



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

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

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

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

BOARD MEETING AGENDA

February 16, 2023

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, which was due to end on September 30, 2021 (Exec. Ord. N-08-21). However, the Legislature passed AB 361 which provides local agencies with the ability to meet remotely during proclaimed state emergencies under modified Brown Act requirements, similar in many ways to the rules and procedures established by the Governor's previous Executive Orders. - In light of this – the February 16, 2023, 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, but not required, to submit comments in writing to the Board Secretary (tlerch@lgsd.org) by 5:00 pm on Wednesday, February 15, 2023. In addition, Persons wishing to address the Board verbally must contact the Board Secretary, by email 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>.

REMOTE CONFERENCING ONLY

Join Zoom Meeting online at: <https://us02web.zoom.us/j/89383079979>

OR

By teleconference at: +16699009128 Meeting ID: Meeting ID: 893 8307 9979

**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:

4:00 PM

1. PUBLIC COMMENT

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

4:05 PM

2. CONSENT CALENDAR:

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

- A. Approve the Board Minutes for February 2, 2023
- B. Approve the Warrant List for February 16, 2023
- C. Approve Board Compensation for January 2023
- D. Approve Yezman attending NACWA Winter Conference Feb 13-16 in Sonoma
- E. Approve Clark attending CSDA Emergency Preparedness Summit Feb 24 Webinar
- F. Approve Resolution 2023-2299 Board Policies B-140 Board Meetings, B-170 General Manager Evaluation, 0-20 Environmental Practices and O-30 Emergencies
- G. Approve Resolution 2023-2300 Remote Meetings
- H. Approve Labor Negotiators of the District

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

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

4:15 PM

3. INFORMATION ITEMS:

STAFF/CONSULTANT REPORTS:

- 1. General Manager's Report – verbal
- 2. Board Policies B-180 Harassment Prevention – written
- 3. Collections/Maintenance/Safety Department Report – written
- 4. Operations Department Report – written
- 5. Quarterly Financial Report – written
- 6. Midyear Budget Report- written
- 7. Sewer Rate Study Parameters with Hildebrand Consulting - verbal

- 5:35 PM 4. ORDINANCE 191 TIME AND PLACE FOR REGULAR MEETINGS**
Board review and approve Ordinance 191 which amends the start time of Regular Board meetings.
- 5:45 PM 5. BOARD MEMBER REPORTS:**
- 1. CLARK
 - a. NBWA Board Committee, 2023 Operations Control Center Ad Hoc Committee, Other Reports
 - 2. FORD
 - a. NBWRA, 2023 Operations Control Center Ad Hoc Committee, 2023 McInnis Marsh Ad Hoc Committee, 2023 Fleet Management Ad Hoc Committee, Other Reports
 - 3. MURRAY
 - a. Marin LAFCO, 2023 Biosolids Ad Hoc Committee, CASA Energy Committee, Other Reports
 - 4. ROBARDS
 - a. Gallinas Watershed Council/Miller Creek, 2023 Engineering Ad Hoc Committee re: STPURWE, 2023 McInnis Marsh Ad Hoc Committee, Other Reports
 - 5. YEZMAN
 - a. Flood Zone 7, CSRMA, 2023 Ad Hoc Engineering Committee re: STPURWE, Marin Special Districts, 2023 Biosolids Ad Hoc Committee, Other Reports
- 6:00 PM 6. BOARD REQUESTS:**
- A. Board Meeting Attendance Requests – Verbal
 - B. Board Agenda Item Requests – Verbal
- 6:05 PM 7. VARIOUS INDUSTRY RELATED ARTICLES**
- CLOSED SESSION:**
- 6:10 PM 8. CONFERENCE WITH LABOR NEGOTIATOR – Agency designated representative : Gregory Ramirez, IEDA; Employee organization : IUOE Local 3;pursuant to Government Code Section 54957.6**
- OPEN SESSION:**
- 6:30 PM 9. ADJOURNMENT**

FUTURE BOARD MEETING DATES: MARCH 2 AND MARCH 16, 2023

AGENDA APPROVED:	Megan Clark, President	Patrick Richardson, Legal Counsel
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CERTIFICATION: I, Teresa Lerch, Board Secretary of the Las Gallinas Valley Sanitary District, hereby declare under penalty of perjury that on or before February 13, 2023 4:00 p.m., I posted the Agenda for the Board Meeting of said Board to be held by Zoom February 16, 2023, at the District Office, located at 101 Lucas Valley Road, Suite 300, San Rafael, CA.

DATED: February 13, 2023



Teresa L. Lerch
Board Secretary

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

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

AGENDA ITEM 1

2/16/2023

PUBLIC COMMENT

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

MEETING MINUTES OF FEBRUARY 2, 2023

THE BOARD OF DIRECTORS AND STAFF OF THE LAS GALLINAS VALLEY SANITARY DISTRICT MET IN OPEN SESSION BY ZOOM CONFERENCE ON FEBRUARY 2, 2023 AT 4:00 PM BY ZOOM CONFERENCE AT THE DISTRICT OFFICE, 101 LUCAS VALLEY ROAD, SUITE 300 CONFERENCE ROOM, SAN RAFAEL, CA. 94903

BOARD MEMBERS PRESENT: Megan Clark, Ron Ford, Craig Murray (arrived at 4:32 pm), Gary Robards, Crystal Yezman (arrived at 4:29 pm)

BOARD MEMBERS ABSENT: None

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

OTHERS PRESENT: Patrick Richardson, District Counsel; Brent Ives, BHI Consulting;

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

1. PUBLIC COMMENT: None.

2. 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 January 12 and 19, 2023
- B. Approve the Warrant List for February 2, 2023
- C. Approve Murray attending NACWA Winter Conference Feb 13-16 in Sonoma
- D. Approve Call for Bids – TWAS Enclosure/Sludge Basin and Reception Pad Project
- E. Approve Surplus UV Equipment Disposal
- F. Approve ArcSine Contract Amendment 3 for Additional SCADA Construction Support for the STPURWE Project
- G. Approve Spare Pump for John Duckett Station.
- H. Approve Resolution 2023-2298 Board Policy B-160 Legal Counsel

ACTION:

Board approved (M/S Ford/Robards (3-0-2-0) the Consent Calendar items A through H.

AYES: Clark, Ford and Robards

NOES: None.

ABSENT: Murray and Yezman.

ABSTAIN: None.

3. INFORMATION ITEMS:

STAFF / CONSULTANT REPORTS:

- 1. General Manager's Report – Paxton reported.
- 2. Board Meeting Location Update – this item moved to later in the meeting after Directors Murray and Yezman arrive.
- 3. Annual Budget Development Timeline for 2023/24 – McDonald reported.

4. Board Policies B-170 General Manager Evaluation, 0-20 Environmental Practices and O-30 Emergencies – All draft policies approved.
5. Administration Department Report –McDonald reported.
6. Engineering Department Report – Cortez reported.
7. 2021-22 Annual Comprehensive Financial Report – McDonald reported.

5. TOPICS FOR THE SPRING 2023 NEWSLETTER

Board discussed several topics for the Spring 2023 Newsletter including the need for an Operations Control Center (OCC) building, Future of EV at the Plant, Bay Trail , Weathering the Storm, Robards interview, Grand opening of the STPURWE project and the upcoming Sewer Rate Study.

6. ADOPT STRATEGIC PLAN

Board reviewed the Strategic Plan document with staff and Brent Ives of BHI Consulting.

Board made several suggestions which will be incorporated into the final plan and brought back to the Board for review.

7. BOARD MEMBER REPORTS

1. CLARK

- a. NBWA Board Committee – no report
- b. 2023 Operations Control Center Ad Hoc Committee – no report
- c. Other Reports–HR Bootcamp – verbal report

2. FORD

- a. NBWRA – no report
- b. 2023 Operations Control Center Ad Hoc Committee – no report
- c. 2023 McInnis Marsh Ad Hoc Committee – no report
- d. 2023 Fleet Management Ad Hoc Committee – no report
- e. Other Reports – Solar Rights Alliance meeting – verbal report

3. MURRAY

- a. Marin LAFCO – no report
- b. CASA Energy Committee –written report
- c. 2023 Biosolids Ad Hoc Committee – no report
- d. Other Reports – CASA Winter Conference – verbal report

4. ROBARDS

- a. Gallinas Watershed Council/Miller Creek – verbal report
- b. 2023 Engineering Ad Hoc Committee re: STPURWE – no report
- c. 2023 McInnis Marsh Ad Hoc Committee – no report
- d. Other Reports - none

5. YEZMAN

- a. Flood Zone 7– no report
- b. CSRMA – no report
- c. Marin Special District Association – no report
- d. 2023 STPURWE Engineering Ad Hoc Committee– no report.
- e. 2023 Biosolids Ad Hoc Committee – no report
- f. Other Reports– Santa Venetia Neighborhood Association meeting – verbal report

Yezman requested that Marin County Supervisor Mary Sackett be invited to a future Board meeting.

8. INFORMATION ITEMS:

STAFF / CONSULTANT REPORTS:

2. Board Meeting Location Update – Lerch reported. Discussion ensued. Board unanimously picked 101 Lucas Valley Road Boardroom to conduct in person Board meetings starting March 2, 2023. Meetings will start at 4:30 pm.

BOARD REQUESTS:

- A. Board Meeting Attendance Requests Yezman requested to attend the NACWA conference in Sonoma February 13-16, 2023.
- B. Board Agenda Item Requests – none.

9. MISCELLANEOUS DISTRICT CORRESPONDENCE:

Discussion ensued.

10. ADJOURNMENT:

ACTION:

Board approved (M/S Murray/Ford 5-0-0-0) the adjournment of the meeting at 6:00 PM

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

NOES: None.

ABSENT: None

ABSTAIN: None.

The next Board Meeting is scheduled for February 16, 2023 4 PM by Zoom Meeting at the District Office.

ATTEST:

Teresa Lerch, Board Secretary

APPROVED:

Craig K. Murray, Vice-President

Agenda Item 28
 Date February 16, 2023

Las Gallinas Valley Sanitation District
 Warrant List 2/16/2023 DRAFT

	Date	Num	Vendor	Original Amount	Addition and Adjustment	Total Amount	Description for items
1	2/16/2023	EFT1	ADP Payroll	154,435.93		154,435.93	2/10/2023 Payroll & Processing Charges
2	2/16/2023	ACH	A and P Moving	96.80		96.80	Document Storage - February
3	2/16/2023	ACH	Amerine Systems	85,500.00		85,500.00	Center Pivot #1 Replacement
4	2/16/2023	N/A	Aramark Uniform Service	541.59		541.59	Laundry Service w/e 1/30 & 2/6
5	2/16/2023	N/A	Aries Industries	729.24		729.24	Tire Assembly- Collection Truck
6	2/16/2023	N/A	Bay Area Background Checks	63.00		63.00	Pre-Employment Background Check
7	2/16/2023	ACH	Bellecci & Associates	1,680.00		1,680.00	Sewer Inspections
8	2/16/2023	ACH	Byers Law	5,775.00		5,775.00	Legal Services- Jan
9	2/16/2023	ACH	Cal-Steam	1,710.88		1,710.88	Misc. Supplies
10	2/16/2023	EFT	CalPERS 457 Plan	8,156.84		8,156.84	EE's Contribution to Deferred Comp. Paydate 2/10
11	2/16/2023	EFT	CalPERS Retirement	26,032.45		26,032.45	EE & ER Payment to Retirement- Paydate 2/10
12	2/16/2023	N/A	Centricity GIS	3,562.50		3,562.50	Asset Management Services Dec22 - Jan23
13	2/16/2023	ACH	Contractor Compliance & Monitoring	4,462.75		4,462.75	Labor Compliance- Jan
14	2/16/2023	N/A	CPM Construction	1,750.00		1,750.00	STPURWE- Scheduling & Estimating Services
15	2/16/2023	ACH	CPS HR	1,156.25		1,156.25	HR Consulting Services
16	2/16/2023	ACH	Data Instincts	1,235.00		1,235.00	Provide Public Awareness & Information
17	2/16/2023	EFT	Direct Dental	832.30		832.30	Dental Payments
18	2/16/2023	ACH	Du-All Safety	4,728.00		4,728.00	Safety and Training for LGVSD- Jan
19	2/16/2023	ACH	Edelstein, Daniel	1,996.50		1,996.50	RWQCB Survey & Reports to Lab
20	2/16/2023	N/A	Environmental Science Associates	20,250.24		20,250.24	Flood Protection Plan for Biosolids
21	2/16/2023	N/A	FedEx	71.94		71.94	Misc. Mailings
22	2/16/2023	ACH	Ford, Ron	200.00		200.00	Health Reimbursement
23	2/16/2023	N/A	Frank Olsen Company	2,157.63		2,157.63	Expansion Joint
24	2/16/2023	ACH	Gardeners Guild	1,238.00		1,238.00	Landscape Maintenance - Feb
25	2/16/2023	N/A	Grainger	342.61		342.61	Misc. Supplies
26	2/16/2023	N/A	Graphicsmith	96.20		96.20	Internet Site Design
27	2/16/2023	ACH	Hanford ARC	3,770.00		3,770.00	Lower Miller Creek Revegetation Maintenance
28	2/16/2023	N/A	Hansel Auto Group	108.13		108.13	Tire Rotation & Brake Check on District Vehicle
29	2/16/2023	ACH	Harrington Process Solutions	567.50		567.50	Check Valve

Las Gallinas Valley Sanitation District Warrant List 2/16/2023 DRAFT							
	Date	Num	Vendor	Original Amount	Addition and Adjustment	Total Amount	Description for items
30	2/16/2023	N/A	Hazen and Sawyer	23,980.00		23,980.00	Digester Room MCC Upgrades, Collection System Hydraulic Model Development, On-Call Engineering Services
31	2/16/2023	N/A	Hildebrand Consulting	5,290.00		5,290.00	2023 District Sewer Rate Study
32	2/16/2023	N/A	Jackson's Hardware	144.08		144.08	Misc. Supplies
33	2/16/2023	ACH	Kennedy Jenks	59,358.77		59,358.77	STPURWE- Construction Management & Inspection Services
34	2/16/2023	ACH	Kennedy Jenks	3,549.00		3,549.00	Integrated Wastewater Master Plan
35	2/16/2023	ACH	Kenwood Energy	3,386.25		3,386.25	Solar PV System Upgrade Assistance
36	2/16/2023	N/A	Liebert Cassidy Whitmore	3,115.00		3,115.00	Annual Membership w/ Premium Library Subscription
37	2/16/2023	N/A	Marin Ace	327.67		327.67	Misc. Supplies
38	2/16/2023	N/A	McMaster -Carr	1,439.95		1,439.95	Misc. Supplies
39	2/16/2023	ACH	Murray, Craig	125.00		125.00	Health Reimbursement
40	2/16/2023	N/A	Oberkamper & Associates	2,944.00		2,944.00	Biowheel Alignment Marker Project
41	2/16/2023	N/A	Operating Engineers	658.98		658.98	Union Dues 2/10 Paydate
42	2/16/2023	ACH	Paxton, Curtis	144.00		144.00	CASA Winter Conference Reimbursement
43	2/16/2023	N/A	Platt Electric Supply	195.57		195.57	Misc. Supplies
44	2/16/2023	N/A	Rathlin Properties	9,319.00		9,319.00	Rent for March - 101 Lucas Valley
45	2/16/2023	ACH	Retiree Augusto	148.68		148.68	Retiree Health -Mar
46	2/16/2023	ACH	Retiree Burgess	132.25		132.25	Retiree Health -Mar
47	2/16/2023	ACH	Retiree Cummins	132.25		132.25	Retiree Health -Mar
48	2/16/2023	ACH	Retiree Cutri	448.36		448.36	Retiree Health -Mar
49	2/16/2023	ACH	Retiree Emanuel	269.02		269.02	Retiree Health -Mar
50	2/16/2023	ACH	Retiree Gately	269.02		269.02	Retiree Health -Mar
51	2/16/2023	ACH	Retiree Guion	269.02		269.02	Retiree Health -Mar
52	2/16/2023	ACH	Retiree Kermoian	132.25		132.25	Retiree Health -Mar
53	2/16/2023	ACH	Retiree Mandler	132.25		132.25	Retiree Health -Mar
54	2/16/2023	ACH	Retiree McGuire	698.50		698.50	Retiree Health -Mar
55	2/16/2023	ACH	Retiree Memmott	185.29		185.29	Retiree Health -Mar
56	2/16/2023	ACH	Retiree Petrie	148.68		148.68	Retiree Health -Mar
57	2/16/2023	ACH	Retiree Pettey	132.25		132.25	Retiree Health -Mar

Las Gallinas Valley Sanitation District Warrant List 2/16/2023 DRAFT							
	Date	Num	Vendor	Original Amount	Addition and Adjustment	Total Amount	Description for items
58	2/16/2023	ACH	Retiree Reetz	415.50		415.50	Retiree Health -Mar
59	2/16/2023	ACH	Retiree Reilly	132.25		132.25	Retiree Health -Mar
60	2/16/2023	ACH	Retiree Vine	132.25		132.25	Retiree Health -Mar
61	2/16/2023	ACH	Retiree Wettstein	732.00		732.00	Retiree Health -Mar
62	2/16/2023	ACH	Retiree Williams	732.00		732.00	Retiree Health -Mar
63	2/16/2023	ACH	Robards, Gary	200.00		200.00	Health Reimbursement
64	2/16/2023	ACH	Satcom Global	170.06		170.06	Monthly Satelite Phone Service
65	2/16/2023	ACH	Tapia, Roy	300.00		300.00	Boot Allowance (new hire)
66	2/16/2023	N/A	Towne Communications	176.60		176.60	Quarterly Charge for Warranty Agreement on Phone System
67	2/16/2023	ACH	Univar	14,099.05		14,099.05	Sodium Hypochlorite & Bisulfite
68	2/16/2023	N/A	Van Bebber Bros.	1,418.07		1,418.07	Steel Plate & Tubing- Weir Box Constuction
69	2/16/2023	N/A	Verizon Wireless	2,311.11		2,311.11	Cell Phone Service- 12/27 - 1/26
70	2/16/2023	N/A	West Yost	1,517.25		1,517.25	Consequence-Driven Cyber-Informed Training
71	2/16/2023	EFT	WEX Health	50.00		50.00	FSA Monthly Administration
72	2/16/2023	N/A	Woodland Center Auto Supply	330.14		330.14	Misc. Fleet Parts
73	2/16/2023	ACH	Yezman, Crystal	200.00		200.00	Health Reimbursement
74	2/16/2023	N/A	Zenon Environmental Corporation	93.46		93.46	O Rings for Pump

Do not change any formulas below this line.

TOTAL \$ 473,332.11 \$ - \$ 473,332.11

EFT1	EFT1 = Payroll (Amount Required)	154,435.93	154,435.93	Approval:
EFT2	EFT2 = Bank of Marin loan payments	0.00	0.00	Finance
PC	Petty Cash Checking	0.00	0.00	
>1	Checks (Operating Account)	0.00	0.00	GM
N/A	Checks - Not issued	82,933.96	82,933.96	
EFT	EFT = Vendor initiated "pulls" from LGVSD	35,071.59	35,071.59	Board
ACH	ACH = LGVSD initiated "push" to Vendor	200,890.63	200,890.63	
	Total	<u>\$ 473,332.11</u>	<u>\$ 473,332.11</u>	

Difference: \$ -

STPURWE Costs 61,108.77

Agenda Item 2c
Date February 16, 2023

Directors' Meeting Attendance Recap

<u>Name</u>	<u>Total Meetings</u>
Megan Clark	5
Ron Ford	3
Craig Murray	6
Gary Roberts	1
Crystal Yezman	<u>3</u>
Total	<u><u>18</u></u>

Meeting Date: 2/26/2023
Paydate: 2/24/2023



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

Office: 415.472.1734 Fax: 415.499.7715

BOARD MEMBER ATTENDANCE FORM

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

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

REGULAR and SPECIAL MEETINGS		CHARGING DISTRICT	
Date	Description of meeting	Yes	No
1-5-23	Regular	X	
1-12-23	Special – Interview for Board Director	X	
1-19-23	Regular	X	
TOTAL		3	

OTHER MEETINGS		CHARGING DISTRICT	
Date	Description of meeting	Yes	No
1-25-23	HR – Boot Camp	X	
1-26-23	HR – Boot Camp	X	
TOTAL		2	

Total Meetings for which I am Requesting Payment: Max of six (6) per Health & Safety Code §4733	5
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I hereby certify that the meetings as set forth above are true and correct and are for the purpose of conducting official business for the Las Gallinas Valley Sanitary District.

Megan Clark
Director Signature

2-9-23
Date



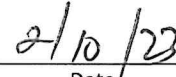
101 Lucas Valley Road, Suite 300, San Rafael, CA 94903

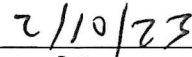
Office: 415.472.1734 Fax: 415.499.7715

BOARD MEMBER ATTENDANCE FORM


Administrative Services Manager Approved


Board Secretary Received


Date


Date



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

Office: 415.472.1734 Fax: 415.499.7715

BOARD MEMBER ATTENDANCE FORM

Director's Name: Ronald Ford Month: January 2023

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

REGULAR and SPECIAL MEETINGS		CHARGING DISTRICT	
Date	Description of meeting	Yes	No
01/05	Reg. Board	X	
01/19	Reg. Board	X	
01/12	Special Board Meeting	X	
TOTAL		3	

OTHER MEETINGS		CHARGING DISTRICT	
Date	Description of meeting	Yes	No
01/26	Solar Rights Webinar		X
TOTAL		1	

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

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

Ron Ford
Director Signature

Administrative Services Manager Approved

Board Secretary Received

01/31/2023
Date

2/10/23
Date

2/9/23
Date



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

Office: 415.472.1734 Fax: 415.499.7715

BOARD MEMBER ATTENDANCE FORM

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

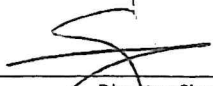
Board Members shall be compensated for up to the legal limit of six (6) meeting per month and one (1) per day. Board members are limited to four (4) conferences or seminars per year. For multi-day conferences, compensation shall be at a maximum of one (1) meeting per day.

REGULAR and SPECIAL MEETINGS		CHARGING DISTRICT	
Date	Description of meeting	Yes	No
1/5/23	Board Meeting	X	
1/12/23	Special Meeting – Board Director Interviews	X	
1/19/23	Board Meeting	X	
TOTAL		3/3	


OTHER MEETINGS		CHARGING DISTRICT	
Date	Description of meeting	Yes	No
1/8,22, 29/23	Merrydale Road/Las Gallinas Creek Headwater Litter Removal c/o City of San Rafael: 1/8 1.0 hr; 1/22 1.5 hr ; 1/29 2.5 hrs.		XXX
1/18/23	CASA Air Quality, Climate Change & Energy (ACE) Workgroup Meeting	X	
1/24/23	Travel Day – CASA Conference Palm Springs	X	
1/25/23	International Right of Way Association, SF Bay Area Chapter Meeting, Legal Update.		X
1/25-27/22	CASA 2023 Winter Conference	XXX	
TOTAL		5/9	

Total Meetings for which I am Requesting Payment: Max of six (6) per Health & Safety Code §4733	8/12
--	-------------


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



 Administrative Services Manager Approved



 Board Secretary Received

6 maximum
 February 1, 2023 ✓

 Date

2/10/23

 Date

2/10/23

 Date



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

Office: 415.472.1734 Fax: 415.499.7715

BOARD MEMBER ATTENDANCE FORM

Director's Name: GARY ROARDS Month: Jan 2023

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

REGULAR and SPECIAL MEETINGS		CHARGING DISTRICT	
Date	Description of meeting	Yes	No
1/19/23	Board Meeting	X	
TOTAL			

OTHER MEETINGS		CHARGING DISTRICT	
Date	Description of meeting	Yes	No
TOTAL		1	

Total Meetings for which I am Requesting Payment: Max of six (6) per Health & Safety Code §4733	1
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I hereby certify that the meetings as set forth above are true and correct and are for the purpose of conducting official business for the Las Gallinas Valley Sanitary District.

