable

STAFF RECOMMENDATION

Adopt Side Letter of Agreement No. 3 to the Memorandum of Understanding (MOU) Between Las Gallinas Valley Sanitary District (District) and Operating Engineers Local No. 3 (OE3) amending Section 15.3, Vacation Cash Out, to incorporate language on irrevocable election of vacation cash out.

BACKGROUND

The District became aware of an IRS requirement that vacation cash out accrual is considered a taxable benefit based on the “constructive receipt” principal at the time the accrual is earned.

Constructive Receipt is an IRS principle that taxes income once it is made "available" to an individual, even if they do not directly access it. When an employee is given an option to cash out vacation time, the IRS considers this as "constructively received" income, meaning the employee is liable for taxes on that amount when the option is available, not necessarily when it is actually paid.

The IRS generally avoids imposing constructive receipt if a cash-out option has strict limitations, such as requiring an irrevocable election by December 31st of the year before payment and limiting cash-out to the amount of leave accrued in the following year. This structured approach prevents tax liability from accruing until the designated cash-out period, reducing the risk of audit penalties.

To avoid having to withhold and report taxes on unused accrued vacation in a calendar year, the District asked the union if it would support modifying Section 15.3, Vacation Cash Out, of the MOU between the District and OE3. By incorporating limitations on vacation cash-out, the IRS constructive receipt principle will not apply, and taxes will not be withheld until the vacation leave is cashed out or used.



The Labor Management Committee met on August 28, 2024 to discuss the issue and the union brought the question to its members on October 30. The union voted to accept the irrevocable election for vacation cash out on November 13, 2024.

Adopting the changes in the MOU side-letter allows the Irrevocable Election program to be implemented, reducing the administrative burden of withholding and reporting taxes on unused accrued vacation. The program will begin for calendar year 2025.

Not accepting the proposed change would result in vacation accrual being subject to taxation per applicable Federal and State Payroll Tax Law.

PREVIOUS BOARD ACTION

The Board adopted Memorandum of Understanding (MOU) between the District and OE3, executed September 18, 2023, remains in effect through June 30, 2026.

ENVIRONMENTAL REVIEW

N/A

FISCAL IMPACT

No fiscal impact. A slight increase in payroll administration processing time will be required if the proposed changes are not adopted.

Attachment:

1. Side Letter of Agreement No. 3 Between LGVSD and OE3

SIDE LETTER OF AGREEMENT NO. 3
BETWEEN
LAS GALLINAS VALLEY SANITARY DISTRICT
AND
OPERATING ENGINEERS UNION LOCAL NO. 3

I. Parties

The Parties to this Side Letter of Agreement (herein after “Side Letter”) are the Las Gallinas Valley Sanitary District (hereinafter referred to as the “District”) and the Operating Engineers Local No. 3 (hereinafter referred to as the “Union”).

II. Background

The Parties are the signatories to a 2023-2026 Memorandum of Understanding (hereinafter referred to as the “MOU”) setting forth terms and conditions of employment for certain District employees. The terms set forth below amend the existing MOU. The Parties agree as follows:

III. MOU Side Letter

- A. For Purposes of the MOU amendments set forth below, language that is overstruck (e.g. ~~overstruck~~) will be omitted from the MOU. Language that is *italicized* and **boldfaced** will be added to the MOU as indicated. The existing MOU will, in all other respects, remain in effect without change through its existing term.
- B. Section 15.3 Vacation Cash Out of the MOU is hereby amended to read as follows:

The maximum amount of vacation time an employee may accrue is 272 hours. All vacation hours ~~purchased~~ ***cached out*** shall be compensated at the employee’s current base hourly wage rate of pay and will be removed from the employee’s accumulated vacation balance. In no event shall employee cash-outs result in a vacation balance of less than 40 hours. ***To be eligible for a vacation cash-out, employees must make an irrevocable election by December 15 of the preceding year, specifying the number of hours to be cashed out in the following year. The maximum vacation cash-out cannot exceed the number of hours an employee will accrue in the following year.*** Such requests for cash-out of vacation hours shall be submitted in writing by the employee to the ~~General Manager~~ ***Administrative Financial Specialist***, ~~who will verify and approve the request.~~ Vacation pay cash out requests will be processed ***based on the employee’s election*** twice a year, ~~with submittal deadlines of June 1 and December 1~~ ***in the second pay period in July and December. All vacation pay requests made by the submittal deadline will be processed on the following payroll date after June 1 and/or December 1. Once the December 15 election is made, it cannot be changed, and the selected hours will be cashed out as specified in July and/or December, unless the employee’s vacation balance is insufficient.*** This cash-out will be subject to the applicable Federal and State Payroll Tax Law.

IV. General Provisions

- A. This Side Letter will take effect as soon as administratively possible after adoption by the District Board of Directors.
- B. The written terms herein embody the entire Side Letter of Agreement between the Parties.
- C. The Side Letter of Agreement modified language herein will be incorporated into any successor MOU by the Parties.

IN WITNESS WHEREOF, the parties hereto have executed this Side Letter of Agreement on this _____ day of _____, 2024.

For Las Gallinas Valley Sanitary District


For Operating Engineers Union Local 3

Board Chair

 11/14/24
Sr. Business Representative

General Manager

 11-14-24
Union Representative

 11-14-24
Union Representative

11/21/2024

BOARD MEMBER REPORTS

CLARK

NBWA Board Committee, CASA Workforce Committee, Operations Control Centers Ad Hoc Committee, Fleet Management Ad Hoc Committee, FutureSense Ad Hoc Committee, Energy Ad Hoc Committee, Other Reports

MURRAY

Marin LAFCO, Flood Zone 6, Biosolids Ad Hoc Committee, CASA Energy Committee, Development Ad Hoc Committee, SF Trail Ad Hoc Committee, Energy Ad Hoc Committee, Other Reports

NITZBERG

Operations Control Centers Ad Hoc Committee, McInnis Marsh Ad Hoc Committee, Fleet Management Ad Hoc Committee, SF Bay Trail Ad Hoc Committee, Other Reports

