



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

**DISTRICT BOARD**  
Megan Clark  
Rabi Elias  
Craig K. Murray  
Judy Schriebman  
Crystal J. Yezman

**DISTRICT ADMINISTRATION**  
Mike Prinz,  
General Manager  
Michael Cortez,  
District Engineer  
Mel Liebmann,  
Plant Manager  
Greg Pease,  
Collection System/Safety Manager  
Dale McDonald,  
Administrative Services Manager

## **BOARD MEETING AGENDA**

**April 15, 2021**

*On March 12, 2020, Governor Newsom issued Executive Order N-25-20, which enhances State and Local Governments' ability to respond to COVID-19 Pandemic based on Guidance for Gatherings issued by the California Department of Public Health. The Executive Order specifically allows local legislative bodies to hold meetings via teleconference and to make meetings accessible electronically, in order to protect public health. In light of this, April 15, 2021 meeting of the LGVSD Board will be held via Zoom electronic meeting\*. There will be NO physical location of the meeting. Due to the current circumstances, there may be limited opportunity to provide verbal comments during the meeting. Persons who wish to address the Board for public comment or on an item on the agenda are encouraged to submit comments in writing to the Board Secretary (tlerch@lgsd.org) by 5:00 pm on Wednesday, April 14, 2021. In addition, Persons wishing to address the Board verbally must contact the Board Secretary, by email ([tlerch@lgsd.org](mailto:tlerch@lgsd.org)) and provide their Name; Address; Tel. No.; and the Item they wish to address by the same date and time deadline for submission of written comments, as indicated above. Please keep in mind that any public comments must be limited to 3 minutes due to time constraints. Any written comments will be distributed to the LGVSD Board before the meeting.*

*\*Prior to the meeting, participants should download the Zoom app at:*

*<https://zoom.us/download> A link to simplified instructions for use of the Zoom app is:*

*<https://blog.zoom.us/wordpress/2018/07/03/video-communications-best-practice-guide/>*

### **REMOTE CONFERENCING ONLY**

**Join Zoom Meeting online at:**

<https://us02web.zoom.us/j/83385407284>

**OR**

**By teleconference at: +16699009128 Meeting ID: 833 8540 7284**

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

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

Estimated  
Time

**OPEN SESSION:**

**3:30 PM**

**1. PUBLIC COMMENT**

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

**3:35 PM**

**2. CONSENT CALENDAR:**

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

- A. Approve the Board Minutes for March 25, March 29<sup>th</sup> and April 1, 2021
- B. Approve the Warrant List for April 15, 2021
- C. Approve Board Compensation for March, 2021.
- D. Approve Murray attending Best Practices to Manage Public Spaces Webinar April 21, 2021

Possible expenditure of funds: Yes, Items B-D.

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

**3:45 PM**

**3. INFORMATION ITEMS:**

**STAFF/CONSULTANT REPORTS:**

- 1. General Manager Report – Verbal
- 2. District Correspondence – Written
- 3. Marsh Wildlife Pond Long Term Vegetation Management Plan
- 4. Sea Level Rise Mitigation Presentation by Kennedy Jenks

**5:00 PM**

**4. APPROVE COST OF SEWER SERVICE AND RATE STUDY FROM HDR, INC FOR THE TWO -YEAR PERIOD JULY 1, 2021 THROUGH JUNE 30, 2023**

Board to review and consider approval of the HDR, Inc. Cost of Sewer Service Rate Study for fiscal years 2021-22 and 2022-23.

**5:30 PM**

**5. APPROVE APPLICATION OF ALLOCATION OF CAPACITY FOR APN 165-220-12 AND 165-220-13 KAISER PERMANENTE - 1650 AND 1655 LAS GAMOS DRIVE AND BOARD TO ACCEPT A NEW SEWER EASEMENT FROM KAISER PERMANENTE**

Board to review and approve the issuance of a Will Serve Letter for the Kaiser Medical Office Building and Parking Garage and accept a Sewer Easement from Kaiser Permanente.

- 5:45 PM 6. PUBLIC COMMENT**  
 This portion of the meeting is reserved for persons desiring to address the Board on matters not on the agenda and within the jurisdiction of the Las Gallinas Valley Sanitary District. Presentations are generally limited to three minutes. All matters requiring a response will be referred to staff for reply in writing and/or placed on a future meeting agenda. Please contact the General Manager before the meeting.
- 5:50 PM 7. BOARD MEMBER REPORTS:**
1. CLARK
    - a. NBWA Board Committee, 2021 Admin Building Ad Hoc Committee, Other Reports
  2. ELIAS
    - a. NBWRA, Ad Hoc Engineering Committee re: STPURWE, 2021 GM Evaluation Ad Hoc Committee, 201 Admin Building Ad Hoc Committee, Other Reports
  3. MURRAY
    - a. Marin LAFCO, CASA Energy Committee, 2021 GM Evaluation Ad Hoc Committee, 2021 Legal Services Ad Hoc Committee ,Marin Special Districts Association, Other Reports
  4. SCHRIEBMAN
    - a. Gallinas Watershed Council/Miller Creek Watershed Council, JPA Local Task Force NBWA Tech Advisory Committee, Other Reports
  5. YEZMAN
    - a. Flood Zone 7,CSRMA, Ad Hoc Engineering Committee re: STPURWE Engineering Subcommittee, 2021 Legal Services Ad Hoc Committee, Other Reports
- 6:05 PM 8. BOARD REQUESTS:**
- A. Board Meeting Attendance Requests – Verbal
  - B. Board Agenda Item Requests – Verbal
  - C. Pending Board Agenda Item Requests
    - i. INFORMATION - Pump Station Vegetation and Safety Report
    - ii. ACTION - Relocation Assistance Act Policy for Real Estate Acquisitions
    - iii. INFORMATION – ERAF Allocation/Formula
    - iv. ACTION –Employee Climate Report
    - v. INFORMATION – Admin Building, Site 5 Conceptual Presentation
- 6:10 PM 9. VARIOUS INDUSTRY RELATED ARTICLES**
- 6:15 PM 10. ADJOURNMENT**

**FUTURE BOARD MEETING DATES: APRIL 20, MAY 6, AND MAY 20, 2021**

AGENDA APPROVED:	Crystal J. Yezman, Board President	Patrick Richardson, Legal Counsel
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**CERTIFICATION:** I, Teresa Lerch, District Secretary of the Las Gallinas Valley Sanitary District, hereby declare under penalty of perjury that on or before April 12, 2021 at 3:30 p.m., I posted the Agenda for the Board Meeting of said Board to be held April 15, 2021 at the District Office, located at 101 Lucas Valley Road, Suite 300, San Rafael, CA.

April 8, 2021



Teresa L. Lerch  
District Secretary

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

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



**MEETING MINUTES OF MARCH 25, 2021**

THE BOARD OF DIRECTORS OF THE LAS GALLINAS VALLEY SANITARY DISTRICT MET IN OPEN SESSION BY ZOOM CONFERENCE MARCH 25, 2021 AT 3:32 PM, AND STAFF BY ZOOM CONFERENCE AT THE DISTRICT OFFICE, 101 LUCAS VALLEY ROAD, SUITE 300, SAN RAFAEL, CALIFORNIA. 94903.

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

**BOARD MEMBERS ABSENT:** C. Yezman.

**STAFF PRESENT:** Mike Prinz, General Manager; Teresa Lerch, District Secretary; Dale McDonald, Administrative Services Manager; Mel Liebmann, Plant Manager; Mike Cortez, District Engineer; Greg Pease, Collections and Safety Manager

**OTHERS PRESENT:** Pat Richardson, District Counsel; Tim Holmes, Kenwood Energy

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

**1. PUBLIC COMMENT:** None

**2. INFORMATION ITEMS:**

**STAFF / CONSULTANT REPORTS:**

1. Kenwood Energy LGVSD Solar Energy Presentation – Tim Holmes from Kenwood Energy presented.
2. Department Reports – McDonald, Pease, Cortez and Liebman reported

**3. BOARD POLICY F-90, PURCHASE ORDER THRESHOLD INCREASE**

Board considered revising Board Policy F-90, including purchase order threshold from \$1,000 to \$3,000 and changing Purchasing Authority by adopting Resolution 2021-2208. Discussion ensued.

**ACTION:**

Board approved (M/S Schriebman/Yezman 5-0-0-0) increasing the Purchase Order Threshold from \$1,000 to \$3,000 and approved Resolution 2021-2208.

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

**4. TOPICS FOR THE SPRING/SUMMER 2021 NEWSLETTER**

Board and staff discussed the topics for the Spring/Summer Newsletter.

**5. ADJOURNMENT:**

**ACTION:**

Board approved (M/S Clark/Murray 5-0-0-0) the adjournment of the meeting at 5:59 p.m.

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

NOES: None.

ABSENT: None.

ABSTAIN: None.

The next Board Meeting is scheduled for March 29, 2021 2:00 PM at the District Office.

ATTEST:

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

APPROVED:

\_\_\_\_\_  
Megan Clark, Board Vice-President

SEAL

## MEETING MINUTES OF MARCH 29, 2021

THE BOARD OF DIRECTORS AND STAFF OF THE LAS GALLINAS VALLEY SANITARY DISTRICT MET IN OPEN SESSION BY ZOOM CONFERENCE ON MARCH 29, 2021 AT 2:02 PM AT THE DISTRICT OFFICE, 101 LUCAS VALLEY ROAD, SUITE 300, SAN RAFAEL, CALIFORNIA.

**BOARD MEMBERS PRESENT:** M. Clark, R. Elias, C. Murray, J Schriebman and C. Yezman

**BOARD MEMBERS ABSENT:** None

**STAFF PRESENT:** Mike Prinz, General Manager; Teresa Lerch, District Secretary; Dale McDonald, Administrative Services Manager; Mike Cortez, District Engineer (for Closed Session item 2 only)

**OTHERS PRESENT:** Pat Richardson, District Counsel; Gregory Ramirez, IEDA;

**ANNOUNCEMENT:** President Yezman 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 MARCH 16, 2021, AT 2:04 PM BY ZOOM CONFERENCE AND AT THE DISTRICT OFFICE, 101 LUCAS VALLEY ROAD, SUITE 300, CONFERENCE ROOM, SAN RAFAEL, CALIFORNIA.

Lerch left the meeting at 2:04 pm.

2. **CONFERENCE WITH REAL PROPERTY NEGOTIATIONS** –Pursuant to Government Code § 54956.5 (b); Regarding real property- two parcels located at APN 175-250-04 and APN 179-041-19, San Rafael. Real Property Negotiator Is Mike Prinz, General Manager.
3. **CONFERENCE WITH LABOR NEGOTIATOR** – Agency designated representative : Gregory Ramirez, IEDA; Employee organization: IUOE Local 3: pursuant to Government Code Section 54957.6

**ACTION:**

The Board of Directors of the Las Gallinas Valley Sanitary District reconvened the Regular Session on March 29, 2021 at 4:18 pm.

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

**4. ADJOURNMENT:**

**ACTION:**

Board approved (M/S Elias/Murray 5-0-0-0) the adjournment of the meeting at 4:19 pm.

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

NOES: None.

ABSENT: None.

ABSTAIN: None.

The next Board Meeting is scheduled for April 1 , 2021 3:30 PM at the District Office.

ATTEST:

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

APPROVED:

\_\_\_\_\_  
Megan Clark, Board Vice-President

SEAL

## MEETING MINUTES OF APRIL 1, 2021

THE BOARD OF DIRECTORS OF THE LAS GALLINAS VALLEY SANITARY DISTRICT MET IN OPEN SESSION BY ZOOM CONFERENCE ON APRIL 1, 2021 AT 3:33 PM AND STAFF BY ZOOM CONFERENCE AT THE DISTRICT OFFICE, 101 LUCAS VALLEY ROAD, SUITE 300 CONFERENCE ROOM, SAN RAFAEL, CA. 94903

**BOARD MEMBERS PRESENT:** M. Clark, R. Elias, C. Murray, J. Schriebman and C. Yezman

**BOARD MEMBERS ABSENT:** None.

**STAFF PRESENT:** Mike Prinz, General Manager; Teresa Lerch, District Secretary; Dale McDonald, Administrative Services Manager; Irene Huang, Assistant District Engineer; Mel Liebmann, Plant Manager

**OTHERS PRESENT:** Pat Richardson, District Counsel; Shawn Koorn HDR; Chris Sliz, Regional Government Services

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

**1. PUBLIC COMMENT:** None

**2. CONSENT CALENDAR:**

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

- A. Approve the Board Minutes for March 10, March 16 and March 18, 2021
- B. Approve the Warrant List for April 1, 2021
- C. Approve Clark attending the virtual CSDA Legislative Days May 18-19, 2021
- D. Approve Schriebman attending the virtual CSDA Legislative Days May 18-19, 2021
- E. Approve Secondary Anaerobic Digester Cleaning Services Contract Award
- F. Approve Contract Amendment 1 to Brown and Caldwell for Additional Peer Review Engineering Services during STPURWE Construction

Items B and F were discussed.

**ACTION:**

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

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

**3. INFORMATION ITEMS:**

**STAFF / CONSULTANT REPORTS:**

1. General Manager Report – Verbal – Prinz reported
2. District Correspondence – Written – Discussion ensued
3. Receive Preliminary Cost of Sewer Service and Rate Study Presentation – Prinz and McDonald reported. Shawn Koorn from HDR did a presentation. Discussion ensued. Questions raised by the Board to be answered at a future Board meeting.

**4. PROPOSED ORDINANCE 186 – TITLE 2, CHAPTER 10 SANITARY CODE OF THE LAS GALLINAS VALLEY SANITARY DISTRICT**

Board reviewed the draft Ordinance 186, An Ordinance to Add Chapter 10, Accessory Dwelling Units and Junior Accessory Units to Title 2, District Regulations of the Ordinance Code of the Las Gallinas Valley Sanitary District. Board. Discussion ensued.

**ACTION:**

Board approved (M/S Yezman/Schriebman 5-0-0-0) setting a public hearing date of May 6<sup>th</sup> for Ordinance 186, Title 2, Chapter 10 of the Las Gallinas Valley Sanitary District.

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

NOES: None.

ABSENT: None.

ABSTAIN: None.

**5. DRAFT 2020-2025 STRATEGIC PLAN**

Board reviewed the Draft 2020-2025 Strategic Plan document with 2021 Tactical Goals with staff and Chris Sliz from Regional Government Services. Discussion ensued.

**6. PUBLIC COMMENT - None**

**7. BOARD MEMBER REPORTS:**

**1. CLARK**

- a. NBWA Board Committee –no report
- b. Ad Hoc Admin Building Committee – no report
- c. Other Reports– verbal report – no report

**2. ELIAS**

- a. NBWRA– no report
- b. Ad Hoc Engineering Committee—no report
- c. Ad Hoc 2021 GM Evaluation Committee – no report
- d. Ad Hoc Admin Building Committee – no report
- e. Other Reports– no report

**3. MURRAY**

- a. Marin LAFCO – no report
- b. CASA Energy Committee– no report
- c. Ad Hoc 2021 GM Evaluation Committee – no report
- d. 2021 Legal Services Ad Hoc Committee – no report
- e. Marin County Special Districts Association – no report
- f. Other Reports – no report

**4. SCHRIEBMAN**

- a. Gallinas Watershed Council/Miller Creek Watershed Council– no report
- b. JPA Local Task Force– no report
- c. NBWA Tech Advisory Committee– no report
- d. Other Reports- no report

**5. YEZMAN**

- a. Flood Zone 7– no report
- b. CSRMA– no report
- c. Ad Hoc Engineering Committee– no report
- d. 2021 Legal Services Ad Hoc Committee – no report

e. Other Reports–no report

**8. BOARD REQUESTS:**

- A. Board Meeting Attendance Requests- Schriebman requested to attend the "Cutting the Tape" meeting on April 6<sup>th</sup> and Murray requested to attend a CASA COVID Update meeting.
- B. Board Agenda Item Requests- Schriebman requested DHA make an informational presentation to the Board regarding the Admin Building Site. The District Engineer will work with DHA. Prinz will contact Marin Audubon Society regarding the Marsh Wildlife Pond Long Term Vegetation Management Plan item on the April 15<sup>th</sup> Agenda.
- C. Board Secretary Lerch advised the Board of the upcoming Board Meeting Dates:  
April 9<sup>th</sup> 9:00 – 10:00 am Capital Projects/Rate information  
April 15 Regular Meeting 3:30 pm  
April 20 Special Meeting Budget 2:00 pm  
May 6 Regular Meeting 3:30 pm

**9. VARIOUS INDUSTRY RELATED ARTICLES – Discussion ensued**

**10. ADJOURNMENT:**

**ACTION:**

Board approved (M/S Schriebman/Clark 5-0-0-0) the adjournment of the meeting at 6:46 p.m.

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

NOES: None.

ABSENT: None.

ABSTAIN: None.

The next Board Meeting is scheduled for April 9, 2021 by Zoom Electronic meeting.

ATTEST:

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

APPROVED:

\_\_\_\_\_  
Megan Clark, Board Vice-President



Las Gallinas Valley Sanitation District  
Warrant List 4/15/2021

**Agenda Item 2B**  
**Date April 15, 2021**

	Date	Num	Vendor	Original Amount	Addition and Adjustment	Total Amount	Description for items
1	4/15/2021	EFT1	ADP Payroll	113,062.53		113,062.53	Paydate & Processing Charges - 4/09/2021
2	4/15/2021	ACH	A & P Moving	84.70		84.70	Records Retention - April
3	4/15/2021	N/A	ADT Commerical	25.00		25.00	Monitoring of Front Gate - April
4	4/15/2021	N/A	All Start Rents	3,029.41		3,029.41	Rental Equipment -Excavator & Towable Boom
5	4/15/2021	N/A	Aqua-Science, LLC	29,040.00		29,040.00	Bioassay Tank Installation
6	4/15/2021	N/A	Aramark Uniform Service	341.18		341.18	Uniform Laundry Service - Week of 3/22
7	4/15/2021	EFT2	Bank of Marin	47,335.64		47,335.64	Recycled Water Loan- April Payment
8	4/15/2021	ACH	Bellecci & Associates, Inc.	1,278.00		1,278.00	Kaiser Plan Review and Inspection Services - Recoverable
9	4/15/2021	ACH	Brown and Caldwell	7,784.78		7,784.78	STPURWE- Engineering Service
10	4/15/2021	ACH	Bucks Saw Service	97.45		97.45	Rider Plates, Trimmer Line
11	4/15/2021	ACH	Byers Law Office	9,362.50		9,362.50	Legal Services Rendered -March
12	4/15/2021	N/A	California Water Environment Association	91.00		91.00	Certification Renewal
13	4/15/2021	EFT	CalPERS 457 Plan	5,893.00		5,893.00	EE's Deferred Comp. Paydate 3/26/21
14	4/15/2021	EFT	CalPERS Required Contribution	718.56		718.56	Replacement Benefit Contribution for 2021
15	4/15/2021	EFT	CalPERS Retirement	20,112.11		20,112.11	EE & ER Payment to Retirement, Paydate 03/26/2021
16	4/15/2021	N/A	CPM Construction	7,755.00		7,755.00	STPURWE-On Call Scheduling & Estimating Support
17	4/15/2021	N/A	D.W. Nicholson	1,931.35		1,931.35	Marin Lagoon Pump Station #1 Improvements
18	4/15/2021	ACH	Data Instincts	2,550.00		2,550.00	Provide Public Information & Awareness to LGVSD
19	4/15/2021	EFT	Direct Dental	661.80		661.80	Dental Payment- April
20	4/15/2021	EFT	Discovery Benefits	120.00		120.00	FSA Payment Weeks of 3/22 - 4/4
21	4/15/2021	ACH	Elias, Rabi	200.00		200.00	Health Reimbursement - April
22	4/15/2021	ACH	EOA, Inc.	13,290.91		13,290.91	Technical Assistance for Regulatory Permits - February
23	4/15/2021	N/A	Fast Response On-Site Testing Inc.	870.00		870.00	On-Site Testing - Hearing, Respirator and Fit
24	4/15/2021	N/A	Federal Express	35.09		35.09	Mailing Services as needed
25	4/15/2021	ACH	Gardeners Guild	1,123.00		1,123.00	Grounds Maintenance - April
26	4/15/2021	ACH	Hach	5,549.18		5,549.18	Misc. Supplies for the Lab - Activated Sludge Process
27	4/15/2021	ACH	Hanford ARC	6,927.50		6,927.50	LMC Revegetation Maintenance Services - March
28	4/15/2021	N/A	Jackson's Hardware	168.70		168.70	Respirator Masks



**Las Gallinas Valley Sanitation District  
Warrant List 4/15/2021**

	Date	Num	Vendor	Original Amount	Addition and Adjustment	Total Amount	Description for Items
29	4/15/2021	N/A	JDB Systems	4,121.30		4,121.30	McGinnis Golf Course Pump Station - Install Motor Contractor Start Counter for Flow Calculations, Repair Pressure Station Flow Meter
30	4/15/2021	ACH	JW Mobile Truck Service	172.92		172.92	Crimp Fittings, Wire-Hose
31	4/15/2021	N/A	Kemira Water Solutions	8,926.12		8,926.12	Ferric Chloride - Bulk Order \$810/dry ton
32	4/15/2021	ACH	Kennedy/Jenks	98,785.00		98,785.00	STPURWE - Construction Management & Inspection Service
33	4/15/2021	ACH	Kennedy/Jenks	7,059.00		7,059.00	On-Call Contract for Inspection Services
34	4/15/2021	ACH	Koff & Associates	1,705.00		1,705.00	Classification and Compensation Study
35	4/15/2021	N/A	Kyocera Document Solutions	1,470.35		1,470.35	Contract from 3/31/21 - 6/29/21 - Overages from 12/21/20 - 3/30/21
36	4/15/2021	N/A	Maggiore & Ghilotti, Inc.	1,330.43		1,330.43	Miscellaneous Paving Project 2020
37	4/15/2021	N/A	Marin Ace	47.13		47.13	Misc. Supplies
38	4/15/2021	ACH	Marin Independent Journal	91.44		91.44	Ordinance #186 - Accessory Dwelling Units Public Notification
39	4/15/2021	ACH	Murray, Craig	125.00		125.00	Health Reimbursement - April
40	4/15/2021	N/A	National Auto Fleet	67,972.42		67,972.42	2- Ford F-350 Super Duty XL 4WD Trucks
41	4/15/2021	N/A	North Valley Labor Compliance Services	187.50		187.50	Labor Compliance Services for LMC Revegetation Maintenance Services
42	4/15/2021	N/A	Oberkamper & Associates	6,240.00		6,240.00	Fencing Improvements at Various Locations
43	4/15/2021	EFT	Pacific Crest Group	1,200.00		1,200.00	HR MGNT Services
44	4/15/2021	N/A	Pacific Crest Group	247.50		247.50	Addl Services -Exit Interview
45	4/15/2021	N/A	Pacific Gas & Electric	5,805.71		5,805.71	Pump Stations- 2/18/21 - 3/18/21
46	4/15/2021	N/A	Rafael Lumber	149.26		149.26	Washers, Nuts, Brackets, Boards
47	4/15/2021	N/A	Rathlin Properties LLC	8,829.00		8,829.00	Rent for 101 Lucas Valley Rd. - May
48	4/15/2021	ACH	Retiree Augusto	168.56		168.56	Retiree Health - May
49	4/15/2021	ACH	Retiree Burgess	184.03		184.03	Retiree Health - May
50	4/15/2021	ACH	Retiree Cummins	181.48		181.48	Retiree Health - May
51	4/15/2021	ACH	Retiree Cutri	480.12		480.12	Retiree Health - May
52	4/15/2021	ACH	Retiree Emanuel	238.25		238.25	Retiree Health - May
53	4/15/2021	ACH	Retiree Gately	206.97		206.97	Retiree Health - May
54	4/15/2021	ACH	Retiree Guion	206.97		206.97	Retiree Health - May
55	4/15/2021	ACH	Retiree Johnson	692.45		692.45	Retiree Health - May
56	4/15/2021	ACH	Retiree Kermoian	181.48		181.48	Retiree Health - May

**Las Gallinas Valley Sanitation District  
Warrant List 4/15/2021**

	Date	Num	Vendor	Original Amount	Addition and Adjustment	Total Amount	Description for items
57	4/15/2021	ACH	Retiree Mandler	181.48		181.48	Retiree Health - May
58	4/15/2021	ACH	Retiree McGuire	616.50		616.50	Retiree Health - May
59	4/15/2021	ACH	Retiree Memmott	181.48		181.48	Retiree Health - May
60	4/15/2021	ACH	Retiree Petrie	168.56		168.56	Retiree Health - May
61	4/15/2021	ACH	Retiree Pettey	180.74		180.74	Retiree Health - May
62	4/15/2021	ACH	Retiree Provost	238.25		238.25	Retiree Health - May
63	4/15/2021	ACH	Retiree Reetz	505.96		505.96	Retiree Health - May
64	4/15/2021	ACH	Retiree Reilly	181.48		181.48	Retiree Health - May
65	4/15/2021	ACH	Retiree Vine	181.48		181.48	Retiree Health - May
66	4/15/2021	ACH	Retiree Wettstein	655.00		655.00	Retiree Health - May
67	4/15/2021	ACH	Retiree Williams	655.00		655.00	Retiree Health - May
68	4/15/2021	N/A	Roy's Sewer Service	2,493.75		2,493.75	Vector Truck- Clean Out Grit From Lift Station
69	4/15/2021	ACH	Schriebman, Judy	200.00		200.00	Health Reimbursement - April
70	4/15/2021	EFT	Sunlife Financial	2,343.57		2,343.57	EE's AD&D, Disability and Life Insurance- April 2021
71	4/15/2021	N/A	United Site Services	556.76		556.76	Porta Potties for Construction Workers and Water Stopages -3/18-4/14
72	4/15/2021	ACH	Univar	3,778.25		3,778.25	Sodium Hypochlorite
73	4/15/2021	N/A	Verizon	1,974.55		1,974.55	Cell Phone Bill - March April (includes Solar A&B, Pump Stations and SCADA Modem)
74	4/15/2021	N/A	Water Components & Building Supply	284.87		284.87	Grade Ring Concrete, Concrete Color Powder Carbon, Misc. Supplies
75	4/15/2021	EFT	WEX Health	50.00		50.00	FSA Administration - March
76	4/15/2021	N/A	Woodland Center Auto Supply	151.46		151.46	Reducer Sleeve, Pin Clip
77	4/15/2021	ACH	Yezman, Crystal	200.00		200.00	Health Reimbursement - April

**Las Gallinas Valley Sanitation District  
Warrant List 4/15/2021**

Date	Num	Vendor	Original Amount	Addition and Adjustment	Total Amount	Description for items
------	-----	--------	-----------------	-------------------------	--------------	-----------------------

Do not change any formulas below this line.