<u>[Signature]</u> Director Signature	<u>2-1-2023</u> Date
<u>[Signature]</u> Administrative Services Manager Approved	<u>2-1-2023</u> Date
<u>[Signature]</u> Board Secretary Received	<u>2-1-22</u> Date



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

BOARD MEMBER ATTENDANCE FORM

Director's Name: Yezman Month: JAN 2023

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

REGULAR and SPECIAL MEETINGS		CHARGING DISTRICT	
Date	Description of meeting	Yes	No
01/05/2023	Regular Board Mtg	X	
01/19/2023	Regular Board Mtg	X	
TOTAL		2	

OTHER MEETINGS		CHARGING DISTRICT	
Date	Description of meeting	Yes	No
01/12/2023	Board Special Meeting	X	
TOTAL		1	

Total Meetings for which I am Requesting Payment: Max of six (6) per Health & Safety Code §4733	3
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I hereby certify that the meetings as set forth above are true and correct and are for the purpose of conducting official business for the Las Gallinas Valley Sanitary District.

Director Signature

02/07/2023
 Date

Administrative Services Manager Approved

2/10/23
 Date

Board Secretary Received

2/9/23
 Date

AGENDA ITEM 2 D
DATE Monday, Feb 16, 2023



BOARD MEMBER CONFERENCE/ MEETING/WEBINAR ATTENDANCE REQUEST

Date: 02/01/2023 Name: Crystal Yezman

I would like to attend the Winter Conference Meeting of
NACWA

To be held on the 13 day of Feb from 5 p.m. to
16 day of Feb from 5 p.m.

Location of meeting: Sonoma, CA

Actual meeting date(s): attending 13-15th

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

Purpose of
Meeting: Education/Networking

Meeting relevance to District: Wastewater Association –
PFAS/Workforce/Regs

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

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

Frequency of Meeting: 1x

Estimated Costs of Travel (if applicable): \$2,000

Date submitted to Board Secretary: 02/01/2023

Board approval obtained on Date: _____

AGENDA ITEM 2E
DATE February 16, 2022



BOARD MEMBER CONFERENCE/ MEETING/WEBINAR ATTENDANCE REQUEST

Date: 2/9/23 Name: MEGAN CLARK

I would like to attend the CSDA-EMERGENCY/PREPAREDNESS SUMMIT Meeting
of CSDA

To be held on the 24th day of February from 9:00 a.m. / p.m. to
24th day of FEB. from 1:00 a.m. / p.m.

Location of meeting: VIRTUAL

Actual meeting date(s): FEB. 24, 2023

Meeting Type: (In person/Webinar/Conference)

Purpose of Meeting: INFO.

Meeting relevance to District: RE. EMERGENCY PREPAREDNESS

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

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

Frequency of Meeting: ONCE

Estimated Costs of Travel (if applicable): \$0

Date submitted to Board Secretary: 2/9/23

Board approval obtained on Date: _____

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

Fwd: 2023 Emergency Preparedness Summit

Megan Clark <mclark@igvrsd.org>

Thu 2/9/2023 10:59 AM

To: Megan Clark <megandclark139@hotmail.com>

Sent from my iPad

Begin forwarded message:

*Let's ask on the 16th!
- Megan*

From: Neil McCormick <neilm@csda.net>

Date: February 9, 2023 at 09:01:58 PST

To: Megan Clark <mclark@igvrsd.org>

Subject: 2023 Emergency Preparedness Summit

Reply-To: meganh@csda.net



USC Price EXED Forum

presents:

Virtual

Emergency Preparedness Summit

Sponsored by Southern California Edison
and the Special District Leadership Foundation

February 24, 2023

9:00 a.m. – 1:00 p.m.

Free for CSDA Members

[View Event Details](#)



Item Number _____ 2F _____

GM Review ___ CP _____

Agenda Summary Report

To: Board of Directors

From: Teri Lerch, Executive Assistant/Board Secretary
(415) 526-1510; tlerch@lgvsd.org

Mtg. Date: February 16, 2023

Re: Approve Resolution 2023-2299 adopting revised Board Policies B-140 (Board Meetings), B-170 (General Manager Evaluation), O-20 (Environmental Practices) and O-30 (Emergencies)

Item Type: Consent X Action _____ Information _____ Other _____.

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

STAFF RECOMMENDATION

Attached for approval is Resolution 2023-2299 updating Board Policies B-140 (Board Meetings), B-170 (General Manager Evaluation), O-20 (Environmental Practices) and O-30 (Emergencies). Board suggested changes are shown in highlight (strikeout format) and clean copies are also provided.

BACKGROUND

The Board has requested to review and update Board Policies.

PREVIOUS BOARD ACTION

On January 5, 2023 Board reviewed B-140 (Board Meetings) and requested that it be brought back for Board approval. On February 2, 2023 Board reviewed Policies B-170 (General Manager Evaluation), O-20 (Environmental Practices) and O-30 (Emergencies) with staff and requested it come back to the Board for approval.

ENVIRONMENTAL REVIEW

N/A

FISCAL IMPACT

N/A

RESOLUTION NO. 2023-2299

A RESOLUTION APPROVING BOARD POLICY REVISIONS FOR B-140 (BOARD MEETINGS), B-170 (GENERAL MANAGER EVALUATION), O-20 (ENVIRONMENTAL PRACTICES) AND O-30 (EMERGENCIES)

LAS GALLINAS VALLEY SANITARY DISTRICT

WHEREAS, the Board of Directors (“Board”) has determined that a comprehensive list of Policies and Procedures for the Board is in the best interest of the District; and

WHEREAS, the Board has compiled a comprehensive list of Policies and Procedures to serve as the rules and regulations of the Board; and

WHEREAS, the Board did adopt such comprehensive list of Policies and Procedures on July 9, 2009; and

WHEREAS, such policies may need to be updated from time to time; and

WHEREAS, on January 5 and February 2, 2023, the Board reviewed and suggested changes to Board Policies B-140 (Board Meetings), B-170 (General Manager Evaluation), O-20 (Environmental Practices) and O-30 (Emergencies); and

NOW THEREFORE, the Board of Directors of the Las Gallinas Valley Sanitary District approves the following revised policy sections: B-140 BOARD MEETINGS, B-170 GENERAL MANAGER EVALUATION, O-20 ENVIRONMENTAL PRACTICES AND O-30 EMERGENCIES. The previously approved Board Policies B-140, B-170, O-20 and O-30 are hereby revoked and declared null and void.

If any policy or portion of a policy contained within the Policies and Procedures is in conflict with rules, regulations, or legislation having authority over the Las Gallinas Valley Sanitary District, said rules, regulations or legislation shall prevail.

The Policies and Procedures shall remain in effect until amended by at least a majority vote of the Board of Directors.

* * * * *

I hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly passed and adopted by the Sanitary Board of the Las Gallinas Valley Sanitary District, Marin County, California, at a meeting thereof held on the 16th day of February 2023, by the following vote of the members thereof:

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

Teresa Lerch, Board Secretary

APPROVED:

Megan Clark, Board President

B-140 BOARD MEETINGS**Purpose**

This policy sets forth the rules for the conduct of Board meetings.

B-140-10 Regular Meetings. Regular meetings of the Board shall be held on the First and Third Thursday of each month, begin at 4:30 p.m., and held at the District Office. By at least a 3/5ths majority vote, the Board may approve a change of the date and/or time of a Regular Meeting. If less than all five members of the Board of Directors are present to vote on the proposed change of the Regular Meeting date and/or time, then the vote approving the change must be by at least three (3) members of the Board. A notice of the change of the date and/or time of the Regular Meeting shall be posted at least two (2) weeks prior to the changed Regular Meeting in a location that is freely accessible to members of the public and in the same manner as for the publishing of the Agenda for a Regular Meeting.

B-140-20 Special Meetings. A special meeting of the Board may be called as needed by the Board President or by a majority of the Board. A written notice of the special meeting, specifying the time and place of the meeting and the business to be transacted or discussed, shall be delivered at least 24 hours prior to the meeting to Board Members. Newspapers of general circulation in the District, radio stations and television stations, organizations, citizens and property owners who have requested notice of special meetings in accordance with the Ralph M. Brown Act (California Government Code §54950 through §54926) shall be notified by a mailing unless the special meeting is called less than one week in advance, in which case notice, including business to be transacted, will be given by telephone during business hours as soon after the meeting is scheduled as practicable. No other business shall be considered or discussed at these meetings. The Board may meet in closed session during a special meeting.

B-140-30 Emergency Meeting. In the case of an emergency situation requiring prompt action due to the disruption or threatened disruption of public facilities, the Board may hold an emergency meeting without complying with either the 24-hour notice requirement or the 24-hour posting requirement. "Emergency situation" means any of the following:

- (a) An emergency, defined as a work stoppage, crippling activity, or other activity that severely impairs public health, safety, or both, as determined by a majority of the members of the Board, and
- (b) A dire emergency defined as a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses peril so immediate and significant that requiring the Board to provide a one-hour notice before holding an emergency meeting may endanger the public health, safety, or both, as determined by a majority of the members of the Board.

In the event of an "Emergency situation", where prompt action is necessary due to the disruption or threatened disruption of public facilities, the Board may hold an emergency meeting without complying with the 24-hour notice posting requirements. However, each local newspaper of general circulation and radio or television station which has requested notice of special

meetings shall be notified one (1) hour prior to the emergency meeting or (2) in the case of a "dire emergency" at or near the time that the Board President notifies the other members of the Board of the emergency meeting. This notice shall be by telephone and all telephone numbers provided by each newspaper or station for notification of special meetings shall be exhausted. In the event that telephone services are not functioning, the notice requirements shall be deemed waived, and the District shall notify those newspapers, radio, or television stations of the holding of the emergency meeting, the purpose of the meeting, and any action taken at the meeting as soon after the meeting as possible.

The Board shall not meet in closed session during an emergency meeting, except pursuant to Gov.Code § 54956 (Closed sessions: personnel matters), if agreed to by a two-thirds vote of Board members present, or, if less than two-third of the Board are present, then by a unanimous vote of the Board members present. All special meeting requirements are applicable to emergency meetings, except the 24-hour notice requirement.

The minutes of emergency meetings, a list of persons the District notified or attempted to notify, a copy of the roll call vote, and any actions shall be posted for a minimum of 10 days in a public place as soon after the meeting as possible

B-140-40 Closed Sessions. Closed sessions of the Board of Director shall be held in cases where the business of the Board of Directors meets the criteria set forth the Ralph M. Brown Act (California Government Code §54950 through §54926) and only when those criteria are met (such as litigation or potential litigation or litigation settlements, labor agreements, real estate negotiations, or employment status of public employees matters). No business other than those announced on the public agenda may be discussed in the closed session.

B-140-50 Public Testimony. The Board may take public testimony at regular and special meetings of the Board on matters that are not on the agenda, but the Board shall not discuss or take action on such matters at that meeting except in the following circumstances:

- 1) An emergency situation is declared by the majority vote of the Board.
- 2) A need to take immediate action on a matter that arises after the agenda is posted is declared by a two-thirds vote of the Boards, or unanimous if less than two-thirds of the Board is present.
- 3) An item on a posted agenda for a prior meeting of the Board held not more than five (5) days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken

The General Manager shall ensure that appropriate information is available for the audience at meetings of the Board of Directors, and that physical facilities for said meetings are functional and appropriate.

B-140-60 Rules of Order. Board meetings shall be conducted by the Board President in a manner consistent with Board policies, the Ralph M. Brown Act (California Government Code §54950 through §54926) and Robert's Rules of Order as directed by District Counsel.

B-140-70 Agenda. Board meetings shall begin at the time stated on the agenda and shall be guided by the agenda. The President shall have the authority to change the order of the agenda.

B-140-80 Board Member Roles. The Board within its legal limits has unrestricted authority. The conduct of Board meetings shall allow Board Members to: (1) consider problems to be solved, weigh evidence, and make wise decisions, and (2) receive, consider, and take action on reports of District operations.

B-140-90 Quorum Required. Individual Board Members or a group of Board Members representing less than a quorum of the Board at a legal meeting of the Board shall not take any action or make any representation that results in: (1) the budgeting or expending of District funds, (2) the establishing of any procedures or making policy, or (3) the taking of any action on behalf of the Board without first obtaining the Board's approval at a legal meeting of the Board.

B-140-100 Majority Vote. Action can only be taken by a majority vote of the Board. Three (3) Board Members constitute a quorum required to conduct business. When only a quorum is present, all three votes must be unanimous to take action.

B-140-110 Abstentions. A Board member abstaining in a vote is considered as absent for that vote. Thus, an abstention when only a quorum is present prevents the Board from taking action. Similarly, two abstentions with all Board Members present on matters requiring a two-thirds vote automatically defeats the motion.

B-140-120 Rules for Speakers. The public shall be allowed to address the Board regarding agenda items and any other matter within the jurisdiction of the District. The Board President shall determine the appropriate place or places in the agenda for such public testimony and shall have the authority to set equal time limits on speakers. Speakers are requested to follow the Rules for the Conduct of Business at Meetings of the Board of Directors of the Las Gallinas Valley Sanitary District and are requested to fill out a Request to Speak Form, copies of which are attached here to as Exhibit B140-120A.

B-140-130 Maintaining Order. No person shall be allowed to disrupt the meeting. The Board President shall have the authority to bar disruptive persons from giving public testimony or to order their removal from the Board Room. Any necessary and reasonable actions may be taken by the President to maintain order and allow the meeting to continue.

B-140-140 Attendance. Board Members shall attend all meetings of the Board unless there is a good cause for absence. Board Members shall thoroughly prepare themselves to discuss

Resolution No. 2023-2299	Date Approved: February 16, 2023
President of the Board	Last Reviewed: January 5, 2023

agenda items. All materials pertaining to the Board shall be channeled through the District Manager for distribution to all Board members.

B-140-150 Action Items. Board actions shall include, but are not limited to, adoption or rejection of regulations or policies, resolutions, ordinances, contracts or expenditures, any proposal that commits District funds or facilities, matters that require or may require the District or its employees to take action and /or provide services.

B-140-160 Action by Consensus. The Board by consensus and without formal action may give directions or instructions to the General Manager. The President shall determine if a Board consensus has been reached. Should any two Board Members challenge the President's determination of consensus, a voice vote shall be taken. A formal motion may be made to place a disputed directive on a future Board agenda or to take some other action, such as referring the matter to the General Manager for review and recommendation.

B-140-170 Limits on Consensus. Informal action by consensus constitutes Board action and shall only be taken on agenda items.

B-140-180 Open-Meeting Law. Under provisions of California's Ralph M. Brown Act (California Government Code §54950 through §54926) open-meeting law, all meetings of the Board are open to the public except for closed sessions, which are held to consider personnel matters, pending litigation, labor negotiations, land acquisitions or other matters provided for by law. A majority of the board shall not discuss nor reach consensus on any matter under the jurisdiction of the District except at a legal meeting of the Board. The Board fully supports the letter and spirit of the open-meeting law and the public's right to view the public's business in open session.

B-140-190 Recording Vote. Except where action is by unanimous vote of all members present and voting, the ayes and noes shall be taken on all actions.

B-140-200 Remote or Hybrid Meetings. The Board may choose to conduct meetings remotely, via teleconference or conduct hybrid meetings involving a mixture of in-person and remote attendees, as allowed by state law.

Resolution No. 2023-2299	Date Approved: February 16, 2023
President of the Board	Last Reviewed: January 5, 2023

B-170 GENERAL MANAGER PERFORMANCE EVALUATION

Purpose

This policy establishes the methodology and schedule for evaluating the performance of the general manager.

B-170-10 The General Manager of the District is retained and serves at the will of the Board of Directors and has general authority over personnel matters and authority to administer the District. The Board of Directors shall review the performance of the General Manager after the initial six months of service after appointment and then annually thereafter, using a process that provides for discussion and encourages feedback in the development of goals and the performance evaluation.

B-170-20 The performance evaluations should occur in closed session annually during the first Board of Directors meeting of the month in which the evaluation is due, or on another date mutually acceptable to the Board of Directors and the General Manager. The Board secretary shall maintain a notification system that tracks the date when the evaluation is due to ensure the Board agenda is properly noticed and to provide adequate advance notice to the Board and the General Manager.

B-170-30 Annually, the Board of Directors will agree upon an evaluation methodology to be employed. Many types and forms of evaluation are available to the Board, some more intricate than others. In some cases, an organizational consultant will be used to assist the Board through the process. Board of Directors shall be encouraged to prepare input on the form prior to the Board of Directors meeting.

B-170-40 At a minimum, during a scheduled closed session(s), the Board should meet as a group with the General Manager to verbally discuss the components of the performance evaluation and received feedback from the General Manager relative to his/her assessment. The Board of Directors and General Manager should jointly develop mutually agreed upon written goals and objectives for the subsequent evaluation period. These goals and objectives should include expectation that coincide with the District Strategic Plan deliverables for a given year. If requested by the Board and/or the General Manager, the District’s Legal Counsel, and/or organizational consultant may attend the evaluation session.

Following the meeting with the General Manager, the Board shall meet and determine an overall evaluation of the General Manager’s performance for the past review period and provide written notification to the General Manager of the assessment and any recommended compensation adjustment, as appropriate. A copy of this written assessment should be provided to the General Manager and a copy kept in the General Manager’s personnel file. The performance evaluation shall be kept confidential. Any decision on a change in compensation award shall be made at a public meeting following the closed session evaluation meeting.

Resolution No. 2023-2299	Date Approved: February 16, 2023
President of the Board	Last Reviewed: February 2, 2023

O-20 ENVIRONMENTAL PRACTICES

Purpose

This is a general environmental policy and covers such issues as determining legal environmental requirements, method of preparing environmental documentation, General Manager and Board responsibilities, public input, the District Strategic Plan, and response to public mandates (ESA, air quality, hazardous waste, ocean disposal, etc.).

O-20-10 Conformance. Las Gallinas Valley Sanitary District will conform with all the requirements of the California Environmental Quality Act. Green Business certification will be sought for the District when possible.

O-20-20 Responsible. The General Manager and legal Counsel will be responsible for determining when provisions of CEQA or other environmental regulations must be implemented.

O-20-30 Description of CEQA. The California Environmental Quality Act of 1970 (CEQA) as amended ensures that consideration is given to the environmental effects of projects that are subject to CEQA. An EIR, or environmental impact report, is a detailed statement prepared under CEQA describing and analyzing the significant environmental effects of a project and discussing ways either to mitigate or avoid the effects. It is an information document which, when fully prepared in accordance with CEQA and these guidelines, will inform public decision makers and the general public of the significant environmental effects of projects proposed to be carried out or approved. While CEQA requires that major consideration be given to preventing EIR damage, it is recognized that public agencies have obligations to balance other public objectives including economic and social factors in determining whether and how a project should be approved. The District retains its existing authority to balance environmental objectives with economic and social objectives and to weigh the various long-term and short-term costs and benefits of a project in making the decision to approve or disapprove it.

O-20-40 Description of NEPA. The National Environmental Policy Act of 1970 (NEPA) is a United States environmental law that promotes the enhancement of the environment. The District will adhere to the NEPA guidelines when applicable.

Resolution No. 2023-2299	Date Approved: February 16, 2023
President of the Board	Last Reviewed: February 2, 2023

O-30 EMERGENCIES

Purpose

This policy covers procedures in the event of emergency situations, responsibilities of Board and District staff, and public information.

O-30-10 Informing General Manager. Responding to emergency situations is a critical district responsibility. The General Manager shall be immediately informed of the existence of any operation, activity, or occurrence which can affect the public health and safety, or which can significantly impair the District's operations.

O-30-20 Emergency Determination. The General Manager, or his/her designee, shall make the decision as to whether an emergency exists. The President, in the General Manager's or designee's absence, will make this determination.

O-30-30 All Reasonable Actions. The General Manager is empowered to take all reasonable actions necessary to address the emergency. He/she may make commitments of expenditures or District funds as necessary beyond what is outlined in F-40. In times of emergency, the General Manager, or his/her designee, shall make all of the proper and necessary notifications for the District at the appropriate local, State and Federal level.

O-30-40 Informing President and Board Members. when the emergency situation is under reasonable control, the General Manager, at the earliest possible time, will inform the President and then the other Board Members of the emergency situation and the actions taken to address it.

O-30-50 Spokesperson. The General Manager will be in the first position for communications responding to inquiries about an emergency in responding to inquiries, press interviews, and other forms of customers' contact or outreach. The President of the Board of Directors will be in the second position for spokesperson for the District. In every case regarding an emergency the General Manager shall make immediate contact with the Board President to assure that any and all communications are factual and up-to-date. All Board members shall be notified as soon thereafter as possible by District staff.

Resolution No. 2023-2299	Date Approved: February 16, 2023
President of the Board	Last Reviewed: February 2, 2023

B-140 BOARD MEETINGS

Purpose

This policy sets forth the rules for the conduct of Board meetings.

B-140-10 Regular Meetings. Regular meetings of the Board shall be held on the First and Third Thursday of each month, begin at 4:00 p.m., and held at the District Office. By at least a 3/5ths majority vote, the Board may approve a change of the date and/or time of a Regular Meeting. If less than all five members of the Board of Directors are present to vote on the proposed change of the Regular Meeting date and/or time, then the vote approving the change must be by at least three (3) members of the Board. A notice of the change of the date and/or time of the Regular Meeting shall be posted at least two (2) weeks prior to the changed Regular Meeting in a location that is freely accessible to members of the public and in the same manner as for the publishing of the Agenda for a Regular Meeting.

B-140-20 Special Meetings. A special meeting of the Board may be called as needed by the Board President or by a majority of the Board. A written notice of the special meeting, specifying the time and place of the meeting and the business to be transacted or discussed, shall be delivered at least 24 hours prior to the meeting to Board Members. Newspapers of general circulation in the District, radio stations and television stations, organizations, citizens and property owners who have requested notice of special meetings in accordance with the Ralph M. Brown Act (California Government Code §54950 through §54926) shall be notified by a mailing unless the special meeting is called less than one week in advance, in which case notice, including business to be transacted, will be given by telephone during business hours as soon after the meeting is scheduled as practicable. No other business shall be considered or discussed at these meetings. The Board may meet in closed session during a special meeting.

B-140-30 Emergency Meeting. In the case of an emergency situation requiring prompt action due to the disruption or threatened disruption of public facilities, the Board may hold an emergency meeting without complying with either the 24-hour notice requirement or the 24-hour posting requirement. "Emergency situation" means any of the following:

- (a) An emergency, defined as a Work-work stoppage, crippling activity, or other activity that severely impairs public health, safety, or both, as determined by a majority of the members of the Board, and
- (b) A dire emergency defined as a Crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses peril so immediate and significant that requiring the Board to provide a one-hour notice before holding an emergency meeting may endanger the severely impairs public health, safety, or both, as determined by a majority of the members of the Board.