ROBARDS

Gallinas Watershed Council/Miller Creek, NBWRA, Engineering Ad Hoc Committee re: STPURWE, McInnis Marsh Ad Hoc Committee, Development Ad Hoc Committee, FutureSense Ad Hoc Committee, Other Reports

YEZMAN

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

CASA ACE
Notes
November 14, 2024
Craig K. Murray

1. 47th President's Recommended Appointments

- EPA Administrator: Representative Lee Zeldin (to be approved)
 - Law degree 2003 (at 23), NY State Senator 2011-2023, US Congress 2015-2023
 - Limited experience in environmental regulation
 - Promises to:
 - Focus on US energy dominance (not supportive of electric vehicles)
 - Protect access to clean air and water resources
- Seats still open of interest:
 - Secretary of Agriculture
 - Secretary of Energy
 - Secretary of the Interior
 - Secretary of Transportation
 - Director of the Office of Science and Technology Policy

CASA

Hasn't shown a history of supporting electric vehicles but also wanting to protect access to clean air. Trying to figure how it fits together. GK: OST Policy an Appt.? Nagel, she may be out. Sarah Saperstein EPA announced new Science Director, Dr. Graf Zibben and is actually in CA. SD may do some outreach since he in UCSD position of Science and Economics.

2. CARB ACF Regs. Working on last several years. Med. & Heavy Duty vehicles over 8500 lbs. If not elected to Federal High Priority Fleet have to elect into by 2030. SD not aware of any CA agency that has opted in but all have opted to stay in local and State regulations. AB 1594 chaptered Oct. 2023 says we have ability to purchase traditional vehicles to maintain services and ready for disasters and special events. CMUA – CA Municipal Utility Agencies and other agencies have similar concerns and met 10/3 to review draft rulemaking to get rid of certain provisions regarding ZEV purchases. How define a utility specialized vehicle, classes 2B vehicles requested to be in the definition and Jetter truck to be included in an ICE-only list. Only available as Internal Combustion Engine. SJ: 1,100 WW agencies in State and would be huge to stop paperwork and all then try to otherwise get exemptions. SD: Chris Franchesci in water board helpful in writing the regulations and making decisions. Thresholds for mileage and such not helpful. If plan in place for vehicle replacement then that vehicle can qualify for early access to the plan. HO: Concern about defn. Of vehicle purchase plan and pointing to class and mileage table. SD: asked that appears that language looped back, CARB said not the case and it will look different for each organization. SJ: Rebecca Overacre on Biosolids Hauling Guidelines. Reviewed and provided to SD. Trig Dec. 10 Mtg. to consider vactor jetter truck on exemption list. Gov. Newsome there to push for waivers so new administration can not get them undone. David Rothbart (DR): Chair Randolph w/o waivers

the mandate for ZEV regulations can not proceed. 6 pieces of legislation have merit, see it going to Supreme Court and CA will have tough time. Parallel to Clean Plant. CA out ahead, we know better.

3. GK: Legnthly CARB mtg in Riverside. CASA seeking carve out in perpetuity for WW gas and we were not successful. By 2040 Biogas in CA will be phased out as a Transportation Fuel. However, did recognize that there could be need for revisions especially if ZEV only does not take hold. SD: Rajinder Sahota, Deputy Director CARB said we should continue our push for Biogas use esp. for Biogas to Hydrogen. DR: Important for these legislators to find home for Biogas and not possible that put in pipeline as the only way. Need to talk to more people. SD: outreach to CARB Board Members. Dr. Saheen on Transportation side and she is sympathetic. Also EJAC needs to be discussed with. Biogas of any size (furnace, pool heaters disuse regs. Is starting).

4. SB 1383 Organics Diversion Jan. 1 2025 takes effect. San Benito approved Class B application. Article 2 defines land application.

4. SB 1383 Organic Waste Methane Emissions Reduction

- 40% methane reduction by 2030 (relative to 2013 levels) via organic waste diversion from landfills
 - 75% by January 1st, 2025 (relative to 2014 levels)
- Counties with overly restrictive ordinances for land application are reassessing restrictions as projects arise
 - Sutter County updated their Ordinance to allow Class A/EQ land app (CalRecycle, CASA, City of Yuba City advocated for Class B)
 - Tracking CalRecycle's compliance evaluations across CA with focus on Stanislaus, San Joaquin, Tulare, Kern, San Benito (Class B CUP), San Luis Obispo
- Article 2 interpretation and determination discussions continue, specifically regarding:
 - Processes counting as landfill disposal
 - Whether there is a net-methane/GHG reduction (to support the overall objective of the regulation)

Participants: David Rothbart, Craig K. Murray, Mike Hester, Alan Desha

Chat: Cities are overturning local ordinances against new construction with natural gas (Richmond, Berkeley). Good to track these and keeping access and uses available.

<https://www.energyunderground.com/energy-environment/courts-panels-panels-natural-gas-ban/>

SJ: Not many accepting Food Waste now. Cities and Counties responsible for compliance and think behind and soon many will be knocking at our doors.

5. CalRecycle Zero Waste Plan. Final deadline Jan 1, 2026. Six key themes all around zero emissions and closed loop economy in regards to waste.