**TOTAL** \$ 512,222.92    \$ -    \$ 512,222.92

EFT1	EFT1 = Payroll (Amount Required)	113,062.53		113,062.53	Approval:
EFT2	EFT2 = Bank of Marin loan payments	47,335.64		47,335.64	
PC	Petty Cash Checking	0.00		0.00	
>1	Checks (Operating Account)	0.00		0.00	
N/A	Checks - Not issued	154,074.84		154,074.84	
EFT	EFT = Vendor initiated "pulls" from LGVSD	31,099.04		31,099.04	
ACH	ACH = LGVSD initiated "push" to Vendor	166,650.87		166,650.87	
<b>Total</b>		<b>\$ 512,222.92</b>		<b>\$ 512,222.92</b>	

Difference: \$ \_\_\_\_\_

STPURWE Costs 114,324.78

Agenda Item 2C  
Date April 15, 2021

Directors' Meeting Attendance Recap

<u>Name</u>	<u>Total Meetings</u>
Megan Clark	7
Rabi Elias	7
Craig Murray	6
Judy Schriebman	6
Crystal Yezman	6
<b>Total</b>	<u>32</u>

Meeting Date: 4/15/2021  
Paydate: 4/23/2021

 4/7/21





300 Smith Ranch Road, San Rafael, CA 94903

Office: 415.472.1734 Fax: 415.499.7715

**BOARD MEMBER ATTENDANCE FORM**

Director's Name: MEGAN CLARK

Month: MARCH 2021

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

Date	REGULAR and SPECIAL MEETINGS Description of meeting	CHARGING DISTRICT	
		Yes	No
3rd	SPECIAL - COMP	X	
4th	REG	X	
10th	SPECIAL - COMP	X	
16th	SPECIAL - COMP	X	
18th	REG	X	
25th	SPECIAL	X	
29th	SPECIAL		X
<b>TOTAL</b>		6	

Date	OTHER MEETINGS Description of meeting	CHARGING DISTRICT	
		Yes	No
1st	WATER REUSE		X
5th	NBWA		X
Feb. 26th	AD HOC ADMIN BLDG. COMM.	X	
<b>TOTAL</b>		1	

**Total Meetings for which I am Requesting Payment:** 7 MC 2/7/21 AM ✓  
①  
 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.

Megan Clark  
Signature

March 29, 2021  
Date

[Signature]  
Approved By/ Date

4/7/21  
Pay Date

[Signature]  
x:\board\directors\directors meeting recap-compensation\board meeting attendance form rev 11 15 18.doc 17 April 2, 2021





300 Smith Ranch Road, San Rafael, CA 94903

Office: 415.472.1734 Fax: 415.499.7715

**BOARD MEMBER ATTENDANCE FORM**

Director's Name: Rabi Elias Month: March 2021

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
3/4/21	Regular	✓	
3/18/21	Regular	✓	
3			
TOTAL		2	

OTHER MEETINGS		CHARGING DISTRICT	
Date	Description of meeting	Yes	No
3/3/21	Special Mtg	✓	
3/10/21	Employee study Special Mtg	✓	
3/10/21	Eng sub Committee Mtg	✓	
3/25/21	Special Mtg	✓	
TOTAL			

Feb 2021 Adm. Buildg Committee ✓ 5

<b>TOTAL MEETINGS CHARGED (Max of six per Health &amp; Safety Code #4733):</b>	7	✓	R
--	---	---	---

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.

R. Elias  
Signature  
[Signature]  
Approved By/ Date

4/6/21  
Date  
4/7/21  
Pay Date

4/7/21



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: Judy Schriebman Month: March 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
3/3	Special Meeting C&C study	X	
3/4	Regular Meeting	X	
3/10	Special Meeting	X	
3/16	Special Meeting	X	
3/18	Regular meeting	X	
3/25	Regular Meeting	X	
3/29	Special Meeting	X	
TOTAL		7:7	

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

<b>Total Meetings for which I am Requesting Payment:</b> <b>Max of six (6) per Health &amp; Safety Code 54733</b>	<b>6</b>
--	----------

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

\_\_\_\_\_  
Judy Schriebman  
Director Signature

\_\_\_\_\_  
Administrative Services Manager Approved

\_\_\_\_\_  
Board Secretary Received

\_\_\_\_\_  
April 2, 2021  
Date

\_\_\_\_\_  
4/7/21  
Date

\_\_\_\_\_  
4.2.21  
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: March 2021

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
3/3/21	Board Meeting Special – Class and Comp Study	X	
3/4/21	Board Meeting	X	
3/10/21	Board Meeting Special - Class and Comp Study	X	
3/16/21	Board Meeting Special	X	
3/18/21	Board Meeting	X	
3/25/21	Board Meeting Special	X	
3/29/21	Board Meeting Special	X	
<b>TOTAL</b>		<b>7/7</b>	

OTHER MEETINGS		CHARGING DISTRICT	
Date	Description of meeting	Yes	No
3/4,7,8,13/21	Merrydale Road/Las Gallinas Creek Headwater Litter Removal c/o City of San Rafael: 3/4 2.0 hours; 3/7 0.5 hours; 3/8 0.5 hours; 3/14: 1.0 hours; 3/28: 1.0 hours		XXXX
3/4/21	Digging Into Land Use Law-Rights of Land Owners Impacted by Easements – Nossaman Partners Simon Adams, Karla MacCary		X
3/17/21	CalPERS Webinar: Early Career Basics		X
3/17/21	ICMA: Response to Emergencies That Impact All Citizens: Rights of the Individual vs Health and Welfare of Community	X	
3/18/21	LAFCo Vice Chair EO Coordinating Meeting		X
3/25/21	CASA Air Quality, Climate Change & Energy (ACE) Workgroup Meeting	X	
3/26/21	LGVSD Board Member General Manager Coordination Meeting		X





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

**BOARD MEMBER ATTENDANCE FORM**

3/29/21	ABBA – Association Biosolids Byproducts Association from around North America and WEF RBC Subcommittee		X
<b>TOTAL</b>		2/11	

<b>Total Meetings for which I am Requesting Payment: Max of six (6) per Health &amp; Safety Code 54733</b>	<b>9/18</b>
--	-------------

*6 ✓ TR.*  
*max*

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

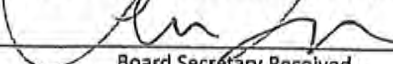
Craig K. Murray

\_\_\_\_\_  
Date

March 26, 2021

  
\_\_\_\_\_  
Administrative Services Manager Approved

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Board Secretary Received

\_\_\_\_\_  
Date

3.26.21



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: March 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
3/3	Special Board Mtg	X	
3/4	Regular Board Mtg	X	
3/10	Special Board Mtg	X	
3/16	Special Board Mtg	X	
3/18	Regular Board Mtg	X	
3/25	Special Board Mtg	X	
3/29	Special Board Mtg		X
<b>TOTAL</b>			

OTHER MEETINGS		CHARGING DISTRICT	
Date	Description of meeting	Yes	No
3/11	Engineering Subcommittee		X
3/12	Review of Board Norms		X
<b>TOTAL</b>			

<b>Total Meetings for which I am Requesting Payment: Max of six (6) per Health &amp; Safety Code §4733</b>	<b>6</b>
--	----------

*✓ TL*

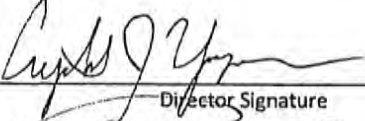
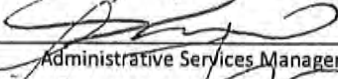
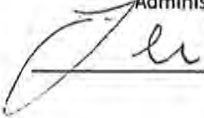
I hereby certify that the meetings as set forth above are true and correct and are for the purpose of conducting official business for the Las Gallinas Valley Sanitary District.



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

Office: 415.472.1734 Fax: 415.499.7715

**BOARD MEMBER ATTENDANCE FORM**

 _____ Director Signature	_____ 04/06/21 Date
 _____ Administrative Services Manager Approved	_____ 4/7/21 Date
 _____ Board Secretary Received	_____ 4/7/21 Date

AGENDA ITEM 2D  
DATE April 15, 2021



## BOARD MEMBER MEETING ATTENDANCE REQUEST

Date: 4/5/2021 Name: MURRAY, CRAIG K.

I would like to attend the ICMA Meeting  
of BEST PRACTICES TO MANAGE PUBLIC SPACES

To be held on the 21<sup>ST</sup> day of APRIL from 1030 a.m. / p.m. to  
21<sup>ST</sup> day of APRIL from 1200 a.m. / p.m.  
TO

Location of meeting: WEBINAR

Actual meeting date(s): 4/21/21

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

Purpose of Meeting: MANAGING PUBLIC SPACE CHALLENGES, BEST PRACTICES,  
+ INNOVATIONS.

Other meeting attendees: UNKNOWN

Meeting relevance to District: PUBLIC SPACE ASSET MGT.

Frequency of Meeting: 1x

Estimated Costs of Travel (if applicable): 0

Date submitted to Board Secretary: 4/5/21

Board approval obtained on Date: \_\_\_\_\_

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



# ICMA Free Coaching Webinar - Best Practices to Manage Public Spaces

Includes a Live Event on 04/21/2021 at 1:30 PM (EDT)

Already registered? Log in now. ([https://members.icma.org/eweb/DynamicPage.aspx?WebCode=Login&Site=icmares&URL\\_success=https://icma.elevate.commpartners.com/products/icma-free-coaching-webinar-best-practices-to-manage-public-spaces?ssoToken={token}](https://members.icma.org/eweb/DynamicPage.aspx?WebCode=Login&Site=icmares&URL_success=https://icma.elevate.commpartners.com/products/icma-free-coaching-webinar-best-practices-to-manage-public-spaces?ssoToken={token}))

Overview Speaker(s) Contents (3)

**According to a study by the National Research Center, one of the top ten things that residents want in their community is the ability to be close to nature. Community parks and other open spaces where people can gather outside are important to residents. Most of us would agree that these areas are good for the community and there are many different ways to use these spaces; however, there can be challenges in operating and maintaining them. Our panelists will give you some best practices in managing public spaces.**

## Topics:

- 1. How do we ensure that our public spaces best meet the needs of our community and are welcomed as true assets by our residents and businesspersons?
- 2. What are some innovative ways to utilize “typical” public facilities in non-traditional, more attractive ways? (public art, water detention facilities, green roofs)
- 3. How can you promote the use of your public spaces and ensure that your public spaces are clean and welcoming?
- 4. What happens when the unplanned occurs—protests, homelessness, destruction of public property, etc? Are there groups in the community that you can build relationships with to help keep the community safe during unrest.

**Can't attend? Register and receive an automatic e-mail notification when the recording is available.**

**This webinar is sponsored by ICMA-RC, ICMA Premier Level Strategic Partner**





### Warning

Looks like your local timezone (America/Los\_Angeles) differs from your profile timezone (US/Eastern)!  
You can choose the correct one on your profile page (<https://icma.elevate.commpartners.com/profile>) or close this notification to not see it again.

# ICMA Free Coaching Webinar - Best Practices to Manage Public Spaces

Includes a Live Event on 04/21/2021 at 1:30 PM (EDT)

✓ You are registered!

Overview Speaker(s) Discussion Contents (3)

Key: Complete Next Failed Available Locked

#### Webinar

04/21/2021 at 1:30 PM (EDT) | 90 minutes

**Live event not started.** Early login 15 minutes before event time.

#### Evaluation Survey

6 Questions

#### Certificate

1.50 ICMA CE credits | Certificate available

**4/15/2021**

**General Manager Report**

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



Agenda Item 3.2  
Date April 15, 2021

# DEPARTMENT OF PUBLIC WORKS

Quality, Excellence, Innovation

Rosemarie R. Gaglione  
DIRECTOR

March 26, 2021

RECEIVED

MAR 29 2021

L.G.V.S.D.

Administration  
PO Box 4186  
San Rafael, CA 94913-4186  
415 473 8528T  
415 473 3799 F  
415 473 3232 TTY  
CRS Dial 711  
[www.marincounty.org/pw](http://www.marincounty.org/pw)

Las Gallinas Valley Sanitary District  
300 Smith Ranch Road  
San Rafael, CA 94903

Re: Marin County Flood Control and Water Conservation District  
Levee Improvement Flood Control Project  
Notice of Decision to Appraise and Notice of Land Acquisition  
Procedures, Pump Station 2, San Rafael, CA (APN: 180-041-16)

- Accounting
- Administrative Services
- Airport
- Building Maintenance
- Capital Projects
- Certified Unified Program Agency (CUPA)
- Communications Maintenance
- Disability Access
- Engineering & Survey
- Fleet Operations
- Flood Control & Water Resources
- Land Development
- Procurement
- Real Estate
- Reprographic Services
- Road Maintenance
- Stormwater Program
- Transportation & Traffic Operations
- Waste Management

Dear Property Owner:

The Marin County Flood Control and Water Conservation District (District) is considering a proposal to improve the existing Timber-Reinforced Berm along the Gallinas Canal as part of the District's Levee Improvement Project (Project). If the Project is constructed, acquisition of an easement across a portion of your property may be necessary. The District's Project will be conducted in a phased approach for acquisition purposes. Your property has been identified as a property within Phase One of the District's Project. For additional Project information, scan the QR code provided at the bottom of page with your smartphone or visit [www.marinwatersheds.org](http://www.marinwatersheds.org).

On behalf of the District, the County Real Estate Division has contracted with the local appraisal firm Semple Appraisals, Inc. to appraise the proposed easements. It will be necessary for the appraiser to inspect the property to aid in the determination of just compensation. You or your representative may, and are encouraged to, accompany the appraiser on the inspection if you desire to do so.

This letter and the following pages are required by law to inform you of the District's intention to perform these appraisals, the District's acquisition procedures, and your rights in this process. The following pages shall serve as District's written "Notice of Decision to Appraise" and "Notice of Land Use Acquisition Procedures" per Sections 6184 and 6188 of the California Relocation Assistance and Real Property Acquisition Guidelines.

It is our desire and goal to help you understand the proposed easement acquisition process and any impacts that the proposed acquisition may have on your property.



Page 2 of 6  
March 26, 2021

Please call me at (415) 473-6578 to schedule an appointment for an inspection of the property with Semple Appraisals or if you have questions regarding this letter, the appraisal process, or the project.

Very Truly Yours,



Alexi Dicker  
Real Property Agent  
Real Estate Division

Enclosure: News Release



Scan the code above with your smartphone camera to be directed to the Project webpage for additional information

### Notice of Decision to Appraise

This letter is to notify you that a decision has been made by the Marin County Flood Control and Water Conservation District to appraise your property:

1. **The area being considered for a public use.** District is considering a public project for flood control purposes as described above. Public use would not be use by the general public but only for District staff or agents for construction and maintenance purposes.
2. **The determination that your property may be located within the area of the public project.** District has determined that some of your property is located within the general area being considered for the project. However, no decision has yet been made to acquire any portion of your property for the proposed project.
3. **Your property,** which our preliminary title report shows that you own, a portion of which is being considered for acquisition for the proposed project, is described generally as:

**Pump Station 2, San Rafael, CA  
also known as APN: 180-041-16**

The property described herein will be referred hereinafter as "your property".

**No decision has yet been made by the District to acquire any portion of your property. Before that decision can be made, the law provides that the property first be appraised. Without authority from the District's Board of Supervisors, staff has no authority to commit the District to the acquisition of your property.**

The purpose of this letter is to advise you of the decision to appraise. Semple Appraisals, Inc. an independent real property appraiser has been retained by District to make a fair market value appraisal of your property to assist the District in its determination of the amount of probable compensation. ***You have the right to accompany the appraiser on their first visit to the property and are encouraged to do so.*** This will give you an opportunity to advise the appraiser of facts that may be relevant to the fair market value of your property. There is no need for the appraiser to enter your home during the inspection as the appraisal is of the land only which will be used to calculate the value of the easement.

This is not a notice to vacate your property or a notice that your property or a portion thereof will be acquired. Nor does this notice establish eligibility for relocation payments or other relocation assistance, if you (or any other occupants) are entitled to such assistance under the California Assistance Act.

If the District continues to consider the acquisition of any portion of your property after completion of the appraisal, then representatives of this office will contact you to make an offer to purchase, on behalf of the District, in an amount determined to be just compensation, and in no event less than the value reported in an approved appraisal.

### **Notice of Land Use Acquisition Procedures**

**1. The basic objectives** of the District's land acquisition program are:

When the District requires private property for a necessary public project, it is the objective of the District to make every reasonable effort to expeditiously acquire the real property by agreements with Owners at its fair market value so as to avoid litigation, to assure consistent treatment of all Owners of property located within a proposed project, and to promote public confidence in our land acquisition practices.

**2. You, or your representative** who has been designated in writing, shall be given the opportunity to accompany any appraiser during inspection of the property.

**3. If the proposed acquisition** of any portion of your property would leave you with an uneconomic remnant, the District will offer to acquire the uneconomic remnant if you so desire.

**4. If you are not satisfied** with the public entity's offer of just compensation, you, as Owner, will be given a reasonable opportunity to present relevant material that the District will carefully consider, and if a voluntary agreement cannot be reached the District, as soon as feasible, will either institute a formal condemnation proceeding or, in the alternative, decide not to acquire the property by giving notice of the latter in the form of a Notice of Public Entity's Decision Not to Acquire served not later than ten (10) days following the date of the decision not to acquire pursuant to Section 6190 of the California Relocation Assistance and Real Property Acquisition Guidelines.

**5. The construction** of any proposed project shall be scheduled so that no person lawfully occupying real property shall be required to move from the dwelling (assuming a replacement dwelling as required by the California Relocation Assistance and Real Property Acquisition Guidelines will be available) or to move such person's business or farming operation without at least ninety (90) days written notice from the District of the date by which the move is required, unless a court finds that the District has an urgent need for possession of the property and that possession will not displace or unreasonably affect any person in actual and lawful possession of the property to be acquired, or unless there is an emergency situation that threatens the general health or safety of the community.

**6. Section 6194** of the California Relocation Assistance and Real Property Acquisition Guidelines provides in regard to Short Term Rental:

a. If the public entity permits an Owner or Tenant to occupy the real property acquired on a rental basis for a short term or for a period subject to termination by the public entity on short notice, the amount of rent required shall not exceed the lesser of the fair rental value to a short-term occupier or the pro rata portion of the fair rental value for a typical rental period; if the Owner or Tenant is an occupant of a dwelling, the rental for the dwelling shall be within such Owner or Tenant's financial means.

b. A post-acquisition Tenant who occupies real property acquired on a rental basis for a short term and who is informed that the property has been acquired for a public use shall be given not less than thirty (30) days-notice of termination of the tenancy.

**Notice of Availability of Relocation Benefits for Which an Owner-Occupant May Be Eligible.** In addition to receiving compensation for their property proposed to be acquired, owner-occupants may be eligible to receive relocation benefits pursuant to the California Relocation Assistance Act (Govt. Code § 7260-7276) after a decision to acquire has been made. Should you have any questions in regard to relocation assistance, please contact me at your convenience, but please keep in mind that the referenced Notice of Decision to Appraise and this Notice of Land Acquisition Procedures is not considered a decision to acquire your property, a notice to move, or a statement of your eligibility for relocation assistance. Further, the project as proposed does not contemplate any relocation of residences or their occupants.

**7. Other Land Acquisition Procedures** in the event that the District decides to acquire any portion of your property:

- a. You will be entitled to receive full payment prior to vacating the real property being purchased unless you have elected to waive such entitlement. You are not required to pay recording fees, transfer taxes, or the pro rata portion of real property taxes that are allocable to any period after the passage of title or possession.
- b. The amount that you will be offered for the property described herein will be what the District has determined to be just compensation after consideration of an approved appraisal of the fair market value of the property. The amount that you will be offered:
  - Will represent the full amount that the District established as the amount that it believes to be just compensation; and will be no less than the full amount of the District's approved appraisal of fair market value for the property to be purchased;
  - Will disregard any decrease or increase in the fair market value of the real property proposed to be acquired prior to the date of valuation caused by the public improvement for which the property is to be acquired or the likelihood that the property would be acquired for such public improvement, other than due to physical deterioration within the reasonable control of the Owner or occupant; and
  - Will not reflect any consideration of or allowance for any relocation assistance and payments or other benefits that the Owner is entitled to receive under an agreement with the District.
- c. If you ultimately elect to reject the offer by the District for your property, you are entitled to have the amount of compensation determined by a court of law in accordance with the laws of the State of California.