In the event of an "Emergency situation", where prompt action is necessary due to the disruption or threatened disruption of public facilities, the Board may hold an emergency meeting without complying with the 24-hour notice posting requirements. However, each local newspaper of general circulation and radio or television station which has requested notice of special

B-140-140 Attendance. Board Members shall attend all meetings of the Board unless there is a good cause for absence. Board Members shall thoroughly prepare themselves to discuss agenda items. All materials pertaining to the Board shall be channeled through the District Manager for distribution to all Board members.

B-140-150 Action Items. Board actions shall include, but are not limited to, adoption or rejection of regulations or policies, resolutions, ordinances, contracts or expenditures, any proposal that commits District funds or facilities, matters that require or may require the District or its employees to take action and /or provide services.

B-140-160 Action by Consensus. The Board by consensus and without formal action may give directions or instructions to the General Manager. The President shall determine if a Board consensus has been reached. Should any two Board Members challenge the President's determination of consensus, a voice vote shall be taken. A formal motion may be made to place a disputed directive on a future Board agenda or to take some other action, such as referring the matter to the General Manager for review and recommendation.

B-140-170 Limits on Consensus. Informal action by consensus constitutes Board action and shall only be taken on agenda items.

B-140-180 Open-Meeting Law. Under provisions of California's Ralph M. Brown Act (California Government Code §54950 through §54926) open-meeting law, all meetings of the Board are open to the public except for closed sessions, which are held to consider personnel matters, pending litigation, labor negotiations, land acquisitions or other matters provided for by law. A majority of the board shall not discuss nor reach consensus on any matter under the jurisdiction of the District except at a legal meeting of the Board. The Board fully supports the letter and spirit of the open-meeting law and the public's right to view the public's business in open session.

B-140-190 Recording Vote. Except where action is by unanimous vote of all members present and voting, the ayes and noes shall be taken on all actions.

B-140-200 Remote or Hybrid Meetings. The Board may choose to conduct meetings remotely, via teleconference or conduct hybrid meetings involving a mixture of in-person and remote attendees, as allowed by state law.

Resolution No. 2019-2160	Date Approved: April 11, 2019
President of the Board	Supersedes: Last Reviewed

meetings shall be notified one (1) hour prior to the emergency meeting or (2) in the case of a "dire emergency" at or near the time that the Board President notifies the other members of the Board of the emergency meeting. This notice shall be by telephone and all telephone numbers provided by each newspaper or station for notification of special meetings shall be exhausted. In the event that telephone services are not functioning, the notice requirements shall be deemed waived, and the District shall notify those newspapers, radio, or television stations of the holding of the emergency meeting, the purpose of the meeting, and any action taken at the meeting as soon after the meeting as possible.

The Board shall not meet in closed session during an emergency meeting, except pursuant to Gov.Code § 54956 (Closed sessions: personnel matters), if agreed to by a two-thirds vote of Board members present, or, if less than two-third of the Board are present, then by a unanimous vote of the Board members present. All special meeting requirements are applicable to emergency meetings, except the 24-hour notice requirement.

The minutes of emergency meetings, a list of persons the District notified or attempted to notify, a copy of the roll call vote, and any actions shall be posted for a minimum of 10 days in a public place as soon after the meeting as possible

B-140-40 Closed Sessions. Closed sessions of the Board of Director shall be held in cases where the business of the Board of Directors meets the criteria set forth the Ralph M. Brown Act (California Government Code §54950 through §54926) and only when those criteria are met (such as litigation or potential litigation or litigation settlements, labor agreements, real estate negotiations, or employment status of public employees matters). No business other than those announced on the public agenda may be discussed in the closed session.

B-140-50 Public Testimony. The Board may take public testimony at regular and special meetings of the Board on matters that are not on the agenda, but the Board shall not discuss or take action on such matters at that meeting except in the following circumstances:

- 1) An emergency situation is declared by the majority vote of the Board.
- 2) A need to take immediate action on a matter that arises after the agenda is posted is declared by a two-thirds vote of the Boards, or unanimous if less than two-thirds of the Board is present.
- 3) An item on a posted agenda for a prior meeting of the Board is continued from a Regular Board meeting held not more than five (5) days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken-

The General Manager shall ensure that appropriate information is available for the audience at meetings of the Board of Directors, and that physical facilities for said meetings are functional and appropriate.

B-140-60 Rules of Order. Board meetings shall be conducted by the Board President in a manner consistent with Board policies, the Ralph M. Brown Act (California Government Code §54950 through §54926) and Robert’s Rules of Order as directed by District Counsel.

B-140-70 Agenda. Board meetings shall begin at the time stated on the agenda and shall be guided by the agenda. The President shall have the authority to change the order of the agenda.

B-140-80 Board Member Roles. The Board within its legal limits has unrestricted authority. The conduct of Board meetings shall allow Board Members to: (1) consider problems to be solved, weigh evidence, and make wise decisions, and (2) receive, consider, and take action on reports of District operations.

B-140-90 Quorum Required. Individual Board Members or a group of Board Members representing less than a quorum of the Board at a legal meeting of the Board shall not take any action or make any representation that results in: (1) the budgeting or expending of District funds, (2) the establishing of any procedures or making policy, or (3) the taking of any action on behalf of the Board without first obtaining the Board’s approval at a legal meeting of the Board.

B-140-100 Majority Vote. Action can only be taken by a majority vote of the Board. Three (3) Board Members constitute a quorum required to conduct business. When only a quorum is present, all three votes must be unanimous to take action.

B-140-110 Abstentions. A Board member abstaining in a vote is considered as absent for that vote. Thus, an abstention when only a quorum is present prevents the Board from taking action. Similarly, two abstentions with all Board Members present on matters requiring a two-thirds vote automatically defeats the motion.

B-140-120 Rules for Speakers. The public shall be allowed to address the Board regarding agenda items and any other matter within the jurisdiction of the District. The Board President shall determine the appropriate place or places in the agenda for such public testimony and shall have the authority to set equal time limits on speakers. Speakers are requested to follow the Rules for the Conduct of Business at Meetings of the Board of Directors of the Las Gallinas Valley Sanitary District and are requested to fill out a Request to Speak Form, copies of which are attached here to as Exhibit B140-120A.

B-140-130 Maintaining Order. No person shall be allowed to disrupt the meeting. The Board President shall have the authority to bar disruptive persons from giving public testimony or to order their removal from the Board Room. Any necessary and reasonable actions may be taken by the President to maintain order and allow the meeting to continue.

Resolution No. 2019-2160	Date Approved: April 11, 2019
President of the Board	Supersedes: Last Reviewed

B-140-140 Attendance. Board Members shall attend all meetings of the Board unless there is a good cause for absence. Board Members shall thoroughly prepare themselves to discuss agenda items. All materials pertaining to the Board shall be channeled through the District Manager for distribution to all Board members.

B-140-150 Action Items. Board actions shall include, but are not limited to, adoption or rejection of regulations or policies, resolutions, ordinances, contracts or expenditures, any proposal that commits District funds or facilities, matters that require or may require the District or its employees to take action and /or provide services.

B-140-160 Action by Consensus. The Board by consensus and without formal action may give directions or instructions to the General Manager. The President shall determine if a Board consensus has been reached. Should any two Board Members challenge the President's determination of consensus, a voice vote shall be taken. A formal motion may be made to place a disputed directive on a future Board agenda or to take some other action, such as referring the matter to the General Manager for review and recommendation.

B-140-170 Limits on Consensus. Informal action by consensus constitutes Board action and shall only be taken on agenda items.

B-140-180 Open-Meeting Law. Under provisions of California's Ralph M. Brown Act (California Government Code §54950 through §54926) open-meeting law, all meetings of the Board are open to the public except for closed sessions, which are held to consider personnel matters, pending litigation, labor negotiations, land acquisitions or other matters provided for by law. A majority of the board shall not discuss nor reach consensus on any matter under the jurisdiction of the District except at a legal meeting of the Board. The Board fully supports the letter and spirit of the open-meeting law and the public's right to view the public's business in open session.

B-140-190 Recording Vote. Except where action is by unanimous vote of all members present and voting, the ayes and noes shall be taken on all actions.

B-140-200 Remote or Hybrid Meetings. The Board may choose to conduct meetings remotely, via teleconference or conduct hybrid meetings involving a mixture of in-person and remote attendees, as allowed by state law.

Resolution No. 2019-2160	Date Approved April 11, 2019
President of the Board	Supersedes: Last Reviewed

B-170 GENERAL MANAGER PERFORMANCE EVALUATION

Purpose

This policy establishes the methodology and schedule for evaluating the performance of the general manager.

B-170-10 The General Manager of the District is retained and serves at the will of the Board of Directors and has general authority over personnel matters and authority to administer the District. The Board of Directors shall review the performance of the General Manager after the initial six months of service after appointment and then annually thereafter, using a process that provides for discussion and encourages feedback in the development of goals and the performance evaluation.

B-170-20 The performance evaluations should occur in closed session annually during the first Board of Directors meeting of the month in which the evaluation is due, or on another date mutually acceptable to the Board of Directors and the General Manager. The Board secretary shall maintain a notification system that tracks the date when the evaluation is due to ensure the Board agenda is properly noticed and to provide adequate advance notice to the Board and the General Manager.

B-170-30 Annually, the Board of Directors will agree upon an evaluation methodology to be employed. Many types and forms of evaluation are available to the Board, some more intricate than others. In some cases, an organizational consultant will be used to assist the Board through the process. Board of Directors shall be encouraged to prepare input on the form prior to the Board of Directors meeting.

B-170-40 At a minimum, during a scheduled closed session(s), the Board should meet as a group with the General Manager to verbally discuss the components of the performance evaluation and received feedback from the General Manager relative to his/her assessment. The Board of Directors and General Manager should jointly develop mutually agreed upon written goals and objectives for the subsequent evaluation period. These goals and objectives should include expectation that coincide with the District Strategic Plan deliverables for a given year. If requested by the Board and/or the General Manager, the District's Legal Counsel, ~~and/or~~ ~~or~~ organizational consultant may attend the evaluation session.

Following the meeting with the General Manager, the Board shall meet and determine an overall evaluation of the General Manager's performance for the past review period and provide written notification to the General Manager of the assessment and any recommended compensation adjustment, as appropriate. A copy of this written assessment should be provided to the General Manager and a copy kept in the General Manager's personnel file. The performance evaluation shall be kept confidential. Any decision on a change in compensation award shall be made at a public meeting following the closed session evaluation meeting.

Resolution No. 2015-2027	Date Approved: July 9, 2009
President of the Board	Supersedes: Last Reviewed:

O-20 ENVIRONMENTAL PRACTICES

Purpose

This is a general environmental policy and covers such issues as determining legal environmental requirements, method of preparing environmental documentation, General Manager and Board responsibilities, public input, the District Strategic Plan, and response to public mandates (ESA, air quality, hazardous waste, ocean disposal, etc.).

O-20-10 Conformance. Las Gallinas Valley Sanitary District will conform with all the requirements of the California Environmental Quality Act. Green Business certification will be sought for the District when possible.

O-20-20 Responsible. The General Manager and legal Counsel will be responsible for determining when provisions of CEQA or other environmental regulations must be implemented.

O-20-30 Description of CEQA. The California Environmental Quality Act of 1970 (CEQA) as amended ensures that consideration is given to the environmental effects of projects that are subject to CEQA. An EIR, or environmental impact report, is a detailed statement prepared under CEQA describing and analyzing the significant environmental effects of a project and discussing ways either to mitigate or avoid the effects. It is an information document which, when fully prepared in accordance with CEQA and these guidelines, will inform public decision makers and the general public of the significant environmental effects of projects proposed to be carried out or approved. While CEQA requires that major consideration be given to preventing EIR damage, it is recognized that public agencies have obligations to balance other public objectives including economic and social factors in determining whether and how a project should be approved. The District retains its existing authority to balance environmental objectives with economic and social objectives and to weigh the various long-term and short-term costs and benefits of a project in making the decision to approve or disapprove it.

O-20-40 Description of NEPA. The National Environmental Policy Act of 1970 (NEPA) is a United States environmental law that promotes the enhancement of the environment. The District will adhere to the NEPA guidelines when applicable.

Resolution No. 2009-1872	Date Approved: July 9, 2009
President of the Board	Supersedes: Last Reviewed:

O-30 EMERGENCIES

Purpose

This policy covers procedures in the event of emergency situations, responsibilities of Board and District staff, and public information.

O-30-10 Informing General Manager. Responding to emergency situations is a critical district responsibility. The General Manager shall be immediately informed of the existence of any operation, activity, or occurrence which can affect the public health and safety, or which can significantly impair the District's operations.

O-30-20 Emergency Determination. The General Manager, or his/her designee, shall make the decision as to whether an emergency exists. The President, in the General Manager's or designee's absence, will make this determination.

O-30-30 All Reasonable Actions. The General Manager is empowered to take all reasonable actions necessary to address the emergency. He/she may make commitments of expenditures or District funds as necessary beyond what is outlined in F-40. In times of emergency, the General Manager, or his/her designee, shall make all of the proper and necessary notifications for the District at the appropriate local, State and Federal level.

O-30-40 Informing President and Board Members. ~~w~~When the emergency situation is under reasonable control, the General Manager, at the earliest possible time, will inform the ~~P~~resident and then the other Board Members of the emergency situation and the actions taken to address it.

O-30-50 Spokesperson. The General Manager will be in the first position for communications responding to inquiries about an emergency in responding to inquiries, press interviews, and other forms of customers' contact or outreach. The President of the Board of Directors will be in the second position for spokesperson for the District. In every case regarding an emergency the General Manager shall make immediate contact with the Board President to assure that any and all communications are factual and up-to-date. All Board members shall be notified as soon thereafter as possible by District staff.

Resolution No. 2009-1872	Date Approved: July 9, 2009
President of the Board	Supersedes: Last Reviewed:

RESOLUTION NO. 2023-2300

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE LAS GALLINAS VALLEY SANITARY DISTRICT PROCLAIMING A LOCAL EMERGENCY PERSISTS, RE-RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR'S ORDER, DATED MARCH 4, 2020, IN CONTINUING EXECUTIVE ORDERS, AND RE-AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE BOARD OF DIRECTORS OF THE LAS GALLINAS VALLEY SANITARY DISTRICT FOR THE PERIOD OF FEBRUARY 16, 2023 THROUGH FEBRUARY 28, 2023 PURSUANT TO BROWN ACT PROVISIONS

WHEREAS, the LAS GALLINAS VALLEY SANITARY DISTRICT ("District") is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of LAS GALLINAS VALLEY SANITARY DISTRICT's Board of Directors are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the District's legislative bodies conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provision for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the District's boundaries, caused by natural, technological or human-caused disasters; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, the Board of Directors previously adopted a Resolution, Number 2023-2297 January 19, 2023, finding that the requisite conditions exist for the Board of Directors of the LAS GALLINAS VALLEY SANITARY DISTRICT to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; and

WHEREAS, as a condition of extending the use of the provisions found in section 54953(e), the Board of Directors must reconsider the circumstances of the state of emergency that exists in the District, and the Board of Directors has done so; and

WHEREAS, emergency conditions persist in the District, specifically, a State of Emergency has been proclaimed by Governor Gavin Newsom, dated March 4, 2020 and continuing; and

WHEREAS, effective, March 1, 2022, the Public Health Officer of The County of Marin (“Health Officer”), in keeping with Health Orders from the California Department of Public Health, strongly recommends that all individuals, regardless of vaccination status, continue to wear face coverings when indoors while in indoor public settings and businesses ; and

WHEREAS, evolving COVID-19 variants (following the highly infectious Omicron variant and BA.2 Omicron subvariant) may continue to pose a significant risk to the health and safety of attendees at an in-person meeting of the Board of Directors of the District; and

WHEREAS, the regular District Board room at 101 Lucas Valley Road, San Rafael, CA 94903 used to hold public meetings is small with no windows that open to the outside; and

WHEREAS, the Board of Directors does hereby find that, as noted by the Governor, the California Department of Public Health and the Marin County Public Health Officer, that a State of Emergency continues to exist in regard to the Covid-19 outbreak and its Delta and Omicron variants, has caused, and will continue to cause, conditions of peril to the safety of persons within the District that are likely to be beyond the control of services, personnel, equipment, and facilities of the District, and desires to proclaim a local emergency and ratify the proclamation of state of emergency by the Governor of the State of California, the California Department of Public Health and the Public Health Officer of The County of Marin; and

WHEREAS, as a consequence of the local emergency persisting, the Board of Directors does hereby find that the Board of Directors of LAS GALLINAS VALLEY SANITARY DISTRICT shall continue to conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall continue to comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

WHEREAS, the District will continue to:

1. Clearly advertise the means by which members of the public can observe a public meeting or offer comment during a meeting remotely, via either a call-in or internet-based option;

2. Provide the relevant remote access information to members of the public looking to attend a meeting of a local agency legislative body. This information includes, but is not limited

to: phone numbers, passwords, URLs, email addresses, etc., such that members of the public are able to attend the meeting remotely;

3. Ensure that the public remains able to connect to a meeting and offer public comment by the means previously advertised in the meeting notice or agenda; and

4. In the event that meetings are interrupted by technological or similar technical disruptions must first resolve those issues before taking any other action(s) on items on the meeting agenda.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF LAS GALLINAS VALLEY SANITARY DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Affirmation that Local Emergency Persists. The Board of Directors hereby considers the conditions of the state of emergency in the District and proclaims that a local emergency persists throughout the District, and due to the continuing Covid-19 pandemic and its Delta variant, which would present an imminent risk to the health and safety of the Board of Directors and members of the public at an in-person meeting due to the confined space in which the Board of Directors meeting are normally held.

Section 3. Re-ratification of Governor’s Proclamation of a State of Emergency. The Board hereby ratifies the Governor of the State of California’s Proclamation of State of Emergency, effective as of its issuance date of March 4, 2020 and continuing through follow-up Executive Orders, the most recent being Executive Order N-5-22, issued February 28, 2022.

Section 4. Remote Teleconference Meetings. The General Manager and Staff of the LAS GALLINAS VALLEY SANITARY DISTRICT are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) February 28, 2023, or such time the Board of Directors adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the Board of Directors of LAS GALLINAS VALLEY SANITARY DISTRICT may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

* * * * *

I hereby certify that the foregoing 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 regular meeting thereof held on February 16, 2023 by the following vote of the members thereof:

AYES, and in the favor thereof, Members:

NOES, Members:

ABSENT, Members:

ABSTAIN, Members:

Teresa Lerch, Board Secretary

APPROVED:

Megan Clark, Board President




Item Number _____ 2H _____

GM Review _____ CP _____

Agenda Summary Report

To: Board of Directors

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

Meeting Date: February 16, 2023

Re: Identify Labor Negotiator of the District for Upcoming Negotiations

Item Type: Consent Action _____ Information _____ Other _____

Standard Contract: Yes _____ No _____ (See attached) Not Applicable

STAFF RECOMMENDATION

Board to appoint Gregory Ramirez from IEDA as the Agency Designated Representative for labor relations consulting and labor negotiations.

BACKGROUND

The term of the Memorandum of Understanding (MOU) between the District and Operating Engineers Local 3 (OE3) ends on June 30, 2023. Labor bargaining sessions with OE3 will be held during negotiations.

The District Board is required by the Brown Act to meet in open session and identify its labor negotiator prior to meeting in closed session under the Labor Negotiations Exception.

IEDA is under contract with the District to represent the interests of the District with regards to labor management. Gregory Ramirez has represented the District during the previous MOU negotiations.

Dale McDonald, as Administrative Services Manager of the District, is responsible for management of Human Resources and is Co-Chair of the Labor Management Committee that will be involved during the negotiations.

PREVIOUS BOARD ACTION

None

ENVIRONMENTAL REVIEW

N/A

FISCAL IMPACT

IEDA has previously been awarded the contract to represent the interests of the District with regards to Labor Relations Management. Consulting services for fiscal year 2022-2023 have been approved in the budget.

2/16/2023

General Manager Report

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



Item Number _____ 3.2 _____
GM Review _____ CP _____

Agenda Summary Report

To: Board of Directors
From: Teri Lerch, Executive Assistant/Board Secretary
(415) 526-1510; tlerch@lgsd.org
Mtg. Date: February 16, 2023
Re: Board Policy Review of B-180 (Harassment Prevention Policy and Complaint Procedure)
Item Type: Consent _____ Action _____ Information X Other _____
Standard Contract: Yes _____ No _____ (See attached) Not Applicable X .

STAFF RECOMMENDATION

Attached for information and Board review is Draft Board Policy B-180 (Harassment Prevention Policy and Complaint Procedure).

Board Policy B-180 was given to the District’s Labor and Employment Legal Counsel, Morin Jacob of Liebert Cassidy Whitmore to update. Enclosed are Legal Counsel’s red-lined revision, a draft LCW final version and the original policy. Staff will receive comments on the subject policy at the meeting and through February 22, 2023.

Comments received will be incorporated or addressed prior to bringing back this policy to the Board for approval at the next Board meeting.

The Board has requested to review and update Board Policy.

PREVIOUS BOARD ACTION

None

ENVIRONMENTAL REVIEW

N/A

FISCAL IMPACT

N/A

B-180 HARASSMENT, DISCRIMINATION AND RETALIATION PREVENTION POLICY AND COMPLAINT PROCEDURE

Purpose

Las Gallinas Valley Sanitary District (“District”) is committed to preventing harassment, discrimination and retaliation in the workplace.

The purpose of this Harassment, Discrimination and Retaliation Prevention Policy and Complaint Procedure (“Policy”) is to establish a strong commitment to prohibit and prevent harassment and retaliation by and against the District’s elected officials; to define those terms; and to set forth a procedure for investigating and resolving internal complaints of harassment, discrimination and retaliation. The District encourages all covered individuals to report—as soon as possible—any conduct that is believed to violate this Policy. Acts of harassment, discrimination and retaliation by anyone affiliated with the District, including its elected officials, are strictly prohibited and are subject to sanctions and disciplinary measures, up to and including termination.

The District has zero tolerance for any conduct that violates this Policy. Conduct need not arise to the level of a violation of state or federal law to violate this Policy. A single act by a District employee may constitute a violation of this Policy and provide sufficient grounds for the District to discipline the District employee.

This Policy establishes a complaint procedure by which the District will investigate and resolve complaints of harassment, discrimination and retaliation by and against covered individuals.

The District expressly prohibits any retaliation against an employee because they filed or supported a complaint or because they participated in the investigation or complaint resolution process. Individuals found to have retaliated against an employee in violation of this Policy will be subject to appropriate sanctions or disciplinary actions, up to and including termination.

B-180-10 Covered Individuals and Scope of Policy.

This Policy covers the following individuals: applicants for employment at the District; District employees regardless of rank or title; elected or appointed officials of the District; interns; volunteers; and contractors (“covered individuals”).

This Policy applies to all terms and conditions of employment, internships, and volunteer opportunities, including, but not limited to, selection, hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, compensation, and training.

B-180-20 Definitions.

B-180-20-1 Protected Classification. This Policy prohibits harassment, discrimination or retaliation because of an individual’s protected classification. “Protected Classification” includes race, religion or religious creed, color, sex (including gender, gender identity, gender expression, transgender identity, pregnancy, and breastfeeding), sexual orientation

Resolution No. 2009-1872	Date Approved: July 9, 2009
President of the Board	Supersedes: Last Reviewed: February 16, 2023

(including heterosexuality, homosexuality, and bisexuality), national origin, ancestry, marital status, age (40 or over), medical condition, genetic characteristics or information, military and veteran status, physical or mental disability, or any other basis protected by law.