6. Best Available Control Technologies (BACT). Tier 4 approved. Oct. 21 Bay Area just approved. Tier 4 for engines greater than 50 bhp. Designates W and WW treatment systems as Level 2 NFPA 110 level, where failure is less critical to human life and safety. SJ: Emergency v. Stand-by Generator definition by how many "seconds" it will come on. Roughly 10 sec. for emergency and 60 sec. for Stand-by. DR:- Certified Tier 4 has a brain in it and can't override it. Trying with clean water so cal to make some progress with NFPA language. SD: believe NFPA level 1 not need certified language and WW not part of this context with Level 1. Don't need certified and show as compliant. DR: Hospital industry with us but no bandwidth to fight rather just a Me too. Stop combusting

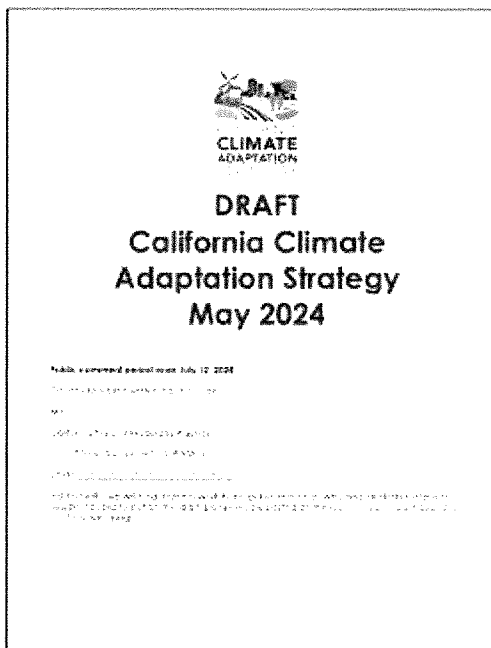
Diesel and go to Hydrogen fuel cell. Not reliable yet with fuel cell. DR: CARB started working with PACE potential offroad clean emergency regulation. Push to get rid of all these portable generators.

7. Regional issue SCAQMD Rule 317.1 8-Hour Ozone O3 Attainment. Can't obtain w/o federal sources obtaining. Litigation is expected. DR: Stationary Sources regulated so strictly but letting EPA not regulate (mobile sources) so not meet attainment goals. SD: 90% is Federal side of pollution. DR: No one willing to open up the Clean Air Act to get to it. DR: In 2025, Bills will start going out and will start taking WW money. And if do that, then at least invest it in something that helps our Sector. SD: In Valley also non-attainment, Moderate non-attainment in Bay Area. SD: Ozone is a tissue-eater for Respiratory Health and also bad for our equipment.

8. Climate-Smart Ag, Soil, Carbon Storage & Biosolids. SD: Natural Resources developed documents CASA is tracking. Hopefully BioChar will be treated as meeting their amendments. GK: to check on if USDA smart Agriculture & Forestry Program NRCS 336 to allow Biosolids.

9. AB 617 CARB reporting Criteria Pollutants. Trying to harmonize across the State. Two-Step process all WWTP must participate to be compliant. Plan/protocols being developed now. Federal air emissions rule AB 617 and 6558 has been updated.

10. Adaptation-related. OPC SLR guidance approved 6/4/24. CCC SLR then incorporated with EJ and SB 272 local coastal programs. Goal to coordinate all documents so we all on same for SLR. CASA 2021 comments on SLR addressed in 2024 document. Workshop held yesterday. Make sure you look at these documents to position your agency for going for SLR Grants.



December 20 next availability for Planning Grants. SWRCB new Climate Change Resolution/Policy 2024 – CASA met with SWRCB in October. Included 30 actions to address. SD met with Christopher Hung, Molly Williams, Laura Fishcer, James Knockbauer is lead. SJ: Nutrient removal staff? SD: No. Their response should bring in others. SD: Yes and will have follow-up mtgs. NO is super

powerful and SD: even Nitrification. SJ: What is their authority to regulate GHG? SD: They don't have authority. SD: Air Resources and Cal Recycle to reach out to.

Legislation

State Legislation – 2025 Outlook

Governor's Enacted Budget – Proposition 4 passed!

Proposition 4 for Natural Resources & Climate Activities
 Drought, Flood, & Water Supply – \$3.8 billion
 Forest Health & Wildfire Prevention – \$1.5 billion
 Sea Level Rise & Coastal Areas – \$1.2 billion
 Land Conservation & Habitat Restoration – \$1.2 billion
 Energy Infrastructure – \$850 million
 Parks – \$700 million
 Extreme Heat – \$450 million
 Farms & Agriculture – \$300 million

CASA

Steve Jepson, Clean Wat...
 Craig K. Murray...
 Craig K. Murray, LGVSD
 David Rothbart...
 David Rothbart (Clean ...
 Greg Kester - C...
 Greg Kester - CASA
 Kelsey Ang (LA City)
 Sarah Deslauriers (CASA)

Green Hydrogen dfn. And if it can be used as a Feedstock. Prop. 4 passed : \$10b into Natural Resources in above categories. 10 new State and 20 new State Assembly Members and some voting still not done. Jan. 20 deadline for Newsome on budget. Dec. 6 will meet, talk about bills for upcoming bills. Dec. hear latest from Jessica and Spencer.

Info.

Need to demonstrate biogas to hydrogen. LACSD. CPUC Renewable Gas (SB 1440) standard, rate basing interconnections. Opposed standards in violation of SB 1440. Tier 5 for offroad. Another 90% reduction for Nox, PM and first time addressing GHG (CO2) Equiv. standards. Water Research Foundation WRF 5310 Standards. Proposals due today for WRF 5310 Plant Standards. CASA ERG to meet in 2025. GK: Debra Nagle not an appointee,

Upcoming Meeting

- December 12th conflicts with the RWG Holiday Party – cancel or move to December 10th?
- 2025 meeting invites to be distributed



Thank you!



Certificate of Attendance for 3.0 Contact Hours

U.S. EPA Small Drinking Water Systems Webinar Series

PFAS: Rule Implementation and Treatment

October 29, 2024

Craig Murray

This certificate represents participation in the webinar mentioned above as part of U.S. EPA's *Monthly Small Systems Webinar Series: Challenges and Treatment Solutions for Small Water Systems*. The webinar series is a collaboration between U.S. EPA's Office of Research and Development, Office of Water, and the Association of State Drinking Water Administrators. The participant named above met the attendance requirements to receive the listed number of contact hours.