**8. Code of Civil Procedure § 1263.025 (a).** A public entity shall offer to pay the reasonable costs, not to exceed five thousand dollars (\$5,000), of an independent appraisal ordered by the owner of a property that the public entity offers to purchase under threat of eminent domain, at the time the public entity makes the offer to purchase the property. The independent appraisal shall be conducted by an appraiser licensed by the office of Real Estate Appraisers.

If you elect to accept the District's offer and obtain an independent appraisal, the District will pay for the actual reasonable costs up to \$5,000 subject to the following conditions:

- a. You, not the District, must order the appraisal. Should you enter into a contract with the selected appraiser the District will not be a party to the contract.
- b. The selected appraiser must be licensed with the Office of Real Estate Appraisers. (We suggest you consider hiring an appraiser with experience doing eminent domain appraisals).
- c. The appraisal cost reimbursement request must be made in writing and submitted to the District to the address listed below within 90 days of the earliest of the following dates:
  - The date the selected appraiser requests payment from you for the appraisal; or
  - The date you remitted full payment to the appraiser.

Department of Public Works  
Real Estate Division  
P.O. Box 4186  
San Rafael, CA 94913

You must provide to the Real Estate Division the following items along with your written request for reimbursement. The costs must be reasonable and justifiable.

- A copy of the contract (if there is one),
- A copy of the appraisal report,
- The invoice for the completed report by the appraiser, and
- Copy of your W-9 (for District to issue a check)

We will then submit your report to Semple Appraisals, Inc. for review. Your request for reimbursement will also be submitted and payment from the District will be made within 30 days.

**If you are considering the District's offer to reimburse you for your own appraisal, we encourage you to begin the process now. Please call me to discuss this process.**





# Agenda Summary Report

**To:** Mike Prinz, General Manager *MP*  
**From:** Michael P. Cortez, PE, District Engineer *mpc*  
 (415) 526-1518; [mcortez@lgvsd.org](mailto:mcortez@lgvsd.org)  
**Meeting Date:** April 15, 2021  
**Re:** Marsh Wildlife Pond Long Term Vegetation Management Plan  
**Item Type:** Consent \_\_\_\_\_ Action \_\_\_\_\_ Information X Other \_\_\_\_\_  
**Standard Contract:** Yes \_\_\_\_\_ No \_\_\_\_\_ (See attached) Not Applicable X

**STAFF RECOMMENDATION**  
 For information only.

**BACKGROUND**

Overabundance of cattails and other aquatic plants in the marsh pond has been developing into a long-term problem for District operations. In 2019, staff hired a contractor to remove invasive cattails in response to the growing concerns of uncontrolled vegetation in the marsh pond. The issue could be addressed with routine maintenance, but the District would first need to implement a long-term management plan to provide a systematic approach for maintaining the vegetation. In response to staff's request, WRA prepared a draft long-term vegetation management plan to provide guidelines and methods for controlling vegetation in the marsh pond to meet operational and mosquito abatement needs.

The plan was distributed to the Marin Audubon Society (Audubon) and the Marin Sonoma Mosquito and Vector Control District (MSMVCD) for review based on their prior comments and involvement in the cattail removal project. In the past, MSMVCD has expressed concerns about the difficulty of implementing mosquito abatement in the pond due to presence of excessive cattails. Audubon has also expressed their interest in reviewing any plan that may affect wildlife habitat in the reclamation area including vegetation removal, which contrasts with MSMVCD's position. Comments from MSMVCD are minor and could be easily incorporated in the vegetation management plan. Staff had reviewed Audubon comments and determined that it would be appropriate to provide a formal response as some comments conflict with District operational objectives. It is the District's intent to protect wildlife habitat as much as possible, however the pond must also meet operational requirements and not become a public health concern related to mosquito prevalence.

Attached are comments from Audubon, Ed Nute, and MSMVCD. Staff intends to incorporate comments not conflicting with District objectives into the long-term vegetation management plan to the extent feasible.

**PREVIOUS BOARD ACTION**  
 N/A



**ENVIRONMENTAL REVIEW**

N/A

**FISCAL IMPACT**

N/A



# Marin Audubon Society

P.O. Box 599 | MILL VALLEY, CA 94942-0599 | MARINAUDUBON.ORG

November 20, 2020

Michael Cortez  
[Mcortez@lgvsd.org](mailto:Mcortez@lgvsd.org)

RE: MARIN AUDUBON SOCIETY COMMENTS ON TECHNICAL MEMORANDUM FOR LAS GALLINAS WILDLIFE POND

Dear Mr. Cortez,

The Marin Audubon Society appreciates the opportunity to comment on June 12, 2020 WRA Technical Memorandum for the Las Gallinas Sanitary District Wildlife Pond. Our history with this pond goes back almost 40 years to when the pond design was developed. The District's wastewater reclamation project, including the wildlife pond, won an award for engineering excellence which Marin Audubon supported. In 1993, the US EPA prepared a brochure lauding the pond for its joint use,

Marin Audubon bird guide volunteers have conducted field trips around the pond for many years, until the paths were closed for your current construction. We also note that Marin Audubon has experience with pond management having implemented a project at Remillard Pond in Larkspur, and we own and manage a pond in unincorporated Novato.

The Las Gallinas Wildlife Pond was designed as a fresh water system to provide a variety of habitats for wildlife and as partial the mitigation for impacts of the District facilities. It now appears that the District is changing the pond's primary purpose from wildlife habitat to water treatment system. No explanation is provided for this change.

The Marin Audubon Society urges that the primary operational goal for the pond management be maintained as providing wildlife habitat.

We find the analysis of the pond's wildlife habitat in the June 12, 2020, WRA Technical Memorandum to be incomplete. We recommend that the analysis be revised to provide more complete and accurate information and to correct other flaws. Our concerns are discussed below:

1. The first paragraph of page 1 states that the objectives are to control aquatic vegetation. "The Plan includes recommendations for vegetation control that



avoid sensitive nesting season and retains important habitat for migratory and resident birds.” We suggest qualifying this statement to read: The purpose and objective for management of the Wildlife Pond’s vegetation and water should be to provide habitat for wildlife, while concurrently addressing public safety impacts.” Vegetation should be managed for wildlife habitat and informed by public safety i.e. mosquito control.

2. The fifth and seventh paragraphs mention leakage of the gate structure between the ponds. Our question is: what are the operational objectives for managing the gate structures?
3. Has the demand for reclaimed water from MMWD and NMWD declined?
4. The “individual plants” mentioned on page 2 should be considered in combination with all of the other plants because they collectively form habitat upon which the pond’s diverse wildlife species depend. The discussion goes on to describe native and non-native plants: “These species are grouped into functional vegetation types that have similar effects on operation and can be maintained by similar methods.” The question should be asked: what are the effects and benefits of the plants to wildlife and habitat? We emphasize that native vegetation is adapted to support native wildlife. This concept should be the basis for the WRA analysis.
5. Native species present in the pond include cattails, duckweed and wigeon grass. WRA considers them very invasive but in normal scientific vernacular only non-native species may be considered invasive.
6. The Memorandum considers cattails to be a “very aggressive” competitor” that excludes other native species to form myopic stands. Although it may grow fast, be a problem for property managers and attract mosquitoes when in dense stands, cattails are a native species. They have proven habitat value for native wildlife including uncommon to rare species that are protected by state and federal agencies (see discussion below). Cattails growing as dense stands also help to stabilize the edges of the pond and island, preventing undue erosion of the banks.

Frankly, we are puzzled why WRA considers cattails, and the other native aquatic species, only as aggressive and invasive plants and does not recognize their value as habitat for native wildlife. We also must ask, what other native species can WRA suggest that could replace the species considered aggressive?

7. The non-native water primrose (*Ludwigia*) is present. This is a highly invasive non-native species that should be recommended for removal. It is well-known to take over and cover surfaces of ponds.

## WILDLIFE HABITAT

As noted on page 5, Table 1, two special status, rare species and sub-species usually nest at the pond: Least Bittern and Salt Marsh Common Yellowthroat. In addition, Tricolor Blackbird is sometimes observed at the pond. All three of these species as well as many other species, depend on emergent vegetation provided by the cattails. For this reason, it is important to retain stands of cattails. The memorandum should note that this site is the only known nesting site for Least Bittern in the Bay Area. Common Yellowthroat is also confirmed to nest in the cattails on the site.

There is no indication that WRA biologists did on-site bird surveys or review except eBird and perhaps through the California Natural Diversity Data Base. To ensure current bird data to inform the Management Plan, we recommend that at least two years of on-site surveys be done by an experienced avian biologist.

In addition, there is no discussion of the problematic bird species nesting on the pond islands. The District is contracting to have the Canada goose eggs addled. A more recent nesting arrival, the introduced Mute Swan, threatens to take over the pond. On both U.S. coasts Mute Swans are known to chase native birds away, take over pond habitat and are even known to attack people. They risk pond habitats throughout the region. Consequently, we recommend that the Canada goose egg addling program continue and that Mute Swan egg addling be added to the program. Or Mute Swan adults should be removed through permits from wildlife agencies.

## VEGETATION MANAGEMENT OBJECTIVES

The introductory short paragraph on page 6 of the Memorandum, assumes management of vegetation for water quality, mosquito and wildlife. The primary management objective for the pond should be to benefit wildlife with mosquito management planned that results in the least possible impact on wildlife and wildlife habitat.

The water quality discussion states that the "current operation promotes floating aquatic and emergent vegetation which requires periodic maintenance to meet the following water quality, mosquito control and wildlife habitat objectives." What are the objectives referred to here? There do not seem to be any objectives presented.

Further, the discussion states that vegetation "can" affect water quality, but it does not say that the water quality is being affected, or what water quality is. If there is a water quality problem it should be described and solutions discussed.

While mosquito production is a recognized problem, we have never received reports of water quality issues during our years of conducting field trips to the pond.

Marin Audubon recommendations:

It must be recognized that the pond will need management. Our strong recommendation is that the primary focus of the management should be to maintain the diverse assemblage of native species that currently depend on the pond habitat.

In accord with the above stated management goal, we recommend the following habitats be provided:

- 1) Open Water should be restored and maintained by dredging the pond. The cattail growth should and would be controlled by water depth by dredging to deeper than 5 feet, the depth at which cattails do not grow. This may be an initially larger task than just be removing vegetation, but it would last longer. It would not have to be repeated every year or two as just removing the cattails would.

The *Ludwigia* should be removed. Once removed, the *Ludwigia*, and possibly other floating vegetation, should also be eliminated or reduced by deeper water.

- 2) Shallow Terrace habitat with stands of cattails should be maintained along the banks of the four islands and the pond edges. The stands should be sufficient to support the previously mentioned nesting species, and the approximately 50 other species that are annually present on the pond.

Cattails should be maintained along the entire shoreline, except the south east corner where riprap was placed to address erosion. A continuous band of cattails would provide more viable habitat than the discrete patches recommended by WRA. A continuous band would ensure more suitable habitat; better protection against predators for common and special status species from such predators such as river otters and raccoons; protection of the banks from wind-wave erosion; and protection from impacts of trail (noise, presence) users on wildlife. The reason WRA recommends patches of cattails is not stated and is not clear. WRA's suggestion could actually result in the Least Bittern and Salt Marsh Yellowthroat avoiding the area adjacent to the unvegetated areas due to impacts from people using the levee path and/or predation with predators having easy access. This could result in eventual loss of the habitat to these species.

When we met with the District and M/S Mosquito Abatement we and the Mosquito Abatement District agreed to a cattail width of five feet along the pond banks to maintain minimal habitat for the common and special status species that depend on it. However, to best ensure maximum habitat for foraging, roosting and nesting Least Bittern, and other species, a width of 10 to 20 feet along the north bank of the pond in addition to the 30-60 foot area that was left of the east side of the east island after the October/November

2019 cattails were removed, would be preferable. According to reputable reports the wide area of cattails is where the bitterns nested the most recent nesting season.

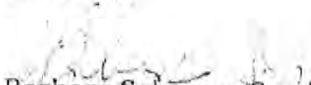
- 3) Uplands: The Memorandum does not address the island or shoreline habitat. The pond shoreline could benefit from some revegetation with native species, such as an *Elymus triticoides* and perhaps *Baccharis pilularis*. As noted earlier, the District should continue to contract to have the Canada goose eggs addled and add addling of Mute Swan eggs.


Additional recommendations:

- Timing of vegetation removal should be in non-nesting season, preferably September 1 through October 31.
- Disposal of removed vegetation: There should be a plan for disposal of the vegetation (cattail and *Ludwigia*) and spoils. The sediment removed should be put to beneficial reuse for marsh restoration. The vegetative debris should be disposed of at a location where there would be no risk of it resprouting or taking root.

In conclusion, we thank you for considering our input. We are interested working with the District to improving the pond habitat for wildlife. We have experience implementing many habitat restoration projects including several ponds, own and manage more than 525 acres of habitat.

Sincerely,

  
Barbara Salzman, Co-chair  
Conservation Committee

  
Phil Peterson, Co-chair  
Conservation Committee

Cc: RWQCB  
M/SMVCD



Mr. Mike Cortez, District Engineer  
Las Gallinas Valley Sanitary District  
300 Smith Ranch Road  
San Rafael, CA 94903

November 23, 2020

Re: Aquatic Vegetation Management Plan LGVSD Wildlife Pond, June 12, 2020

Dear Mike

I was sent the above referenced plan prepared by WRA. As the principal designer of the District's Reclamation Project from concept to implementation in the early 1980s I feel that I should make some comments.

The District's Reclamation Project included two storage ponds, the wildlife pond, salt water marsh and the spray fields. The wildlife pond was intended for wildlife and not for storage. I get the impression from the above study that even with the water recycling of MMWD and the NMWD (not mentioned) that the District needs to use the wildlife pond for more storage. This seems strange in a drought year. The wildlife pond was intended as habitat for wildlife including waterfowl, migratory shorebirds, other birds as well as other animals.

In the description WRA says that the pond is isolated from sediment and nutrient inputs from the adjacent watershed. However, the recycled water already has nutrients (N and P) and sediment is stirred up by the wind/wave action and probably by the carp that live in the ponds. One year when the pond was drawn down large carp got stuck in the diversion boxes and had to be removed.

A few years ago when the pond level was drawn down I observed that the original configuration of the pond bottom had changed and the original deep parts are filling in. It appears that this reconfiguration is being caused by the sediment eroded due to the wind/wave action on the pond banks and islands. Rip rap had to be placed on the levees at the SE corners of the wildlife pond to stop the erosion from the waves induced by the prevailing NW winds.

The wildlife pond was designed with shallow areas around the perimeter so there could be emergent vegetation such as cattails to provide habitat for birds and other wildlife. The cattails along the edges of the wildlife pond help reduce the bank erosion and sedimentation caused by the wind induced waves. The placement of more rock rip rap to protect these levees or lining the pond with plastic would not be in the best interest of the wildlife. Also rip rap provides habitat for rats.

This project has been in operation almost 40 years it attracts not only birds and wildlife but also has shown itself to be a community resource for people, providing recreational and nature study opportunities.

At this point in the evolution of the wildlife pond it would be important to slow down the siltation by keeping enough cattails along the edge to reduce the wind/wave erosion. At some point in the future it may be necessary to undertake a major reconstruction of the wildlife pond to restore its depth and various levels to provide better control of the vegetation.

*W. Edward Nute*

PO Box 314, Inverness, CA 94937



*Comments from Marin Sonoma Mosquito and Vector Control District  
(See red text below.)*

### VEGETATION MANAGEMENT OBJECTIVES

The pond design and current operation promotes floating aquatic and emergent vegetation which requires periodic maintenance to meet the following water quality, mosquito control and wildlife habitat objectives.

#### **Water Quality**

Pond vegetation can affect water quality characteristics such as dissolved oxygen, temperature and nutrients. The type, seasonal growth and maintenance of vegetation all affect water quality which in turn affect wildlife habitat and use. In contrast to a natural marsh which can maintain water quality by connectivity to adjacent waters, the isolated hydrology of the wildlife pond limits these functions.

Vegetation control can affect water quality by improving the structural characteristics of the pond. Reducing floating and emergent vegetation can improve water circulation by facilitating mixing by wind. Mixing can reduce temperature stratification and improve dissolved oxygen. Low water level can increase nutrient concentration.

Vegetation control can also affect nutrient levels. Plant organic matter contributed by seasonal dieback or growing season control of aquatic vegetation can contribute to high nutrient levels. Nutrients can further plant growth however excess nutrients can result in microbial digestion that reduces dissolved oxygen. While photosynthesis produces oxygen, nighttime respiration by submerged vegetation can reduce dissolved oxygen.

Vegetation management objectives to maintain water quality include:

- Utilize methods that remove dead plant material from pond to avoid excessive nutrient inputs
  - Remove mowed plant material
  - Conduct control during cooler temperature if feasible.
  - Avoid herbicide use that results in excessive organic matter input
- Maintain vegetation to improve wind and water circulation
  - Low vegetation height on pond berms
  - Remove emergent vegetation to create wind corridors from upland to open water
  - Reduce excessive submerged vegetation that limits circulation
- Manage for sufficient high water level during warm season to reduce nutrient concentration

#### **Mosquito Control**

Dense and/or abundant populations of emergent vegetation in ponds provides excellent habitat for mosquitoes and can result in the need for repeated applications of mosquito larvicides and adulticides. Large, dense populations of emergent vegetation can also reduce the efficacy of mosquito larvicides and reduces-hinders access necessary for the Marin/Sonoma Mosquito and Vector Control District (MSMVCD) to conduct mosquito surveillance and control activities. Maintaining the extent and density of aquatic vegetation is a mosquito source reduction measure, enables access for mosquito abatement activities, and improves efficacy of treatments and minimizes the potential for public health issues. The pond has a history of producing significant mosquito populations including species known to vector West Nile virus in California.

Vegetation management objectives to facilitate mosquito control include:

- Remove emergent vegetation to create patches no more than five feet in width from any edge.
- Reduce upland vegetation on berms to facilitate efficient access to waterline.

### **Wildlife Habitat**

Vegetation management activities may have both beneficial and adverse effects on wildlife habitat. The objective is to conduct vegetation management to avoid direct impacts to nesting and in such a manner that if overall area of habitat is reduced there may be improvement to quality of remaining habitat.

Bird species that utilize emergent vegetation for nesting may be most susceptible to effects of vegetation control. Species that are dependent on emergent vegetation for breeding may be negatively impacted if vegetation removal occurs during the breeding season. Cattail removal will necessarily reduce the total area of nesting habitat. As such, cattails should be managed outside the general avian breeding season, i.e., from September 1 to January 31, to avoid harming active bird nests or disrupting nesting activities. Additionally, some cattail patches should remain to continue to support bird utilization including breeding.

Cattail removal can be used to improve habitat quality by creating vegetation patches isolated from the shoreline that will reduce overall area of nesting habitat but may improve quality by decreasing access for terrestrial predators. Vegetation management can also be beneficial in that it may reduce predator access to the island at the center of the pond where high-quality bird nesting habitats are found. Some species may benefit from an increase in habitat area such as bird species that utilize open water habitat or the edge between emergent vegetation and open water.

Least bittern has been documented breeding within the wildlife pond in recent years. This species typically nests over water within dense emergence vegetation, within 9-13 feet of open water<sup>1</sup>. This species has been documented breeding in a variety of freshwater marsh habitat, including a wetland as small as 0.4 hectares. In fall of 2019, a long reach excavator positioned at the top of the levee was used to remove approximately eighty-five percent of the emergent vegetation at the pond. The balance of the fifteen percent of the vegetation that remained was located along the east and north shorelines. Least bittern was observed at the pond again in summer of 2020 (eBird), suggesting that suitable habitat remained after vegetation removal activities. Vegetation removal should occur outside of the nesting bird season and should leave sections of emergent vegetation at least 10 feet wide with access from both sides to allow mosquito control activities.

Cattail overgrowth can reduce biodiversity by impeding water flow and decreasing open water habitat. Emergent vegetation management will aim to maintain balance in the pond while continuing to provide patches of suitable habitat for resident and migratory wildlife.

Maintenance of water infrastructure connecting the wildlife pond to the other two reclamation storage ponds provide opportunity for vegetation management and habitat improvements. Water level management can be used to manage emergent vegetation growth and provide mudflat habitat.

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<sup>1</sup> Poole, A. F., P. E. Lowther, J. P. Gibbs, F. A. Reid, and S. M. Melvin (2020). Least Bittern (*Ixobrychus exilis*), version 1.0. In *Birds of the World* (A. F. Poole, Editor). Cornell Lab of Ornithology, Ithaca, NY, USA





Item Number 3.4

# Agenda Summary Report

To: Mike Prinz, General Manager *MP*  
 From: Michael P. Cortez, PE, District Engineer  
 (415) 526-1518; [mcortez@lgvsd.org](mailto:mcortez@lgvsd.org)  
 Meeting Date: April 15, 2021  
 Re: Sea Level Rise Mitigation Presentation by Kennedy Jenks  
 Item Type: Consent \_\_\_\_\_ Action \_\_\_\_\_ Information X Other \_\_\_\_\_  
 Standard Contract: Yes \_\_\_\_\_ No \_\_\_\_\_ (See attached) Not Applicable X

## STAFF RECOMMENDATION

For information only.

## BACKGROUND

The District's current long-term approach to sea level rise (SLR) is a compilation of multiple studies developed during the design and evaluation of various District capital projects involving multiple consultants since 2012. The approach consists of strategies that target specific areas within the treatment plant. While the approach appears to be comprehensive, it would be beneficial for staff to have a single consultant structure the strategies in a programmatic manner for ease and timeliness of implementation. In addition, the plan hinges on factors beyond District control, such as coordination with adjacent property owner and agencies.

It is important to combine the studies into a single comprehensive document that will encompass all critical aspects of treatment plant operations, establishes uniform design criteria, and presents alternative solutions to the District's current approach. It is also imperative to develop a document that includes construction estimates with justifications that are defensible to District rate payers.

The District's historical approach to mitigating sea level rise (SLR) impacts is summarized as follows:

- 1) **Perimeter Road Segment 1** – This segment covers the section from plant main entrance gate to the Reclamation Parking Lot. In 2014, the Board authorized staff to proceed with the design to raise the existing perimeter road including the Reclamation Parking Lot, as potential SLR mitigation for the northwestern side of the treatment plant. However, issues brought out by the adjacent property owner regarding District rights to modify the road has delayed the project. The District deferred completion of design pending completion of the Secondary Treatment Plant Upgrade and Recycled Water Expansion (STPURWE) project, which is approximately 80% complete. Miller Creek levee improvements may be an alternative to the Perimeter Road Segment 1 SLR mitigation.
- 2) **Perimeter Road Segment 2** – This segment covers the section from Reclamation Bridge to the McInnis Park Golf Course. The District initially relied on the future ecotone levee of the





McInnis Marsh Restoration Project by County of Marin as protection against SLR on the east side of the plant. However, the relocation of the existing road on this side of the plant for the STPURWE project has provided an opportunity for the District to provide SLR protection without the ecotone levee. The south side of the treatment plant is bounded by a hill and is, therefore, unaffected by SLR.

- 3) **Facilities within Plant Perimeter** – Staff developed a plan to protect the treatment plant facilities without having to rely on Segment 1. The SLR strategy for facilities within the treatment plant is based on Brown and Caldwell's (B&C) analysis as part of the Secondary Expansion Pre-Design Report prepared in 2014. B&C concluded that no existing major processes would be at risk. In addition, staff instructed Aqua Engineering to use end of century predicted elevation as maximum Miller Creek water surface elevation for design of the STPURWE project; hence, all STPURWE major structures will be built above SLR elevation with sufficient freeboard. It should be noted that access between individual process areas could be inundated and that a comprehensive approach is considered more robust than a process by process SLR mitigation approach.
- 4) **Reclamation Area** – The overall approach for the Reclamation Area is to incrementally raise the perimeter levees of the reclamation ponds above SLR elevation as fill materials and budget become available.