This policy prohibits discrimination, harassment or retaliation for the following reasons: (1) an individual’s protected classification; (2) the perception that an individual has a protected classification; or (3) the individual associates with a person who has or is perceived to have a protected classification.

B-180-20-2 Protected Activity. This Policy prohibits harassment, discrimination and retaliation because of an individual’s protected activity.

Protected activity includes, but is not be limited to, the following activities: (1) making a request for an accommodation for a disability; (2) making a request for an accommodation for religious beliefs; (3) making a complaint under this Policy; (4) opposing violations of this Policy; or (5) participating in an investigation under this Policy.

B-180-20-3 Policy Coverage. This policy prohibits discrimination, harassment or retaliation for the following reasons: (1) an individual’s protected classification; (2) the perception that an individual has a protected classification; or (3) the individual associates with a person who has or is perceived to have a protected classification.

This Policy expressly prohibits elected officials from harassing, discriminating against, or retaliating against applicants, officers, officials, employees, contractors, or members of the public for any of the reasons enumerated above.

B-180-20-4. Harassment. This Policy prohibits harassment of a covered individual because of the individual’s actual or perceived protected classification. Note that harassment is not limited to conduct that the District’s employees take. Under certain circumstances, harassment can also include conduct taken by those who are not employees, such as elected officials, persons providing services under contracts, or even members of the public. Harassment may include, but is not limited to, the following types of behavior:

Speech, such as epithets, derogatory, offensive or inappropriate comments, slurs, or stereotypical comments, or verbal propositions made on the basis of a protected classification. This includes, but is not limited to, comments, stories, and jokes about appearance, dress, physical features, gender identification, and race.

Physical acts, such as assault, impeding or blocking movement, offensive touching, or any physical interference with normal work or movement. This includes, but is not limited to, pinching, grabbing, patting, propositioning, leering, or making explicit or implied job threats or promises in return for submission to physical acts.

Visual acts, such as derogatory, offensive or inappropriate, posters, cartoons, emails, pictures, or drawings related to a protected classification.

Unwanted sexual advances, requests for sexual favors and other acts of a sexual nature, where submission is made a term or condition of employment, where submission to or rejection of the conduct is used as the basis for employment decisions, or where the conduct

Resolution No. 2009-1872	Date Approved: July 9, 2009
President of the Board	Supersedes: Last Reviewed: February 16, 2023

is intended to or actually does unreasonably interfere with an individual's work performance or create an intimidating, hostile, or offensive working environment.

B-180-20-5 Discrimination. This Policy prohibits treating a covered individual differently and adversely because of the individual’s actual or perceived protected classification; because the individual associates with a person who is or is perceived to be a member of a protected classification; or because the individual participates in a protected activity as defined in this Policy.

B-180-20-6 Retaliation. Retaliation occurs when an employer takes adverse action against a covered individual because of the individual’s protected activity as defined in this Policy.

“Adverse action” may include, but is not limited to, the following actions: (1) disciplinary action; (2) counseling; (3) taking sides because an individual has reported harassment or discrimination; (4) spreading rumors about a complainant or about someone who supports or assists the complainant or who participates in the investigation; (5) shunning or avoiding an individual who reports harassment or discrimination; or (6) making real or implied threats of intimidation to prevent or deter an individual from reporting harassment or discrimination.

B-180-30 Guidelines for Identifying Harassment. Harassment includes conduct that another individual who is a member of the protected classification would find unwelcome or unwanted. Harassment may include the following:

B-180-30-1 Harassment includes conduct which would be unwelcome or unwanted to an individual of the recipient's same protected classification and which is taken because of the recipient's protected classification.

B-180-30-2 Conduct that is not intended to harass. Conduct may violate this Policy if the conduct is directed at, or implicates a protected classification and the recipient finds the conduct to be offensive or inappropriate, even if its well-intentioned conduct (e.g., gifts, over-attention, endearing nicknames, hugs).

B-180-30-3 Conduct to which the recipient appears to have consented. The District does not recognize as a defense that the recipient appeared to have "consented" to the conduct at issue by failing to protest about the conduct. A recipient may not protest offensive or inappropriate conduct for many legitimate reasons, including the need to avoid being perceived as insubordinate or to avoid being ostracized or subjected to retaliation.

B-180-30-4 Conduct about which no employee has previously complained. Simply because no one has complained about a joke, gesture, picture, physical contact, or comment or substantially similar conduct does not mean that the conduct is welcome, inoffensive, or appropriate. The fact that no one previously complained does not preclude anyone from complaining if the conduct is repeated.

B-180-30-5 Conduct witnessed by a third party or about which a third party learns, even if they did not witness the conduct.. Visual, verbal or physical conduct between two people who do not find such conduct offensive or inappropriate can constitute harassment if a third party witnesses such conduct or learns about the conduct later and finds the conduct

Resolution No. 2009-1872	Date Approved: July 9, 2009
President of the Board	Supersedes: Last Reviewed: February 16, 2023

to be offensive or inappropriate. Conduct can constitute harassment even if it is not explicitly or specifically directed at a particular individual.

B-180-30-6 Conduct can constitute harassment in violation of this Policy even if the individual engaging in the conduct has no intention to harass. Even well-intentioned conduct can violate this Policy if the conduct is directed at, or implicates a protected classification, and if the individual or an individual of the recipient's same protected classification would find it inappropriate or offensive (e.g., gifts, over attention, endearing nicknames, hugs).

B-180-40 Complaint Procedure. A covered individual who believes they have been subjected to harassment, discrimination or retaliation may make a complaint to any supervisor, manager, District Counsel, or the General Manager without regard to any chain of command.

Any supervisory or management employee who receives a harassment, discrimination or retaliation complaint should immediately notify the General Manager. Upon receiving notification of a complaint regarding discrimination, harassment or retaliation, the General Manager or their designee will complete and/or delegate the following steps:

B-180-40-3 Within 24 hours of submitting the complaint to the General Manager, the General Manager shall inform, in a means designed to retain confidentiality, the District Counsel.

B-180-40-4 Authorize and supervise the investigation of the complaint and/or investigate the complaint. The investigation will usually include interviews with the following individuals: 1) the complainant; 2) the accused (i.e., the subject of the investigation); 3) witnesses to the conduct at issue in the complaint; and 4) other persons who have relevant knowledge concerning the allegations in the complaint. Those informed of the investigation shall conduct themselves in a manner that will not compromise the integrity of the investigation, including, but not limited to, refraining from actions that may intimidate potential witnesses.

The complainant and the accused have the right to be accompanied by an advocate(s) when discussing alleged incidents. Said persons shall be advised of this right prior to the commencement of such discussions.

B-180-40-5 Review the factual information gathered during the investigation to determine whether the alleged conduct violated the Policy giving consideration to all factual information, the totality of the circumstances, including the nature of the conduct, and the context in which the alleged incidents occurred.

B-180-40-6 Prepare a summary report of the determination as to whether the conduct violated this Policy and, if necessary, provide such report to the appointing authority (i.e., District Counsel or General Manager). If discipline or sanctions are imposed, the level of discipline or sanctions will not be communicated to the complainant.

Resolution No. 2009-1872	Date Approved: July 9, 2009
President of the Board	Supersedes: Last Reviewed: February 16, 2023

B-180-40-7 If conduct in violation of this Policy occurred, take or recommend to the appointing authority prompt and effective remedial action. The remedial action will be commensurate with the severity of the offense.

B-180-40-8 Take reasonable steps to protect the complainant from further harassment, discrimination or retaliation.

If the General Manager or District Counsel is the accused, or is a witness to the events at issue, an individual with higher authority will complete and/or delegate the steps enumerated above.

The District takes a proactive approach to potential violations of this Policy and will conduct an investigation if its supervisory or management employees become aware that harassment, discrimination or retaliation occurred or may be occurring, regardless of whether the recipient or third party reports a potential violation.

B-180-50 Disciplinary Procedures and Sanctions. Upon conclusion of the investigation of alleged harassment, discrimination or retaliation, appropriate action shall be taken against the appropriate party where a violation of this Policy is found, including legal actions where appropriate.

B-180-40-1 Appropriate action shall be taken to remedy the victim's loss, if any, resulting from the harassment, discrimination or retaliation.

B-180-40-2 Action taken to remedy a harassment, discrimination or retaliation situation shall be done in a manner so as to prevent further violations.

B-180-40-3 Elected officials and employees complaining of harassment shall be protected thereafter from any form of reprisal and/or retaliation. Any adverse conduct taken because an applicant, employee, elected official or contractor has reported harassment, or has participated in the complaint and investigation process described herein, is prohibited. This Policy protects those who make good faith reports of harassment, and those who associate with an individual who is involved in reporting harassment or who participates in the complaint or investigation process, from retaliation.

B-180-60 Confidentiality. The District will make every effort to assure the confidentiality of complaints made under this Policy to the greatest extent allowed by law. However, complete confidentiality may not be possible because of the District's need to investigate the complaint and provide the subject of the complaint their due process rights, which include providing the subject of the investigation a copy of the complaint after the initial investigatory interview, if requested.

The District expressly prohibits an employee who is interviewed during the course of an investigation from attempting to influence other employees, including employees who may have witnessed the underlying conduct at issue, while the investigation is open and ongoing.

Resolution No. 2009-1872	Date Approved: July 9, 2009
President of the Board	Supersedes: Last Reviewed: February 16, 2023

An employee may discuss their interview with a designated representative from the employee’s employee organization and/or the employee’s legal representative. The District will not disclose a completed investigation report except as it deems necessary to support a disciplinary action, to take remedial action, to defend itself in adversarial proceedings, or to comply with the law or court order.

B-180-70 Responsibilities.

B-180-70-10 Each non-supervisor or non-manager is responsible for the following:

1. Treating all individuals in the workplace or on District worksites with respect and consideration.
2. Modeling behavior that conforms to this Policy.
3. Participating in periodic trainings on personnel matters.
4. Cooperating with the District’s investigations pursuant to this Policy by responding fully and truthfully and in a timely manner to all questions posed during the investigation.
5. Taking no actions to influence the complainant or any potential witness while the District’s investigation is ongoing.
6. Reporting any act they believe in good faith constitutes harassment, discrimination or retaliation as defined in this Policy, to their immediate supervisor or manager, District Counsel, or the General Manager.

B-180-70-20 In addition to the responsibilities listed above, each manager and supervisor is responsible for the following:

1. Informing employees under their supervision of this Policy.
2. Taking all steps necessary to prevent harassment, discrimination and retaliation from occurring, including, but not limited to, monitoring the work environment and taking immediate and appropriate action to stop violations (e.g., removing inappropriate pictures or correcting inappropriate language).
3. Receiving and responding to complaints in a uniformly fair and serious manner.
4. Documenting the steps taken to resolve such complaints.
5. Following up with those who have complained to ensure that the offensive conduct about which they complained has stopped and that there have been no reprisals or retaliation or threats of reprisals or retaliation.
6. Informing those who complain about harassment and/or discrimination of their option to contact the Equal Employment Opportunity Commission or California Civil Rights Department and file a complaint about such activity.

Resolution No. 2009-1872	Date Approved: July 9, 2009
President of the Board	Supersedes: Last Reviewed: February 16, 2023

- 7. Assisting and/or advising employees regarding this Policy.
- 8. Assisting in the investigation of complaints involving subordinate employee(s).
- 9. Where a complaint is substantiated, assisting in the development of a recommendation concerning an appropriate corrective or disciplinary action in accordance with these policies.
- 10. Implementing appropriate corrective or disciplinary actions.
- 11. Reporting potential violations of this Policy to the District Counsel or the General Manager, regardless of whether an employee complained about such conduct.
- 12. Participating in periodic training and scheduling employees for training.

B-180-80 Right to File Report with Outside Administrative Agencies. An individual possesses the right to report workplace harassment, discrimination or retaliation to the U.S. Equal Employment Opportunity Commission (EEOC) and/or the California Civil Rights Department (CRD). These administrative agencies provide a complaint process as well as certain legal remedies where the applicable agency determined that a violation of the law occurred. The nearest EEOC and CRD offices are listed in the government section of the telephone book, or employees can check the posters that are located on District bulletin boards for EEOC and CRD office locations and telephone numbers.

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B-180 HARASSMENT, DISCRIMINATION AND RETALIATION PREVENTION POLICY AND COMPLAINT PROCEDURE

Purpose

Las Gallinas Valley Sanitary District ("District") is committed to preventing harassment, discrimination and retaliation in the workplace.

The purpose of this Harassment, Discrimination, and Retaliation Prevention Policy and Complaint Procedure ("Policy") is to establish a strong commitment to prohibit and prevent harassment and retaliation by and against the District's elected officials; to define those terms; and to set forth a procedure for investigating and resolving internal complaints of harassment, discrimination and retaliation. The District encourages all covered individuals to report—as soon as possible—any conduct that is believed to violate this Policy. Acts of harassment, discrimination and retaliation by anyone affiliated with the District, including its elected officials, are strictly prohibited and are subject to sanctions and disciplinary measures, up to and including termination.

~~This Policy establishes a complaint procedure by which the District will investigate and resolve complaints of harassment, discrimination and retaliation by and against covered individuals.~~

~~The District expressly prohibits any retaliation against an employee because they filed or supported a complaint or because they participated in the investigation or complaint resolution process. Individuals found to have retaliated against an employee in violation of this Policy will be subject to appropriate sanctions or disciplinary actions, up to and including termination.~~

Policy

The District has zero tolerance for any conduct that violates this Policy. Conduct need not arise to the level of a violation of state or federal law to violate this Policy. ~~Instead a~~ A single act by a District employee can ~~may constitute a violation of~~ violate this Policy and provide sufficient grounds for the District to discipline ~~the District employee, or other appropriate sanctions~~.

This Policy establishes a complaint procedure by which the District will investigate and resolve complaints of harassment, discrimination and retaliation by and against covered individuals.

The District expressly prohibits any retaliation against an employee because they filed or supported a complaint or because they participated in the investigation or complaint resolution process. Individuals found to have retaliated against an employee in violation of this Policy will be subject to appropriate sanctions or disciplinary actions, up to and including termination.

~~Harassment against an applicant or employee by a supervisor, management, employee, elected official, co-worker, member of the public or contractor on the basis of race, religion, sex (including gender, gender identify, gender expression, transgender, pregnancy, and breastfeeding), national origin, ancestry, disability, medical condition, genetic characteristics or information, marital status, age, sexual orientation (including homosexuality, bisexuality, or heterosexuality), or any other protected classification will not be tolerated.~~

Policy

~~This Policy applies to all terms and conditions of service as an elected District official and governs elected officials' conduct with each other, District employees, volunteers, interns, members of the public, and contractors.~~

~~Appropriate sanctions will be instituted for prohibited behavior as defined below.~~

~~Any retaliation against a person for filing a good faith complaint or participating in the complaint resolution process in good faith is prohibited. Individuals found to be retaliating in violation of this Policy will be subject to appropriate sanctions or disciplinary action, up to and including termination.~~

B-180-10 Covered Individuals and Scope of Policy.

~~This Policy covers the following individuals: applicants for employment at the District; District employees regardless of rank or title; elected or appointed officials of the District; interns; volunteers; and contractors ("covered individuals").~~

~~This Policy applies to all terms and conditions of employment, internships, and volunteer opportunities, including, but not limited to, selection, hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, compensation, and training.~~

B-180-40-20 Definitions.

B-180-40-20-1 Protected Classification. This ~~p~~Policy prohibits harassment, discrimination or retaliation because of an individual's protected classification. "Protected Classification" includes race, religion or religious creed, color, sex (including gender, gender ~~identify~~identity, gender expression, transgender identity, pregnancy, and breastfeeding), sexual orientation (including heterosexuality, homosexuality, and bisexuality), national origin, ancestry, citizenship status, marital status, ~~pregnancy~~, age (40 or over), medical condition, genetic characteristics or information, military and veteran status, ~~and~~ physical or mental disability, or any other basis protected by law.

This policy prohibits discrimination, harassment or retaliation for the following reasons: (1) an individual's protected classification; (2) the perception that an individual has a protected classification; or (3) the individual associates with a person who has or is perceived to have a protected classification.

B-180-20-2 Protected Activity. This Policy prohibits harassment, discrimination and retaliation because of an individual's protected activity.

Protected activity includes, but is not be limited to, the following activities: (1) making a request for an accommodation for a disability; (2) making a request for an accommodation for religious beliefs; (3) making a complaint under this Policy; (4) opposing violations of this Policy; or (5) participating in an investigation under this Policy.

B-180-4020-2-3 Policy Coverage. This policy prohibits discrimination, harassment or retaliation for the following reasons: (1) an individual's protected classification; (2) the perception that an individual has a protected classification; or (3) the individual associates with a person who has or is perceived to have a protected classification.

This Policy expressly prohibits elected officials from harassing, discriminating against, or retaliating against applicants, officers, officials, employees, contractors, or members of the public for any of the reasons enumerated above. because of: 1) an individual's protected classification; 2) the perception that an individual has a protected classification; or 3) the individual associates with a person who has or is perceived to have a protected classification.

B-180-4020-34. Harassment. This Policy prohibits harassment of a covered individual because of the individual's actual or perceived protected classification. Harassment may include, but is not limited to, the following types of behavior that is taken because of a person's protected classification. Note that harassment is not limited to conduct that the District's employees take. Under certain circumstances, harassment can also include conduct taken by those who are not employees, such as elected officials, persons providing services under contracts, or even members of the public. Harassment may include, but is not limited to, the following types of behavior:

Speech, such as epithets, derogatory, offensive or inappropriate comments, ~~or slurs, or stereotypical comments, or verbal~~ and propositions made on the basis of a protected classification. This ~~might include~~, but is not limited to, inappropriate comments, stories, and jokes about on appearance, including dress, ~~or physical features, or dress consistent with~~ gender identification, ~~or and race-oriented stories and jokes.~~

Physical Acts, such as assault, impeding or blocking movement, offensive touching, or any physical interference with normal work or movement. This includes, but is not limited to, pinching, grabbing, patting, propositioning, leering, or making explicit or implied job threats or promises in return for submission to physical acts.

Visual acts, such as derogatory, offensive, or inappropriate, posters, cartoons, emails, pictures, or drawings related to a protected classification.

Unwanted sexual advances, requests for sexual favors and other acts of a sexual nature, where submission is made a term or condition of employment, where submission to or rejection of the conduct is used as the basis for employment decisions, or where the conduct is intended to or actually does unreasonably interfere with an individual's work performance or create an intimidating, hostile, or offensive working environment.

B-180-20-5 Discrimination. This Policy prohibits treating a covered individual differently and adversely because of the individual's actual or perceived protected classification; because the individual associates with a person who is or is perceived to be a member of a protected classification; or because the individual participates in a protected activity as defined in this Policy.

B-180-20-6 Retaliation. Retaliation occurs when an employer takes adverse action against a covered individual because of the individual's protected activity as defined in this Policy.

"Adverse action" may include, but is not limited to, the following actions: (1) disciplinary action; (2) counseling; (3) taking sides because an individual has reported harassment or discrimination; (4) spreading rumors about a complainant or about someone who supports or assists the complainant or who participates in the investigation; (5) shunning or avoiding an individual who reports harassment or discrimination; or (6) making real or implied threats of intimidation to prevent or deter an individual from reporting harassment or discrimination.

B-180-20-30 Guidelines for Identifying Harassment. Harassment includes conduct that another individual who is a member of the protected classification would find unwelcome or unwanted. Harassment may include the following:

To help clarify what constitutes harassment in violation of this Policy, use the following guidelines:

B-180-2030-1 Harassment includes ~~any conduction~~ conduct which would be "unwelcome or unwanted" to an individual of the recipient's same protected classification and which is taken because of the recipient's protected classification.

B-180-30-2 Conduct that is not intended to harass. Conduct may violate this Policy if the conduct is directed at, or implicates a protected classification and the recipient finds the conduct to be offensive or inappropriate, even if its well-intentioned conduct (e.g., gifts, over-attention, endearing nicknames, hugs).

B-180-2030-32 It is ~~no~~ Conduct to which the recipient appears to have consented ~~can still constitute harassment~~. The District does not recognize as a defense that the recipient appeared to have ~~voluntarily~~ "consented" to the conduct at issue ~~by failing to protest about the conduct~~. A recipient may not protest offensive or inappropriate conduct for many legitimate reasons, including the need to avoid being perceived as insubordinate or to avoid being ostracized or subjected to retaliation.

B-180-2030-43 Conduct about which no employee has previously complained ~~can still constitute harassment~~. Simply because no one has complained about a joke, gesture, picture, physical contact, or comment or substantially similar conduct does not mean that the conduct is welcome, inoffensive, or appropriate. ~~Harassment can evolve over time~~. The fact that no one ~~is complaining now~~ previously complained does not preclude anyone from complaining if the conduct is repeated ~~in the future~~.

B-180-2030-54 Conduct witnessed by a third party or about which a third party ~~learns, even if they did not witness the conduct,~~ can be harassment. Even ~~visual, verbal, or physical conduct between two elected officials who appear to welcome the conduct~~ people who do not find such conduct offensive or inappropriate can constitute harassment of a third applicant, officer, official, employee, intern, volunteer, or contractor party witnesses such ~~he observes the~~ conduct or learns about the conduct later and finds the conduct to be offensive or inappropriate.

Conduct can constitute harassment even if it is not explicitly or specifically directed at a particular individual.

B-180-2030-65 Conduct can constitute harassment in violation of this Policy even if the individual engaging in the conduct has no intention to harass. Even well-intentioned conduct can violate this Policy if the conduct is directed at, or implicates se a protected classification, and if an the individual or an individual of the recipient's same protected classification would find it inappropriate or offensive (e.g., gifts, over attention, endearing nicknames, hugs).

B-180-30 40 Complaint Process Procedure. ~~A n employee, job applicant, volunteer, intern, elected official, or contractor covered individual who believes he/she is they have been subjected to the victim of harassment, discrimination or retaliation may file a formal or informal make a complaint without fear of reprisal or embarrassment to any supervisor, manager, District Counsel, or the General Manager without regard to any chain of command.~~

~~**B-180-40-1** An informal complaint is made verbally to District Counsel or the General Manager, or with any supervisory employee.~~

~~**B-180-40-2** A formal complaint is made in writing. It is preferred that a written complaint be submitted to the District Counsel or the General Manager, but it may also be submitted to any supervisory employee.~~

~~Any supervisory or management employee who receives a harassment, discrimination, or retaliation complaint should immediately notify the General Manager. Upon receiving notification of a complaint regarding discrimination, harassment or retaliation, the General Manager or their designee will complete and/or delegate the following steps:~~

~~**B-180-30-1** An informal complaint is made verbally to District Counsel or the General Manager, or with any supervisory employee.~~

~~**B-180-30-2** A formal complaint is made in writing. It is preferred that a written complaint be submitted to the District Counsel or the General Manager, but it may also be submitted to any supervisory employee~~

~~**B-180-30-3** Any supervisor who receives a harassment complaint should notify the General Manager immediately. If the harassment complaint is made by or against the General Manager, the supervisor should notify District Counsel.~~

~~**B-180-3040-4 3** Within 24 hours of the submitting the complaint to the General Manager, the General Manager shall inform, in a means designed to retain confidentiality, the District Counsel.~~

~~**B-180-3040-5 4** Upon receiving notification of a harassment complaint, the General Manager or District Counsel shall authorize Authorize and supervise the investigation of the complaint and/or investigate the complaint. The investigation will usually include interviews with the following individuals: 1) the complainant; 2) the accused (i.e., the subject of the investigation) harasser; 3) witnesses to the conduct at issue in the complaint; and ~~34~~) other persons who have relevant knowledge concerning~~

the allegations in the complaint. Those informed of the investigation shall conduct themselves in a manner that will not compromise the integrity of the investigation, including, but not limited to, refraining from actions that may intimidate potential witnesses.