Thomas F. Speth

Thomas F. Speth, PhD
Webinar Series Coordinator
U.S. EPA Office of Research and Development

Michelle L. Latham

Michelle L. Latham
Water Research Webinar Series Coordinator
Immediate Office of the Assistant Administrator
U.S. EPA Office of Research and Development



BOARD MEMBER CONFERENCE/ MEETING/WEBINAR 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: _____

Board Members to register for Webinars and Meetings

YES NO

Request assistance from Board Secretary to register for Conference only:

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

Frequency of Meeting: _____

Estimated Costs of Travel (if applicable): _____

Date submitted to Board Secretary: _____

Board approval obtained on Date: _____

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

11/21/2024

BOARD AGENDA ITEM REQUESTS

Agenda Item 8B

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

Agenda Item 9
 Date November 21, 2024

WEATHER

Forecasters look at winter rain outlook

BY ANGELA RODRIGUEZ

THE SACRAMENTO BEE

After a long summer of relentless heat waves, winter weather is finally on the horizon for California.

The National Oceanic and Atmospheric Administration released its U.S. Winter Outlook on Oct. 17, with its Climate Prediction Center anticipating a gradually developing La Niña weather pattern to shape winter conditions across much of the country including California.

“This winter, an emerging La Niña is anticipated to influence upcoming weather patterns, particularly in terms of precipitation,” said Jon Gottschalck, chief of the Operational Prediction Branch at the Climate Prediction Center.

For California, this could mean notable La Niña conditions from December through February.

Here’s what that means for California weather this winter:

What is La Niña? >> La Niña, which occurs every three to five years on average, is part of a cycle of Pacific Ocean climate patterns, including its counterpart El Niño.

These patterns have significant impacts on weather, wildfires, ecosystems and economies around the globe, according to the National Weather Service.

During La Niña, trade winds strengthen, while during El Niño, weaker winds allow warm water to move closer to the West Coast.

What’s the weather forecast for winter 2024 in California? >> The NOAA’s winter forecast predicts wetter-than-average conditions across the northern part of the country, with especially high precipitation expected in the Pacific Northwest.

However, southern regions, including parts of California, may experience drier-than-average conditions. Overall, the outlook shows California has “equal chances” of above or below-average temperatures.

Southern California has about a 30% likelihood of warmer-than-average winter temperatures.

How much rain will California get this winter? >> Most of California has “equal chances of below-average, near-average or above-average seasonal total precipitation,” the weather agency said.

Southern California has about a 30% chance of seeing below-normal precipitation levels.

“Unfortunately, after a brief period in the spring of 2024 with minimal drought conditions across the country, more than a quarter of the land mass in the continental U.S. is currently in at least a moderate drought,” Brad Pugh, an operational drought lead with NOAA’s Climate Prediction Center, said. “The winter precipitation outlook does not bode well for widespread relief,” Pugh added.

Distributed by Tribune News Service

THE COUNTY

Decision tabled on policy for housing

Supervisors seek time to weigh court order

BY RICHARD HALSTEAD

RHALSTEAD@MARINIJ.COM

Faced with following either the recommendation of its staff or the planning commissioners, Marin County supervisors will wait to decide on how to approach a court order regarding the countywide plan.

In March, Marin Superior Court Judge Sheila Lichtblau ordered the county to remove clauses that were inserted into the countywide plan that give it legal precedence over community plans when considering proposed multifamily or mixed-use housing.

The Planning Commission has recommended that the county comply with the order and leave it at that. The Marin County Community Development Agency, however, has insisted that parts of the community plan, most notably its housing element, must be rewritten.

The planners state that the precedence clauses were inserted to override language in some of the community plans that could prevent the county's housing element from complying with a state mandate to "affirmatively further fair housing."

Under the new direction, multifamily housing must be built in some of the most affluent areas of the county. They say removal of the precedence clauses will require the insertion of new language to achieve the same goal.

Furthermore, the planners warn that if the county's housing element fails to affirmatively further fair housing, it might not be recertified by the state, leaving the county vulnerable to severe state penalties and the so-called "builder's remedy," which allows nearly unrestricted development.

On Tuesday, supervisors voted unanimously to seek an extension of the judge's Nov. 12 deadline for removing the precedence clauses to allow more time for Bruce Corcoran, who filed the lawsuit that necessitated the changes, and county's planning staff to try to hammer out a compromise. "This is really about trying to thread the needle to satisfy both sides as much as we can," said Supervisor Dennis Rodoni. "I think we need to do more work."

Supervisor Eric Lucan said, "I see buying ourselves a little more time."

Supervisor Mary Sackett said, "It's completely appropriate. We were jammed into a very short time period, which left many feeling unheard."

Members of the Planning Commission were among those feeling unheard.

"I think that the state would like to do away with planning commissions, because we basically have no discretion anymore, but I also feel like we are either being manipulated or ignored by the county," commissioner Christina Desser said on Sept. 23, when the commission discussed a proposal by planning staff to insert new language into the countywide plan.

The commission rejected planning staff's recommendation to approve the new wording and instead sent its own recommendation to county supervisors to only remove the precedence clauses, as the judge had directed.

"I think generally this new proposed language is an overreach," said commissioner Rebecca Lind at the time. "It is overly broad and unnecessary."

It wasn't just the language to which the commission objected. Planning commissioners also faulted planning staff for consulting with state housing officials and getting their approval before presenting the wording to them.

"I acknowledge that we didn't build in that early input opportunity from the commission," Sarah Jones, director of the Community Development Agency, said Tuesday. "Going forward, we need to make sure that the public and the Planning Commission have the necessary voice in land use matters as we accommodate these new processes"

Jones presented supervisors with a rewrite of the language that was introduced to the commission and included it as another option the supervisors could consider.

"We've drafted a third option that aligns with the Planning Commission but provides the information called for in Housing and Community Development's published guidance," Jones said.

As an example of the changes, Jones said the word "harmonize" was replaced with the phrase "weigh and balance."

During public open time, Corcoran, the plaintiff in the suit, said, "That's not true because the Planning Commission hasn't even seen option C."

Corcoran asserted that, like the original precedence clauses, which the judge deemed unlawful, "Option C adds new language that also subordinates community plans."

"Is it that HCD will only certify Marin's housing element if it contains language that allows planning staff to override community plans whenever it wants?" Corcoran asked.