Kennedy Jenks will present preliminary results of Phase 1 and Phase 2 progress of the Integrated Wastewater Master Plan study on SLR.

#### **PREVIOUS BOARD ACTION**

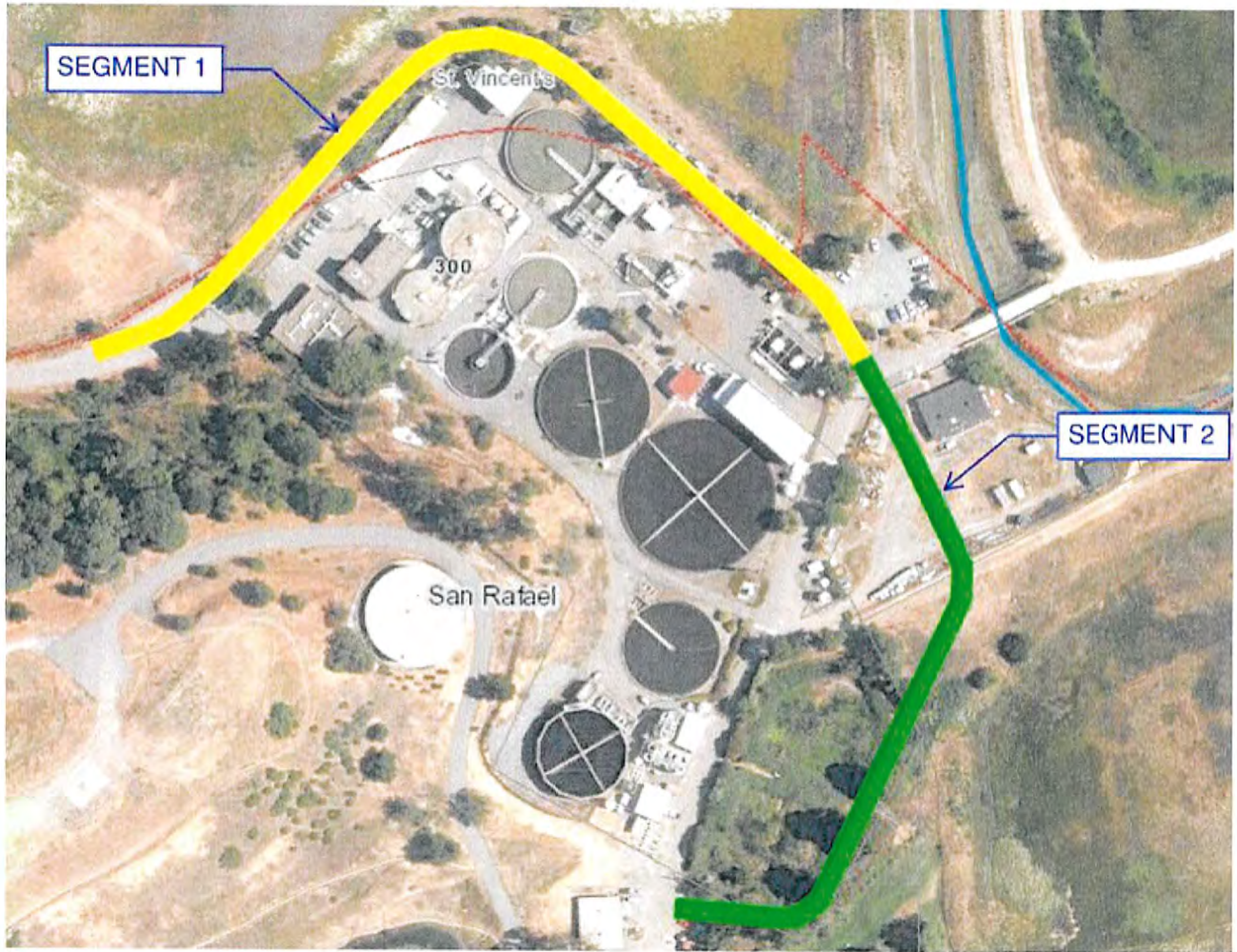
- 1) Board approved Award of Contract to BKF Engineers for the Reclamation Parking Lot and Miscellaneous Site Improvements in the amount \$140,000 on November 13, 2014.
- 2) Board approved the Memorandum of Agreement between County of Marin, Marin County Flood Control and Water Conservation District and Las Gallinas Valley Sanitary District for marsh restoration in Lower Gallinas Creek, Lower Miller Creek and McInnis Marsh on July 12, 2012.
- 3) Board approved the award of Contract to Aqua Engineering for the Design of Secondary Treatment Upgrades in the amount of \$2,061,610 on February 26, 2015.
- 4) Board approved the Award of Contract to CATS4U, Inc. for the Lower Miller Creek Channel Maintenance project in the amount of \$743,525 on August 4, 2016.
- 5) Board approved Award of Contract to Myers & Sons Construction, LLC for Construction of Secondary Treatment Plant Upgrade and Recycled Water Expansion project on November 15, 2018.
- 6) Board approve the Memorandum of Understanding between County of Marin and Las Gallinas Valley Sanitary District for the Development of Restoration Plans for McInnis Marsh on December 13, 2018.

#### **ENVIRONMENTAL REVIEW**

Environmental review for approved sea level rise mitigation project phases will be done as schedules dictate, however no environmental review is required for today's agenda item.



FISCAL IMPACT  
N/A







# Agenda Summary Report

**To:** Mike Prinz, General Manager *MP*  
**From:** Dale McDonald, Administrative Services Manager *DM*  
 (415) 526-1519 [dmcDonald@lqvSD.org](mailto:dmcDonald@lqvSD.org)  
**Meeting Date:** April 15, 2021  
**Re:** Approve Cost of Sewer Service and Rate Study from HDR, Inc. for the two-year period July 1, 2021 through June 30, 2023  
**Item Type:** Consent  Action  Information  Other   
**Standard Contract:** Yes  No  (See attached) Not Applicable

## STAFF RECOMMENDATION

Board to receive and consider approval of Sewer Rate Study from HDR, Inc. on Sewer Service Charges for the upcoming fiscal years 2021-2022 and 2022-2023.

## BACKGROUND

On April 24, 2020, the District entered into agreement with HDR to complete a Cost of Sewer Service Study and Connection Fee Study to assist with the development of a series of rate policies to be used for future management of sewer use charge and connection fees for the fiscal years July 1, 2020-2021, 2021-2022, and 2022-2023. Due to time constraints the work was separated into two sections; 1) the Cost of Service and Sewer Rate Study including proposed rate adjustments and 2) the Connection Fee Study which will be presented in late 2021.

As part of the study HDR reviewed the financial and rate setting policies of the District. Key assumptions were developed with assistance from staff and focused on revenue calculations and projections, projections of Operating & Maintenance (O&M) expenses and review of the capital improvement plan, and the overall rate transition plan and its impacts to the District's fund balance.

The broader objective of the study is to provide the necessary information and analysis to the District's Board of Directors for it to set rates and a rate structure to adequately fund the operating, capital costs and debt service for the next two years.

The study also considered future capital related expansion of facilities, especially the impact large Capital Improvement Projects (CIP), such as the new Administration Building and John Duckett Pump Station, would have on sewer rates. Three different scenarios for revenue requirements were presented to the Board on April 1, 2021. The Board raised questions and asked for additional details on the capital project scenarios presented.

The proposed rate increases will be presented at a public hearing along with considered adoption of the proposed rate increases, tentatively scheduled for June 17, 2021. It is important to note that accepting the rate study and setting of the SSC does not restrict the Board from adopting a lower rate increase in year two (FY 2022-23) as part of its budget approval process that will be undertaken in 2022.

### **PREVIOUS BOARD ACTION**

On April 1, 2021 the Board received the preliminary Cost of Sewer Service and Rate Study presentation from HDR, Inc.

On April 9, 2021 the Board met to receive answers to questions raised regarding capital projects during the rate study presentation.

### **ENVIRONMENTAL REVIEW**

N/A

### **FISCAL IMPACT**

None





Item Number 5

# Agenda Summary Report

To: Mike Prinz, General Manager *MJP*  
 From: Michael P. Cortez, PE, District Engineer *mpc*  
 (415) 526-1518; [mcortez@lgvsd.org](mailto:mcortez@lgvsd.org)  
 Meeting Date: April 15, 2021  
 Re: Application of Allocation of Capacity for APN 165-220-12 & 165-220-13  
 Kaiser 1650 & 1655 Los Gamos Drive  
 Item Type: Consent \_\_\_\_\_ Action X Information \_\_\_\_\_ Other \_\_\_\_\_  
 Standard Contract: Yes \_\_\_\_\_ No \_\_\_\_\_ (See attached) Not Applicable X

## STAFF RECOMMENDATION

- 1) Board to approve the issuance of a Will Serve Letter for the Kaiser Medical Office Building (MOB) and Parking Garage located at 1650 and 1655 Los Gamos Drive.
- 2) Board to accept granting of a new sewer easement from Kaiser Permanente.

## BACKGROUND

Kaiser Permanente is seeking a Will Serve Letter approval for their Medical Office Building and Parking Garage on Los Gamos Dr. As part of the project, an existing office building was converted for medical use by remodeling interior space. A new parking garage was constructed in the existing parking lot and required rerouting a sewer main around the structure. At the request of District staff, the existing VCP sewer main was upsized from 6" to 8" HDPE to meet District maintenance requirements with the added benefit of increased capacity. A paved access road was also provided to allow District routine maintenance, repair, and replacement.

Staff have reviewed and issued approval letters for sanitary sewer construction for the parking garage and MOB in June 2019 and February 2020, respectively. All sewer improvements have been inspected and were found to be satisfactory by the District hired inspector, Bellecci & Associates. In addition, BKF Engineers as the project design engineer has provided a *Certificate of Completion* indicating that the sewer improvements and access road were constructed per design plans and specifications.

The easement document for the new sewer alignment and access road is shown in the attached Exhibits A through D. District Counsel has reviewed the easement document and approved it as to form. A future quitclaim for the original, now unused easement within the parking garage will be brought to the Board when available for processing.

The project includes a net increase of 569 plumbing fixture units (PFUs), which has been verified by District inspector. Based on the information provided, a Will Serve Letter has been drafted showing a connection fee of \$181,511. This includes a credit of 325 existing PFUs.





Potential Access Issues to Impacted Sewer Facilities: None, adequate vehicle access to the new sewer main has been provided.

Additional Flow Contribution: (The District Ordinance refers to one Equivalent Dwelling Unit (EDU) as a Single-Family Dwelling Unit that includes up to 20 PFUs. Assuming 200 gallons per day (gpd) per EDU, the flow contribution per PFU is approximately 10 gpd.)

The estimated additional flow from the project is approximately 0.006 MGD, which can be accommodated by available capacity in downstream District sewer facilities. Staff is tracking additional flows from new developments and will be evaluating the combined effects as part of the master planning currently in progress with Kennedy Jenks.

**PREVIOUS BOARD ACTION**

N/A

**ENVIRONMENTAL REVIEW**

N/A

**FISCAL IMPACT**

Connection Fee Revenue of \$181,511







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

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

**DISTRICT BOARD**  
 Megan Clark  
 Rabi Elias  
 Craig K. Murray  
 Judy Schriebman  
 Crystal J. Yezman

Date: April 15, 2021  
 Property Owner(s): Kaiser Foundation Health Plan  
 Property Owner Address: 4501 Broadway  
 Oakland, CA 94611  
 Applicant: Julie Wycoff  
 Project Name: Kaiser Los Gamos Medical Office Building  
 Project Address: 1650 & 1655 Los Gamos Drive  
 San Rafael, CA 94903  
 Project APN: APN 165-220-12 & 165-220-13

**Re: Will-Serve Letter**

You have requested a **Will-Serve Letter** from the Las Gallinas Valley Sanitary District (“LGVSD”) at the April 15, 2021 Board Meeting.

Subject to the terms and conditions in this letter, LGVSD will serve the project with additional 569 Plumbing Fixture Units (PFU). This letter may be used to submit to another local agency to satisfy a condition for either tentative subdivision map approval or any other permit approval.

The standard terms and conditions of approval are as follows:

Initial	Item	Condition of Approval
	1	You pay for the facility capacity fee (new connection fee) in accordance with LGVSD ordinances and policies. Please note payment date obligation and amount obligation.
	2	You agree to abide by all conditions of approval of the Board of Directors.
	3	This Will Serve approval terminates three (3) years from the Board meeting date unless all building permits have been issued for the project.
	4	After the lateral inspection is completed and the connection verified, the property will be added to the sewer user charge and will receive a charge for this service.
	5	Prior to the connection of any sewer lateral, you must contact the District for the appropriate lateral inspection permit. A lateral tie in inspection is required before any lateral can be backfilled.
	6	Applicant shall reimburse the District for all plan review, field verification before and after construction, and inspection fees accrued associated with this project.

A complete summary of the project specific conditions of approval is included in the Board Meeting minutes.



The Connection Fee approved by the Board is as follows:

Connection Fee for 894 PFUs at \$319/PFU:	\$ 285,186.00
Credit for Existing 325 PFUs at \$319/PFU:	(\$ 103,675.00)
Application Fee:	\$ 500.00 (paid)
Engineering Review and Inspection Fees:	\$ <u>TBD</u>
Total Fee:	\$ 182,011.00
<b>Outstanding Balance:</b>	<b>\$ 181,511.00</b>

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

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

1. 10% of the Connection Fee is due within thirty days of Board approval of final plans and specifications;
2. 40% of the Connection Fee is due within one year, April 15, 2022; or upon the date of building permit issuance, whichever occurs first;
3. 50% of the Connection Fee is due within two years, April 15, 2023; or upon the date of building permit issuance, whichever occurs first;

Please remit **\$181,511.00** and make the check payable to Las Gallinas Valley Sanitary District. Please note if payment schedule as above is not followed, you risk losing your allocation.

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

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

Sincerely,

Mike Prinz, General Manager

AGREED:

\_\_\_\_\_  
Project Applicant

Date: \_\_\_\_\_

Cc: Michael P. Cortez, District Engineer  
Dale McDonald, Administrative Services Manager

**RESOLUTION No. 2021-2209**

**A RESOLUTION AUTHORIZING EXECUTION OF A  
CERTIFICATE OF ACCEPTANCE OF EASEMENT  
APN 165-220-12 & 165-220-13, SAN RAFAEL**

**LAS GALLINAS VALLEY SANITARY DISTRICT**

**WHEREAS**, Kaiser Foundation Health Plan, Inc. has dedicated a sewer easement being a portion of that parcel of land described in the grant deed to Kaiser Foundation Health Plan, Inc., recorded in Book 25 at Page 63, Marin County Records, being more particularly described and set forth in Exhibits "A" through "D" which are attached hereto and incorporated by reference herein, in favor of the District for the rerouting of the existing sewer crossing said property;

**WHEREAS**, the sewer includes an easement for paved access road for maintenance of the new sanitary sewer; and

**WHEREAS**, the District Engineer has reviewed the easement and found the metes and bounds to be satisfactory,

**NOW, THEREFORE**, the Board of Directors of the Las Gallinas Valley Sanitary District, herein, accepts the easement and approves recordation of the Certificate of Acceptance of Grant of Interest in Real Property with the Marin County Recorder, which is attached hereto and incorporated by reference herein.

I hereby certify that the forgoing is a full, true, and correct copy of a resolution duly and regularly passed and adopted by the Sanitary Board of the Las Gallinas Valley Sanitary District, Marin County, California, at a meeting thereof held on April 15, 2021, by the following vote of the members thereof:

AYES, and in favor thereof, Members:

NOES, Members:

ABSENT, Members:

ABSTAIN, Members:

\_\_\_\_\_  
Teresa L. Lerch, District Secretary  
Las Gallinas Valley Sanitary District

APPROVED:

(seal)

\_\_\_\_\_  
Crystal J. Yezman, Board President  
Las Gallinas Valley Sanitary District

WHEN RECORDED RETURN TO:  
Las Gallinas Valley Sanitary District  
101 Lucas Valley Road, Suite 300  
San Rafael, CA 94903

AREA: Los Gamos Drive, San Rafael  
APN: 165-220-12 & 165-220-13

**CERTIFICATE OF ACCEPTANCE OF GRANT  
OF INTEREST IN REAL PROPERTY**

THIS IS TO CERTIFY that the easement over real property conveyed by the attached **EASEMENT DEED** dated \_\_\_\_\_, 2021 from **KAISER FOUNDATION HEALTH PLAN, INC.**, to **LAS GALLINAS VALLEY SANITARY DISTRICT**, a California special district created pursuant to Health & Safety Code Sec. 6400 et seq., is hereby accepted by order of Las Gallinas Valley Sanitary District's Board of Directors and the grantee consents to the recordation thereof by its duly authorized officer.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Teresa L. Lerch, District Secretary  
Las Gallinas Valley Sanitary District

APPROVED:

(seal)

\_\_\_\_\_  
Crystal J. Yezman, Board President  
Las Gallinas Valley Sanitary District

Recording Requested by:  
Las Gallinas Valley Sanitary District

WHEN RECORDED MAIL TO:  
Las Gallinas Valley Sanitary District  
Attention: General Manager  
101 Lucas Valley Road, Suite 300  
San Rafael, CA 94903

Kaiser Foundation Health Plan, Inc.  
Real Estate Department  
1800 Harrison Street, 19<sup>th</sup> Floor  
Oakland, CA 94612  
Attention: Director of Real Estate

APN: 165-220-12 & 165-220-13

SPACE ABOVE THIS LINE FOR RECORDER'S USE

### GRANT OF EASEMENT FOR UNDERGROUND UTILITIES

KAISER FOUNDATION HEALTH PLAN, INC., a California nonprofit public benefit corporation ("Grantor") hereby grants to LAS GALLINAS VALLEY SANITARY DISTRICT, a California special district created pursuant to Health & Safety Code Sec. 6400 et seq. ("Grantee") the following easements situate in the County of Marin, State of California, more particularly described in Exhibit "A" and "B" hereto attached and by reference incorporated herein.

To have and to hold said easement for the purpose of acquiring, constructing, completing, reconstructing, repairing, maintaining and operating underground sanitary sewers and appurtenances for said District, together with the right of ingress and egress therefor.

Grantor hereby shall not place or construct, nor allow a third party to place or construct, any building or other permanent structures, or construct any other obstruction within said easement area, or diminish or substantially add to the ground level within said easement area, or construct any fences that will interfere with the maintenance and operation of said facilities, without the Grantee's prior written approval; provided, however, paving, driveways, curbs, gutters and related improvements may be constructed over the easement areas without Grantee's prior written consent.

Grantor shall maintain the easement areas, including but not limited to the maintenance and repair of the retaining wall, vehicle gate, access road, and fencing at all times in good condition, subject to reasonable wear and tear and events of casualty, condemnation, and force majeure. Both Grantor and Grantee shall have reasonable access to the easement area from time to time, as is necessary to carry out their duties and obligations under this agreement.

Grantor shall not park or permit standing vehicles of any kind within the easement area described in Exhibit "A", except on a temporary basis in connection with maintenance and repair.

Grantee shall have no responsibility or liability of any kind whatsoever in conjunction with the use or maintenance of the utility easement or right-of-way, provided Grantee shall use the easement area in accordance with a commercially reasonable standard of care and applicable laws and any work performed by Grantee shall be performed lien-free. Grantor agrees to indemnify, defend and hold Grantee harmless from any and all liabilities including, but not limited to, costs, losses, orders, liens, penalties, claims, demands, damages, expenses, litigation costs and attorney's fees which it may incur as a consequence of this Grant of Easement for Underground Utilities to the extent arising from any and all claims and losses to anyone who may be injured or damaged by reason of Grantor's, their agents, employees, contractors, successors or assigns, willful misconduct, negligence or wrongful acts or omissions in the use of the easement areas.

This agreement, and the easement granted herein, shall be binding on and shall inure to the benefit of the heirs, executors, administrators, successors, transferees and assigns of Grantor (as the owner of the easement area) and the Grantee, and the easements shall be considered a covenants running with the land.

This agreement shall be governed by and construed in accordance with the laws of the State of California. To Grantor's knowledge, there is no litigation pending with respect to the property as of the date Grantor signed the Agreement that would interfere with the rights granted herein.

It is further understood and agreed that this instrument constitutes the entire agreement between the Grantor and the Grantee, there being no oral agreements or representation of any kind made between the Grantor and Grantee.

This agreement may be amended or modified only by written agreement of all parties. This agreement supersedes all prior discussions, negotiations, agreements and memoranda whether oral or written.

IN WITNESS WHEREOF, Grantor and Grantee hereby execute this Grant of Easement for Underground Utilities.

**GRANTOR:**

KAISER FOUNDATION  
HEALTH PLAN, INC.

By: \_\_\_\_\_  
Terry J. Wood  
Vice President, Real Estate

**GRANTEE:**

LAS GALLINAS VALLEY  
SANITARY DISTRICT

By: \_\_\_\_\_  
Crystal J. Yezman, Board President



**EXHIBIT 'A'**

**Sanitary Sewer Access Easement  
In Favor of Las Galinas Valley Sanitation District  
Over the Lands of Kaiser Foundation Health Plan, Inc.**

All that real property situated in the City of San Rafael, lying within the County of Marin, State of California and being a portion of the lands of Kaiser Foundation Health Plan, Inc. , a California nonprofit public benefit corporation and being more particularly described as follows:

Commencing at a point on the northeasterly right of way of Los Gamos Drive, said point being at the northerly terminus of the course that is designated as "N 42°08'16"W 18.55' " on Parcel Map S88-12, filed for record February 28, 1994, in Book25 of Parcel Maps at Page 63, Marin County Records, thence from said Point of Commencement, along said right of way of Los Gamos Drive, on a curve to the left, having a radius of 352.08 feet, through a central angle of 01°42'00", for a distance of 10.45 feet to the Point of Beginning of the parcel to be herein described; thence, from said **POINT OF BEGINNING**, leaving said right of way line, North 48°21'31" West, for a distance of 4.81 feet; thence, North 67°22'21" West, for a distance of 161.73 feet; thence, along a tangent curve to the right, with a radius of 38.00 feet, through a central angle of 90°00'00", for a distance of 59.69 feet; thence, North 22°37'39" East, for a distance of 38.00 feet; thence, North 67°22'21" West, for a distance of 21.00 feet; thence, South 22°37'39" West, for a distance of 67.06 feet; thence, South 20°23'04" West, for a distance of 99.82 feet; thence, South 36°15'59" West, for a distance of 16.98 feet; thence, South 53°44'01" East, for a distance of 1.00 feet; thence, South 36°15'22" West, for a distance of 264.85 feet; thence, South 52°30'00" West, for a distance of 6.12 feet to the sideline of an existing easement (Parcel One) to the Las Galinas Valley Sanitation District as described in that Deed of Easements filed for record in Book 2050 of Official Records, at Page 314, Marin County Records; thence, along said existing easement line, South 89°30'00" East, for a distance of 14.43 feet; thence, leaving said existing easement line, North 36°15'22" East, for a distance of 272.34 feet; thence, South 67°22'21" East, for a distance of 8.04 feet; thence, North 22°37'39" East, for a distance of 48.13 feet; thence, along a tangent curve to the right, with a radius of 38.00 feet, through a central angle of 90°00'00", for a distance of 59.69 feet; thence, South 67°22'21" East, for a distance of 66.00 feet; thence, North 22°37'39" East, for a distance of 4.00 feet; thence, South 67°22'21" East, for a distance of 94.05 feet; thence, South 48°21'31" East, for a distance of 3.48 feet; thence, along a non tangent curve to the right, from a tangent that bears, North 38°48'33" East, with a radius of 352.08 feet, through a central angle of 01°37'42", for a distance of 10.01 feet to the Point of Beginning of the hereinabove described parcel of land.