~~B-180-30-6~~ The ~~person initiating the complaint~~ complainant and the ~~person accused of the alleged harassment~~ accused ~~has~~ have the right to be accompanied by an advocate(s) when discussing alleged incidents. Said persons shall be advised of this right prior to the commencement of such discussions.

B-180-40-5 Review the factual information gathered during the investigation to determine whether the alleged conduct violated the Policy giving consideration to all factual information, the totality of the circumstances, including the nature of the conduct, and the context in which the alleged incidents occurred.

B-180-40-6 Prepare a summary report of the determination as to whether the conduct violated this Policy and, if necessary, provide such report to the appointing authority (i.e., District Counsel or General Manager). If discipline or sanctions are imposed, the level of discipline or sanctions will not be communicated to the complainant.

B-180-40-7 If conduct in violation of this Policy occurred, take or recommend to the appointing authority prompt and effective remedial action. The remedial action will be commensurate with the severity of the offense.

B-180-40-8 Take reasonable steps to protect the complainant from further harassment, discrimination or retaliation.

If the General Manager or District Counsel is the accused, or is a witness to the events at issue, an individual with higher authority will complete and/or delegate the steps enumerated above.

The District takes a proactive approach to potential violations of this Policy and will conduct an investigation if its supervisory or management employees become aware that harassment, discrimination or retaliation occurred or may be occurring, regardless of whether the recipient or third party reports a potential violation.

B-180-40-50 Disciplinary Procedures and Sanctions. Upon conclusion of the investigation of ~~an~~ alleged harassment, discrimination or retaliation, appropriate action shall be taken against the ~~harasser~~ appropriate party where a violation of this Policy is found, including legal actions where appropriate.

B-180-40-1 Appropriate action shall be taken to remedy the victim's loss, if any, resulting from the harassment, discrimination or retaliation.

B-180-40-2 Action taken to remedy a harassment, discrimination or retaliation situation shall be done in a manner so as to prevent further violations.

B-180-40-3 Elected officials and employees complaining of harassment shall be protected thereafter from any form of reprisal and/or retaliation. Any adverse conduct taken because an applicant, employee, elected official or contractor has reported harassment, or has participated in the complaint and investigation process described herein, is prohibited. ~~"Adverse conduct" includes but is not limited to: taking sides because an individual has reported harassment, spreading rumors about a complaint, shunning and avoiding an individual who reports harassment, or real or implied threats of intimidation to prevent an individual from reporting harassment. The following individuals are protected from retaliation:~~ This Policy protects those who make good faith reports of harassment, and those who associate with an individual who is involved in reporting harassment or who participates in the complaint or investigation process, from retaliation.

B-180-60 Confidentiality. The District will make every effort to assure the confidentiality of complaints made under this Policy to the greatest extent allowed by law. However, complete confidentiality may not be possible because of the District's need to investigate the complaint and provide the subject of the complaint their due process rights, which include providing the subject of the investigation a copy of the complaint after the initial investigatory interview, if requested.

The District expressly prohibits an employee who is interviewed during the course of an investigation from attempting to influence other employees, including employees who may have witnessed the underlying conduct at issue, while the investigation is open and ongoing.

An employee may discuss their interview with a designated representative from the employee's employee organization and/or the employee's legal representative. The District will not disclose a completed investigation report except as it deems necessary to support a disciplinary action, to take remedial action, to defend itself in adversarial proceedings, or to comply with the law or court order.

B-180-70 Responsibilities.

B-180-70-10 Each non-supervisor or non-manager is responsible for the following:

1. Treating all individuals in the workplace or on District worksites with respect and consideration.
2. Modeling behavior that conforms to this Policy.
3. Participating in periodic trainings on personnel matters.

4. Cooperating with the District's investigations pursuant to this Policy by responding fully and truthfully and in a timely manner to all questions posed during the investigation.

5. Taking no actions to influence the complainant or any potential witness while the District's investigation is ongoing.

6. Reporting any act they believe in good faith constitutes harassment, discrimination or retaliation as defined in this Policy, to their immediate supervisor or manager, District Counsel, or the General Manager.

B-180-70-20 In addition to the responsibilities listed above, each manager and supervisor is responsible for the following:

1. Informing employees under their supervision of this Policy.

2. Taking all steps necessary to prevent harassment, discrimination and retaliation from occurring, including, but not limited to, monitoring the work environment and taking immediate and appropriate action to stop violations (e.g., removing inappropriate pictures or correcting inappropriate language).

3. Receiving and responding to complaints in a uniformly fair and serious manner.

4. Documenting the steps taken to resolve such complaints.

5. Following up with those who have complained to ensure that the offensive conduct about which they complained has stopped and that there have been no reprisals or retaliation or threats of reprisals or retaliation.

6. Informing those who complain about harassment and/or discrimination of their option to contact the EEOC or DFEHCRD and file a complaint about such activity.

7. Assisting and/or advising employees regarding this Policy.

8. Assisting in the investigation of complaints involving subordinate employee(s).

9. Where a complaint is substantiated, assisting in the development of a recommendation concerning an appropriate corrective or disciplinary action in accordance with these policies.

10. Implementing appropriate corrective or disciplinary actions.

11. Reporting potential violations of this Policy to the District Counsel or the General Manager, regardless of whether an employee complained about such conduct.

12. Participating in periodic training and scheduling employees for training.

B-180-5080- Right Option to File Report with Outside Administrative Agencies. An individual ~~possesses~~has the ~~option-right~~ to report workplace harassment, discrimination or retaliation to the U.S. Equal Employment Opportunity Commission (EEOC) and/or the California ~~Department of Fair Employment and Housing (DFEH)~~Civil Rights Department (CRD). These administrative agencies ~~provide offer legal remedies and~~ a complaint process as well as certain legal remedies where the applicable agency determined that a violation of the law occurred. The nearest EEOC and DFEHCRD offices are listed in the government section of the telephone book, or employees can check the posters that are located on ~~employer-District~~ bulletin boards for EEOC and DFEHCRD office locations and telephone numbers.

B-180 HARASSMENT PREVENTION POLICY AND COMPLAINT PROCEDURE**Purpose**

The purpose of this Policy is to establish a strong commitment to prohibit and prevent harassment and retaliation by and against the District's elected officials; to define those terms; and to set forth a procedure for investigating and resolving internal complaints. The District encourages all covered individuals to report—as soon as possible—any conduct that is believed to violate this Policy. Acts of harassment by anyone affiliated with the District, including its elected officials, are strictly prohibited and are subject to sanctions and disciplinary measures.

Policy

The District has zero tolerance for any conduct that violates this Policy. Conduct need not arise to the level of a violation of law to violate this Policy. Instead a single act can violate this Policy and provide grounds for discipline or other appropriate sanctions.

Harassment against an applicant or employee by a supervisor, management, employee, elected official, co-worker, member of the public or contractor on the basis of race, religion, sex (including gender, gender identify, gender expression, transgender, pregnancy, and breastfeeding), national origin, ancestry, disability, medical condition, genetic characteristics or information, marital status, age, sexual orientation (including homosexuality, bisexuality, or heterosexuality), or any other protected classification will not be tolerated.

This Policy applies to all terms and conditions of service as an elected District official and governs elected officials' conduct with each other, District employees, volunteers, interns, members of the public, and contractors.

Appropriate sanctions will be instituted for prohibited behavior as defined below.

Any retaliation against a person for filing a good faith complaint or participating in the complaint resolution process in good faith is prohibited. Individuals found to be retaliating in violation of this Policy will be subject to appropriate sanctions or disciplinary action up to and including termination.

B-180-10 Definitions.

B-180-10-1 Protected Classification. This policy prohibits harassment because of an individual's protected classification. "Protected Classification" includes race, religion, color, sex (including gender, gender identify, gender expression, transgender, pregnancy, and breastfeeding, sexual orientation (including heterosexuality, homosexuality, and bisexuality), national origin, ancestry, citizenship status, marital status, pregnancy, age, medical condition, genetic characteristics or information, military and veteran status, and physical or mental disability.

B-180-10-2 Policy Coverage. This Policy prohibits elected officials from harassing against applicants, officers, officials, employees, contractors, or members of the public

because of: 1) an individual's protected classification; 2) the perception that an individual has a protected classification; or 3) the individual associates with a person who has or is perceived to have a protected classification.

B-180-10-3. Harassment. Harassment may include, but is not limited to, the following types of behavior that is taken because of a person's protected classification. Note that harassment is not limited to conduct that the District's employees take. Under certain circumstances, harassment can also include conduct taken by those who are not employees, such as elected officials, persons providing services under contracts, or even members of the public:

Speech, such as epithets, derogatory comments or slurs, and propositioning on the basis of a protected classification. This might include inappropriate comments on appearance, including dress or physical features, or dress consistent with gender identification, or race-oriented stories and jokes.

Physical Acts, such as assault, impeding or blocking movement, offensive touching, or any physical interference with normal work or movement. This includes pinching, grabbing, patting, propositioning, leering, or making explicit or implied job threats or promises in return for submission to physical acts.

Visual acts, such as derogatory posters, cartoons, emails, pictures, or drawings related to a protected classification.

Unwanted sexual advances, requests for sexual favors and other acts of a sexual nature, where submission is made a term or condition of employment, where submission to or rejection of the conduct is used as the basis for employment decisions, or where the conduct is intended to or actually does unreasonably interfere with an individual's work performance or create an intimidating, hostile, or offensive working environment.

B-180-20 Guidelines for Identifying Harassment. To help clarify what constitutes harassment in violation of this Policy, use the following guidelines:

B-180-20-1 Harassment includes any conduction which would be "unwelcome" to an individual of the recipient's same protected classification and which is taken because of the recipient's protected classification.

B-180-20-2 It is no defense that the recipient appears to have voluntarily "consented" to the conduct at issue. A recipient may not protest for many legitimate reasons, including the need to avoid being insubordinate or to avoid being ostracized.

B-180-20-3 Simply because no one has complained about a joke, gesture, picture, physical contact, or comment does not mean that the conduct is welcome. Harassment can evolve over time. The fact that no one is complaining now does not preclude anyone from complaining if the conduct is repeated in the future.

B-180-20-4 Even visual, verbal, or physical conduct between two elected officials who appear to welcome the conduct can constitute harassment of a third applicant, officer, official, employee, intern, volunteer, or contractor who observes the conduct or learns about the conduct later. Conduct can constitute harassment even if it is not explicitly or specifically directed at an individual.

B-180-20-5 Conduct can constitute harassment in violation of this Policy even if the individual engaging in the conduct has no intention to harass. Even well-intentioned conduct can violate this Policy if the conduct is directed at, or implicated a protected classification, and if an individual of the recipient's same protected classification would find it offensive (e.g., gifts, over attention, endearing nicknames).

B-180-30 Complaint Process. An employee, job applicant, volunteer, intern, elected official, or contractor who believes he/she is the victim of harassment may file a formal or informal complaint without fear of reprisal or embarrassment.

B-180-30-1 An informal complaint is made verbally to District Counsel or the General Manager, or with any supervisory employee.

B-180-30-2 A formal complaint is made in writing. It is preferred that a written complaint be submitted to the District Counsel or the General Manager, but it may also be submitted to any supervisory employee

B-180-30-3 Any supervisor who receives a harassment complaint should notify the General Manager immediately. If the harassment complaint is made by or against the General Manager, the supervisor should notify District Counsel.

B-180-30-4 Within 24 hours of the submitting the complaint to the General Manager, the General Manager shall inform, in a means designed to retain confidentiality, District Counsel.

B-180-30-5 Upon receiving notification of a harassment complaint, the General Manager or District Counsel shall authorize and supervise the investigation of the complaint and/or investigate the complaint. The investigation will include interviews with: 1) the complainant; 2) the accused harasser; and 3) other persons who have relevant knowledge concerning the allegations in the complaint. Those informed of the investigation shall conduct themselves in a manner that will not compromise the integrity

of the investigation. including but not limited to refraining from actions that may intimidate potential witnesses.

B-180-30-6 The person initiating the complaint and the person accused of the alleged harassment has the right to be accompanied by an advocate(s) when discussing alleged incidents. Said persons shall be advised of this right prior to the commencement of such discussions.

B-180-30-7 The party responsible for the supervision of the investigation should review the factual information gathered through the investigation to determine whether the alleged conduct constitutes a violation of this Policy and report a summary of the determination as to whether a Policy violation occurred to appropriate persons, including the complainant, the alleged harasser, and the supervisor. If discipline is imposed, the level of discipline will not be communicated to the complainant.

B-180-40 Disciplinary Procedures and Sanctions. Upon conclusion of the investigation of an alleged harassment, appropriate action shall be taken against the harasser where a violation of this Policy is found, including legal actions where appropriate.

B-180-40-1 Appropriate action shall be taken to remedy the victim's loss, if any, resulting from the harassment.

B-180-40-2 Action taken to remedy a harassment situation shall be done in a manner so as to prevent further violations.

B-180-40-3 Elected officials and employees complaining of harassment shall be protected thereafter from any form of reprisal and/or retaliation. Any adverse conduct taken because an applicant, employee, elected official or contractor has reported harassment, or has participated in the complaint and investigation process described herein, is prohibited. "Adverse conduct" includes but is not limited to: taking sides because an individual has reported harassment, spreading rumors about a complaint, shunning and avoiding an individual who reports harassment, or real or implied threats of intimidation to prevent an individual from reporting harassment. The following individuals are protected from retaliation: those who make good faith reports of harassment, and those who associate with an individual who is involved in reporting harassment or who participates in the complaint or investigation process.

B 180-50- Option to Report to Outside Administrative Agencies. An individual has the option to report harassment to the U.S. Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment and Housing (DFEH). These administrative agencies offer legal remedies and a complaint process. The nearest offices are listed in the government section of the telephone book or employees can check the posters that are located on employer bulletin boards for office locations and telephone numbers.



SSO SPILL SUMMARY

- There were no SSO's in the 4th quarter of 2022.

KEY MAINTENANCE PROJECTS

- Completed annual PM on St. Vincent Drainage PS.
- Rebuilt 8" PVC header on RW train #2 due to leaking PVC fitting.
- Removed Descanso VFD and sent out for repair.
- Underground leak at pond 1 repaired.
- Replaced LCD display and communication board on E001 Rotork, configured and programmed.
- Bypassed a leaking redundant biogas regulator for the large boiler.
- Changed gearbox oils in BioWheel drives.
- Replaced failed VFD for thickener flock tank mixer.
- Made stainless piping changes to seal water supply for primary pumps and internal recycle pumps to allow the use of reclaimed water or potable water.
- Routine Preventative Maintenance Work Orders – Treatment Plant/Pump Stations/Reclamation
- (400) Fleet Maintenance Inspections

SAFETY ISSUES AND TRAINING

- Qualified Electrical Worker Training
- Lockout/Tagout – make up training.
- Hazardous Waste Management/Spill Prevention Counter Measures Training
- Safety Committee Meeting
- Hazardous Materials Business Plan – Site Review

OTHER

- Electrical/Instrumentation Internal Recruitment – Interview
- Collection System – Pump Station Maintenance (Routine)
- Collection System – "Hotspot" maintenance (Quarterly)

REQUESTS FOR PROPOSALS

- None

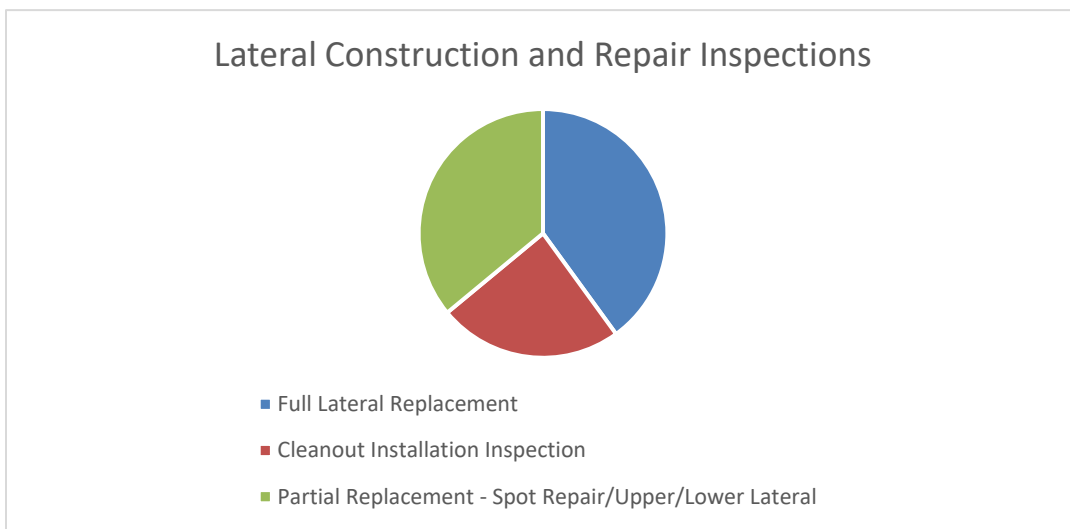
PERFORMANCE METRICS

Collection System Cleaning and CCTV Inspection

- Flushed/Rodded = 126,756 feet; Percent of District = 22.9%.
- CCTV Inspected = 0 feet; Percent of District = 0.00%
- Manhole inspections performed = 487
- USA Ticket Work Orders = 561

Lateral Construction and Repair Inspections

- Applications received = 58
- Full Replacement Inspections Performed = 8 Full Replacements
- Cleanout Installation Inspections Performed = 6 Cleanout Installations
- Spot Repairs/Upper/Lower Replacements Performed = 9 partial replacements or spot repairs

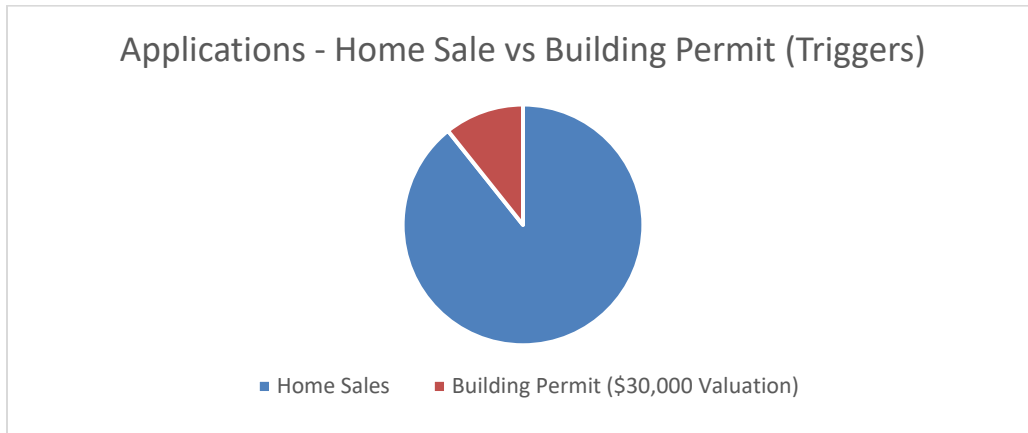


CNG Fueling Stations

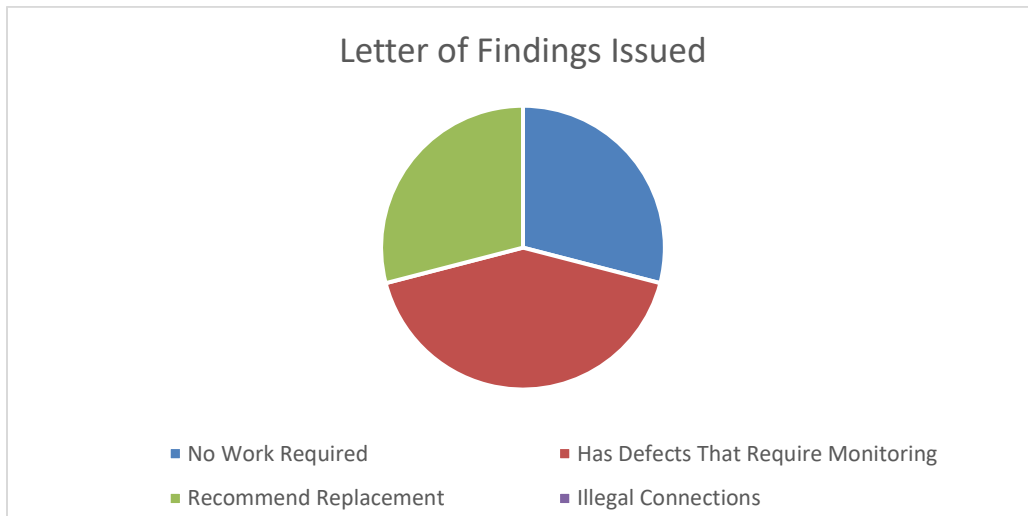
- CNG Fueling Station
 - Plant Slow Fill = 0% Up Time
 - Smith Ranch Fast Fill = 100% Up Time.
- Smith Ranch Fuel Station
 - 17 Fill-ups
 - Total Diesel Gallon Equivalent (DGE) = 493 DGE
 - Average MPG = 2.9 MPG

Sewer Lateral Ordinance Inspections - Number of Applications Processed

- Home Sale Applicants = 25 received
- Building Permit (\$30,000 valuation) Applicants = 3 received



- Home Sale Letter of Findings Issued = 31; 9 - recommend replacement, 13 -have defects that require monitoring, 9 - no work or monitoring required, 0 – Illegal connection





CRITICAL PROCESS

- Treatment plant effluent was discharged to the reclamation storage ponds in October and November. Low storage pond levels and weather forecasts reporting low expected precipitation in November provided a unique opportunity to delay effluent discharge to Miller Creek until December 1st, one month later than an average year.
- Staff assisted in the coordination of, and modified operations to accommodate 8 service outage requests initiated by the STPURWE General Contractor (GC).
- Three Bio-Wheel aeration trains were in operation in this report period. Multiple drive chain link failures were observed by staff and replaced by the GC in this report period.
- One blending event occurred on December 31st after heavy rainfall. Blending is a permitted treatment strategy that routes primary effluent, exceeding secondary treatment capacity, directly to disinfection and dechlorination before discharge.

NON-CRITICAL PROCESS

- In the first week of October, Sahar Golshani, Chris Campbell, and Don Moore attended the 2022 WEFTEC annual conference.
- October 25th staff participated in the “A Day Without SCADA” exercise and training provided by contract cybersecurity consulting firm.
- November training: Plant Manager attended “The Effective Managers Communication Skills Toolbox”, the Laboratory Supervisor attended “Maximizing Performance Through Documentation, Evaluation, and Corrective Action” and the Plant Operations Supervisor attended “Work Smarter, Not Harder: Time Management for Personal & Professional Productivity” in December.

PERFORMANCE METRICS

Sewage Treated

- 2.28 million gallons per day average daily influent flow for October through December.