He warned supervisors if they approved either set of new wording presented by the planning staff, they would be making the county vulnerable to additional lawsuits.

"Attorneys will line up to defend community plans, and they will win," Corcoran said. "At some point you have to stand up to HCD, and today is an opportunity to do that."

Members of the public lined up Tuesday to express their support for the Planning Commission and its recommendation.

Amy Kalish, director of [CitizenMarin.org](https://www.citizenmarin.org) and a member of the Tamalpais Design Review Board, presented the supervisors with a petition signed by 550 people calling on them to follow the Planning Commission's recommendation.

"Option C does not follow the court order and complicates the issue," Kalish said. "It gives the county, meaning staff, more power. Staff has lost public trust, and we know if they have the power to weigh and balance the differences between plans, the outcome will always be the same."

Susan Hopp said, "The fact that staff is attempting to circumvent the Planning Commission's recommendation to simply remove the precedent clauses and instead insert new language that essentially recreates them is not right and not democratic."

Kate Powers, a Marin Conservation League board member speaking on her own behalf, said it would be a much better process if the Community Development Agency were to prioritize making changes to those specific community plans that "covertly support exclusionary housing practices or truly have policies that prevent the county from following affirmatively furthering fair housing."

SAN RAFAEL

City resets hearing on major housing project

BY ADRIAN RODRIGUEZ

ARODRIGUEZ@MARINIJ.COM

A key hearing for the Northgate mall redevelopment plan in San Rafael has been rescheduled, officials said.

Last week, the Planning Commission voted to recommend the City Council approve plans and certify the environmental impact report, moving the 1,422-residence project a step closer to launch.

A City Council hearing originally set for this month on a rezoning ordinance and entitlements is now set for Dec. 2. A second reading is expected Dec. 16.

Merlone Geier Partners, a real-estate investment firm in San Francisco, bought the property in 2017 and filed a project application in 2021. The plan also calls for shops and restaurants.

The project has undergone several edits that increased the number of residences at the 45-acre site. The company is proposing to begin phase one construction in 2025, followed by phase two in 2040.

Supporters have applauded the project for the affordable housing and workforce housing it would provide, but critics raised concerns about the effects on traffic and emergency services.

Meeting information and project documents are available online at shorturl.at/8MffO.

NOVATO

School district will appoint new panel for housing goal

BY KERI BRENNER

KBRENNER@MARINIJ.COM

The Novato Unified School District plans to form a panel to determine whether any of its unused properties could be designated as surplus.

The district will select seven to 11 members for its facilities advisory committee, said Derek Knell, the district's director of staff housing.

"Community input and participation have always been important to NUSD," Knell said. "Committees like these are very helpful when making decisions regarding our community and staff."

The appointees will include representatives of various demographic groups, business interests, teachers, parents and people with expertise in areas like environmental impacts, building codes and land use planning.

The committee will meet at least three times: Jan. 15, Feb. 5 and Feb. 26. The panel will review nonschool properties identified in the district's recent feasibility study to assess if any can be classified as surplus.

The surplus designation is needed to move forward with the district's proposed education workforce housing project, said Tracy Smith, the district's superintendent.

The district has two other groups assisting with the workforce housing project: a facilities executive committee, an internal group within the district that is overseeing the initiative; and the education workforce housing advisory committee, which has been meeting since last spring. The next meeting of the housing advisory committee is Jan. 27.

According to district spokesperson Leslie Benjamin, the internal executive committee and the education workforce housing advisory committee are ongoing groups that will continue to meet. In addition to forming various committees and teams, the district is also "exploring agreements with neighboring organizations to establish collaborative information-sharing and explore their potential participation in NUSD housing developments, including funding, planning or relocation support," Benjamin said.

The district intends to identify a proposed property for education workforce housing by the first part of next year, Knell has said. So far, public discussions with the board of trustees have been around four properties: Meadow Annex, about 4 acres near the South Novato Library in the Hamilton neighborhood; Hamilton, about 9 acres in the same area; Hill Education Center, about 6 acres southwest of downtown; and San Andreas, about 26 acres in the San Marin neighborhood.

Applications for the facilities advisory committee are due by 5 p.m. Nov. 15. Applications are available in both English and Spanish on the district's website at nUSD.org/facilities-advisory-committee/.

SDAY, NOVEMBER 14 7:00 PM

mas Bird Count

iah Clark



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AS website's Speaker Series

r will speak to us about the
ning Christmas Bird Count
, the annual early-winter bird
is conducted in December.
r will be discussing counting
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ing birds and covering areas
e count, including the virtues
count circle, methods for
nting undercounting, tips on
taking and how good CBC
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gies for promoting the CBC and
ting younger birders.
iah Clark grew up steeped in
atural history of the Bay Area,
e he has been birding for more
20 years. Josiah runs Habitat
tial which is dedicated to
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rea human landscape.

SDAY, DECEMBER 12 7:00 PM

mbia: South America's Birding

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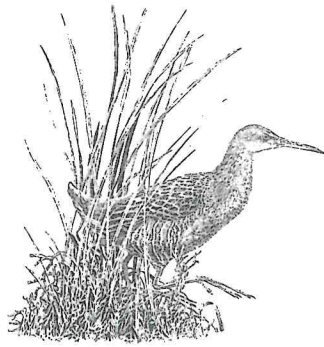
enny Jacobs-Schwartz

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The Rail

MARIN AUDUBON SOCIETY

MAS and Other Conservation Groups File Suit Against MMWD

After careful consideration, on Tuesday, October 1, 2024, the California Native Plant Society, the Marin Audubon Society, and the Marin Conservation League filed a lawsuit against the Marin Municipal Water District ("District") for its failure to conduct any California Environmental Quality Act (CEQA) review in its adoption of two pilot projects that will expand bike use on Mt. Tam watershed trails. We took this unusual action because of the potential for these projects to cause significant adverse impacts to wildlife and habitat resources in the watershed. Additionally, our organizations sought and obtained a temporary restraining order from the Marin County Superior Court on October 3, 2024, the day before the District was planning to open the new trails, temporarily stopping opening of the trails to bicycles.