Containing 9,303 square feet (0.21 acres), more or less.

Basis of Bearings: Parcel Map S88-12, filed for record February 28, 1994, in Book25 of Parcel Maps at Page 63, Marin County Records

Exhibit A - Sanitary Sewer Access Easement  
APN 165-220-12 & 165-220-13

Prepared by:

BKF ENGINEERS

*Ralph H. Thomas*  
Ralph H. Thomas, PLS. No. 4760

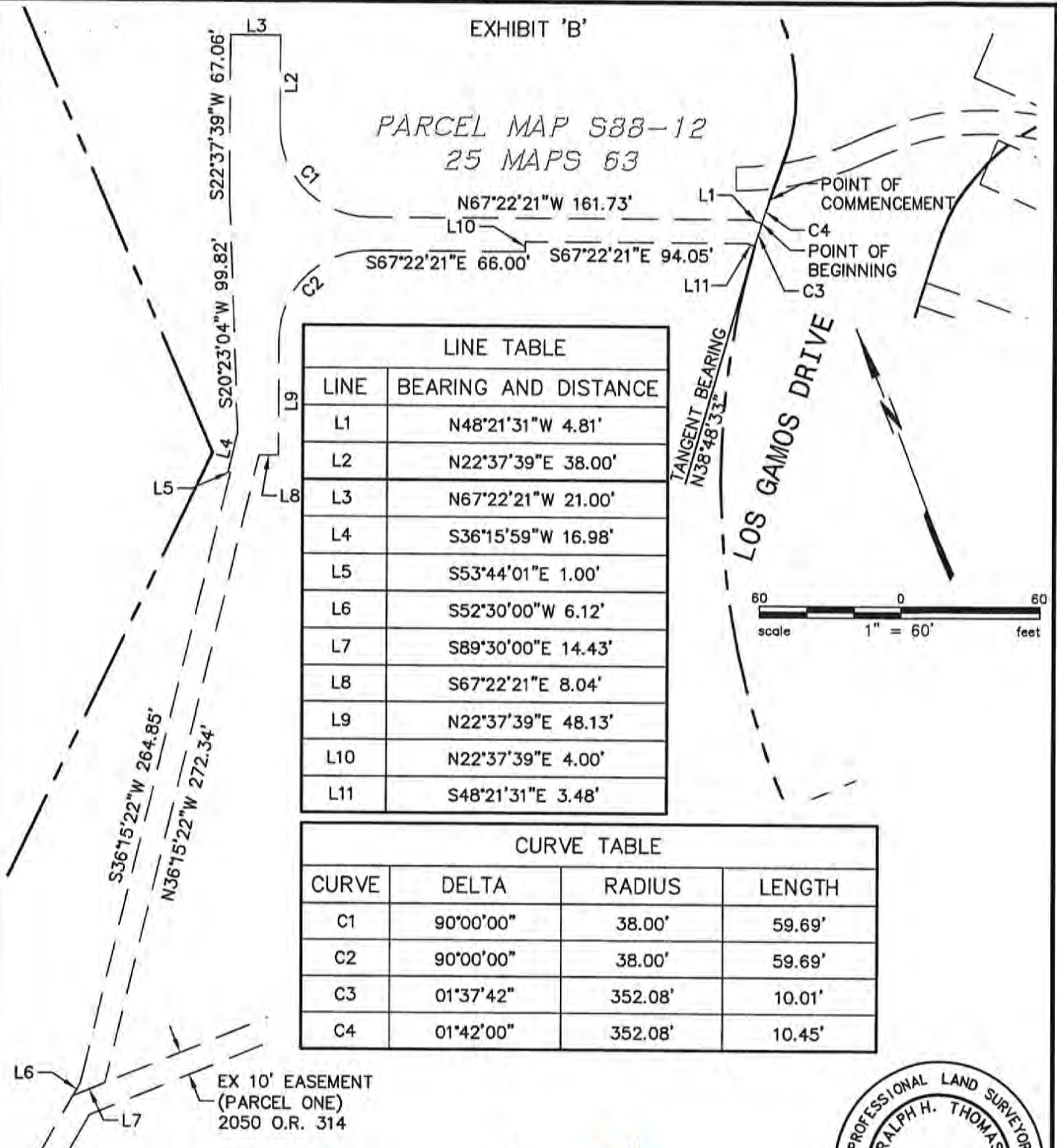


Dated: 2-23-2021



EXHIBIT 'B'

PARCEL MAP 588-12  
25 MAPS 63



LINE TABLE	
LINE	BEARING AND DISTANCE
L1	N48°21'31"W 4.81'
L2	N22°37'39"E 38.00'
L3	N67°22'21"W 21.00'
L4	S36°15'59"W 16.98'
L5	S53°44'01"E 1.00'
L6	S52°30'00"W 6.12'
L7	S89°30'00"E 14.43'
L8	S67°22'21"E 8.04'
L9	N22°37'39"E 48.13'
L10	N22°37'39"E 4.00'
L11	S48°21'31"E 3.48'

CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	90°00'00"	38.00'	59.69'
C2	90°00'00"	38.00'	59.69'
C3	01°37'42"	352.08'	10.01'
C4	01°42'00"	352.08'	10.45'

EX 10' EASEMENT  
(PARCEL ONE)  
2050 O.R. 314

*Ralph H. Thomas*  
**RALPH H. THOMAS**      **PLS 4760**



Plot: Feb 23, 2021 at 11:07am



200 4TH ST, STE. 300  
SANTA ROSA, CA 95401  
PH: 707-583-8500  
FAX: 707-583-8539

Subject GRANT OF SS EASEMENT OVER THE LANDS OF KAISER FOUNDATION HEALTH PLAN  
Job No. 20169071  
By IT Date FEB 2021 Chkd. RHT  
SHEET 1 OF 1

**EXHIBIT 'C'**

**Sanitary Sewer s Easement  
In Favor of Las Galinas Valley Sanitation District  
Over the Lands of Kaiser Foundation Health Plan, Inc.**

All that real property situated in the City of San Rafael, lying within the County of Marin, State of California and being a portion of the lands of Kaiser Foundation Health Plan, Inc., a California nonprofit public benefit corporation, as described in that Grant Deed, filed for record August 17, 2015 under Document No. 2015-039972, Official Records of the County of Marin, and being more particularly described as follows:

Being an easement of the uniform width of 10.00 feet, lying 5.00 feet on each side of the following described centerline:

Beginning at a point on the southerly right of way of Los Gamos Drive, from which point the westerly terminus of the course " S 42°08'16" W 33.15' ", as said course is designated and delineated within Parcel 1 on Parcel Map S88-12 – Lands of Kronos Property Holdings, filed for record February 28, 1994 in Book 25 pf Parcel Maps, at Page 63, bears South 42°08'16" West, a distance of 6.12 feet; thence from said **POINT OF BEGINNING**, South 48°21'31" East for a distance of 174.81 feet; thence South 82°28'36" East for a distance of 37.65 feet to the Point of Termination of the hereinabove described centerline.

The sidelines of said easement shall be lengthened, or shortened, as need, to intersect the southerly right of way of said Los Gamos Drive.

Basis of Bearings: Parcel Map S88-12, filed for record February 28, 1994, in Book25 of Parcel Maps at Page 63, Marin County Records

Prepared by:

BKF ENGINEERS

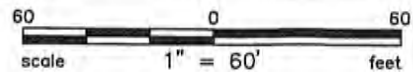
  
Ralph H. Thomas, PLS



Dated: 2/11/2021



EXHIBIT 'D'



EX. 10.00' SDE  
6 OS 8

EX. 20.00' PG&E EASEMENT  
1861 OR 561

LOS GAMOS  
DRIVE

5.00'

5.00'

10.00'

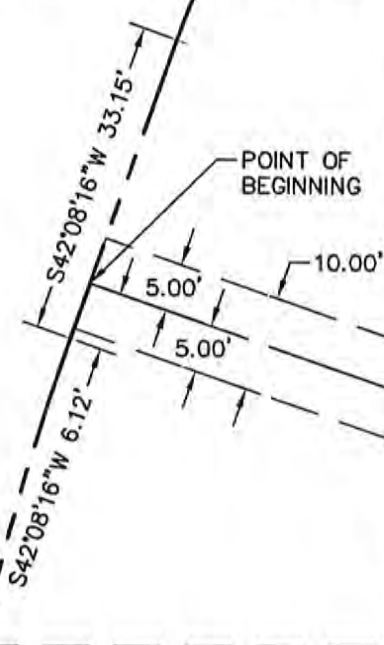
L1

L2

EX. 10.00' SSE  
2050 OR 314

PARCEL 1  
PARCEL MAP 588-12  
25 MAPS 63

LANDS OF  
KAISER FOUNDATION  
HEATH PLAN, INC.  
DN 2015-039972



LINE TABLE	
LINE	BEARING AND DISTANCE
L1	S48°21'31"E 174.81'
L2	N82°28'36"W 37.65'

*Ralph H. Thomas*

2/11/2021

**RALPH H. THOMAS**

**PLS 4760**



200 4TH ST, STE. 300  
SANTA ROSA, CA 95401  
PH: 707-583-8500  
FAX: 707-583-8539

Subject GRANT OF SS EASEMENT OVER THE  
LANDS OF KAISER FOUNDATION HEALTH PLAN  
Job No. 20169071  
By BTL Date FEB 2021 Chkd. RHT  
SHEET 1 OF 1



## AGENDA ITEM 6

**4/15/2021**

### **PUBLIC COMMENT**

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

4/15/2021

## **BOARD MEMBER REPORTS**

### **CLARK**

NBWA Board Committee, 2021 Admin Building Ad Hoc Committee, Other Reports

### **ELIAS**

NBWRA , Ad Hoc Engineering Sub-Committee re: STPURWE, 2021 GM Evaluation Ad Hoc Subcommittee, 2021 Admin Building Ad Hoc Committee, Other Reports

### **MURRAY**

Marin LAFCO, CASA Energy Committee, 2021 GM Evaluation Ad Hoc Subcommittee, 2021 Legal Services Ad Hoc Committee, Marin Special Districts Association, Other Reports

### **SCHRIEBMAN**

Gallinas Watershed Council/Miller Creek Watershed Council, JPA Local Task Force, NBWA Tech Advisory Committee, Other Reports

### **YEZMAN**

Flood Zone 7, CSRMA, Ad Hoc Engineering Sub-Committee re: STPURWE, 2021 Legal Services Ad Hoc Committee, Other Reports

Agenda Item 7.1  
Date April 15, 2021

North Bay Watershed Association  
Board of Directors Meeting -  
Summary

December 4, 2020 | 9:30 – 11:30 a.m.

IN ACCORDANCE WITH THE GOVERNOR'S EXECUTIVE ORDERS N-25-20 AND N-29-20 WHICH SUSPENDS CERTAIN REQUIREMENTS OF THE BROWN ACT, THIS MEETING WILL BE HELD VIRTUALLY VIA REMOTE CONFERENCING SERVICE — NO PHYSICAL MEETING LOCATION

Zoom Meeting

[www.nbwatershed.org](http://www.nbwatershed.org)

**1. Welcome and Call to Order—Directors or Member Representatives Present Included:**

Michael Boorstein – Central Marin Sanitation Agency  
Paul Jensen – City of San Rafael  
Susan Gorin – County of Sonoma  
Jack Gibson - Marin Municipal Water District  
Larry Russell - Marin Municipal Water District  
Ryan Gregory – Napa County  
Rick Fraités – North Marin Water District  
Amy Peele – City of Novato  
Jean Mariani – Novato Sanitary District  
Kate Powers – Marin Conservation League  
Damon Connolly – County of Marin  
Mary Sackett – County of Marin  
Chris Choo – County of Marin

Jon Connors – Hack For Earth Founder/Contra Costa Resource Conservation Team  
Ann Thomas – Marin Conservation League  
Pamela Meigs – Ross Valley Sanitary District  
Stephen Keese – EFD CORP  
Pam Reeves – Climate Action Working Group  
Steven Lee – Sonoma Ecology Center  
Amy Hutzell – State Coastal Conservancy  
Ali Weber-Stover – NMFS  
Luisa Valiela – USEPA Region 9  
Erica Yelensky – USEPA Region 9  
Andy Rodgers – NBWA  
Sabrina Marson – NBWA

Eleven NBWA board members attended the meeting comprised of 25 agency staff, stakeholders, partners, and interested members of the public.

Call to Order – Jack Gibson called the meeting to order at 9:32 am via Zoom.

2. **General Public Comment** - None
3. **Approval of Agenda** - Unanimously approved
4. **Approval of November 6 Summary** - Fraités moved. Mariani seconded. Unanimously approved
5. **Accepted Treasure's Report** - Mariani moved. Keese seconded. Unanimously accepted
6. **Guest Presentation– Bay Restoration Regulatory Integration Team (BRRIT) Update**  
*Amy Hutzell, Deputy Executive Officer, State Coastal Conservancy*  
*Luisa Valiela, EPA Region 9, San Francisco Bay Program Lead*  
*Ali Weber-Stover, BRRIT NOAA representative*

Amy, Luisa, and Ali provided an overview of the San Francisco Bay Restoration Regulatory Integration Team (BRRIT) process formed to improve the permitting process for multi-benefit wetland restoration, associated flood management and public access infrastructure projects in the San Francisco Bay and along the bay shoreline.

BRRIT was created to improve the permitting process for multi-benefit habitat restoration projects and associated flood management and public access infrastructure."

Geographic extent is the nine Bay Area counties, excluding the Delta Primary Zone. BRRIT chair rotates every two months.

Since inception, BRRIT has worked with 16 project applicants, permitted two projects, and is close to permitting three other projects. Projects that were already at a permitting phase in 2019 did not have benefit of pre-application discussions and experienced some permitting challenges. Permitting challenges in 2019 provided for learning lessons that will benefit future projects. Tools and guidance developed by BRRIT available on the website.

The Policy & Management Committee (PMC): Developed the Permit and Policy Improvement List - issues identified as limiting the flexibility of design and/or permitting of multi-benefit restoration projects - and are working to resolve the identified issues; Reviews substantive issues raised by the BRRIT or others in project specific cases and propose resolutions at a management or policy level where appropriate; and manages the financial agreements needed to support BRRIT staff.

SFBRA staff asks for project submissions approximately two times per year via email. Projects must qualify for funding under the SFBRA's definition of multi-benefit wetland restoration projects and their associated flood management and public access infrastructure features. A project does not have to be receiving SFBRA funding. Projects need to be in EcoAtlas or added to EcoAtlas. SFBRA staff determines Measure AA eligibility and adds projects to the BRRIT's list.

<http://sfbayrestore.org/san-francisco-bay-restoration-regulatory-integration-team-brrit>

BRRIT assists by providing pre-application meetings with their team; coordinates questions and comments in writing from all the agencies on your project design and suggestions for permitting pathways; provides feedback while your project is in the planning and design phase; completes site visits as a team (impacted by Covid); a prioritized, coordinated review of your permit applications; and BRRIT may elevate issues to the PMC as needed. BRRIT members now provide a unified, coordinated comment letter to project applicants after the pre-application meetings.

BRRIT's ongoing remote coordination and collaboration has risen to the challenge of working productively under Covid restrictions and is still expecting to meet the permitting demands of future projects. The BRRIT is always looking to improve and they want your feedback and suggestions emailed to [BRRIT@sfbayrestore.org](mailto:BRRIT@sfbayrestore.org).

#### Questions:

John Connors: Introduced himself to the BRRIT and thanked them for the initiative and will reach out after the meeting.

Gibson: Do you have any data on the average time frame efficiencies? Does it make sense to standardize the process across the board?

Hutzel - Corps of Engineers has some data. There is some other project specific data. The average is about two-years for the permit process; so far BRRIT has seen projects get through in under a year. BRRIT is beginning to track and will have better data as time goes on.

Valiela - Changing regulations has been in communication with Cutting Green Tape and will coordinate with them. They are trying NOT to tackle regulation. If there are regulations that need to be addressed, they will be through the Policy & Management Committee.

Cutting Green Tape report is here:

[https://calandscapestewardshipnetwork.org/sites/default/files/2020-12/CGT\\_FINAL\\_hires.pdf](https://calandscapestewardshipnetwork.org/sites/default/files/2020-12/CGT_FINAL_hires.pdf)

Gibson: Are there complications with multi-jurisdictional permits?

Valiela - Yes, all the projects will touch all six agencies plus EPA. BRRIT is a way to better serve and expedite restoration community projects.

Jensen: NEPA and CEQA review- Is there a way to collectively handle the reviews in a more efficient way?

Hutzel - Cutting Green Tape report has discussion on seeking exceptions for NEPA and CEQA.

Weber-Stover - Two projects have come in that meet that requirement. NEPA team and BRRIT are working together and seems there will be efficiencies that will come from that.

Gregory - In terms of streamlining NEPA and CEQA, he mentioned CALTrans is piloting a project for state and federal reciprocity that could be folded into CEQA and taking NEPA out of the equation.

Valiela - acknowledged she is hearing from the group that NEPA and CEQA assistance would be beneficial.

Jensen: yes. It's really about timing and that streamlining the process would be helpful.

Rodgers: Does working with the BRRIT provide a competitive advantage or differentiator for State and federal funding?

Hutzel - Some projects have listed the BRRIT on projects. Ultimately the BRRIT is meant to be a benefit for the project in reducing back and forth. Could be a good thing to mention for funding as BRRIT screens for restoration compliance and with approved projects, there is more certainty the permitting will go faster.

## 7. Executive Director Report

Andy reported on activities that have taken place since the last meeting:

Administrative Activities— FY 21/22 work plan development started; Updating distribution lists; and Updating website.

Communications, and Committees—Andy requested that any changes to Board members, member agency staff, and regional partners be emailed to NBWA staff for distribution list updates; Continue to send him subject matter experts and speakers and newsletter topics



and project/program highlights. NBWA staff will send out calendar save the dates for 2021 Board meetings:

- January 8
- February 5
- March 5
- April 2
- May 7
- June 4
- July 9
- September 10
- October 1
- November 5
- December 3

Scheduling JTC meetings to resume early 2021. Andy planning to highlight, build on and track NBWA and member OneWater successes. He also wants to explore how NBWA's structure can bring more value(s) to members and region?

- Leverage insights and experiences of pan-sector agencies: Mine knowledge, strategies, frameworks, practices, technologies and solutions that address shared challenges
- Collectively address requirements-in-common
- Position collaboration for competitive funds
- Consider other synergistic partnerships/associations

Upcoming meeting with Napa RCD to plan and strategize. Interested to get sense of Board for general options for NBWA Conference:

- Spring/summer 2021 (virtual)
- Fall/winter 2021 (possibly virtual)
- Spring 2022 (hopefully in-person)

Mariani - Her recommendation is to wait until Spring 2022.

The board unanimously supports delaying to 2022.

#### 8. NBWA Information Sharing - Board members

Gibson: Watching water supply closely. Reservoirs are 60% capacity and are 93% of where they would be normally this time of year. Staff is planning on water purchases as needed. He is hopeful the upcoming rain season will provide more supply. Wildfire planning and protection is still going strong. He is looking into finding out if an evacuation plan is being considered and if not, he will look into moving one forward.

Meigs: Adopted a resolution approving expanded eligibility for the sewer service charge assistance program to nonprofit low-income affordable housing. They already have a plan for individual homeowners for a few years now, but they are expanding it. They have about 100 people in the program so far.

Mariani asked how they can charge a reduced fee and get around Prop 218 restrictions? Gregory wanted to know the same.

Borstein: The program is not being funded by the tax revenues but by lease revenue from various. It's a program that they are funding from other non-fee sources.

Meigs: Looking at reserve policies in the next few months to see how the pandemic will impact revenues.

Fraites: Still struggling with saltwater intrusion. Still under regulation and are working hard to remedy. They should have it under control in the next few months. They are drilling another well.

Gregory: Prop 218 process mailer coming mid-January with the hearing in March. Commercial fees will be impacted more so than residents.

Connolly: Board meeting on Tuesday will take up Climate Action Plan update for the county; concurrently they are unveiling a strategic plan for climate mitigation initiative. Preparing a response to recent grand jury report on sea level rise adaptation in Marin and how that related to on-going initiatives. In Santa Venetia, a big issue is to repair a levy (6 million total, 3 million from a FEMA grant). Flood Zone and County will also help. One million is still needed- They plan to go to voters to ask for a parcel tax for seven years. Special election in March. They feel well positioned for it.

Peel: She just finished her first year in council. Climate emergency resolution was passed. They are moving forward with Zoom committee meeting regarding deliverable for that. Homeless challenge along a creek and are finding ways to protect part of the area, the other part of it is county owned and they are collaborating on addressing those issues.

#### **9. Agenda Items for Future Meetings**

January/February: Water quality impacts from the wildfires; Regional Monitoring Program update; San Pablo Bay fisheries and habitats

#### **10. Announcements and Adjourn**

- NBWA Distribution list update process

Meeting adjourned at 11:01

Next Meeting: January 8, 2021, Zoom

SUBMITTED BY: Andy Rodgers, Executive Director, NBWA

# North Bay Watershed Association Board of Directors Meeting - Summary

February 5, 2021 | 9:30 – 11:30 a.m.

IN ACCORDANCE WITH THE GOVERNOR'S EXECUTIVE ORDERS N-25-20 AND N-29-20 WHICH SUSPENDS CERTAIN REQUIREMENTS OF THE BROWN ACT, THIS MEETING WILL BE HELD VIRTUALLY VIA REMOTE CONFERENCING SERVICE — NO PHYSICAL MEETING LOCATION  
Zoom Meeting

[www.nbwatershed.org](http://www.nbwatershed.org)

## 1. **Welcome and Call to Order—Directors or Member Representatives Present Included:**

Michael Boorstein – Central Marin Sanitation Agency	Tony Williams – North Marin Water District
Pierre Washington - City of American Canyon	Reid Bryson – Napa
Leon Garcia - City of American Canyon	Tan Zi - SFEI
Paul Jensen – City of San Rafael	Melissa Foley - SFEI
Damon Connolly – County of Marin	Andy Rodgers – NBWA
Megan Clark - Las Gallinas Valley Sanitary District	Sabrina Marson – NBWA
Rob Carson - Marin County Stormwater Pollution Prevention Program	Kellie Anderson - Linda Falls Alliance
Jack Gibson - Marin Municipal Water District	Neil Hancock - ModularSensors
Larry Russell - Marin Municipal Water District	Brad Sherwood - County of Sonoma
Ryan Gregory – Napa Sanitation District	Chris Choo – County of Marin
Rick Frites – North Marin Water District	Ann Thomas – Marin Conservation League
Jean Mariani – Novato Sanitary District	Gustavo Goncalves – County of Marin
Pamela Meigs – Ross Valley Sanitary District	Kate Powers – Marin Conservation League
Elizabeth Patterson – Department of Water Resources	Susan Stompe - Marin Conservation League

Eleven NBWA board members attended the meeting comprised of 28 agency staff, stakeholders, partners, and interested members of the public.

Call to Order – Jack Gibson called the meeting to order at 9:32 am via Zoom.

2. **General Public Comment** - None
3. **Approval of Agenda** - Unanimously approved
4. **Approval of December 4, 2020 Meeting Summary** - There was a request to edit page 5 of the summary correcting the spelling of 'Santa Venetia'. Unanimously approved
5. **Accepted Treasure's Report** - Mariani moved. Gregory seconded. Unanimously accepted
6. **Guest Presentation– Highlights from The Bay Regional Monitoring Program and the Newly Developed Regional Watershed Model**  
*Melissa Foley, Ph.D., Program Manager*  
*Tan Zi, Ph.D., Environmental Scientist*  
*Clean Water Program, Bay Regional Monitoring Program, SFEI*

Melissa and Tan provided an overview of the San Francisco Bay Regional Monitoring Program (RMP) including highlights of programs and initiatives and introduced key aspects and potential future uses of a new regional water quality model.