Recycled Water Production

- 19.35 million gallons of recycled water was pumped to North Marin Water District
- 72.14 million gallons of recycled water was pumped to Marin Municipal Water District

LGVSD Recycled Water flows 2018 - 2022

Units are in millions of gallons

Year	Plant Influent	MMWD	NMWD	Pasture Irrigation	RW Sum
2018	882.0	221.0	18.2	93.0	332
2019	1157.0	NA	49.0	80.6	129
2020	799.0	NA	33.1	89.6	122.7
2021	855.0	162.2	47.3	72.4	281.9
2022	758.0	232.0	52.3	79.7	364

No RW produced for MMWD during RWF expansion in 2019 & 2020

Reclamation

- Pond Levels Beginning of October – Pond #1 = 5.0' - Pond #2 = 0.5' ~ 30% of Capacity
Pond Levels at End of December – Pond #1 = 6.2' - Pond #2 = 6.1' ~ 68% of Capacity

Solar Power Generation

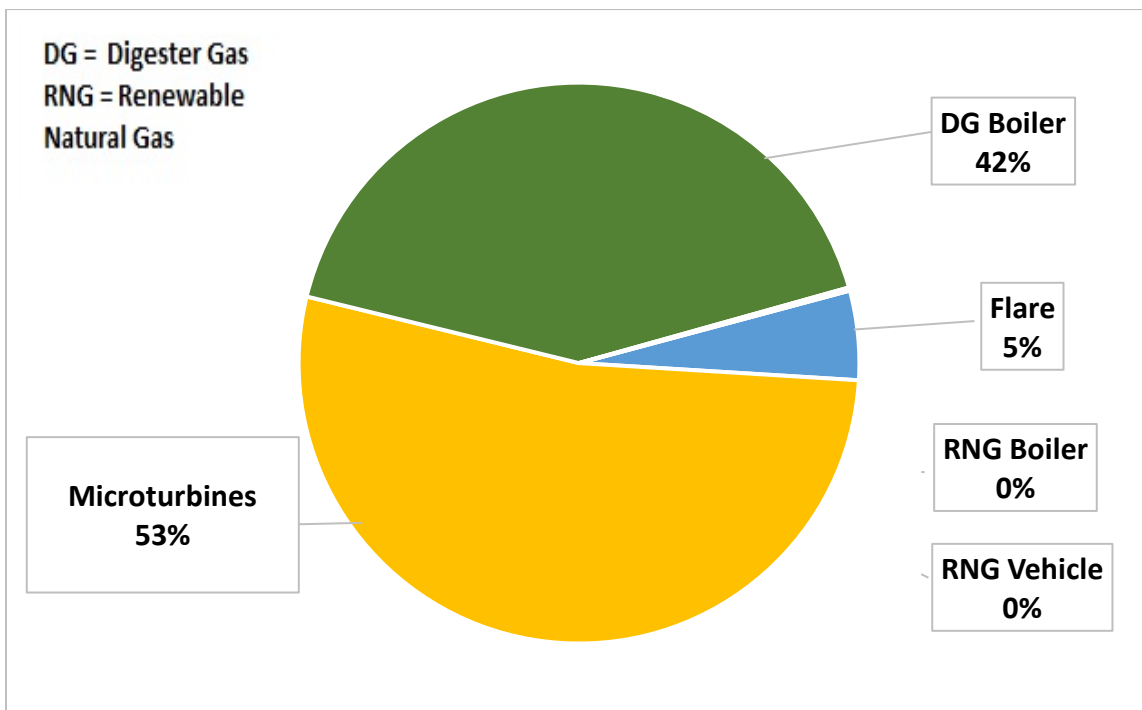
- 9,886 kWh offsetting approximately \$2,471 in PG&E/MCE electrical consumption costs using an average rate of \$0.25/kWh. Inverters A & B were shut down 12/2021 for safety.

Biosolids

- 1.5 million gallons of digested sludge was transferred from the storage lagoons to the dedicated land disposal site during the summer months.

Biogas Utilization

- Total Digester Gas Produced – 3,115,347 scf – Microturbines at 67.4% uptime producing a total of 60,166 kWh, offsetting approximately \$15,041 in PG&E/MCE electrical consumption costs using an average rate of \$0.25/kWh.



NPDES PERMIT COMPLIANCE

No self-monitoring violations were reported to the water board in this period. All monthly reports were submitted to their respective regulatory agencies in accordance with permit requirements. On average, laboratory staff performed 138 process control and 25 regulatory compliance analyses per week during this report period.



Item Number 3.5

GM Review CP

Agenda Summary Report

To: Board of Directors

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

Meeting Date: February 16, 2023

Re: Quarterly Treasurer’s & Financial Reports as of December 31, 2022

Item Type: Consent _____ Action _____ Information X Other _____.

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

STAFF RECOMMENDATION

Information only

BACKGROUND

Board Policy F-20-10, Financial Reporting, and Board Policy F-70-120, Investment Reporting, require that a quarterly report be submitted to the Board. It is prudent and beneficial to present these reports to the Board at the same time.

TREASURER’S INVESTMENT REPORT

Pursuant to the State of California Government Code Section 56300, the District’s investment policy adopted on July, 21, 2022, and industry best practices, staff prepares a quarterly report on the District’s cash position, investments, and liquidity.

As specified in California Government Code Section 53646(e), if all funds are placed in Local Agency Investment Fund (LAIF), FDIC-insured accounts and/or in a county investment pool, the reporting elements may be replaced by copies of the latest statements from such institutions.

The attached Treasurer’s Report presents the District’s bank and investment account balances as of December 31, 2022. Total Investments of \$26,790,397 are held in the Local Agency Investment Fund (LAIF) and in two restricted debt service accounts, which reflect a decrease of \$5,150,048 during the previous twelve-month period.

Included with the Treasurer’s Report is the LAIF remittance advice from the State Controller’s Office which includes report on earnings ratio, interest rate, and current market value along with the Pooled Money Investment Account/LAIF Performance Report. The LAIF report for the quarter ending December 31, 2022 shows the interest rate of 2.07%, up from 1.35% in September, with quarterly interest earned of \$111,251.

The District is required to maintain cash in debt reserve funds, equal to one year’s debt service for the State Revolving Fund and for the loans from Bank of Marin. Quarterly Account Summary for the Bank of Marin Certificates of Deposit are included with this Treasurer’s Report.

The District’s investments comply with its investment policy and the District has sufficient funds available to meet its obligations for the next six months.



QUARTERLY FINANCIAL REPORT

District staff is required to provide a quarterly summary report that compares actual revenues and expenditures to budgeted amounts, including relevant information on debt proceeds and debt service payments.

Cash Balance

The District has \$34,196,564 of cash and investments on hand as of December 31, 2022; a decrease of \$6.1M from December 31, 2021 primarily due to construction expenditures related to the Secondary Treatment Plant Upgrade and Recycled Water Expansion (STPURWE) Project.

Expenditures for the STPURWE project over the past year were primarily paid from the:

1. California Infrastructure and Economic Development Bank (IBank) Infrastructure State Revolving Fund (ISFR). The remaining balance of \$567,760 will be deposited into the operating account once the Notice of Completion for the project is filed.
2. Capital Project Reserve Fund that holds Marin Water annual proportional debt-service and quarterly buy-in payments for STPURWE project.
3. Operating Account for miscellaneous project related charges.

The operating account balance fluctuates based on operating needs and it is not uncommon for the balance to change over the prior quarter or year. This quarter \$7M in Property Tax and Sewer Service Charge revenue was transferred from the operating account to LAIF.

Of the cash on hand, the District has designated portions of it for the following uses:

- Reserves of \$7,766,782 pursuant to District policies.
- Connection fees of \$688,126 which are available only to fund capacity related projects.
- Debt service restricted reserve funds of \$906,839 as required by loan covenants.
- Special assessment funds for operation and maintenance of the pump stations at Captains Cove and Marin Lagoon of \$1,499 and \$15,990, respectively.
- Accumulation of cash for the Private Sewer Lateral Assistance program of \$390,024.

There is \$24.4M remaining after the designations noted above. The District has encumbered \$10.8M for capital projects and services as of December 31, 2022. This leaves \$13.6M in unrestricted funds as of December 31. The District's average annual operating expenses and debt service payments are expected to lower the unrestricted fund balance by approximate \$1.2M per month through April 2023.

Recent Board-approved encumbrances for flow monitoring, construction management and inspection, along with other incidental encumbrances total an additional \$2.1M that is not included in the encumbered amount above.



Profit & Loss Budget vs. Actual Financial Statement

Attached are the quarterly financial statements as of December 31, 2022, with highlights explaining significant variances and analysis below. Additional details are provided with the Mid-Year Budget Report.

Revenue

- Sewer Service Charge (SSC) Reimbursement (#9771) reflects reimbursement to three property owners overcharged for SSC service in prior years.
- Miscellaneous Income (#9773) is mostly the settlement payment on the remaining warranty value for solar panels and equipment.
- Interest on IBank ISRF (#9208) is interest on the installment loan balance held by IBank. It was not included in budget as it was anticipated that final disbursement would have occurred last fiscal year, which would have resulted in zero interest being received.

Expenditures

- Contract Personnel (#1005) – Operational Technical Services provided a Laboratory Analyst through December 2022 while recruitment to fill the vacant position was undertaken.
- Workers Compensation (#1701) – pooled deposit of \$106,073 based on forecasted salary was paid in July. A final premium audit for 2021-22 period was completed in December which resulted in an additional expense of \$30,541. Workers Compensation expenses are anticipated to increase along with increased employee count and salaries.
- Passthu (#2355) is used to track engineering coordinated reimbursable expenses. Expenses are offset by recovering reimbursements under the Passthu revenue account).

Total Operating & Maintenance expenses for the first half of the fiscal year is \$7,693,148 which comprises 48.12% of the annual budget.

Debt Proceeds and Service:

The State Revolving Fund loan principal and interest is due in April. The 2017 Revenue Bond principal payment is due in February. All debt service payments are being paid according to schedule.

PREVIOUS BOARD ACTION

N/A

ENVIRONMENTAL REVIEW

N/A

FISCAL IMPACT

See above.

**Las Gallinas Valley Sanitary District
Treasurer's Report - Operating and Investment Accounts
December 31, 2022**

I. Account Summary: Bank and Investment Accounts Accounts Summary	December		Change from Previous Year
	2022	2021	
Summary of Bank and Investment Accounts			
OPERATIONS:			
Bank of Marin			
Operating Accounts	5,513,017	11,908,529	(6,395,513)
Liquid Savings	225,923	225,596	326
Private Sewer Lateral Rehab	390,024	380,241	9,783
Surcharge-Marin Lagoon	15,990	84,656	(68,667)
Surcharge-Captains Cove	1,499	17,279	(15,780)
Connection Fee	688,126	341,031	347,095
Capital Project Reserve Fund Money Market 3983	3,130	3,643,430	(3,640,301)
Petty cash	576	932	(356)
Investment Accounts			
Debt Service Reserve-Recycled Water	604,144	601,167	2,977
Debt Service Reserve-SRF Loan	302,695	301,203	1,492
 Local Agency Investment Fund	 <u>25,883,558</u>	 <u>20,737,979</u>	 <u>5,145,579</u>
Cash and Investments	<u>\$ 33,628,681</u>	<u>\$ 38,242,045</u>	<u>\$ (4,613,364)</u>
 IBANK ISRF AGREEMENT:	 567,760	 2,086,866	 (1,519,107)
 RESTRICTED 2017 BOND			
US Bank Bond & Cost of Issuance Funds	<u>\$ 123</u>	<u>\$ 116</u>	<u>\$ 7</u>
TOTAL CASH AND INVESTMENTS	<u>\$ 34,196,564</u>	<u>\$ 40,329,028</u>	<u>\$ (6,132,464)</u>

II. Account Activity for Bank of Marin Accounts

Bank of Marin operating account activity is for paying regular operating expenses of the District. Funds are transferred from the Liquid Savings to the Operating account as needed.

Statement of Compliance:

The investments accounts are invested in compliance with the District's investment policy, adopted at the July 21, 2022 Board meeting and California Government Code Section 53600. In addition, the District does have the financial ability to meet its cash flow requirements for the next six months.

Prepared by: 
Dale McDonald, Administrative Services Manager

Approved by: _____
Curtis Paxton, General Manager



MALIA M. COHEN

California State Controller

LOCAL AGENCY INVESTMENT FUND
REMITTANCE ADVICE

Agency Name	LAS GALINAS VLY SANITARY DIST
Account Number	XX-XX-XXX

As of 01/13/2023, your Local Agency Investment Fund account has been directly credited with the interest earned on your deposits for the quarter ending 12/31/2022.

Earnings Ratio		.00005680946709337
Interest Rate		2.07%
Dollar Day Total	\$	1,958,322,651.36
Quarter End Principal Balance	\$	25,883,558.38
Quarterly Interest Earned	\$	111,251.27



PMIA/LAIF Performance Report as of 01/18/23



PMIA Average Monthly Effective Yields⁽¹⁾

December	2.173
November	2.007
October	1.772

Quarterly Performance Quarter Ended 12/31/22

LAIF Apportionment Rate ⁽²⁾ :	2.07
LAIF Earnings Ratio ⁽²⁾ :	0.00005680946709337
LAIF Fair Value Factor ⁽¹⁾ :	0.981389258
PMIA Daily ⁽¹⁾ :	2.29
PMIA Quarter to Date ⁽¹⁾ :	1.98
PMIA Average Life ⁽¹⁾ :	287

Pooled Money Investment Account Monthly Portfolio Composition ⁽¹⁾ 12/31/22 \$199.6 billion

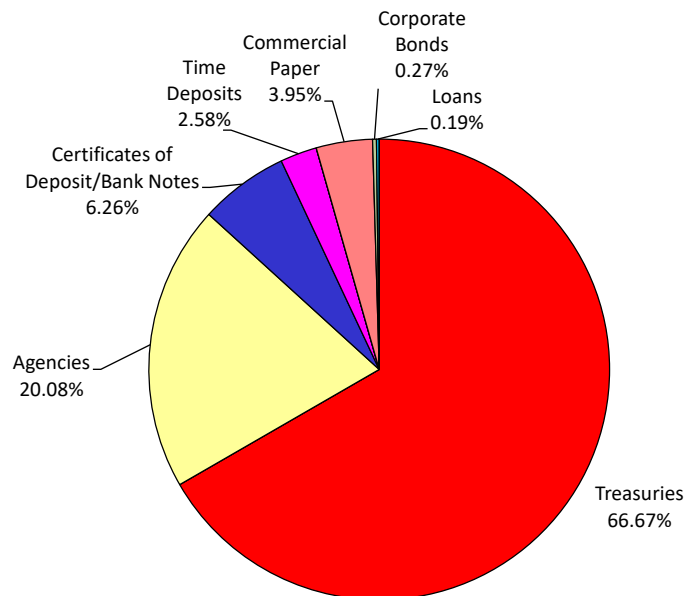


Chart does not include \$3,466,000.00 in mortgages, which equates to 0.002%. Percentages may not total 100% due to rounding.

Daily rates are now available here. [View PMIA Daily Rates](#)

Notes: The apportionment rate includes interest earned on the CalPERS Supplemental Pension Payment pursuant to Government Code 20825 (c)(1) and interest earned on the Wildfire Fund loan pursuant to Public Utility Code 3288 (a).

Source:

⁽¹⁾ State of California, Office of the Treasurer

⁽²⁾ State of California, Office of the Controller



Bank of Marin

PO Box 2039
Novato, CA 94948-2039

00008389 BOMB1110123122060243 01 0000

LAS GALLINAS VALLEY SANITARY DISTRICT
"BANK OF MARIN DEBT RESERVE"
101 LUCAS VALLEY RD SUITE 300
SAN RAFAEL CA 94903-1795

Account Number: xxx-xxx679
Statement Period: 09/30/22 - 12/31/22
Page: 1 of 1

Customer Service Information

Branch: 415-472-2265
Touch Tone Banking: 800-654-5111

Lost or Stolen Card:
24 hours 7 days per week 866-626-6004

Written Inquiries:
5800 NORTHGATE MALL, SUITE #51
SAN RAFAEL CA 94903

Visit us Online: www.bankofmarin.com

Account Summary for PUBLIC FUNDS JMBO CDxxxx-xxx679

Total Current Balance \$604,144.05
Total Interest Year To Date \$2,977.08

Transaction Detail

Date	Description	Deposits	Withdrawals	Balance
09/30	Beginning Balance			\$603,392.27
10/31	Interest	751.78		604,144.05
12/31	Ending Balance			\$604,144.05

Deposit Number	0000-000001	Original Deposit Amount	\$569,178.89
Principal	\$571,431.58	Original Deposit Date	08/01/12
Current Balance	\$604,144.05	Last Maturity Date	08/01/20
Total Interest Year To Date	\$2,977.08	Current Term	60 Months, renewable
Current Rate	0.494%	Next Maturity Date	08/01/25





Bank of Marin

PO Box 2039
Novato, CA 94948-2039

00008393 BOMB1110123122060243 01 0000
LAS GALLINAS VALLEY SANITARY DISTRICT
101 LUCAS VALLEY RD SUITE 300
SAN RAFAEL CA 94903-1795

Account Number: xxxx-xxx073
Statement Period: 09/30/22 - 12/31/22
Page: 1 of 1

Customer Service Information

Branch: 415-472-2265
Touch Tone Banking: 800-654-5111

Lost or Stolen Card:
24 hours 7 days per week 866-626-6004

Written Inquiries:
5800 NORTHGATE MALL, SUITE #51
SAN RAFAEL CA 94903

Visit us Online: www.bankofmarin.com

Account Summary for PUBLIC FUNDS JMBO CDxxxx-xxx073

Total Current Balance \$302,694.72
Total Interest Year To Date \$1,491.61

Transaction Detail

Date	Description	Deposits	Withdrawals	Balance
09/30	Beginning Balance			\$302,318.06
10/29	Interest	376.66		302,694.72
12/31	Ending Balance			\$302,694.72

Deposit Number	0000-000001	Original Deposit Amount	\$286,304.76
Principal	\$286,304.76	Original Deposit Date	07/30/13
Current Balance	\$302,694.72	Last Maturity Date	07/30/20
Total Interest Year To Date	\$1,491.61	Current Term	60 Months, renewable
Current Rate	0.494%	Next Maturity Date	07/30/25



Las Gallinas Valley Sanitary District Profit & Loss Budget vs. Actual July through December 2022

Ordinary Revenue/Expense	Jul - Dec 22	Budget	\$ Over Budget	% of Budget
Income				
9011 · Sewer Service Charge				
9007 · Special Assessment - Current	8,877,665.65	15,930,508.00	-7,052,842.35	55.73%
9770 · Sewer Service Charge Direct Bil	961,060.73	980,000.00	-18,939.27	98.07%
9771 · Sewer Service Chrg Reimbrsmt PY	-45,287.20			
Total 9011 · Sewer Service Charge	9,793,439.18	16,910,508.00	-7,117,068.82	57.91%
9880 · Recycled Water	80,771.26	172,000.00	-91,228.74	46.96%
9022 · Permits and Inspection Fees	18,000.00	71,745.00	-53,745.00	25.09%
9024 · Application Fees	2,250.00	3,775.00	-1,525.00	59.6%
9101 · Private Sewer Lateral Program				
9102 · PSL Levy Principal	49,722.52	79,300.00	-29,577.48	62.7%
9105 · PSL Direct Pay Off	1,627.12			
Total 9101 · Private Sewer Lateral Program	51,349.64	79,300.00	-27,950.36	64.75%
9773 · Miscellaneous Income	97,091.19	1,250.00	95,841.19	7,767.3%
9000 · Property Tax Revenue				
9001 · Property Tax - Current Secured	625,070.49	1,239,692.00	-614,621.51	50.42%
9002 · Property Tax - Current Unsecure	17,306.43	20,000.00	-2,693.57	86.53%
9004 · Prior Secured Redemption	105.61	400.00	-294.39	26.4%
9006 · Prior Unsecured	1,000.68	2,000.00	-999.32	50.03%
Total 9000 · Property Tax Revenue	643,483.21	1,262,092.00	-618,608.79	50.99%
9040 · Supp. Assmnts - Property Tax				
9041 · Current Supplemental Assmts	4,959.24	27,695.00	-22,735.76	17.91%
Total 9040 · Supp. Assmnts - Property Tax	4,959.24	27,695.00	-22,735.76	17.91%
9046 · ERAF	306,032.19	584,867.00	-278,834.81	52.33%
9280 · HOPTR	642.03	4,453.00	-3,810.97	14.42%
9021 · Franchise Revenue	81,217.36	169,776.00	-88,558.64	47.84%
9010 · Federal and State Grants	0.00	5,000.00	-5,000.00	0.0%
9015 · Donations (received)	3,500.00			
9023 · Connection Fees CapX	288,689.00	1,740,572.00	-1,451,883.00	16.59%
9881 · MMWD Buy-in & Bond Share CapX	78,526.82	619,633.00	-541,106.18	12.67%
9100 · Reimbursements				
9104 · Passthru (Expense 2355)	28,151.00	25,000.00	3,151.00	112.6%
Total 9100 · Reimbursements	28,151.00	25,000.00	3,151.00	112.6%
9200 · Interest Income				
9208 · Interest on iBank ISRF	1,578.04			
9210 · Bank Interest	1,929.72	2,240.00	-310.28	86.15%
9206 · Interest Connection Fees CapX	459.17	964.00	-504.83	47.63%
9204 · Interest on Bond Funds	0.00	7.00	-7.00	0.0%
9209 · Interest - LAIF	74,209.20	63,600.00	10,609.20	116.68%
9201 · Interest on Reserves	2,339.56	4,500.00	-2,160.44	51.99%
9211 · Interest PSL Program				
9212 · PSL Investment Interest	187.60	400.00	-212.40	46.9%
Total 9211 · Interest PSL Program	187.60	400.00	-212.40	46.9%

Las Gallinas Valley Sanitary District Profit & Loss Budget vs. Actual July through December 2022

	Jul - Dec 22	Budget	\$ Over Budget	% of Budget
Total 9200 · Interest Income	80,703.29	71,711.00	8,992.29	112.54%
Total Revenue	11,558,805.41	21,749,377.00	-10,190,571.59	53.15%
Expense				
1001 · Employee Costs				
1001.1 · Salaries				
1003 · Regular Staff Salaries	1,677,861.33	4,071,400.00	-2,393,538.67	41.21%
1008 · Overtime	42,069.37	132,600.00	-90,530.63	31.73%
1011 · Doubletime	5,354.31	33,100.00	-27,745.69	16.18%
1010 · Stand By (pre-2008 Sick Pay)	40,774.09	92,500.00	-51,725.91	44.08%
1014 · Emergency Response Stipend	27,126.48	46,900.00	-19,773.52	57.84%
1015 · Certification Stipends	54,709.93	84,000.00	-29,290.07	65.13%
1016 · Longevity Pay	48,352.65	71,200.00	-22,847.35	67.91%
1005 · Contract Personnel	41,970.00	5,200.00	36,770.00	807.12%
1036 · Director's Compensation	33,356.40	80,600.00	-47,243.60	41.39%
Total 1001.1 · Salaries	1,971,574.56	4,617,500.00	-2,645,925.44	42.7%
1001.2 · Employee Benefits				
1901 · COVID Leave	25,261.75	1,000.00	24,261.75	2,526.18%
1009 · Vacation/Sick Accrual	0.00	64,000.00	-64,000.00	0.0%
1037 · Directors Health Benefits	5,635.00	9,700.00	-4,065.00	58.09%
1404 · Social Security Expense	124,414.15	287,100.00	-162,685.85	43.34%
1502 · Group Life Insurance	5,744.89	8,700.00	-2,955.11	66.03%
1506 · Pension Expense				
1507 · PERS	531,171.83	787,500.00	-256,328.17	67.45%
Total 1506 · Pension Expense	531,171.83	787,500.00	-256,328.17	67.45%
1509 · Health Insurance				
1509.1 · Health Insurance-Actives	213,373.53	509,200.00	-295,826.47	41.9%
1509.3 · Health Insurance-Admin Fee	940.01	1,700.00	-759.99	55.3%
1509.2 · Health Insurance-Retirees	49,022.42	112,900.00	-63,877.58	43.42%
1509.4 · Health Insurance-OPEB Pre-fund	81,410.00	163,200.00	-81,790.00	49.88%
Total 1509 · Health Insurance	344,745.96	787,000.00	-442,254.04	43.81%
1510 · Dental Insurance	21,305.53	16,500.00	4,805.53	129.12%
1514 · Vision Services	2,255.68	3,300.00	-1,044.32	68.35%
1516 · Long Term Disability	16,402.19	34,100.00	-17,697.81	48.1%
2006 · Auto Allowance	4,543.92	16,800.00	-12,256.08	27.05%
Total 1001.2 · Employee Benefits	1,081,480.90	2,015,700.00	-934,219.10	53.65%
1006 · Payroll Processing Fees	12,117.55	24,900.00	-12,782.45	48.67%
Total 1001 · Employee Costs	3,065,173.01	6,658,100.00	-3,592,926.99	46.04%
2059 · Insurance				
1701 · Workers Comp Insurance	138,848.00	72,900.00	65,948.00	190.46%
2060 · Fire, General Casualty & Liab	268,322.49	230,000.00	38,322.49	116.66%
2061 · Fidelity Bond	0.00	1,100.00	-1,100.00	0.0%
Total 2059 · Insurance	407,170.49	304,000.00	103,170.49	133.94%
2080 · Repairs and Maintenance				
2083 · Vehicle Parts & Repairs	13,851.88	31,600.00	-17,748.12	43.84%