The projects would change the current uses of the Mt. Tam trails by allowing two "self-titled" pilot projects. The first, called the Trail-sharing Pilot Program, would authorize, for the first time, non-motorized vehicles on



David Long

Bicycle use on this section of Madrone Trail will destroy grassland habitat.

single-track trails. Nine trails were chosen. The second project, referred to as the E-bike Class 1 Trail Project, would authorize class 1 e-bikes on all service roads in the watershed and on all single-track trails where bicycle use is allowed. Both projects would last for two years, and some monitoring would be conducted. This would be a significant change in use. Currently, e-bikes are not allowed on any roads or trails, and

continued on page 4

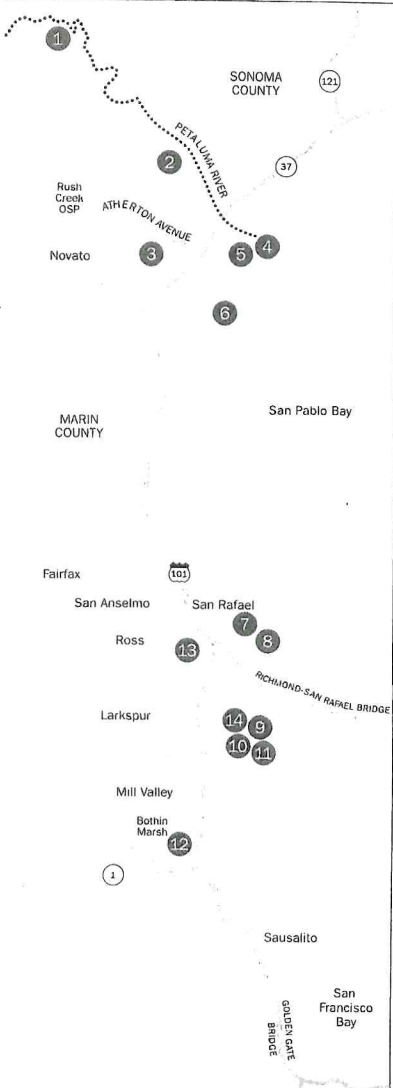
CalPark Suit Settled

We're thrilled to announce, after more than a year of negotiations, the settlement of our case against Roger Pierce, the owner of the CalPark properties adjacent to ours. The settlement conveys two parcels on either side of our parcels to the Marin Audubon Society, doubling the size of our property. It also assures that we have access to 84 property by conveying title to a section of the street (now

paper streets in other areas of the property.

We took legal action several years ago to counter a suit brought by Pierce Co. that sought to quiet title over all of the paper streets in the old subdivision. If we had not countersued, we could have and/or would have lost access to our property.

The CalPark community is located in unincorporated San Rafael, west of Highway



MARIN AUDUBON PROPERTIES

1. Petaluma Marsh Expansion Site	180 acres
2. Bahia	60 acres
3. Simmons Slough	144 acres
4. Norton Avenue Pond	4 parcels
5. Black Point Parcels	many parcels
6. Arroyo San Jose	2 parcels
7. Tisoomia Marsh	20 acres
8. Tidelands and Murphy's Rock	34 acres
9. San Clemente Creek Tidelands	4.34 acres
10. End of Channel Drive	1 acre
11. Triangle Marsh	31 acres
12. Arroyo Corte Madera del Presidio	2 acres
13. Cal Park	<1 acre
14. Corte Madera Ecological Reserve Expansion Site	5.2 acres

MMWD Lawsuit

continued from page 1

non-motorized bicycles are allowed only on fire roads. Both vehicle types are currently being operated on trails because, basically, there is no enforcement.

Most of the nine chosen trails are narrow, steep, eroded, with cliffs forming from exposed switchbacks, significant drop-offs, retaining walls in disrepair, and generally in poor condition—in no way are they suitable as multiuse trails, which raises safety issues for human users. As we discussed last month, among the numerous biological resources that could be irreparably harmed are the federally listed Northern Spotted Owl (NSO), eight special-status species of bats, and many species of rare plants. The entire watershed was listed as critical habitat for NSO by the USFWS in 2012. Five of the nine trails included in the project area are near NSO nesting sites and activity centers. The high-frequency noise emitted by e-bikes, which is inaudible to humans, has been shown by studies to adversely affect multiple species of bats that inhabit the watershed. One study revealed a bat maternity colony abandoned its roosting site due to a high frequency sound emitted by e-bikes. Bicyclists going off-trail damage and destroy special-status plants and create social trails that further fragment wildlife habitat; bicyclists and hikers going off trail to avoid each other will also destroy vegetative habitat.

The number of visitors to the Mt. Tam watershed has dramatically increased in recent years and can be expected to continue significantly should the pilot projects be pursued. The intensified usage will directly or indirectly disturb or destroy sensitive resources, fragment or remove habitats, impede migration, cause noise disturbance, and trample vegetation.

Despite the potential for significant impacts, the District chose not to conduct a CEQA review. Instead it relied on CEQA exemptions for: minor construction or continuing use of existing facilities which does not rely on significant expansion of recreational use, and allowing an agency to collect research information. It is our position that these exemptions do not apply. The latter exemption does not apply when the project might result in serious disturbance to environmental resources, as is the case here. The former exemption clearly does not apply because the project would significantly expand recreational use.

CEQA also provides a series of “exceptions” to the utilization of CEQA exemptions. Three CEQA exceptions apply in this case,

precluding the District from using the exemptions:

1) The Sensitive Location exception applies where a project “may impact” an environmental resource of critical concern, the location of which is designated, precisely mapped, and officially adopted by a federal agency (14 Cal. Code regs 15300.2[a]). The project is within the NSO’s critical habitat and activity centers; 2) The Cumulative Impact exception applies where the “cumulative impact of successive projects in the same place, over time and in the same location, is significant.” Here, the cumulative impact of the mountain bike and e-bike projects have the potential to cause other impacts that have not been considered. Allowing bikes and e-bikes to have access to new areas, and to predictably create new trails with such access, would have the potential to cause significant impacts; and 3) The Unusual Circumstances exception applies where there is a reasonable possibility that the project will have a significant effect on the environment. The introduction of fast-moving motorized and non-motorized bikes into sensitive habitats and the creation of unsafe trail conditions are clearly unusual circumstances so this exception applies.