The Bay Regional Monitoring Program is in its 27th year and is a model long term monitoring program for the US. The program collects data and communicates information about water quality in San Francisco Bay in support of management decisions.

~ 68 entities in the Program

- Municipal wastewater
- Industrial wastewater
- Municipal stormwater
- Dredgers

Annual budget is around \$4M and is paid in the following percent's:

- Municipal wastewater 45.8%
- Industrial wastewater 11.5%
- Municipal stormwater 24.5%
- Dredgers 18.2%

The budget covers: Special studies (including shorter term studies and emerging issues, or follow-ups from Status and Trends monitoring), program management, governance, QA and Data services, Reporting, Communications, Status and Trends monitoring, and Status and Trends review.

RMP governance structure includes a Steering Committee, Technical Review Committee, six work groups (currently only 5 are active) whose main purpose is to develop proposals for special studies.

Program highlights from Status and Trends: Monitoring covers sport fish, bird eggs, bivalves, water, sediment, and different frequencies. Goal is to understand how contaminants are changing in these areas over time. Any changes help inform development of special studies.

Contaminants of Emerging Concern: Tiered risk-based framework to help identify where contaminants fall into their concern level. Melissa discussed examples of copper in water with no trends in PCBs and mercury in sport fish.

The data collected from the RMP goes into their publicly available data base Contaminant Data Display & Download (CD3). New feature added that adds guidelines for pollutants so you can easily see if values are above a threshold of interest.

Melissa spent some time discussing special studies involving stormwater monitoring that has been taking place since 2011. Extensive monitoring of PCBs and mercury in stormwater at more than 80 sites. They also have a number of studies looking at sediment transport and deposition monitoring, with sampling sites in a few watersheds around the bay to help calibrate the model. Novato, Walnut Creek, and Belmont locations are monitoring sediment loads.

There are more RMP updates online, update reports come out in the even years (longer communications come out in the odd years), annual meetings take place in October.

Tan introduced the modeling work being done at SFEI, including regional watershed



model, SF Bay model, and Urban Hydrology model. They hope to utilize the models for technical support and better planning.

**Model Implementation Plan:**

- Hydrology (2020)
- Sediment (2021)
- Water Quality
  - PCBs, Hg
  - Emerging Contaminants
  - Metals
  - Microplastics
  - Pesticide
  - Pathogen
  - Nutrients
- Stream Temperature

Potential Model Application: Climate Adaptation, Reservoir operation, and Flood control. Andy followed up the presentation with a mention that there is a group, small tributary loading strategy team, from the regulated community providing input to the model and that they can reach out to Melissa or Tan for more information.

Questions:

Gibson: What exactly are microplastics?

Foley: Are smaller than 5 millimeters in diameter. Often times it is break down products of larger products. For stormwater, one of the biggest contributors of microparticles is small rubber fragments, some identified as tire fragments. Microfibers are also identified.

Clark: PCBs and mercury in sport fish was last updated in 2014. Is that the last year there's information?

Foley: they have samples from 2019 but the pandemic impacted the processing of it. Hopefully the figures will get updated in the next couple of months.

Clark: Is SFEI looking at inclusivity in staffing?

Foley: there are a number of measures that SFEI is undertaking, including working with community groups which are predominantly people of color and low income.

Carson: Going back to the map of storm water monitoring shows a lack of north bay region data, are those watersheds included largely monitored by Phase 1 communities or is this your programs monitoring? What is the likelihood of including some data from north bay watersheds?

Foley: This is just their monitoring. It does not include any of the storm water agency monitoring. They do work with the counties in selecting priority sites for the year. They don't monitor areas like Marin, Sonoma, Napa, Solano. There is a separation and these north bay stormwater entities don't pay into the RMP.

Carson: His agency has paid for over two decades at a complete population-based share.

Foley: She will follow up with Rob offline.

Powers: Are there any studies with using asphalt grindings for repaving roads or road maintenance? What kind of contaminants can come from that use?

Foley: No, they haven't done that work. Road work contaminants is starting to take off. They are working on a conceptual model. Stay tuned.

Rodgers: With the rubber fragments, are those suspended fragments in samples collected or is it the dissolved constituents that come off the fragments that you're analyzing? Also, when is the next biannual report coming out?

Foley: The RMP update just came out in October (2020 RMP Update is here: <https://www.sfei.org/documents/rmp-update-2020>). We are detecting the rubber fragments found in sediment and a dissolved fraction from the fragments in the water samples.

Gibson: (to Tan) How big is the staff that you work with?

Tan: 2-3. He is the main staff, but he has support.

Carson: Is this an evolution of the regional watershed spreadsheet model that started quantifying loads for PCB and mercury? He has PCB and mercury load requirements in the TMDLs but there are no permitting mechanisms requiring certain implementation actions. They are in discussions with the SF waterboard on what will be part of the reissued statewide Phase 2 Stormwater Permit; they will be working to implement some PCB and mercury implementation requirements into it. He is interested in how this model can help them meet their load reduction or demonstrate their load reduction. It sounds like it can help them estimate what that load is. Does the model have any other way to quantify load reductions from other controlling mechanisms besides GreenPlanIT, or other institutional controls?

Tan: Yes, it is. The model right now can provide baseline load. If they have other control measures, they can be considered. There is flexibility built into the model to address those kinds of questions.

Carson: Given the fact that there are now 5 counties that have developed or are developing their own independent RAA's, many share similarities, how useful is it to develop full blown RAA, particularly for smaller communities with far less resources, is there some way to develop a reasonable assurance that relies on the existing modeling that's been done and the demonstrated load reduction that is involved in those assumptions ?

Tan: Currently counties have different ways of doing the RAA analysis. Ideally there would be a universal methodology to apply to the bay area. The current situation is not that way. For the North Bay that hasn't started yet, universal methodology is one thing that can be considered, and the current information can be leveraged. The GreenPlanIT tool and model can be scaled easily and will save a lot of time.

Carson: The regional watershed model is estimating loads of PCB and mercury, how are those loads calibrated if there's no monitoring data from the north bay?

Tan: That goes back to the model settings. They know there are data gaps. If they have some future data they can adjust.

Powers (chat): Will the hydrologic modeling maps and modeling results be publicly available (in addition to jurisdictional agencies)? Are they available on the GreenPlanIT tool? Exciting effort. Thank you.

Foley(chat): Tan is finalizing the modeling report that covers the information he presented today. It will be available on our website, but we will send a copy to Andy when it is ready so he can send to this group.

Foley (chat): melissaf@sfei.org; tanz@sfei.org

## 7. Executive Director Report

Andy reported on activities that have taken place since the last meeting:

- FY 21/22 work plan development will come in the March meeting for review and is anticipated to be finalized in April
- Call for newsletter topics and project/program highlights
- Attended annual SOE event planning meeting—They are planning an event for this fall.
- Developing JTC plan and focus for 2021
  - JTC meetings to resume March/April 2021
- ED applied but was not selected for SFBRA Advisory Committee—They are cutting down the size of the committee and are working to be more inclusive of social justice and disadvantage community members.
- Chair and Vice Chair: No inquiries of interest to serve were received by February 1; however, one board member expressed a willingness to serve as Vice Chair, if the Board were supportive.
  - Damon Connolly has been Vice-Chair and is happy to continue.
    - Gibson: Jean Mariani has expressed interest.
  - Gibson: He has been the chair for as long as the NBWA has been in existence and would be happy to step back or continue to serve.
  - This will be brought up for formal vote at the next meeting.

## 8. NBWA Information Sharing - Board members

Gibson: Marin Municipal Water District is concerned with the lack of rainfall and they are monitoring closely. As of February 3, they are 50 % of average to date. They are taking necessary steps, given the options. They purchased a new generator for Soulajule reservoir. It's the least used because of pumping challenges; the generator will help. 75% of their water supply comes from their reservoirs, 25% is purchased from Sonoma Water. This purchased water doesn't have much storage so much planning needs to happen for this. They are about to ramp up their conservation efforts: one is voluntary, and the community responds well, the second is declaring an emergency conservation effort.

As a result of the recent fires, they purchased 14 new portable generators to assist in wildfires, they are clearing brush.

Garcia: American Canyon is making good progress on their new county reservoir. They are also concerned with rainfall. They are also interested in learning more about the contaminants from areas that were burned.

Mariani: Novato Sanitary District received a PG&E small generation incentive program grant which will allow them to buy back-up storage Tesla batteries. They're just starting the grant process. It's just over 2 million dollars.

Gregory: Napa Sanitation District is well into their Prop 218 process for rates for the next 5 years. It will hurt commercial business more than residential. They reviewed their contingency plan and one of the biggest measures they're counting on is potable reuse, but it's not in their budget yet.

Meigs: Ross Valley Sanitation District had their third informational meeting regarding the Larkspur property. The last informational meeting discussed the Surplus Land Act and how it will affect the property. They hope to have more public input. The land is still not approved by the EPA. They have done everything and are now just waiting on the state. Their PSA's are doing well, and they enjoy the collaboration of other districts and agencies.

Patterson: for DWR, the water commission has been conducting regional meetings on water conveyance for statewide interest, which means a lot to the bay area because they have a real potential for connecting. With statewide interest that means there would be some money and technical assistance.

The Delta Stewardship Council has been doing a workshop on adaptive management, which is digging into permit issues and applications. It is being recorded and she encourages everyone to check it out.

Connelly: (Marin County) The homeowners of Flood Zone 7A in Santa Venetia, which is a newly created subzone, have an opportunity to decide on initiative Measure A to upgrade the timber reinforced berm and protect the neighborhood by reducing tidal flood risk. It's a special election on March 2. The Army Corps of engineers has identified this TRB as the weakest link in the levy system in that area. This Measure can increase the life expectancy by 30 years. Bigger picture, this project is along the lines of what NBWA is about and the ongoing efforts in resiliency and preparing for sea level rise.

Patterson: Did you consider an enhanced infrastructure finance district instead of a typical assessment.

Connelly: Yes, they looked at various options.

Clark: Las Gallinas Valley Sanitary District is actively looking for partners in sludge storage/bio-waste. Four letters of interest were received. They are continuing their secondary treatment upgrade in recycled water expansion. They are looking into a solution for their administration building.

## 9. Agenda Items for Future Meetings

March 5 – Regional Water Board update on water quality issues associated with people experiencing homelessness, and water supply conditions update

Mariani: Can the Water Board provide an update on them going after Cal Trans for trash?

Andy: He will ask. The division chief will be on the call.

April 2 – Post-wildfire water quality findings update, and consider FY21/22 work plan

May 7 – Local/regional Environmental Education Program updates

June 4 – North Bay One Water initiatives



## **10. Announcements and Adjourn**

Meeting adjourned at 11:28 am

Next Meeting: March 5, 2021, Zoom

SUBMITTED BY: Andy Rodgers, Executive Director, NBWA

# North Bay Watershed Association Board of Directors Meeting - Draft Summary

March 5, 2021 | 9:30 – 11:30 a.m.

IN ACCORDANCE WITH THE GOVERNOR'S EXECUTIVE ORDERS N-25-20 AND N-29-20 WHICH SUSPENDS CERTAIN REQUIREMENTS OF THE BROWN ACT, THIS MEETING WILL BE HELD VIRTUALLY VIA REMOTE CONFERENCING SERVICE — NO PHYSICAL MEETING LOCATION

Zoom Meeting

[www.nbwatershed.org](http://www.nbwatershed.org)

## 1. **Welcome and Call to Order—Directors or Member Representatives Present Included:**

Michael Boorstein – Central Marin Sanitation Agency	Andy Rodgers – NBWA
Jason Dow – Central Marin Sanitation Agency	Sabrina Marson – NBWA
Leon Garcia – City of American Canyon	Ken Schwarz – Horizon Water & Environment
Paul Jensen – City of San Rafael	Ann Thomas – Marin Conservation League
Megan Clark – Las Gallinas Valley Sanitary District	Chris Choo – County of Marin
Rob Carson – Marin Countywide Stormwater Pollution Prevention Program	Lisel Blash – Marin Environmental Housing Collaborative
Jack Gibson – Marin Municipal Water District	Erica Yelensky – US EPA – Marin Conservation League
Larry Russell – Marin Municipal Water District	Chelsea Thompson – City of Petaluma
Cheryl Howlett – Marin Municipal Water District	Kevin McDonnell – City of Petaluma
Ryan Gregory – Napa Sanitation District	Susan Stompe – Marin Conservation League
Rick Fraites – North Marin Water District	Keith Lichten – SFB RWQCB
Tony Williams – North Marin Water District	Derek Beauduy – SFB RWQCB
Roland Sanford – Solano County Water Agency	Intiaz-Ali Kalyan – SFB RWQCB
Jean Mariani – Novato Sanitary District	J. Martinez
Pamela Meigs – Ross Valley Sanitary District	Frances Knapczyk – Napa RCD
Elizabeth Patterson – Department of Water Resources	Nicole White
Bené da Silva – Napa Flood Control	Renee Hu
Don Seymour – Sonoma Water	Steven Lee
Susan Gorin – County of Sonoma	Lauren Hart – Sonoma State University
Gustavo Goncalves – County of Marin	

Fifteen NBWA board members attended the meeting comprised of 41 agency staff, stakeholders, partners, and interested members of the public.

Call to Order – Jack Gibson called the meeting to order at 9:31 am via Zoom.

- 2. General Public Comment** - One comment from Gustavo Goncalves— the Marin County parks recently learned from the San Francisco Bay Restoration Authority that Measure AA Grant funding was awarded for the McInnis Marsh restoration and Gallinas Creek Geomorphic Dredge Project. The funds will support completion of design CEQA and permitting for both of the projects.
- 3. Approval of Agenda** - Unanimously approved
- 4. Approval of February 5 Meeting Summary** - Director Mariani moved. Director Meigs seconded. Unanimously approved.
- 5. Accepted Treasure's Report** - Director Mariani moved. Director Clark seconded. Unanimously accepted.

6. **Election of Board Officers for 2021/2022** - At the February meeting, the offer was extended to anyone interested in serving as a Board Officer to contact Andy. Directors Mariani and Connolly expressed interest in Vice Chair. Director Gibson is open to continuing service as Chair. Chair Gibson opened for nominations. Director Fraites nominated Director Gibson for Chair; Director McDonnell seconded. Director Mariani nominated Director Connolly for Vice Chair; Director Meigs seconded. No other nominations received. The nominations were unanimously approved.
7. **Guest Presentation– San Francisco Bay Regional Water Quality Control Board Update On Water Quality Impacts Related To People Experiencing Homelessness**  
*Keith Lichten – Chief, Watershed Management Division*  
*Derek Beauduy – Municipal Stormwater Section Lead*  
*Imtiaz-Ali Kalyan – Municipal stormwater staff*  
*San Francisco Bay Regional Water Quality Control Board*  
*Watershed Management Division*

Topics covered:

- Bay Area unsheltered (vehicles, camps, out on the streets, etc.) homelessness. The trend has increased 20 to 45 percent in South, West, and East Bay from 2017 to 2019. Water quality issues include trash, sewage (bacteria and pathogens), direct riparian and creek bank impacts, and illegal dumping. Local Agency Interests: Support residents, Clean creeks and Bay, Flood management, NPDES municipal stormwater permit compliance, Clean Water Act citizen suit provision (two suits have come up recently, Baykeeper San Jose settlement (\$100 million) and Baykeeper lawsuit against Sunnyvale and Mountain View for bacteria.
- Water Board role. The board has a range of responsibilities and is looking for a reasonable and balanced approach given limited resources. The main focus is on water quality impacts. Regulate discharges of waste from encampments. Support municipal actions. Cover under broader permits: NPDES Municipal Stormwater Permits and Permits for work in creeks and wetlands.  
The Water Board Resolution R2-2015-0024 “Actions to address the adverse water quality impacts of homeless encampments” confirms statement of purpose and encourages folks to do the “right thing”.  
Discharges are regulated by:
  - NPDES Municipal Stormwater permits
    - Municipal Regional Stormwater NPDES Permit
    - Statewide Small and Non-traditional NPDES stormwater permit
    - Statewide Trash Amendments
  - Clean Water Act Section 401 Water Quality Certifications
    - Work in and around creeks, flood control channels
  - Petaluma River Bacteria TMDL
    - Measures to address potential impacts of homeless camps in municipal and Caltrans rights of way
- What are municipalities doing?
  - Municipal Regional Stormwater Permit
    - Prohibition against cause or contribution to impairment
    - Trash control
    - Proposed: Discharges associated with unsheltered homeless populations
  - Direct Discharge Control Programs. Cities can get credit by working on the following:

- Identify sources of trash
  - Encampments
  - Illegal dumping
- Describe control actions
- Map affected receiving waters
- Assess and report on controls and water quality benefit

This is an early draft of what the homeless provisions are likely to become.

- Cities and counties are doing the following:
  - Homelessness provision reflects work already being done.
  - Encampments
    - Provide sanitation services, including access to running water
    - Clean sidewalks, streets, and plazas
    - Collect trash
  - Vehicles
    - Provide designated parking areas
    - Provide sewage disposal services (pump-out stations, mobile pumping services, voucher programs)  
There are a range of challenges, for example for RVs and vehicles, some may not be working or owned by the residents, to be able to participate in some programs.
  - Longer-term actions
    - Develop funding (e.g., Sonoma Measure O)
    - Modify response approaches (e.g., Kahoots)
    - Housing resources, services

Municipalities can help coordinate the contractors for how these measures can be implemented effectively.

Some of the problems are so significant that some of the solutions can be hard to scale. Resources are key.

Creek and Wetland Permits:

- Stream Maintenance Programs
  - Trash and homeless encampment cleanup are allowable mitigation for temporary impacts
- Bay Area Flood Protection Agencies Association (BAFPAA) – Water Board Coordination
  - Considering general permit approach to address creekbank impacts of encampments
- Caltrans: trash control
  - Cease and Desist Order issued in February 2019
    - Trash control benchmarks ~ 1,000 acres/year
    - Control trash from all Significant Trash Generating Areas of right-of-way by December 2030
    - Submit Workplans are being reviewed.



- Cooperative implementation opportunities.

Derek invited any municipal NBWA member that have a cooperative project where a Caltrans right-of-way and a Municipal right-of-way can benefit from a trash control structure install within the municipal right-of-way to reach out to him or Caltrans to looking into cooperative implementation.

Questions:

Clark: She had an idea that someone can go to the homeless encampments to teach about water quality?

Lichten: There are a few organizations that are informally doing engagement and education. He agrees there could be more stewardship engagement.

Gregory: Is part of the regulations an incentive to move this population out of these sensitive areas?

Lichten: The obvious water quality approach is to find location that have less direct effect on water quality, but then that created tension with folks who prefer to be near waterways and out of site. The intent is to foster the conversation and not implement a "command and control" regulatory way.

Fraites: Regarding Novato RVs. Do they work with the State, Fish and Wildlife? Have they weighed in?

Carson: Fish and Wildlife has been out for site visits and have shared mitigation efforts, which were then shared with the water board. He did see some of these mitigation actions shared in the presentation. Fish and Wildlife aren't in favor enforcing regulations without resources.

da Silva: His personal experience with this complex issue is that collaboration is key. If there is a funding mechanism, that would also be helpful.

Lichten: He recognizes there has been limited federal funding and that cities are using state or other grants and that a lot of great work comes when resources and funding are available. Measure O (which will provide \$25 million a year for mental health and homelessness services over ten years) is an example of local funding support.

Garcia: His 27+ years of experience with Community Action Napa Valley and Napa State Hospital has confirmed to him that services and resources are better than moving homeless along. He wanted to share his support for what some municipalities are doing to aid the issues and that regional collaboration is going to be key.

Lichten: Thanked Garcia for his comments and acknowledging the need for reducing relocation and what can be done to bring services to where people are.

Russell: This is more a social issue than a water quality issue. He supports what Oakland has been doing, such as setting up facilities. He compliments CalTrans and Water Board's efforts to try to assist with homeless encampments.

Lichten: He agrees there's a benefit to develop prevention services.

Martinez (chat): Santa Cruz has done some work on involving the unsheltered population in the stewardship of the watershed

8. **Roundtable - Regional Water Supply Conditions Updates** Member and partner agencies shared information on current water supply conditions and/or associated conservation measures, programs, and awareness campaigns.

Don Seymour started the discussion acknowledging the current drought conditions. Lake Mendocino storage levels are low. The projections don't look good. Lake Sonoma storage is equally concerning. Water conservation outreach is being discussed.

In January, Sonoma Water submitted and was approved a temporary change in classification with the State Water Control board. The upper Russian River is in the driest water supply condition.

Questions:

Russell: He made the comment that he doesn't see any real benefit in looking to historical data. He is under the impression that there is not a stage drop at the Russian River collectors. Does Don's model look at that communication portion between surface and ground water? Have they tried to develop a sustainable yield? Is there a sustainable yield?

Seymour: They make releases from Lake Sonoma to make sure minimum stream flow requirements are being met; these are their measured downstream from the collector wells. There isn't an issue with drawing down the river. Ranney collector wells are in close contact with surface water. The water being pumped is seen by the water board as division as surface water, but from a water quality perspective, they are permitted by ground water.

Russell: Are temperatures the same from ground and surface water?

Seymour: No, there a big difference in temperature, which is being used as a tracer to understand how water is being moved through their system.

An inflatable damn is also being used to help their system and they see temperature changes in this process.

Seymour: In regard to looking back, they use climate change data sets in their long-term planning. That is why they use historical data. There's some good drought information in those data sets.

Russell: He would like Seymour to present to his District Operating Committee and will coordinate with him directly. He asked if there was anything MMWD can do, let him know.

No other questions.

9. **Executive Director Report**

Andy reported on activities that have taken place since the last meeting:

- o Attended SOE conference SC meeting on Feb 23
- o Presented Regional Collaboration with a One Water Strategy to Marin Conservation League on March 3
- o Met with SCTA/RCPA on Feb 26
- o Quarterly newsletter distributed

- AR – Member dues
- AP – Subconsultants
- FY 21/22 work plan will be considered for approval on April 2
- Continually updating distribution lists and website as needed.
- Call for newsletter topics and program highlights
- Planning to attend Water Bond and Resilience Coalition conference call with Assembly Member Jim Wood on March 8
- Developing JTC plan and focus for 2021
- JTC meetings to resume April 2021
- Conference committee to focus on 2022 event

#### 10. NBWA Information Sharing - Board members

Gibson: Marin Municipal Water District is concerned about the drought. They are preparing on all fronts for supply management. They are doing a conservation promotion to get message out. Lawn signs are in development. Anyone else interested in the lawn signs, let him know.

Russel: They are implementing mechanical efforts, increased RR water intake. They already hit their annual take from the SW aqueduct. MMWD is pumping Phoenix reservoir and Soulajule reservoir (generators are being brought in for the pumps). Water treatment plant may open in April and will work year-round. Reclaimed water signs will be handed out.

Water crisis awareness is important.

Meigs: Ross Valley Sanitation District is using recycled water to perform wastewater collection system maintenance activities. They reached a goal on 100K gallons of recycled water by use since the beginning of the FY of July 2020. Each gallon of recycled used saves a gallon of potable water.

Garcia: City of American Canyon is also concerned with conservation outreach. They are creating off-set options from the past that they will look in to again, like lawn replacement rebates.

Clark: Las Gallinas Valley Sanitary District's the secondary treatment project is going smoothly. They are in the midst of a classification study; they have it and now have to respond. Their union contract is coming up; where to site their admin building is still an issue. She will pass that Russell would like a timeline on recycled water.