Las Gallinas Valley Sanitary District Profit & Loss Budget vs. Actual July through December 2022

	Jul - Dec 22	Budget	\$ Over Budget	% of Budget
2096 · Building Maintenance	11,380.36	96,300.00	-84,919.64	11.82%
2097 · Grounds Maintenance	31,374.27	109,300.00	-77,925.73	28.71%
2538 · Power Generation Maint.& Rep	708.66	32,800.00	-32,091.34	2.16%
2365 · Equipment Maint	32,136.83	81,500.00	-49,363.17	39.43%
2366 · Equipment Repair	143,972.44	174,900.00	-30,927.56	82.32%
2367 · Capital Replacement	100,195.45	322,400.00	-222,204.55	31.08%
Total 2080 · Repairs and Maintenance	333,619.89	848,800.00	-515,180.11	39.31%
2331 · Reclamation Expenses				
2332 · General - Reclamation expenses	0.00	9,500.00	-9,500.00	0.0%
2333 · Pasture Disk	98,452.90	123,900.00	-25,447.10	79.46%
2334 · Sludge Inject	102,650.00	102,700.00	-50.00	99.95%
2335 · Marsh Pond Vegetation Removal	0.00	60,000.00	-60,000.00	0.0%
Total 2331 · Reclamation Expenses	201,102.90	296,100.00	-94,997.10	67.92%
2101 · Chemicals and Lab Supplies				
2107 · Hypochlorite	121,099.30	206,900.00	-85,800.70	58.53%
2110 · Bisulfite	40,949.12	85,400.00	-44,450.88	47.95%
2109 · Miscellaneous Chemicals	9,611.81	73,100.00	-63,488.19	13.15%
2115 · Laboratory Supplies	23,536.00	23,900.00	-364.00	98.48%
Total 2101 · Chemicals and Lab Supplies	195,196.23	389,300.00	-194,103.77	50.14%
2111 · Pollution Prevention				
2119 · Pollution Prevention Contract	7,812.25	11,700.00	-3,887.75	66.77%
2111 · Pollution Prevention - Other	0.00	4,900.00	-4,900.00	0.0%
Total 2111 · Pollution Prevention	7,812.25	16,600.00	-8,787.75	47.06%
2117 · Lab Contract Services	17,078.75	54,400.00	-37,321.25	31.4%
2249 · Small Tools	8,881.27	24,600.00	-15,718.73	36.1%
2320 · Outside Services				
2321 · Personnel & HR Services	23,279.24	160,600.00	-137,320.76	14.5%
2322 · General	13,320.72	22,000.00	-8,679.28	60.55%
2323 · Labor Relations	8,196.17	16,400.00	-8,203.83	49.98%
2324 · Janitorial	11,125.71	22,500.00	-11,374.29	49.45%
2326 · Other Outside Services	26,834.15	111,700.00	-84,865.85	24.02%
2327 · Uniform Maintenance	7,638.26	13,600.00	-5,961.74	56.16%
2360 · Other Consultants	108,515.10	198,700.00	-90,184.90	54.61%
Total 2320 · Outside Services	198,909.35	545,500.00	-346,590.65	36.46%
2330 · Damage Claims	0.00	20,000.00	-20,000.00	0.0%
2356 · Engineering				
2354 · SCADA Engineering Support	37,530.39	67,200.00	-29,669.61	55.85%
2355 · Passthru	26,561.00	1,200.00	25,361.00	2,213.42%
2357 · Environmental	54,033.50	186,400.00	-132,366.50	28.99%
2358 · General Small Projects	8,443.53	14,700.00	-6,256.47	57.44%
2359 · Feasibility Studies	0.00	91,600.00	-91,600.00	0.0%
Total 2356 · Engineering	126,568.42	361,100.00	-234,531.58	35.05%
2362 · General Operating Supplies	9,958.66	61,400.00	-51,441.34	16.22%
2530 · Utilities				

Las Gallinas Valley Sanitary District Profit & Loss Budget vs. Actual July through December 2022

	Jul - Dec 22	Budget	\$ Over Budget	% of Budget
2533 · Internet Services	4,965.58	7,800.00	-2,834.42	63.66%
2534 · Contract Telephone	18,716.65	49,600.00	-30,883.35	37.74%
2535 · Utility Power	310,228.80	476,100.00	-165,871.20	65.16%
2536 · Water	25,304.99	33,900.00	-8,595.01	74.65%
Total 2530 · Utilities	359,216.02	567,400.00	-208,183.98	63.31%
2501 · Fuels				
2502 · Diesel	7,663.17	14,400.00	-6,736.83	53.22%
2503 · Propane	1,529.36	8,500.00	-6,970.64	17.99%
2504 · Vehicle Gas	10,308.22	12,700.00	-2,391.78	81.17%
2505 · Vehicle Natural Gas	1,005.07	4,200.00	-3,194.93	23.93%
2506 · Oil (vehicle and drum product)	3,014.82	3,200.00	-185.18	94.21%
Total 2501 · Fuels	23,520.64	43,000.00	-19,479.36	54.7%
2389 · Misc Safety Exp - Lgvsd only	43,522.36	49,000.00	-5,477.64	88.82%
2397 · Safety Contractor Services	28,368.00	57,400.00	-29,032.00	49.42%
2801 · Lateral Rehab Assistance Prog	20,000.00	59,800.00	-39,800.00	33.45%
2802 · Low-Income Sewer Rate Ast Prog	784.00	50,000.00	-49,216.00	1.57%
2400 · General and Administrative				
2499 · COVID-19 Expenses	0.00	1,700.00	-1,700.00	0.0%
2129 · Election Expenses	0.00	25,000.00	-25,000.00	0.0%
2133 · Office Supplies & Expense	27,082.79	42,800.00	-15,717.21	63.28%
2134 · Meeting Supplies & Expen	2,537.70	2,100.00	437.70	120.84%
2135 · Bank Charges	0.00	200.00	-200.00	0.0%
2137 · Donations to non-profits	9,000.00	10,000.00	-1,000.00	90.0%
2221 · Publications & Legal Ads	7,827.92	12,800.00	-4,972.08	61.16%
2223 · Public Education	31,688.47	74,700.00	-43,011.53	42.42%
2246 · Rents & Leases - Office & Equip	79,859.57	192,700.00	-112,840.43	41.44%
2264 · Taxes, Other	0.00	1,900.00	-1,900.00	0.0%
2272 · Memberships	43,470.84	69,100.00	-25,629.16	62.91%
2363 · Permits and Fees	56,124.31	119,300.00	-63,175.69	47.05%
2364 · Penalties and Fines	66,384.70			
2477 · Conferences	26,454.02	52,600.00	-26,145.98	50.29%
2479 · Mileage & Travel	75.00	4,600.00	-4,525.00	1.63%
2713 · Legal	49,790.75	186,600.00	-136,809.25	26.68%
2716 · Computer Software & Services	53,339.62	97,600.00	-44,260.38	54.65%
2717 · Audit	22,250.00	27,200.00	-4,950.00	81.8%
2718 · Financial Services	449.00	35,400.00	-34,951.00	1.27%
9778 · User Chg / Collection Fee Exp.	22,077.36	36,900.00	-14,822.64	59.83%
9786 · Employee Recognition	6,070.95	5,600.00	470.95	108.41%
9787 · Employee Education & Training	9,121.39	49,400.00	-40,278.61	18.46%
9999 · Miscellaneous expense	0.01	4,200.00	-4,199.99	0.0%
Total 2400 · General and Administrative	513,604.40	1,052,400.00	-538,795.60	48.8%
9800 · Debt Service				
9810 · Principal Payments				
9811 · 2004 COP/Refunded Principal	630,000.00	630,000.00	0.00	100.0%

Las Gallinas Valley Sanitary District Profit & Loss Budget vs. Actual July through December 2022

	Jul - Dec 22	Budget	\$ Over Budget	% of Budget
9812 · IBank Principal	359,654.11	359,654.00	0.11	100.0%
9813 · State Revolving Fund Loan Princ	0.00	218,699.00	-218,699.00	0.0%
9814 · 2011Bank of Marin Loan Principa	137,350.35	237,888.00	-100,537.65	57.74%
9815 · 2012Bank of Marin Loan Principa	39,064.29	39,064.00	0.29	100.0%
9816 · 2017 Revenue Bonds Principal	0.00	1,110,000.00	-1,110,000.00	0.0%
Total 9810 · Principal Payments	1,166,068.75	2,595,305.00	-1,429,236.25	44.93%
9820 · Interest Payments				
9821 · 2004 COP/Refunded Interest	44,530.20	78,665.00	-34,134.80	56.61%
9822 · IBank Loan Interest	164,740.18	324,086.00	-159,345.82	50.83%
9823 · State Revolving Fund Loan Inter	0.00	66,765.00	-66,765.00	0.0%
9824 · 2011Bank of Marin Loan Interest	56,713.80	94,794.00	-38,080.20	59.83%
9825 · 2012Bank of Marin Loan Interest	160.56	160.00	0.56	100.35%
9826 · 2017 Revenue Bonds Interest	667,500.00	1,335,000.00	-667,500.00	50.0%
Total 9820 · Interest Payments	933,644.74	1,899,470.00	-965,825.26	49.15%
9830 · Loan Annual Fees - IBank	32,948.03	32,948.00	0.03	100.0%
Total 9800 · Debt Service	2,132,661.52	4,527,723.00	-2,395,061.48	47.1%
Total Expense	7,693,148.16	15,986,623.00	-8,293,474.84	48.12%




Item Number _____ 3.6 _____

GM Review _____ CP _____

Agenda Summary Report

To: Board of Directors

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

Meeting Date: February 16, 2023

Re: Mid-Year Budget Report for Fiscal Year 2022-23

Item Type: Consent _____ Action _____ Information X Other _____.

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

STAFF RECOMMENDATION

Receive budget report.

BACKGROUND

The Board adopted the District’s Revenue, Operations and Maintenance, Debt Service, Reserve Funding, and Capital Outlay Budgets for Fiscal Year (FY) 2022-23 on June 16, 2022. Historically, a budget review is performed after the prior fiscal year-end is closed. Reallocation between budgetary line items is routinely done as needed during the course of any given year, but such reallocation does not automatically trigger a mid-year budget revision.

Finance Policy F-40 establishes the procedures for reviewing and revising budgets, as needed. The Board retains the exclusive authority to increase the annual budget authority for Operational Expenditures. The General Manager has authority to approve budget transfers between operating departments and has the authority to approve budget transfers between capital projects. There is no requirement to adopt a mid-year budget revision unless the forecasted operating expenditures will exceed the adopted budget.

Revenue forecasting is guided by Finance Policy F-60-40 and requires the District to estimate revenue conservatively through an objective, analytical process and requires explanation of significant variances.

Budget projection methodology use varied based on the type of revenue or expense being reviewed. Actual revenue and expenses through December 2022 were used as the baseline to calculate anticipated revenue and expenses through June 30, 2023. Straight line forecasting based on recent historical data, applying a constant growth rate, was used for most expense line items. Prior year comparisons were completed for expenses that may have had seasonal peaks, such as chemical costs, to make sure forecasts were accurate for the remaining months of the fiscal year. Inflation or sharp increases for known expense line items, such as insurance, were added to the forecast formulas.

Funds available to cover expenses and capital outlay include operating revenue, capacity related revenue, secured property tax revenue, grants, and the utilization of bond funds and reserves.

Revenue



Revenue is comprised of Operating Revenue, Non-Operating Revenue, and Capital Contributions /Capacity Related revenue. Revenue of \$22,317,137 was identified in the FY 2022-23 budget. The total revenue as of June 30, 2023 is projected to be \$20,391,142 which is an 8.6% overall decrease from what was anticipated.

- Sewer Service Charges (SSC) revenue is lower as commercial customers used less water during the measurement periods of Summer of 2021 and Winter of 2022. It is suspected businesses were still affected by the ongoing COVID-19 pandemic.
- Recycled water revenue is the estimated cost of providing water to North Marin Water District (NMWD) and Marin Municipal Water District (MMWD) based on projected recoverable costs for the year. Lower expenses for equipment maintenance and no capital replacement expenditures at the new facilities resulted in lower overall costs even though there was an increase in water production.
- Interest on reserves held in the Local Agency Investment Fund (LAIF) increased as the interest rate increased, from 0.75% on June 30, 2022 to 2.07% as of December 31, 2022.
- Capacity Facility Charges collected are \$1.36 M under budget. Revenue estimates were based on the full payment of connection fees at the time of Will-Serve approval. However, the District provides for payment of the connection fee over a two-year period. Talus Reserve paid the required 10% initial fee but the remaining 90% is not due until late 2023 and 2024. The Los Gamos Apartments project is expected to pay the initial 10% fee once their Will-Serve is approved.

Reserves are not considered revenue but are included to provide Total Funds Available for Expenditures. Reserves include prior year capital project carryover funds, Capital Construction Project Reserve for the Secondary Treatment Plant Upgrade and Recycled Water Expansion (STPURWE) project, and transfers from the Marin Lagoon and Captains Cove restricted funds.

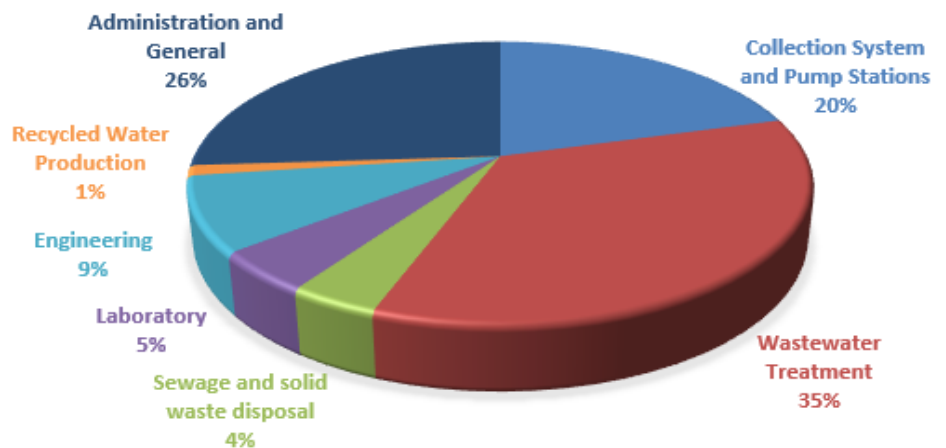
Operations and Maintenance:

The adopted Operating and Maintenance (O&M) budget for FY 2022-23 is \$11,458,900. The total O&M expense at year end is projected to be \$10,427,244 which is 9% under budget.

A budget summary and O&M Expense financial worksheet is included in this report.

Notes are included on the O&M Expense worksheet explaining the variances between the projected end of year totals compared to the totals in the adopted budget.

O&M EXPENSE BY FUNCTION



Debt Service



Projected end of year is \$4,527,723 and will match the adopted budget. The 2010 State Revolving Fund Loan payment of \$285,464 will be made in April.

Reserves

The District has established a combined reserve target goal of \$15,085,466, set by Finance Policy F-50. The District requires reserves for operations and capital needs. Reserves provide financing safeguards for the District's operations. Such funds are available for extraordinary expenses and to fund cash flow. In addition, reserve fund investments generate earnings to supplement other revenues. The reserves are available for specific Board approved use.

The combined current reserve balance is \$7,766,782. The Capital Reserves are held in both the Local Agency Investment Fund (LAIF) and the Bank of Marin Business Money Market Account which was setup to receive Marin Municipal Water District (MMWD) Buy-In payments and their share of 2017 Bond debt payments. The Board will have an opportunity to review and reallocate capital reserves to other projects once the STPURWE project is complete.

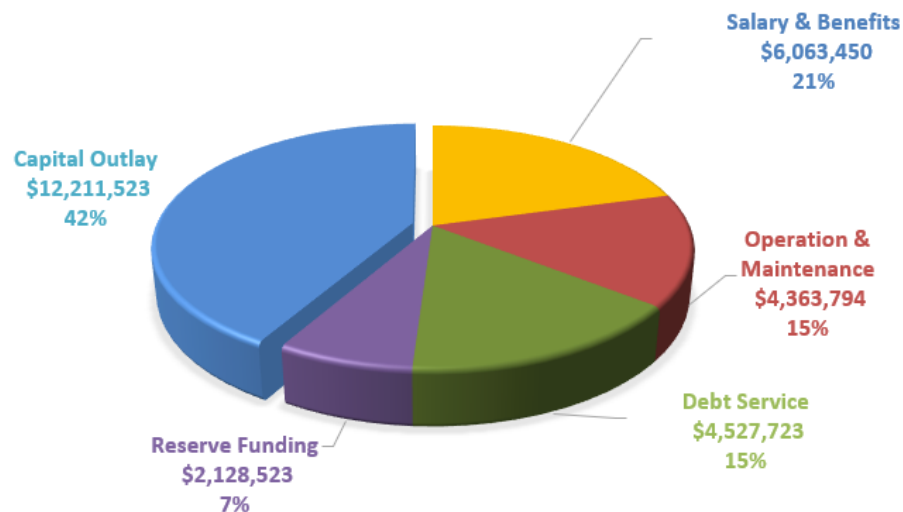
Restricted Funds

Transfers from Marin Lagoon and Captains Cove restricted funds are used to pay for annual operating expenses related to pump station maintenance in these areas. Prior year capital expenditures for the Marin Lagoon Pump Station No. 1 Improvements exceeded the balance in the Marin Lagoon Restricted Fund. The additional Sewer Service Surcharge for both Marin Lagoon and Captains Cove have been received from the County, were transferred to their respective fund in February, and are reflected in the projected end of year balance.

Capital Projects

Current year funding allocation for capital projects is sufficient for the completion of the capital projects identified through June 30, 2023. Any need to reallocate funds between authorized projects will be handled administratively and will be presented with the capital improvement program with the 2023-24 budget.

PROJECTED EXPENDITURES THRU JUNE 30, 2023

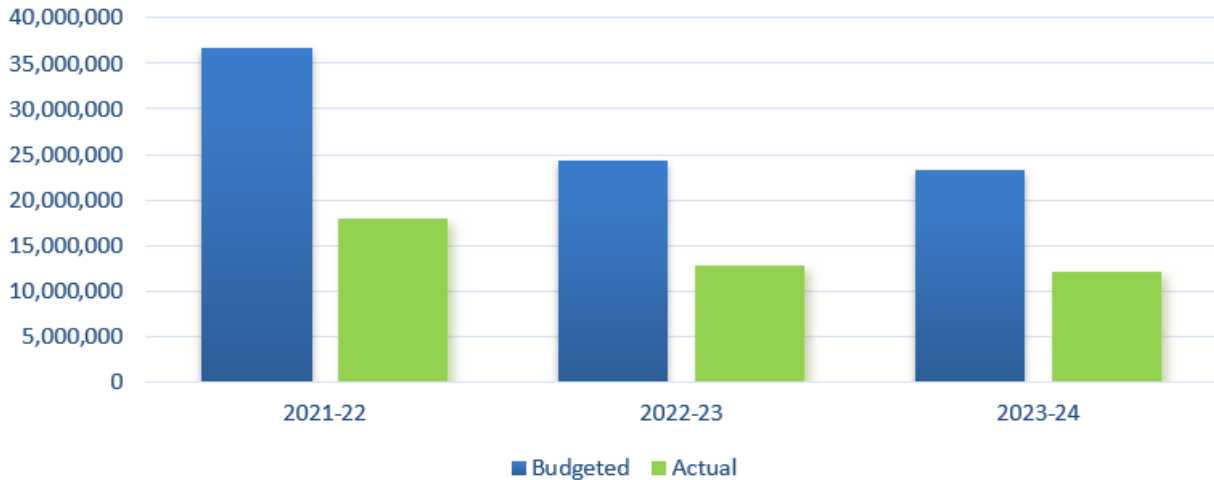


Capital outlay makes up the largest percentage of projected expenditures at 42%. Salary and Operations & Maintenance combined is projected to be 36%.



The Capital Improvement Plan for FY 2022-23 is included for review at the end of this report. It shows identified mid-year funding transfers, actual expenditures through December, and estimated expenditures through the June 30, 2023. Recently, actual annual capital expenditures have been less than what was budgeted.

Capital Improvements



Fewer capital projects will be completed in the current fiscal year, with only \$10,295,471 of the prior year capital project carryover funds being used this year. Unspent capital project funding in the amount of \$16,510,406 will carry forward to the next fiscal year for future and continuing project costs.

Summary

The Mid-Year Budget report provides an opportunity for the Board to review the budget as staff begins the budget process for FY 2023-24.

Based on the mid-year budget review, there is no need to revise the current year budget.

REVIOUS BOARD ACTION

Resolution No. 2022-2261 fixing and approving the budget for the fiscal year 2022-23 was adopted on June 16, 2022.

ENVIRONMENTAL REVIEW

N/A

FISCAL IMPACT

None.

Las Gallinas Valley Sanitary District

Mid-Year Budget Report

of

Fiscal Year 2022-23



February 16, 2023

**LAS GALLINAS VALLEY SANITARY DISTRICT
BALANCE STATEMENT & ACCOUNT INFORMATION
MID-YEAR REPORT - FEBRUARY 16, 2023**

BALANCE STATEMENT	2022-23 Adopted Budget	2022-23 Projected Actuals
<u>Beginning Balance (July 1):</u>	\$ 35,050,306	\$ 35,050,306
Revenue:		
Rate Revenues (1)	\$ 16,910,508	\$ 16,141,199
Other Operating revenue (1)	248,770	274,318
Non-operating revenue (1)	2,223,923	2,372,372
Capital / Capacity Related	2,933,936	1,603,252
Expenditures:		
Operating expense (2)	(11,458,900)	(10,427,244)
Debt Service (3)	(4,527,723)	(4,527,723)
Capital outlay	(23,318,068)	(12,211,523)
<u>Ending Balance (June 30):</u>	<u>\$ 18,062,752</u>	<u>\$ 28,274,959</u>

DEBT SERVICE COVERAGE RATIO (DSCR)	2022-23 Adopted Budget	2022-23 Projected Actuals
Net Operating Income (NOI) = ⁽¹⁾ - ⁽²⁾	\$ 7,924,301	\$ 8,360,646
Total Debt Service = ⁽³⁾	\$ 4,527,723	\$ 4,527,723
DSCR = NOI / Debt Service (Estimate *)	1.75	1.85

HDR Engineering used 2.7% inflation factor in April 2021 Sewer Service Charge Rate Study. Actual annual inflation rate of 6.5% as of Feb.2023.
HDR Engineering Sewer Service Charge Rate Study DSCR target for 2022-23, after rate increase, is 2.18.