The District claims it did a thorough environmental review in preparation for approving the project; however, it presented absolutely no evidence of any analysis it conducted.

The above information is a condensation of the information presented to the court in our brief. As the pilot project was scheduled to begin on October 4, we had no choice but to petition the court for a temporary restraining order and preliminary injunction, which were granted by Judge Sweet. A court hearing is scheduled for November 1.

BCDC REGIONAL SHORELINE ADAPTATION PLAN

As we reported last month, California Senate Bill 272 requires cities and counties to prepare plans for adapting to sea level rise (SLR) by 2034. Oversight of the local planning processes along the coast will be the responsibility of the California Coastal Commission, and within the bay, the Bay Conservation and Development Commission (BCDC) will be responsible. BCDC has released a guidance document to aid local planners in preparing their local adaptation plans: the Regional Shoreline Adaptation Plan (RSAP).

Building on previous documents, the RSAP offers guidance, standards, and requirements for elements that must be addressed in the Subregional Shoreline Adaptation Plans. It also promises resources to assist with what will be a

MARIN MUNICIPAL

Expanded Tam bike access on hold

Judge issues tentative ruling; suit fears harm to mountain

BY ADRIAN RODRIGUEZ

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A Marin County judge has issued a tentative ruling that would prevent the Marin Municipal Water District from launching two pilot programs expanding bike access on Mount Tamalpais because of environmental concerns.

Judge Andrew Sweet, who issued the tentative ruling last week, listened to oral arguments from plaintiffs and the district on Nov. 1. Sweet is expected to issue a judgment shortly.

Attorneys for the water district said two separate pilot bike programs are affected: one to open 7 miles of watershed trails to bikes, and a second to also allow class 1, pedal-assisted electric bikes.

“If operating congruently, the projects do have overlap,” Adriane Mertens, a spokesperson for the water district, said in an email. “The District explained this to the court to ensure this clarification was made as the court considers whether or not either project can proceed pending a decision.”

The plaintiffs were granted a temporary restraining order on Oct. 3 blocking the district from allowing mountain bikers and e-bike riders on the select trails. The order came one day before the two-year trial program was set to begin.

Both programs remain on hold until a further ruling is issued by the court, Mertens said. Non-motorized bikes remain restricted to fire roads, and e-bikes are not allowed on the district property.

Bike access in the Mount Tamalpais watershed has been a polarizing issue for over 30 years. The pilot programs are controversial, with critics citing safety and environmental impacts as their main concerns. After about six years of discussions over how to provide cyclists more enjoyment of the mountain, the water board unanimously approved the pilot programs in September.

The plaintiffs in the case are the Marin Chapter of the California Native Plant Society, the Marin Audubon Society and the Marin Conservation League.

The lawsuit, filed Sept. 26, claims the pilot programs would be bad for the mountain.

The suit states the water district failed to comply with the California Environmental Quality Act by forgoing an analysis of the potential disturbances to the habitat from bike riding.

In the suit, the group says the project area “contains critical biological resources, including dozens of rare plant species and plant communities, the federally listed Northern spotted owl and up to eight special-status bat species.”

“The addition of mountain bikes and e-bikes to these trails and roads for an indefinite two year period has the potential to harm these resources, disturbing owl nest sites and activity centers, trampling scarce and rare plant populations ... and disturbing sensitive bat colonies due to the high pitch sound of the e-bikes’ mechanical engines,” the suit says.

The restraining order was to remain in place until the court determined whether to issue a preliminary injunction, which would preserve status quo on the mountain until “a final determination on the merits,” according to the tentative ruling.

NICASIO RESERVOIR

District calls for spillway analysis

Project aims to bolster water storage capacity

BY ADRIAN RODRIGUEZ

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The Marin Municipal Water District board has agreed to spend \$1.9 million to study the environmental impact of a plan to increase water supply at the Nicasio Reservoir.

The board voted unanimously Wednesday to hire Environmental Science Associates to perform an analysis of a project that would modify the reservoir's spillway gates to add 3,000 acre-feet of water storage.

The reservoir, one of seven in the district, could hold more than 22,400 acre-feet alone. Combined, district reservoirs make up about 75% of its water supply, holding up to around 80,000 acre-feet of water, equal to about a two-year supply. An acre-foot is about 326,000 gallons.

"As part of the water supply roadmap actions, raising the Nicasio Reservoir spillway was identified as one of the near-term projects," said Elysha Irish, engineering planning manager for the district.

The water supply roadmap is a planning document approved last year that set the stage for the district to significantly increase water supply for the first time since the 1980s. The plan seeks to add another 12,000 to 20,000 acre-feet of annual supply by 2035.

The effort follows the 2020-2021 drought that threatened to deplete the utility's reservoirs. Rains in late 2021 nearly refilled the basins and ended the crisis.

The big-ticket, albeit controversial, proposals that have dominated recent conversations include reservoir expansion projects ranging from \$290 million to \$1.29 billion, and potentially more. The projects have the potential to increase capacity for billions of gallons of additional water to defend against the drought.

Over the summer, the district hired consultants Black and Veatch to work on the spillway project proposals, including potential projects at Soulajule Reservoir, Kent Lake and Alpine Lake, in addition to Nicasio.

Irish said that in order to gain approval for the Nicasio project, the district needs to perform an analysis that is compliant with the California Environmental Quality Act. If the district wants to seek federal grants, it will also need clearance from the National Environmental Policy Act, which could involve specific studies.

Additionally, because of a lack of data, the consultants will be performing a fisheries study of Nicasio Creek. The tributary flows from the reservoir approximately one mile through district and private property before joining Lagunitas Creek.