Carson: Marin Countywide Stormwater Pollution Prevention Program they submitted over 341 acres worth of trash projects to CalTrans for cooperative funding opportunities-the more detail on the projects the better.

Important to almost everyone in NBWA is AB 377 bill that is currently in committee (Environmental, Safety and toxic materials committee)  
([https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=20210220AB377](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=20210220AB377))  
CASQA has authorized their ED to lobby against the bill. The bill essentially removes a lot of regulatory authority from regional and state boards. He encourages agencies to reach out to the committee to express their thoughts. He's happy to provide what he knows.

Boorstein: Central Marin Sanitation Agency is able to take additional liquids from others except wastewater sludge from local agencies; process is similar to FOG. By 2022 they will be

powered by biodiesel 100 percent. They have a new engine and will have their 750 kilowatt generator that was repaired. They can provide more energy to Marin Clean Energy.

There is an abandoned sewer that is being removed near a creek on shady lane, which will help restore the creek and fish transit. Plans and permits are being processed.

Fraites: North Bay Water District instituted the AMI program a year and a half ago and is incredibly successful; saving tens of thousands of gallons of water due to the changeover. Recycled water was instituted for turf areas and is highly successful with 91 signups. They are making plans for the drought and working with customers to save water. They supply to most Marin cities and they are dealing with salt intrusion (no state of federal guideline issues). They are drilling a new well. They are looking into and planning for possible future housing developments.

#### **11. Agenda Items for Future Meetings**

April 2 – Post-wildfire water quality findings update, and consider FY21/22 work plan  
May 7 – Local/regional Environmental Education Program updates  
June 4 – North Bay One Water initiatives, Sustainability Collaborations and Programs  
July 9 – Legislative Updates

Others in development: urban scale carbon sequestration initiatives, funding, water management/conveyance and transportation, member collaboration updates and highlights.

#### **12. Announcements and Adjourn**

Meeting adjourned at 11:28 am  
Next Meeting: April 2, 2021, Zoom

SUBMITTED BY: Andy Rodgers, Executive Director, NBWA





## BOARD MEMBER MEETING ATTENDANCE REQUEST

Date: \_\_\_\_\_ Name: \_\_\_\_\_

I would like to attend the \_\_\_\_\_ Meeting  
of \_\_\_\_\_

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

Location of meeting: \_\_\_\_\_

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

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

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

Other meeting attendees: \_\_\_\_\_

Meeting relevance to District: \_\_\_\_\_

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

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

Date submitted to Board Secretary: \_\_\_\_\_

Board approval obtained on Date: \_\_\_\_\_

Board packets are uploaded 7 days before the Board Meeting. Please submit your request to the Board Secretary, no later than 2:00 p.m. on the second or fourth Tuesday of the month.

**4/15/2021**

**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 April 15, 2021

## MMWD proposes mandatory water rules

### LOW RAINFALL IMPACT

Conservation ordinance vote scheduled April 20

By Will Houston

[whouston@marinij.com](mailto:whouston@marinij.com)

The Marin Municipal Water District is proposing mandatory conservation rules for the first time since 1988 in response to record-low rainfall levels akin to those of the notorious 1976-77 drought.

The proposed ordinance would require customers to limit outdoor watering to one day per week starting May 1 and adhere to other restrictions. The district board of directors plans to vote on the ordinance on April 20. The district has received just 20 inches of rain this year, its second-lowest amount in 143 years of records. The lowest was 18 inches in 1924.

“We are still hitting just under 43% of average for this year,” Lucy Croy, the district water quality manager, said during the board meeting on Tuesday. “And looking ahead, it looks like there still is no miracle rainfall coming through April, unfortunately.”

The district relies on seven reservoirs in the Mount Tamalpais watershed, which make up about 75% of its total water supply.

The other 25% is purchased and imported from Sonoma Water. As of April 1, the reservoirs had about 43,500 acre-feet of stored water, well below the average of about 73,500 acre-feet for that time span. It is the lowest storage level for this time of year in 38 years, which is the period that the district has had its current storage capacity.

The district has had to tap infrequently used reservoirs such as Phoenix Lake because of the low rainfall. Later this month, the staff expects to begin pumping water from the Soulajule Reservoir, which the district hasn't done in 30 years.

District board members are hopeful the 191,000 residents in its service area will step up to the challenge.

“Historically, Marin saves and will conserve when they get the message,” board member Larry Bragman said at the directors' meeting.

To promote greater conservation, the district also plans to offer enhanced incentives such as higher lawn replacement rebates and discounts on smart meter technology.

“We have a window here to make a dent but if we don't move quick that window is going to pass,” said board member Larry Russell.

“Conservation is supply, and we need to invest in that in the same way we invest in other sources of supply,” board president Cynthia Koehler said.

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called on the board to be more specific on a conservation target, such as 20%.

“That's the sort of thing that people should know,” Roger Roberts told the board.

Russell said the district is being too liberal by allowing one day of watering and allowing people to wash their cars at home.

“I think we should step harder here than we're proposing,” Russell said.

To incentivize water savings, the district plans to double its lawn-to-turf rebates to \$2 per square foot and offer discounted smart meter technology to allow ratepayers to track their water usage.

✓



(2)

If approved later this month, the outdoor irrigation restrictions would take effect on May 1. San Rafael, Mill Valley, Corte Madera, Larkspur, Fairfax, Sausalito, Belvedere and Tiburon would each be assigned a weekday in which residents would be allowed to water. District staffers would patrol areas to ensure compliance and ratepayers would be encouraged to report violations.

The district hopes to cut back summer water use by 40%, or 7,300 acre-feet, from May to October under the plan. This was not the most restrictive option being considered. One option proposed was to limit irrigation to trees only, which was estimated to save 8,200 acrefeet, or 55%, of typical summer water use.

The urgency conservation ordinance also would include prohibitions on the following:

- installing new or expanded landscaping
- power washing buildings and homes
- using potable water for dust control, compaction, street cleaning, etc.
- refilling pools, hot tubs and decorative fountains
- washing vehicles, boats and planes without using hose shutoff nozzles

Any violations would start with a warning, followed by a \$25 fine for a second offense and then a \$250 fine if the same violation is repeated within 60 days.

While residents are not being required to hit certain conservation percentages or adhere to rationing, the district is asking them to continue voluntary conservation at home. Some members of the public



(4)

Ben Horenstein, the district's general manager, said the dry conditions this year are expected to cost the district nearly \$21 million. The costs come from increased purchases of imported Sonoma County water to extend the supply of local reservoirs; reductions in water sales; renting generators to pump water from reservoirs; and conservation campaigns.

The district is authorized to implement drought rates up to 25% higher under mandatory conservation rules. However, the staff is recommending the board defer any decision on increasing rates and monitor the financial impacts in the meantime.

Other local water districts have or are planning to enact similar mandatory measures. The Bolinas Community Public Utility District approved a plan earlier this year to begin mandatory water rationing of 125 gallons per day per home if ratepayers' water use goes over a certain threshold.

The North Marin Water District plans to consider mandatory conservation rules similar to MMWD's later this month in response to its record lowest rainfall.

The U.S. Drought Monitor shows more than 90% of California, including Marin County, is experiencing at least moderate drought conditions.

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April 2, 2021

Mr. Paul Arneja  
Mobile Source Control Division  
California Air Resources Board  
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**Re: California Association of Sanitation Agencies Informal Comments on the Proposed Advanced Clean Fleets Rulemaking**

To Whom it May Concern:

The California Association of Sanitation Agencies (CASA) appreciates this opportunity to comment on the Proposed Advanced Clean Fleets Rulemaking (Proposed Rulemaking) as presented by the California Air Resources Board (CARB) during the March 2<sup>nd</sup> and 4<sup>th</sup> workshops. CASA is an association of local agencies, engaged in advancing the recycling of wastewater into usable water, as well as the generation and use of renewable energy, biosolids, and other valuable resources. Through these efforts we help create a clean and sustainable environment for Californians. Our members are focused on helping the state achieve its 2030 mandates and goals for greenhouse gas (GHG) emissions reductions, which include:

- Reducing carbon intensity of transportation fuel
- Reducing short-lived climate pollutant (SLCP) emissions
- Effectively diverting organic waste from landfills
- Providing 60 percent of the state's energy needs from renewable sources
- Increasing soil carbon and carbon sequestration under the Healthy Soils Initiative, Forest Carbon Plan, and Natural and Working Lands Climate Change Implementation Plan

As essential public service providers and fellow dedicated environmental stewards, CASA members provide reliable wastewater treatment to protect public health and the environment. Specific comments are provided below describing our support for, as well as our concerns and recommendations related to, the Proposed Rulemaking for your consideration:

***Provisions for essential public services (like wastewater conveyance and treatment) to maintain operations and associated levels of service.***

CASA members are public, local agencies that are responsible for providing wastewater conveyance and treatment to over 90 percent of the sewered population across California. We provide reliable treatment and management of wastewater in an environmentally responsible manner and at the lowest practical cost. While our primary mission is to reliably and safely treat wastewater, CASA's members are also positioned to help the state meet its clean vehicle goals. That said, our members collectively have concerns about achieving compliance with this Proposed Rulemaking while reliably maintaining core functions and levels of service, as well as meeting increasingly frequent mutual aid and critical response demands during and after natural disasters and other types of emergencies.

Our members operate diverse fleets that consist predominantly of medium-and heavy-duty vocational trucks that perform maintenance and repair operations that may require them to travel long distances, or on rough terrain, and include extended operation of auxiliary equipment via power-take off (PTO) devices at project

sites. It is critical to not only consider the miles and fuel/energy required to travel to worksites, but also the energy required and hours of operation for long periods of time while at worksites and the need for certain trucks to be outfitted with equipment such as at PTO devices. Vehicles are often called upon to tow equipment such as generators or pumps, perform welding operations, power onboard welding machines and air compressors, and other tasks that require long duty cycles.

As CARB memorializes the Advanced Clean Fleet Regulation, CASA has concerns that the Proposed Rulemaking would challenge the wastewater agencies' abilities to maintain established levels of service due to unique vehicle specifications, constraints on clean vehicle availability, significant investments within a compressed timeline to implement charging infrastructure to support ZEVs (may experience issues with materials and labor due to high demand), and the proposed regulatory timelines for complete conversion. CASA encourages CARB to provide the necessary flexibility and exemptions to avoid unintended consequences to wastewater systems that may limit their availability to convey, treat and deliver treated effluent water. At this time, we do not have confidence that the replacement zero-emission vehicles (ZEVs) will meet our duty-cycle specifications for use or be available to our sector within the targeted timeline, nor do we expect the needed supporting vehicle charging infrastructure be in place in the remote locations our sector must service during critical response events. A few additional specific concerns are summarized below:

- Emergency response from utility providers is not limited to natural disasters, but can occur from downed power lines, ruptured pipelines or other instances that are frequently caused by a third party, etc. It is critical to have vehicles on hand that are capable of responding immediately in any geographic location that can perform or aid in the repair to the infrastructure for extended periods of time in all weather conditions.
- There are over 1,100 wastewater collection systems in California that rely on specialized high-capacity pumping and vacuum equipment to clean, maintain, and respond to emergencies that can be a threat to public health and safety. This specialized equipment requires powerful engines to meet pumping pressure and vacuum suction lift demands. This equipment must be ready for deployment at any time of night or day in all weather conditions. Due to the unique suction capabilities of this equipment, fire and rescue responders occasionally call on the equipment for assistance. The major manufacturer for this equipment, Haaker, has indicated there are no current technologies for zero emission wastewater pumping/vacuum equipment.
- When considering replacement of construction related trucks, members need trucks to be capable of traversing steep hills fully loaded with dirt, pulling backhoes or drilling rigs, holding fuel or charge long enough to be in the field for multiple days – and need access to infrastructure that can charge within minutes.
- Members have expressed concern on the need to have a “try before you buy” period from ZEV manufacturers. This would allow the purchaser sufficient time to fully test zero-emission specialty vehicles on varying road conditions, remote location reliability, and extended duty cycle capabilities.

***Wastewater biogas as a low carbon transportation fuel to support critical response events.***

As regulations adopted under SB 1383 are implemented, significantly more renewable gas will be produced at publicly owned wastewater treatment plants (POTWs) through the co-digestion of wastewater residuals with methane producing organic waste diverted from landfills. Co-digestion is a proven approach of economically producing renewable energy/fuel and producing a soil amendment to improve California's soil ecosystem.

More than 94% of the state's wastewater flow is treated through anaerobic digestion which generates biogas. As quantified in the SWRCB's Co-Digestion Capacity Analysis (released by the Governor's office in August 2020), POTWs can utilize their existing infrastructure in the form of anaerobic digestion to co-digest the divertible food waste across the state thereby removing a major source of fugitive methane from landfills

(which account for ~20 percent of the state's methane inventory). Utilizing co-digestion, California's POTWs can significantly increase biogas production to provide, among other benefits, a source of low carbon fuel, onsite renewable energy, or flexible generation renewable power under the BioMAT.

While CASA supports the collective goals of state agencies, we have a growing concern that state agencies are not coordinating the development of their respective programs, resulting in conflicting objectives, thereby threatening the implementation of projects to divert organic waste and utilize the biogas produced. For example, while CARB strongly supports CalRecycle and the SWRCB in their efforts to implement Senate Bill 1383 regulations (incentivizing the production of biogas from co-digestion, especially for use as a transportation fuel), the Proposed Advanced Clean Fleet Rulemaking is moving forward in complete support of electrifying municipal vehicles and eventually all passenger vehicles. While this promotes biogas to be converted to power, it disincentivizes the long-term opportunities for development of biogas into a low carbon fuel and its importance being kept as an RNG to meet critical response events. Furthermore, electrification with renewable and clean resources is a key objective of SB 100's Joint Agency Report, but the report does not consider biogas to power from POTWs citing there is not enough information on cost and supply for power production even though the production of biogas has been shown it can play a significant role in offsetting the electrical demand of the sector and complement California's renewable energy portfolio. When POTWs satisfy their own power needs from biogas, it reduces demand from the grid, and helps achieve multiple state objectives which are also not considered.

***Develop exemption process with a timeline that is feasible for essential public services to implement while maintaining operations and critical response capabilities.***

CASA recommends developing an exemption process that accounts for the challenges public fleets face in performing core functions of essential wastewater services. CASA member agencies understand and support the long-term goal of the Proposed Rulemaking; however, CASA has concerns regarding the proposed timeline considering the remaining useful life of existing assets and responsible use of public funds. The exemption pathway should consider specialty and critical response vehicle availability, cost of replacement, charging infrastructure accessibility and electrical grid reliability, and the ability to maintain core services and mutual aid during and following natural disasters and other types of emergencies. For example, if a sewer lift station loses power (and does not have a backup generator) or has some other type of mechanical/control failure, a pumping/vacuum or combo truck is utilized to bypass the station in order to move wastewater from the wet well to a downstream location. There are no current electric combo trucks. Challenges of electrification include sufficient power to operate the equipment, sufficient operation time between charges (current estimates are 30 to 45 minutes), and DOT weight limitations. In a prolonged power outage, sewer spills and resulting public health threats and environmental damage could be inevitable.

Some members are working early to electrify fleets where operational needs can also be met by the available truck options. We appreciate that CARB discussed development of an exemption process (during the March workshops) with some proposed justifications. CASA recommends the development of an exemption process to enable adoption of clean vehicles as it is feasible, while maintaining a pathway for fleets that do not yet have ZEVs available that can also meet fleet needs.

***CASA supports the normal replacement cycle of vehicles within public fleets and a delayed start date (2027) for low population counties.***

While the focus of the Proposed Rulemaking is on new purchases, CASA recommends providing the needed degree of flexibility in vehicle fleet planning to allow for assessing the cost, location and feasible timing of new acquisitions. This approach will help mitigate member concerns regarding the replacement of current public fleet vehicles (that have significant remaining useful vehicle life) with new, more costly ZEVs that may not operate at the performance level of traditional internal combustion vehicles. In addition, by allowing fleet



owners and operators a flexible fleet transition schedule, it is likely to better align with the charging infrastructure implementation timeline, particularly in remote locations that require more time to fully construct.

Furthermore, members have mentioned concern about the limited availability of vehicle stock from manufacturers due to the high demand of many public and private entities competing to comply with the Proposed Rulemaking. Public fleets should not be penalized for being outbid by higher-resourced entities. There should be a process that acknowledges when eligible models are unavailable for purchase due to oversubscription.

***CASA supports purchases of near zero-emission vehicles (NZEVs).***

CASA would like to take this opportunity to express concerns about CARB's definition of NZEVs. As denoted on slide 29 of CARB's March 2<sup>nd</sup> and 4<sup>th</sup> Workshop presentations, NZEV will be defined in the regulation. The regulation defines NZEV as either "an on-road plug-in hybrid electric vehicle" or "an on-road hybrid electric vehicle that has the capability to charge the battery from an off-vehicle conductive or inductive electric source and achieves all-electric range". This definition would prohibit the use of ultra-low emission natural gas engines for on-road heavy duty vehicles, such as the Cummins-Westport engines.

Our members have been purchasing ultra-low emission natural gas engine powered on-road heavy duty vehicles to comply with restrictive local air quality regulations (e.g., SCAQMD Rule 1196). These vehicles emit 90 percent fewer NOx emissions relative to current standards for heavy-duty vehicles – comparable to emissions from an equivalent all-electric heavy-duty vehicle, if the emissions associated with the electricity production are taken into account. When combined with renewable natural gas (RNG), the Cummins-Westport ISX12N engine can provide even larger GHG emissions reductions by reducing the emissions from renewable waste sources. CARB's Low Carbon Fuel Standard aims to decrease GHG emissions by incentivizing the use of low-carbon fuels. CARB assesses the lifecycle GHG emissions of various fuels, expressed as a fuel's carbon intensity (CI), and incentivizes adoption of fuels with lower CI than the standard. The CI value considers the direct emissions from the production, transportation, and use of the fuel but also includes significant indirect reductions, such as those related to uncontained emissions from organic waste as it decomposes<sup>1</sup>.

Some of our members have recently invested significant capital in co-digestion and biogas conditioning infrastructure to produce RNG, an onsite fueling station, as well as CNG vehicles – all in support of state mandates for achieving GHG emission reductions by 2030. One of our members received multiple grant incentives through state and local organizations, including:

- California State Revolving Fund Green Project Reserve
- California Energy Commission GFO-18-601 Community-Scale and Commercial-Scale Advanced Biofuels Production Facilities (under the Alternative and Renewable Fuel and Vehicle Technology Program)
- Carl Moyer Program Alternative Fuel Infrastructure Grant (Placer County Air Pollution Control District)

The CNG vehicles do not meet the ZEV or NZEV definitions as proposed or the restrictive requirements of the proposed regulation, yet they have been the target of state and local air district regulations and incentive programs. If the proposed regulation continues with the definitions as is, they and other members with similar plans, will have invested ratepayer funds for infrastructure and vehicles that do not meet requirements.

Our members are extremely concerned that CARB appears to be excluding RNG as a viable solution to our climate and ozone attainment problems in California. CASA would like to highlight that the use of RNG with ultra-low emission engines will not only reduce NOx emissions more rapidly than solely relying on electrification, but it will lower the GHG emissions to a greater extent.

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<sup>1</sup> <https://ww2.energy.ca.gov/2019publications/CEC-500-2019-002/CEC-500-2019-002.pdf>



CASA supports allowing NZEVs fueled with RNG to be purchased beyond 2035 to give essential public service providers a reliable clean fuel source for the future. Our members remain concerned that current ZEV models, including specialty and critical response vehicles necessary to meet wastewater critical infrastructure and operational needs, will not be ready within the timeline of the Proposed Rule. Wastewater specialty and critical response vehicles include, but are not limited to, hammer, vactor, pumping/vacuum maintenance/construction service trucks, stake trucks with cranes, water filtration trucks, dump trucks, vacuum trucks, mobile crane trucks, water trucks, and stake bed trucks.

The prospect of having multiple vehicles on hand (to replace one traditional vehicle) without a guarantee of meeting operational needs is a concern for members. Specialty and critical response vehicles must be able to travel long ranges that include but are not limited exclusively to the individual service territory but also to assist with regional and remote disaster efforts, and other types of emergencies. Thus, the use of RNG vehicles would allow for near-term emissions reductions while meeting demands reliably across larger regions.

***Regulatory timeline should reflect the need for flexibility in planning for necessary investments in and the potential impact of high demands on implementation of charging infrastructure.***

The addition of ZEVs to public fleets requires that the necessary charging infrastructure to “fuel” ZEVs be in place prior to converting the fleets. The high demand for infrastructure (both for the general public and for fleets) runs the risk of shortages for necessary materials and qualified labor to build the necessary charging infrastructure. Additionally, ZEVs require a reliable electrical grid that can support the additional load of fleet charging needs. Public Safety Power Shutoffs and other events may interrupt supplies and present a challenge to public agencies’ ability to maintain critical services. Reliance on backup power is an issue that has been explored in other recent and ongoing regulatory proceedings and serves as a reminder of the added challenges that come with electrification for a very diverse array of public agencies often at the behest of load serving entities who have competing priorities to prevent wildfires.

***Stranded Assets***

Our members and other waste industries have proactively purchased low-emitting clean fuel vehicles. For example, Waste Management operates the largest vocational heavy-duty fleet in North America, with more than 6,800 of its trucks operating on natural gas. Local air quality regulations<sup>2</sup>, such as SCAQMD Rule 1193 requires fleet operators to purchase alternative-fuel refuse collection heavy-duty vehicles when procuring or leasing these vehicles for governmental agencies. These existing vehicles could be fueled using RNG, which would substantially reduce GHG emissions. CARB’s proposed Advanced Clean Fleet requirements would not only forego GHG emission reductions but would negatively impact those who have attempted to reduce their GHG footprint and comply with local regulatory requirements. CARB’s proposal will, at minimum, create a significant amount of stranded assets for the waste industry. We respectfully request that those who have purchased clean fuel vehicles in good faith be allowed to continue to use these vehicles, if fueled using RNG.

***Cost considerations should be included as part of the exemption process.***

CASA requests that cost considerations for essential public services be included as part of the exemption process. This request is consistent with public comments raised during the March Workshops suggesting that costs be included as a consideration to provide managers of public fleets to have a longer time horizon for integrating clean vehicles. Public agencies have a lengthy budget planning/approval process for approving modifications of rates and/or fees. Since zero emission technologies are still evolving, and organizations cannot with all certainty determine what technology mix will fit their operations best at this time, it is

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<sup>2</sup> <https://www.act-news.com/news/rng-waste-californias-next-gold-rush/>

challenging to budget for purchases and operations. This is a unique challenge to public service providers and we recommend that CARB provide regulatory flexibility to align with rate and/or fee approval processes.

With high capital costs of procuring clean vehicles being passed on to water/wastewater customers, public agencies will have to balance those costs with other critical investments due to climate-related changes in hydrology, as well as needs associated with population growth and aging infrastructure. Additionally, the COVID-19 pandemic has resulted in significant financial impacts on California's water systems. CARB needs to consider the associated costs of the Proposed Rulemaking in light of COVID-19 impacts to budgets and the funding gap that already existed due to aging infrastructure, to provide the needed flexibility to essential public services with respect to cost and implementation timeline.

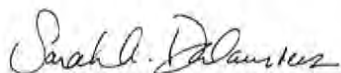
***Develop a pathway for early action credits that provide public fleets additional flexibility to manage the overall purchases of ZEVs.***

We ask that CARB consider including a provision in the Proposed Rulemaking that recognizes fleets taking early action by purchasing an increased percentage of ZEVs ahead of compliance requirements. Such an approach has been taken in the existing CARB Truck and Bus Regulation (Title 13 CCR § 2025 (j)). For example, if an agency purchased 70 percent of its total fleet with 2024-2026 model year vehicles (i.e., during the first phase of requirements), which is 20 percent more than the required 50 percent purchase, then that additional (early) 20 percent purchase could be used to reduce or delay the requirement to purchase 100 ZEVs by 2027 (e.g., only 80% of fleet would need to be replaced with newer model years by 2027). An additional consideration could be providing early action credit for public fleets that can downsize (i.e., eliminate a diesel vehicle without replacement), if that is possible.

Such early action credit can provide public fleets with increased flexibility to manage their longer-term purchases, as well as allow additional time for the vehicle technologies to mature and demonstrate their ability to provide for public fleet operational needs.

We greatly appreciate the opportunity to comment on the Proposed Advanced Clean Fleets Rulemaking, and further appreciate your willingness to consider our recommendations. Please contact me at [sdeslauriers@carollo.com](mailto:sdeslauriers@carollo.com) if you have any questions.

Sincerely,



Sarah A. Deslauriers, P.E., ENV SP  
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April 2, 2021

Submitted electronically at: [https://www.arb.ca.gov/lispub/comm2/bcsubform.php?listname=acf-comments-ws&comm\\_period=1](https://www.arb.ca.gov/lispub/comm2/bcsubform.php?listname=acf-comments-ws&comm_period=1)

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**RE: Coalition Comments on the March 2<sup>nd</sup> and 4<sup>th</sup>, 2021 Advanced Clean Fleets Workshops**

The signatories to this letter appreciate the opportunity to comment on the higher-level concepts presented at the March Advanced Clean Fleets (ACF) Workshops<sup>1</sup>. The undersigned Coalition of entities have a common purpose to provide electricity, gas, water and wastewater, as well as, other services to the millions of Californians who rely on these services daily (for the purpose of this letter, each entity type is included when the term 'utility' is used). The customers who rely on these services have an expectation that the lights and stoves will turn on and taps will work 24/7, and that specialty services performed will not be impacted by fleet issues. When an emergency hits California (or elsewhere), it is imperative these services resume as soon as possible. It is in that spirit that these comments are submitted.

The Coalition previously submitted comments on November 10, 2020<sup>2</sup>. Coalition member SCPPA submitted similar Specialty Vehicle comments of concern back in March of 2020 during the adoption of the Advanced Clean Truck rule<sup>3</sup>. Without restating those concerns verbatim, the Coalition incorporates both those sets of comments by reference as well.

<sup>1</sup> <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-fleets/advanced-clean-fleets-meetings-events>

<sup>2</sup> <https://www.arb.ca.gov/lists/com-attach/2-acf-comments-ws-AWJcNIUxAzFSOgZZ.pdf>

<sup>3</sup> Letter available on request. Not posted as there was not an informal comment log developed for the ACT rule.

We acknowledge that the presentations (Staff Presentation<sup>4</sup> and Preliminary Inventory Analysis<sup>5</sup>) presented more refined regulatory concepts and some preliminary technical work, but they still lacked sufficient detail to provide detailed regulatory-level comments, therefore the Coalition has prepared these comments to both respond to what was presented and to provide additional specificity to the proposals. The Coalition's concerns are presented in detail below.

The Coalition appreciates staff's efforts to better understand the need to accommodate the utilities unique operational challenges as entities transition to zero-emission truck fleets. This is not a question of supporting electrification where it can meet operational needs, but as acknowledged by staff at the workshops, electrification may not be suitable for *all* categories of vehicles, including specialized utility vehicles who can be expected to be called on for emergency response and whose duty cycles go beyond standard working 'shifts'. The Coalition also appreciates that CARB staff specifically noted that "Specialty Vehicles" as a class of vehicles where more thought is needed. The Coalition looks forward to working with staff on this important class of critical service vehicles.

### **Regulatory Adoption Process**

Our initial comment concerns the fast-track timing that this rulemaking is attempting to be adopted within. The Coalition believes that such a major (fundamentally changing the working fleets in the 5<sup>th</sup> largest economy in the world) and far-reaching (impacting class 2b-8 vehicles for the next two plus decades) regulation deserves to be fully vetted with stakeholders PRIOR to its formal rule adoption posting for 45-day comment period. Though stakeholders may not agree with all aspects of the proposed regulation when it is presented to the Board, stakeholders should understand the proposed requirements well in advance of its official release. This understanding requires that draft regulations, including definitions, standards, and reporting/recordkeeping requirement be released to stakeholders during the informal workshop process with enough time to vet their implications with decision makers and fleet managers. It is fundamentally unfair if stakeholders' first view of the complete regulation is during formal comment period. Additionally, the Coalition requests a 60-day official notice (rather than 45 days) due to the current working situations and the breadth of the rulemaking.

The Coalition also requests that all documents related to this rulemaking be noticed on the ACF listserv, including documents whose primary residency isn't normally on CARB's website—Standard Regulatory Impact Assessment (SRIA), environmental analysis, CEQA equivalent documents, and any additional studies and support materials.

It is more important to get this regulation correct, than to rush its adoption. The durability of the regulation is critical to its success.

### **Definitions**

The Coalition offers the following definition for "Specialty Fleet Vehicles" to be used in the ACF regulation:

- "Vehicles owned or operated by an entity or government agency that provide services with complex specifications beyond basic pickup and delivery functions, including but not limited to booms for aerial/overhead work, PTO equipment, augers, backhoes, cranes, water filtration, vacuum equipment, fumigation sprayers, support vehicles and vehicles designated to deliver otherwise defined Specialty Fleet Vehicles."

### **Specialty Vehicles Uses**

The Coalition remains concerned that specialty vehicles required to service essential public services will not be met within the Proposed Rule timeline. As noted in previous comment letters, and by stakeholders more broadly during the March 2 and 4 workshops, this concern for maintaining critical operations is multi-faceted. Key elements of concern relate to the availability of vehicles that satisfy fleet needs, the need for adequate planning for the supporting charging infrastructure, and high capital costs not yet supported by rates. Our broad base of members require fleet vehicles that provide essential public services, emergency services, and mutual aid supporting electricity, public works, water and wastewater, and specialty services across and beyond California.

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<sup>4</sup> [https://ww2.arb.ca.gov/sites/default/files/2021-02/210302acfpres\\_ADA.pdf](https://ww2.arb.ca.gov/sites/default/files/2021-02/210302acfpres_ADA.pdf)

<sup>5</sup> [https://ww2.arb.ca.gov/sites/default/files/2021-03/210302emissions\\_ADA.pdf](https://ww2.arb.ca.gov/sites/default/files/2021-03/210302emissions_ADA.pdf)



We rely on a diverse fleet of vehicles to maintain critical public infrastructure supporting the electric grid, water supply, wastewater systems and other systems. When needed, fleets are dispatched to repair vital infrastructure, in some cases, to areas far removed from their home service territory. The Coalition's fleet vehicles are called upon during emergencies related to regional natural disasters (including impacts of wildfires, earthquakes, mudslides, etc.) for repair and recovery efforts, as well as mutual aid requests.

The addition of ZEVs to these fleets will require that the necessary charging infrastructure to power ZEVs be in place prior to converting the fleets. Charging infrastructure offers a unique challenge because public agencies must plan for having adequate charging stations to charge the fleet, but may sometimes find a need to charge more vehicles than there are connections available. This includes specialty equipment specifications for vehicles with additional power needs, varying charging schedules, and limited availability. The prospect of having multiple vehicles on hand (to replace one existing vehicle) without a guarantee of meeting operational needs is a lingering concern for members. Additionally, ZEVs tie the ability to charge fleets to grid reliability. Grid reliability hinges on the grid being able to handle the additional load of fleet charging needs, and also operating with the risk that the attached load serving entity may enact a public safety power shutoff which infringes upon the public agency being able to maintain its critical services.

### **Ratepayer Funding Models**

Many entities represented in this Coalition, provide public services (water, electricity, gas, sanitation, etc.) that typically generate funds to purchase, operate, and maintain vehicles from rates and/or fees. While others don't have revenue generating authority. The missions of these organizations are often to provide these essential services at the lowest cost possible to customers/citizens. As such, these entities typically have a lengthy, public process to approve modifications of rates and/or fees and do not have nimble budget flexibility. Zero emission technologies are still evolving, and organizations cannot with all certainty determine what technology mix will fit their operations best at this time. Without knowing what technology mix (battery electric or Hydrogen) will be used, it is extremely difficult to budget for purchases and operations, which in turn, impacts the rate and/or fee approval process. This is a unique challenge to service providers and we recommend that CARB provide regulatory flexibility to align with rate and/or fee approval processes.

### **Exemption Process**

The Coalition encourages and supports the development of a fair, well-established exemption process to enable adoption of clean vehicles where it is feasible, while maintaining a pathway for vehicles that do not yet have ZEVs options available to meet fleet needs. The Coalition understands and supports the bigger policy picture of cleaner transportation and abating the worse impacts of global climate change and are working to decarbonize their fleet vehicles where operational needs can be feasibly met by available specialty vehicle options. However, the Coalition still has concerns about the proposed timeline relative to existing assets with remaining useful life and responsible use of public funds.

We believe that a practical exemption process is key to the success of a durable ACF regulation to govern the transition to ZEVs over the coming decades. *In essence, the exemption process and its underpinning analyses will be the basis for determining the technical feasibility, or infeasibility, of the proposed regulation at any given time during this transition.* Such determinations should be made prior to rule adoption.

We encourage CARB to develop a stakeholder-informed exemption process that takes into consideration the challenges fleets will face as they work to carry out core functions of critical services. To reiterate, our members request consideration for specialty vehicle availability, cost of adoption, charging infrastructure and grid accessibility and reliability, the ability to maintain core services and provide mutual aid during and following natural disasters.

The Coalition offers the following recommendations:

- **Timing of Exemption:** The Coalition encourages CARB to employ a quick turnaround (~14 days) to enable fleet managers to know if their exemption request has been received, reviewed, and a decision has been made. Turnaround time is essential for fleet managers to ensure that they are able to proceed with purchasing vehicles that meet their needs, and avoiding stop gaps when retiring older fleet vehicles that are past useful life. Additionally, exemptions should be granted with sufficient time to allow for extended procurement processes and allowable up to

twelve months prior to the purchase. That lead time would allow for multiple bid processes, if exemption approved; planning time for any required infrastructure; and extended build times, particularly for specialty vehicles.

- Process of Approval: The Coalition encourages CARB to provide clear regulatory language and, if necessary, subsequent guidance for navigating the exemption process contained in an adopted ACF regulation. This process should include, at a minimum the following:
  - Guidance for exemption filing and necessary forms
  - Contact information for CARB staff reviewing request
  - Checklist requirements for successfully receiving an exemption
  - Receipt of exemption acceptance and transparency on the status of any exemption request
  
- Rationale for Approval: The Coalition encourages that CARB enable broad and varied pathways for receiving an exemption to the ACF regulation. Fleets come in all varieties, and have diverse sets of circumstances that must be considered when developing a rule of this magnitude and situations arise that are beyond the control of fleets. The following reasons are suggested examples of valid exemption requests:
  - 1:1 replacement: The Coalition strongly believes any exemption request must be viewed, and decided, with the foundational requirement that an ZEV replacement vehicle can meet the duty cycle and job performance on a one-to-one ratio and would not result in limited use or require modifications to operations. Denying an exemption request based on anything less would skew the cost assumptions and implementation planning. This "one-to-one" standard should be explicit in the regulatory text.
  - Multiple vendors: As noted on slide 31, fleets need to have more than one available vehicle option vendor at the time of purchase. This requirement is a safeguard for fleets against price gouging, and to ensure that public fleet dollars are being responsibly spent. However, it should be required bids be reasonable and comparable. For example, if an entity moves forward with a bid process and only two bids are received with one cost substantially more, it cannot be considered comparable and therefore two options are not available from a practical standpoint. This requirement should apply to similar technologies, i.e. having one battery electric and one H<sub>2</sub> vendor, should not qualify as multiple vendors.
  - Capital Cost Considerations: The Coalition encourages further exploring cost as a criterion in the exemption process. This factor is especially critical for public fleets where the higher capital cost of procuring cleaner vehicles is passed on to rate paying customers, including disadvantaged and small community members. Coalition members have maintained services for customers throughout the COVID-19 pandemic even in communities where customers have been unable to pay their fees. Adding cost prohibitive mandates, without recourse for cost considerations as essential public services continue to grapple with recovery efforts may be infeasible. For these reasons, we encourage that cost considerations be included as part of the exemption process.
  - Total Cost of Ownership: Many specialty vehicles do not drive many miles, or operate consistently (only when needed). This combination could prevent the standard total cost of ownership (TCO) assumptions of payback from penciling out for fleet owners. Such low-use, high cost specialty vehicles should be eligible for an exemption.
  - Specialty Equipment Requirements: The Coalition encourages CARB to solidify the requirement, as noted on slide 29, that available chassis must be able to meet fleet needs at the time of purchase (see additional 'upfitting' comments regarding certification, safety and other issues associated with operating vehicles on California roads—length, width, weight distribution).
  - Vehicle Manufacturer Delays: The Coalition encourages CARB to solidify the requirement that vehicle manufacturer delays must be considered during the time of purchase.
  - Pre-Testing: Rigorous testing may be needed to demonstrate ZEV performance and mileage under the specific and demanding real-world conditions in which utility fleet vehicles must operate. This is necessary to ensure the utility vehicles that fleet managers procure have a proven ability to meet operational needs

and that any operational constraints, such as mileage limitations, are well understood prior to deployment in the field.

### **Ownership Issues**

Many municipalities operate more than one "fleet" (e.g., for water, wastewater, and electric fleets) or are operated by the city as one of multiple fleets (e.g., public works, parks and recreation, code enforcement). Balancing the incremental new purchase requirement over multiple fleets would lead to significant planning challenges as each fleet may be separately managed according to its individual operational needs, management structure, physical location, budgeting process and/or duty-cycles. At the March 2<sup>nd</sup> workshop, CARB staff expressed openness to allowing municipalities to determine the appropriateness of treating their fleets separately or as a single fleet for purposes of compliance with the incremental requirement. This Coalition supports this approach.

### **Fleet Management Issues**

- **Multiple fleet locations**

There are many fleet owners who have vehicles in both areas of the state as proposed by staff—low-population counties and high-population counties. These fleets can be domiciled quite far from the main fleet facilities and require separate corporate yards, e.g. a Southern California utility with a far Northern California fleet of transmission line maintenance vehicles. Or alternatively, a Sacramento-based fleet with many fleet vehicles domiciled in the Northern counties. The Advanced Clean Trucks Large Entity Reporting effort focused on where fleets were actually at, and how they operated. The Coalition believes it would be appropriate to allow fleet operators the compliance option as to whether or not these "remote in-state fleets" should be viewed as one, or separately. This choice provides flexibility, while still meeting the intent of the proposed rule.

- **Fleet planning**

Adding new fleet vehicles can be a lengthy process, even after the purchase order (PO) has been signed. Many specialty vehicles must be custom built, with additional time to upfit the chassis, prior to delivery and then placement in service. The extended lead time complicates fleet compliance planning, as fleet managers may not know what model year vehicle they will ultimately receive at the time the purchase order is issued. To mitigate this planning uncertainty, the Coalition recommends that CARB assess Public Fleet compliance with ZEV purchase requirements based on the year the PO was issued, rather than the vehicle model year.

- **Out-of-state fleet vehicles**

Some fleets operated by a California entity may be domiciled and operate outside of California. For example, an electric utility in California may operate fleets to maintain transmission lines that are located outside the state. These fleets need to be highly mobile and travel significant distances in remote areas due to the nature of their work, and ZEV infrastructure may not be widely available.

- **Service technician acceptance**

Most fleet staff are currently trained in the maintenance of gasoline, diesel, and/or CNG vehicles. The introduction of MHD ZEVs will require the training or hiring maintenance personnel with the skills, knowledge, and abilities to maintain new vehicle technologies, including high-voltage electric systems in the case of electric vehicles, proper charging settings, and lithium battery maintenance, or alternatively hydrogen technologies. Training needs may moderate as technology becomes more familiar, but this will take time. As there is currently no dominant market technology, fleet owners will need to provide additional training on all technology types in the fleet.

- **Additional costs of having to maintain multiple drivetrains (diesel, gas, electric, H2, CNG, hybrid)**

Existing trucks and truck chassis have established supply chains and adding new technology vehicles to the fleet will require new support supply chains to be set up. Electronics, control systems, motors, chargers, and other related equipment may not be readily available or easily obtainable especially for emerging technology. To maintain these vehicles, fleet maintenance will need to establish relationships with new vendors, write new specifications, and



develop new testing and acceptance procedures for the new equipment to ensure that replacement parts are not substandard, and be trained, as discussed above. The costs associated with this will increase with each technology type that the fleet has to maintain, as there is no single dominant technology.

### **Early Action Pathway**

The coalition encourages CARB to consider a pathway for early action credits to provide fleets with flexibility options to manage the overall purchases of ZEVs. We ask that CARB consider including a provision in the proposed rules to recognize fleets that take early action to purchase an increased percentage of zero emission vehicles beyond the compliance requirements. Such an approach has been taken in the existing CARB Truck and Bus Regulation (Title 13 CCR § 2025 (j)). For example, if an agency purchased 70% of ZEV 2024-2026 model year vehicles during the first phase of requirements (this would be 20% beyond the required 50%), the 20% could be used to reduce the required 100 percent of 2027 and newer model years to be purchased (e.g., only 80% of 2027 and newer model years would be required to be ZEVs). The same early action pathway should apply to both public and private fleets.

Such early action credit can provide fleets with increased flexibility to manage their longer-term purchases and allow additional time for the vehicle technologies to mature and demonstrate feasibility for fleet operational needs. An additional consideration could be providing early action credit for public fleets that downsize (i.e., eliminate a diesel vehicle without replacement at all).

### **Upfitting Issues**

Members of the Coalition operate thousands of work trucks throughout the state. Many of these are purchased as gliders and modified by certified upfitters to meet operational needs. Modifications made to trucks are pre-designed and approved to meet all safety requirements. For example, individual axles have weight requirements to maintain vehicle structural integrity and safety. A different weight configuration due to batteries, such as backloading, could severely impact the weight distribution and therefore the capabilities of the vehicle. Exemptions and additional regulatory flexibility are needed for upfitted vehicles as those are likely to be the last types of trucks to have zero emission offering. While a glider or chassis may be available in zero emission, exemptions should be granted based on the availability of a certified upfit. Regulatory flexibility may include delayed compliance percentages without having to accelerate ZE purchases for vehicles in the same grouping for private fleets.

### **Duty Cycles vs Miles of Operation**

We are available, and encourage CARB staff to reach out, to discuss the following issues in order to best understand unique characteristics of specialty vehicle duty cycles is had. CARB should accommodate different requirements for certain utility fleet vehicles – where electrification would not be a suitable option – to ensure or restore critical utility services. These utility vehicles continually *support* essential public services such as police and fire. They also provide emergency service to restore water, gas and electric service to communities, especially those at greatest risk such as the elderly and sick, as well as, the public during and after a catastrophic natural disaster. Studies have shown that without rapid repair of critical infrastructure such as electricity and water, fires cause by earthquakes can become larger and more dangerous<sup>6</sup>.

Coalition members operate diverse fleets of vehicles, including operating specialty vehicles long distance, in remote areas, on difficult terrain, and for extended operation—sometimes all at the same time. In addition, these vehicles are needed for rapid response/emergency scenarios. Some examples of such operation include:

- Storm situations (heat, cold, wind, rain) which instigate multiple consecutive outages, where crews are working 24/7 and the trucks are also considered health and safety shelters. Such events require the vehicles to idle/travel consecutive shifts and days.

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<sup>6</sup> Planning level fire following earthquake model for the City of Los Angeles Prepared for the Los Angeles Department of Water and Power, March 2019. (available upon request) Reported on by KPCC [https://laist.com/2019/08/27/if\\_its\\_a\\_windy\\_day\\_when\\_a\\_big\\_quake\\_hits\\_la\\_could\\_burn\\_to\\_the\\_ocean.php](https://laist.com/2019/08/27/if_its_a_windy_day_when_a_big_quake_hits_la_could_burn_to_the_ocean.php)



- Snow removal in mountain areas (power and water assets). This is an example where the vehicles must keep up with rapidly changing weather patterns. Not just the plow trucks but the mechanic trucks that support the operation. Again, it is critical that these vehicles can perform multiple consecutive shift and days—for both operation and shelter.
- Regular daily use of Aerial equipment, Derricks, dump trucks, crew trucks, line trucks *need to run as long as each job lasts*, with unknown construction and repair times. Having these vehicles stopping to charge poses a safety, productivity and service reliability risk.
- Anytime when the vehicle needs to double as shelter, its power source needs to be reliable, readily available and quickly replenished. Many utility core fleet vehicles double as office space for the operator.
- Anyone who needs to respond to emergency issues and travel between the yard and the remote locations (i.e. Loon Lake in the remote Sierra) on a 24/7 duty cycle.
- Extended service duty cycles when water mains rupture is necessary to protect property from additional water damage.
- Vehicles are used to inspect, maintain and repair water infrastructure ranging from the Los Angeles Aqueduct intake in the Eastern Sierra to the Los Angeles Basin, and power infrastructure that spans five Western states (California, Nevada, Utah, Arizona, and Oregon).

It should be noted these concepts are relevant for **both** public and private utilities. The key concepts of concern are 1) matching vehicle capabilities with fleet operational needs, and 2) avoiding unintended consequences. Non-local infrastructure for electrified utility-specific emergency support and restoration vehicles may not be available, or feasible to fuel these fleets.

Vehicles that are powered by fill and go fuels such as diesel, gasoline, or natural gas are able to operate for extended periods. These units are frequently refueled in the field minimize equipment downtime, thereby reducing the amount of time a community remains without water, gas, wastewater, power, or other life-sustaining critical utility services. When these same vehicles are powered by an all-electric platform, the vehicle must be taken out of service more frequently to facilitate battery recharging. Under this scenario, these vehicles may not have the capacity to protect essential workers from the elements, or be able to perform the required (and sometimes unexpected duty cycles).

The coalition respectfully requests recognition of the critical role specialty vehicles play in keeping the lights on, stoves lit, and the water flowing throughout the California, as well as the unintended consequences that will result when there is a loss of power and coalition members are unable to fuel an all-electric fleet of specialty equipment.

## **CONCLUSION**

**We urge CARB to recognize the unique role that electrical, gas, water utility and specialty equipment play in both emergency response and essential public service.**

This recognition can come in many forms under the proposed Advanced Clean Fleets Regulation. At this time, the coalition is seeking further specific discussions with CARB to chart a feasible path forward that allows for both ZEV advancement and assurances that specialty vehicles will be ready to respond to the myriad of scenarios they are faced with on a daily and year-round basis.

Many of these vehicles can be configured with hybrid electric or Low NOx technology, *but an all-electrification requirement should not be required until feasibility can be assured*. Recognition of such a category of "Specialty Fleet Vehicles" would not be inconsistent with the goals of the regulation.

We look forward to working with staff on this important issue as the rulemaking progresses, and will be reaching out for detailed discussions.

Thank you for the time and attention to this matter.

Respectfully submitted by:

- Southern California Public Power Authority
- California Municipal Utilities Association
- Association of California Water Agencies
- Northern California Power Agency
- California Association of Sanitation Agencies
- California Special Districts Association
- Turlock Irrigation District
- Rancho California Water District
- Imperial Irrigation District
- Valley Center Municipal Water District
- Aliso Water District
- Mesa Water District
- Las Virgenes Municipal Water District
- City of Roseville
- San Francisco PUC

CC: Richard Corey  
Sydney Vergis  
Tony Brasil