At a presentation to the watershed committee last month, Jonathan Koehler, the district's fisheries program manager, said there are fish in that stretch of the creek.

"We've seen both coho and steelhead," he said. "I would imagine chinook also wander up. It really depends on the water year type."

Koehler said there are limited biological and hydrological data for the creek.

Staff are eager to bring the contract to the board quickly so consultants can begin the analysis right away and take advantage of examining the creek conditions during this rainy season, Irish said.

The fisheries study is needed to inform planning, permitting and environmental compliance of any water supply projects proposed for the area, Irish said.

Matt Samson, a district board member and chair of the committee, said the study is “another example of what we’re doing to make sure that we’re taking care of the land that we are managing.”

The contract approved Wednesday includes a \$1.7 million professional services agreement plus a 15% contingency equal to \$260,754.

The study is expected to take about two years.

TERRA LINDA

Northgate theater closes; mall plan impact unclear

Cinema was part of town square, housing concept



Movie theater fixtures are carted away from the Cinemark Century Northgate in Terra Linda on Tuesday. The theater, a key component of the renovation of the Northgate mall, surprisingly closed Sunday. PHOTOS BY ALAN DEP — MARIN INDEPENDENT JOURNAL



Movie theater seats are stacked in a disposal bin outside the Cinemark Century Northgate.

BY ADRIAN RODRIGUEZ

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The movie theater at Northgate mall in Terra Linda closed over the weekend, punching a hole in a major redevelopment plan that envisions an upgraded cinema as a central attraction.

Since purchasing the 45-acre site in 2017, Merlone Geier Partners has floated a variety of redevelopment ideas, including a bid to bring Costco to the mall. The latest proposal has focused on a “town square” concept where 1,422 residences would be centered around a place people could shop, dine and congregate.

The promise of a theater, which has been a fixture there for more than 50 years, was a key component in the proposal that is weeks away from a public hearing with the City Council.

Ross Guehring, a representative for Merlone Geier, said it was notified last month that Cinemark, the parent company of the Northgate Century Theater, would not be renewing its lease.

The theater closed Sunday, and now it’s unclear what will become of the 45,000-square-foot space.

A Cinemark representative responded to request for comment only to confirm the permanent closure and to say it resulted from a “review” of its venues.

“Although this news came as a surprise, we see it as an exciting opportunity to welcome either an innovative entertainment concept, a new theater operator, or other compelling new retail tenants as part of our revitalization efforts,” Guehring said in an email. “In any scenario, we are confident that the Northgate Town Square redevelopment project will attract strong interest from a variety of exciting potential tenants.”

The mall owners have begun reaching out to potential tenants, and they expect more formal discussions to develop should the project earn City Council approval, Guehring said.

April Talley, the city's project director, said Cinemark's departure does not require any change to the environmental impact report or project entitlements endorsed by the Planning Commission last month.

However, some critics have questions.

David Smith is a member of Responsible Growth in Marin, a group that has scrutinized the project and raised concerns about public safety in the event of emergency, evacuations, traffic and other worries associated with the scale of the planned development.

Smith said that at the public hearing last month when the Planning Commission endorsed the project, one speaker brought up the theaters' potential departure. However, it wasn't addressed by Merlone Geier until an email that was distributed after the closure.

"We think that both Merlone Geier and the city owe it to the public and to each other to be completely transparent about this," Smith said.

"Whether that space gets filled by another theater or entertainment operator, or whether there are more small shops, should be determined before the San Rafael City Council finalizes the project," Smith said. "The public deserves to know at least the solid concept of what will be built. How will Northgate be a 'one-of-a-kind destination' if it's just a high-density housing project with a few shops?"

Smith said his group and others have asked for a grocery store to be included and that the outdoor gathering and recreation features be expanded more. He said the theater's exit could open that possibility.

Members of another group, Sustainable San Rafael, have been supportive of the plan because the proposed new residences would help offset the housing shortage.

"With cinemas, department stores and drive-by fast food restaurants all on shaky ground nationally, I think the city needs to work closely with the developer during the tenanting process to assure a viable mix of retail at Northgate," said Bill Carney, vice president of the group. "So first, the city needs to approve the project now to get the tenanting underway."

Carney said it's important to find a cinema that would complement the outdoor event space at the proposed town square by attracting people.

"That's an 'experiential retail' model that's worked well at places like the Metreon at Yerba Buena Gardens in San Francisco," Carney said. "A vibrant mixed-use retail core also complements the surrounding housing and community."

Carney also advocates for finding restaurant tenants that use electric induction cooking rather than gas to help reduce greenhouse gas emissions.

The mall opened in 1965 as Northgate Fashion Mall, built on land owned by the Freitas family and sold to developers. Anchored at the time by Sears and the Emporium, the open-air mall featured reflecting pools, greenery and a fountain designed by landscape architect Lawrence Halprin, who also landscaped the 1962 Seattle World's Fair, the F.D.R. Memorial in Washington, D.C., Ghirardelli Square, Levi's Plaza and Sea Ranch in Sonoma County. The movie theater opened at the mall a year later.

In 1986, the mall was enclosed and remodeled. In 2005, former owner Macerich Co. considered removing the roof, but elected to redo it instead. The 725,000-square-foot center underwent an extensive renovation beginning in 2008.

The proposed project would redevelop the mall to include six residential parcels with a mix of townhomes, apartments, shops and restaurants. Buildings would range from two to seven stories. Developers plan to spread 143 designated

affordable apartments and for-sale homes throughout the site.

“Traditional malls served their time well but they don’t meet the needs of today’s communities or economies,” San Rafael Mayor Kate Colin said. “The Northgate project ... represents an exciting new vision for the future. Saying goodbye to the theater is bittersweet, but it opens the doors to possibilities that could benefit San Rafael, and this project specifically, in the long term.”

A City Council hearing is set for Dec. 2 and a second reading is expected Dec. 16. If the project is approved, the company hopes to begin phase one construction in 2025.