* Actual DSCR will be determined at the end of the fiscal year based on actual revenue and expenditures.

ACCOUNTS SUMMARY	As of June 30, 2022	As of December 31, 2022
<u>Cash in Bank and On Hand:</u>		
Bank of Marin - Various Accounts	\$ 11,808,594	\$ 6,837,708
Petty Cash - Unrestricted	648	576
Total cash in bank and on hand	<u>11,809,242</u>	<u>6,838,284</u>
Investments:		
Certificates of Deposit - Restricted	904,587	906,839
Local Agency Investment Fund - Restricted/Reserves	7,766,782	7,766,782
Local Agency Investment Fund - Unrestricted & PY Carryover	14,001,812	18,116,777
Total investments	<u>22,673,182</u>	<u>26,790,397</u>
Other		
US Bank Bond & Cost of Issuance Funds	123	123
IBank Installment Sale Agreement ⁽⁴⁾	567,760	567,760
TOTAL CASH AND INVESTMENTS	<u>35,050,306</u>	<u>34,196,564</u>

⁽⁴⁾ Considered cash for accounting purposes while held by IBank until disbursement for expenditures occur.

**LAS GALLINAS VALLEY SANITARY DISTRICT
REVENUE
MID-YEAR REPORT FY 2022-2023 - FEBRUARY 16, 2023**

Revenue Description	2021-22 Final Audited Actual	2022-23 Adopted Budget	2022-23 6-month Actuals	2022-23 Projected End of Year	% of Budget
OPERATING REVENUE					
Sewer Service User Charges	\$ 15,491,846	\$ 16,910,508	\$ 9,793,439	\$ 16,141,199	95.5%
Recycled Water (MMWD / NMWD)	127,742	172,000	80,771	80,771	47.0%
Inspections/Permits/Application Fee	67,176	75,520	19,250	97,250	128.8%
Miscellaneous Operating Revenue	500	1,250	96,097	96,297	7703.8%
Total Operating Revenue	15,687,264	17,159,278	9,989,557	16,415,517	95.7%
NON-OPERATING REVENUE					
Property Tax	1,106,077	1,262,092	643,434	1,214,027	96.2%
Suppl. Property Tax Assess.	36,265	27,695	4,959	9,357	33.8%
Educational Revenue Augmentation Fund	559,681	584,867	49,468	554,322	94.8%
Homeowner Property Tax Relief	4,323	4,453	642	4,038	90.7%
Franchise Fees Marin Sanitary Service	162,382	169,776	81,217	162,435	95.7%
Private Sewer Lateral Assistance Program	101,082	79,300	51,350	86,706	109.3%
Interest Income	4,067	2,640	1,326	2,652	100.5%
Interest on Reserves and LAIF	106,612	68,100	75,400	300,684	441.5%
Reimbursements / Pass thru	-	25,000	28,151	38,151	152.6%
	2,080,487	2,223,923	935,947	2,372,372	106.7%
CAPITAL CONTRIBUTIONS / CAPACITY RELATED					
Annex, Capital Facility Charges, Connection Fees	468,273	1,740,572	288,689	378,684	21.8%
Interest on Connection Fee Fund	750	964	222	628	65.2%
Interest on Bond Funds	7	7	-	3	44.3%
Marin Municipal Water District Inter-Governmental	463,269	619,633	78,527	631,177	101.9%
IBank Loan Disbursements	5,124,515	567,760	-	567,760	100.0%
Federal Grants	-	-	-	-	-
State Grants	645,535	5,000	-	25,000	500.0%
	6,702,350	2,933,936	367,438	1,603,252	54.6%
TOTAL REVENUES	\$ 24,470,101	\$ 22,317,137	\$ 11,292,943	\$ 20,391,142	91.4%
UTILIZATION OF BOND FUNDS AND RESERVES					
	<i>2021-22 Actual Use</i>	<i>Adopted Available</i>	<i>6-Month Actuals</i>	<i>2022-23 Projected Use</i>	<i>% of Budget</i>
Operating Reserves / Rate Stabilization	-	-	-	-	N/A
Private Sewer Lateral Assistance Funds	-	59,800	20,000	50,000	83.6%
PY Capital Outlay Carryover Utilized	8,673,100	16,268,568	3,024,153	10,295,471	63.3%
Capital Construction Project Reserve for STPURWE	3,389,949	800,000	-	800,000	100.0%
Interest Earned on Unspent IBank Funds	5,104	-	1,578	1,578	-
Transfers from Marin Lagoon Restricted Fund	142,989	107,700	-	68,187	63.3%
Transfers from Captains Cove Restricted Fund	63,793	12,400	-	16,168	130.4%
Transfers from Capacity Connection Fee Fund	200,000	-	-	-	N/A
SUB TOTAL	12,474,935	17,248,468	3,045,731	11,231,404	65.1%
TOTAL FUNDS AVAILABLE FOR EXPENDITURES	\$ 36,945,036	\$ 39,565,605		\$ 31,622,546	79.9%

**LAS GALLINAS VALLEY SANITARY DISTRICT
BUDGET SUMMARY
MID-YEAR REPORT FY 2022-2023 - FEBRUARY 16, 2023**

	2021-22 Final Actual	2022-23 Adopted Budget	2022-23 6-Month Actuals	2022-23 Projected End of Year	% Over Budget	% of Budget
OPERATING EXPENSES						
EMPLOYEE WAGES	3,984,223	4,618,500	1,810,886	4,200,642	(417,858)	91.0%
EMPLOYEE BENEFITS	2,002,674	2,014,700	1,051,959	1,862,807	(151,893)	92.5%
INSURANCE EXPENSE	256,721	304,000	269,904	269,904	(34,096)	88.8%
REPAIRS AND MAINTENANCE	684,288	1,042,200	427,407	888,342	(153,858)	85.2%
SUPPLIES & SMALL TOOLS	481,347	624,700	267,528	576,538	(48,162)	92.3%
CONTRACTED SERVICES	1,009,513	1,459,300	373,579	1,075,844	(383,456)	73.7%
UTILITIES	643,438	567,400	348,948	788,498	221,098	139.0%
GENERAL & ADMINSTRATIVE	445,919	828,100	489,352	764,667	(63,433)	92.3%
OPERATING EXPENSE TOTALS	\$ 9,508,124	\$ 11,458,900	\$ 5,039,564	\$ 10,427,244	\$ (1,031,656)	91.0%
DEBT SERVICE						
DEBT SERVICE TOTALS	\$ 4,728,310	\$ 4,527,723	\$ 4,080,665	\$ 4,527,723	\$ -	100.0%
RESERVE FUNDING						
OPERATING RESERVE	787,964	635,195	-	635,195	-	100.0%
RATE STABILIZATION	-	-	-	-	-	-
EMERGENCY REPAIR	-	-	-	-	-	-
CAPITAL RESERVES	864,274	336,464	-	872,678	536,214	259.4%
VEHICLE & EQUIPMENT (VERF)	379,090	150,755	-	150,755	-	100.0%
CAPACITY (RESTRICTED FUND)	470,689	1,741,536	288,911	379,312	(1,362,224)	21.8%
CAPTAINS COVE (RESTRICTED FUND)	48,025	16,025	1	26,476	10,451	165.2%
MARIN LAGOON (RESTRICTED FUND)	74,372	21,106	12	64,106	43,000	303.7%
RESERVE FUNDING TOTALS	\$ 2,624,414	\$ 2,901,081	\$ 288,924	\$ 2,128,523	\$ (772,558)	73.4%
CAPITAL OUTLAY						
CAPITAL OUTLAY	\$ 12,784,041	\$ 23,318,068	\$ 3,337,165	\$ 12,211,523	\$ (11,106,545)	52.4%
TOTAL BUDGET						
TOTAL BUDGET	\$ 29,644,889	\$ 42,205,772	\$ 12,746,318	\$ 29,295,013	\$ (12,910,759)	69.4%

**LAS GALLINAS VALLEY SANITARY DISTRICT
OPERATING AND MAINTENANCE EXPENSE
MID-YEAR REPORT FY 2022-2023 - FEBRUARY 16, 2023**

Acct. Num.	Expense Description	2021-22 Final Actual	2022-23 Adopted Budget	2022-23 6-Month Actuals	2022-23 Projected End of Year	Notes
EMPLOYEE WAGES						
1003	Regular Staff Salaries (1901)	\$ 3,364,837	\$ 4,072,400	\$ 1,539,941	\$ 3,601,214	Recruitment of EIT position has not occurred
1004	Extra Hire (1005)	107,039	5,200	39,870	71,470	Temp help from OTS for EIT, Plant Ops, and Lab
1008	Over Time (1011)	148,502	165,700	40,830	88,396	
1010	Stand By	84,048	92,500	37,803	78,872	
1014	Emergency Response Stipend	45,626	46,900	25,003	56,030	
1015	Certification Stipend	88,416	84,000	49,933	130,678	More employees obtaining Dual and Triple Cert
1016	Longevity Pay	66,350	71,200	44,149	100,627	Increased along with salary for long term employees
1036	Directors Fees	79,405	80,600	33,356	73,356	
	TOTAL EMPLOYEE WAGES	<u>3,984,223</u>	<u>4,618,500</u>	<u>1,810,886</u>	<u>4,200,642</u>	
EMPLOYEE BENEFITS						
1009	Vacation and Sick Accrual	79,455	64,000	-	80,000	
1901	COVID-19 Leave	11,466	-	22,742	22,742	
1037	Directors Benefits	9,438	9,700	5,635	10,374	
1404	Payroll Taxes (SSI)	270,260	287,100	116,552	241,586	
1502	Group Life Insurance	6,802	8,700	4,898	9,859	
1507	PERS	839,477	787,500	518,222	722,205	
1509	Health Insurance	723,307	787,000	344,631	695,628	
1510	Dental Insurance	21,459	16,500	19,271	39,078	
1514	Vision Insurance	2,786	3,300	1,877	3,812	
1516	Long Term Disability	24,045	34,100	13,966	28,613	
2006	Auto Allowance	9,582	16,800	4,165	8,910	
2007	Commute Vehicle Stipend	4,597	-	-	-	
	TOTAL EMPLOYEE BENEFITS	<u>2,002,674</u>	<u>2,014,700</u>	<u>1,051,959</u>	<u>1,862,807</u>	
INSURANCE						
1701	Workers' Comp Insurance	65,489	72,900	138,848	138,848	FY 22-23 includes \$30,541 from WC audit of FY 21-22
2060	Pooled Liability & Property Insurance	190,185	230,000	129,956	129,956	Prop insurance to increase after STPURWE completion
2061	Fidelity Bond	1,047	1,100	1,100	1,100	
	TOTAL INSURANCE EXPENSE	<u>256,721</u>	<u>304,000</u>	<u>269,904</u>	<u>269,904</u>	
REPAIRS AND MAINTENANCE						
2083	Vehicle Parts & Maintenance	32,106	31,600	12,991	26,074	
2096	Building maintenance	26,506	96,300	9,786	54,471	
2097	Grounds Maintenance	62,964	109,300	31,374	102,354	
2331	Reclamation Pasture and Pond Maint.	99,738	193,400	98,453	178,925	
2538	Power Generation Maint & Repair	26,528	32,800	709	1,081	Solar panel and related components
2365	Equipment Maintenance	65,152	81,500	30,049	52,667	
2366	Equipment Repair	311,717	174,900	143,850	265,575	Maintenance department addressing deferred repairs
2367	Capital Repairs/Replacements	59,578	322,400	100,195	207,195	Evaluating, expenses may rise in FY 22-23
	TOTAL REPAIRS AND MAINTENANCE	<u>684,288</u>	<u>1,042,200</u>	<u>427,407</u>	<u>888,342</u>	

**LAS GALLINAS VALLEY SANITARY DISTRICT
OPERATING AND MAINTENANCE EXPENSE
MID-YEAR REPORT FY 2022-2023 - FEBRUARY 16, 2023**

Acct. Num.	Expense Description	2021-22 Final Actual	2022-23 Adopted Budget	2022-23 6-Month Actuals	2022-23 Projected End of Year	Notes
SUPPLIES & SMALL TOOLS						
2107	Hypochlorite	117,444	206,900	113,810	258,588	Hypo increase during wet weather periods
2110	Bisulfite	62,299	85,400	19,909	43,137	Bisulfite use increase during wet weather periods
2109	Miscellaneous Chemicals	45,670	73,100	9,612	43,824	
2362	General Operating & Lab Supplies (2115)	87,564	85,300	27,253	49,630	
2501	Fuel, Oil, and CNG for Vehicles (2501-250)	44,383	43,000	23,431	49,569	
2389	Safety Equipment & Supplies	47,240	49,000	42,803	62,417	Satellite phones, new AEDs, new employees
2397	Safety Services	58,825	57,400	23,640	56,736	Du-All
2249	Small Tools	17,923	24,600	7,071	12,639	
	TOTAL SUPPLIES & SMALL TOOLS	481,347	624,700	267,528	576,538	
CONTRACTED SERVICES						
2117	Lab Contract Services	50,271	54,400	12,613	38,226	
2119	Pollution Prevention Program	15,451	16,600	7,812	14,812	
2320	Outside Services (2321, 2322, 2323, 2326)	164,626	310,700	68,537	135,557	Various consultants, closer to prior year than budgeted
2324	Janitorial	23,507	22,500	9,506	22,706	
2327	Uniform Service	13,112	13,600	7,115	14,230	
2330	Damage Claim	10,000	20,000	-	-	
2334	Sludge Disposal Inject	96,919	102,700	-	102,650	
2354	SCADA Engineering Support	-	67,200	37,530	77,146	
2357	Regulatory Consultant	163,593	186,400	35,570	174,886	EOA
2358	Engine. Pass-thru & Gen. Small Projects	14,411	15,900	-	50,667	Pass-thru expenses offset by pass-thru revenue
2359	Feasibility Studies	75,711	91,600	-	66,000	NBWRA for Sea Level Rise and Drought Contingency
2360	Consultants - Other	112,538	198,700	102,144	195,419	
2713	Legal	190,966	186,600	49,606	107,373	
2717	Audit	27,160	27,200	22,250	22,750	
2718	Financial Services	4,849	35,400	449	2,402	For actuarial and accounting CPA services
2801	Private Lateral Rehab Assist. Program	46,400	59,800	20,000	50,000	
2802	Low-Income Rate Assistance Program	-	50,000	448	1,020	
	TOTAL CONTRACTED SERVICES	1,009,513	1,459,300	373,579	1,075,844	
UTILITIES						
2533	Internet	7,905	7,800	4,149	8,374	
2534	Telephone	48,177	49,600	18,418	37,590	
2535	Utility Power	557,748	476,100	310,229	709,759	Increased electrical costs until solar generation online
2536	Water	29,609	33,900	16,153	32,774	
	TOTAL UTILITIES	643,438	567,400	348,948	788,498	

**LAS GALLINAS VALLEY SANITARY DISTRICT
OPERATING AND MAINTENANCE EXPENSE
MID-YEAR REPORT FY 2022-2023 - FEBRUARY 16, 2023**

Acct. Num.	Expense Description	2021-22 Final Actual	2022-23 Adopted Budget	2022-23 6-Month Actuals	2022-23 Projected End of Year	Notes
GENERAL & ADMINSTRATIVE						
1006	Payroll Processing	23,438	24,900	12,118	12,118	
2477	Conferences	21,592	52,600	24,694	42,740	
2479	Mileage and Travel	920	4,600	50	2,499	
2129	Election	-	25,000	-	-	
2133	Office Supplies	37,887	42,800	21,106	44,545	
2134	Meeting Supplies	2,689	2,100	1,862	4,344	Includes Safety Luncheon meetings
2716	Computer Services and Software	50,065	97,600	49,582	97,272	Includes CORE IT services, excludes SaaS annual licer
2135	Bank Charges	1,850	200	-	1,850	
9778	User Charge Collection Fee	35,363	36,900	22,077	33,116	County Property Tax and SSC Collection Fees
2221	Publication and Legal Ads	13,079	12,800	6,207	11,434	
2223	Public Education and Outreach ⁽¹⁾	45,975	74,700	28,733	70,522	
2264	Taxes, Other	1,949	1,900	-	1,900	Use tax, out of state sales tax
2272	Memberships (CASA, CSDA, NBWRA, etc	49,526	69,100	43,038	65,789	
2363	Permits (NPDES, Biosolids, BAAQCD, etc	64,320	119,300	56,092	83,447	NPDES, BAAQMD, Biosolids, stormwater, etc.
2364	Penalties & Fines	-	-	66,385	66,769	
2246	Rents and Leases	65,694	192,700	79,741	142,354	101 LVR rent, generators, copiers, postage meter
9786	Employee Recognition ⁽¹⁾	1,893	5,600	6,071	7,571	
9787	Employee Training and Education ⁽¹⁾	13,373	49,400	6,889	10,889	Management training budgeted for has not occurred
9999	Miscellaneous expense (2137, 2499)	16,305	15,900	64,706	65,506	Includes \$56,700 JSilver settlement, COVID-19, & misc
	TOTAL GENERAL & ADMINSTRATIVE	<u>445,919</u>	<u>828,100</u>	<u>489,352</u>	<u>764,667</u>	
OPERATING EXPENSE TOTALS		<u>\$ 9,508,124</u>	<u>\$ 11,458,900</u>	<u>\$ 5,039,564</u>	<u>\$ 10,427,244</u>	

**LAS GALLINAS VALLEY SANITARY DISTRICT
DEBT SERVICE
MID-YEAR REPORT FY 2022-2023 - FEBRUARY 16, 2023**

Expenditure	2021-22 Total Actual	2022-23 Adopted Budget	2022-23 Projected End of Year
2005 Certificates of Participation/ Refunded 2014	\$ 709,125	\$ 708,665	\$ 708,665
2010 State Revolving Fund Loan	285,464	285,464	285,464
2011 Bank of Marin Loan	332,681	332,681	332,681
2012 Bank of Marin Loan	235,346	39,224	39,224
2017 Revenue Bonds ^{(1) (2)}	2,447,800	2,445,000	2,445,000
2019 IBank Loan	717,892	716,688	716,688
	\$ 4,728,310	\$ 4,527,723	\$ 4,527,723

(1) Includes treatment plant upgrade, recycled water treatment plant expansion and operations control center.

(2) Per Board action on May 25, 2017, amounts collected for the treatment plant upgrade and operations control center projects prior to the bonds being issued were reclassified as Reserves and are reflected in the Reserve Budget for all years presented.

Debt Service Breakdown FY 2022-23

Expenditure	Principal	Annual Fee
2005 Certificates of Participation/ Refunded 2014	\$ 630,000	\$ -
2010 State Revolving Fund Loan	218,699	-
2011 Bank of Marin Loan	237,888	-
2012 Bank of Marin Loan	39,064	Final payment Aug 2022
2017 Revenue Bonds	1,110,000	-
2019 IBank Loan ⁽⁴⁾	359,654	32,948
	\$ 2,595,306	\$ 32,948

(4) Annual IBank fee treated as Operation & Maintenance Expense but recognized as debt service for budget purposes.

**LAS GALLINAS VALLEY SANITARY DISTRICT
RESERVES
MID-YEAR REPORT FY 2022-2023 - FEBRUARY 16, 2023**

	2021-22 Actual	2022-23 Adopted Budget	2022-23 6-Month Actuals	2022-23 Projected End of Year
Beginning Reserve Balance	\$ 7,911,256	\$ 5,715,213	\$ 5,715,213	\$ 5,715,213

Operating & Rate Stabilization Reserve

Beginning Balance	\$ 2,185,612	\$ 2,973,576	\$ 2,973,576	\$ 2,973,576
Plus: Additions	787,964	635,195	-	635,195
Less: Use of Funds	-	-	-	-
Ending Balance	\$ 2,973,576	\$ 3,608,771	\$ 2,973,576	\$ 3,608,771

Purpose: Insure minimum of 7 months of O&M + Debt Service is available

Rate Stabilization (Final year FY 2021-22)

Beginning Balance	\$ 300,000	\$ -	\$ -	\$ -
Plus: Additions	-	-	-	-
Less: Use of Funds / Transfer to Ops Reserve	(300,000)	-	-	-
Ending Balance	\$ -	\$ -	\$ -	\$ -

Combined with Operating Reserve per Policy F-50 on 5-16-22

Emergency Repair

Beginning Balance	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000
Plus: Additions	-	-	-	-
Less: Use of Funds	-	-	-	-
Ending Balance	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000

Purpose: Fund emergency repairs, replenish over 2 to 3 year period.

Capital Reserves (STPURWE, OCC, and other CIP)

Beginning Balance	\$ 3,425,644	\$ 899,969	\$ 899,969	\$ 899,969
Plus: Undesignated	229,727	336,464	-	336,464
Plus: STPURWE LGVSD Bond Reserve ⁽¹⁾	222,915	-	-	225,715
Plus: STPURWE MMWD Buy-In ⁽²⁾	154,911	-	-	53,779
Plus: 2017 Bond MMWD Debt Service Share ⁽³⁾	256,720	-	-	256,720
Plus: Corr. to incl. PY BoM MMWD Reserves ⁽⁴⁾	-	-	2,051,569	2,051,569
Less: Authorized Use of Funds	(3,389,949)	(800,000)	-	(800,000)
Ending Balance	\$ 899,969	\$ 436,433	\$ 2,951,538	\$ 3,024,217

Purpose: To provide capital for major capital projects.

Vehicle and Equipment Reserve (VERF)

Beginning Balance	\$ 1,000,000	\$ 841,668	\$ 841,668	\$ 841,668
Plus: Additions	379,090	150,755	-	150,755
Less: Authorized Use of Funds	(537,422)	(480,000)	-	(466,970)
Ending Balance	\$ 841,668	\$ 512,423	\$ 841,668	\$ 525,453

Purpose: To fund large vehicle and equipment replacements.

Ending Reserve Balance	\$ 5,715,213	\$ 5,557,627	\$ 7,766,782	\$ 8,158,440
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(1) Excess funds over debt payments put aside for project.

(2) MMWD quarterly buy-in payments down to \$26,890 beginning August 2023 - Held in Bank of Marin (BoM) Bus Money Market (BMM) #3983

(3) MMWD semi-annual Revenue Bond payments toward project - Held in Bank of Marin (BoM) Bus Money Market (BMM) #3983

(4) Bank of Marin (BoM) contributions from prior year MMWD buy-ins not included in Capital Reserve balance, corrected as of 12/31/22.

Authorized use of funds towards STPURWE project to draw down BoM MMWD account and LAIF Capital Reserves in Spring 2023.

**LAS GALLINAS VALLEY SANITARY DISTRICT
RESTRICTED FUNDS
MID-YEAR REPORT FY 2022-2023 - FEBRUARY 16, 2023**

	2021-22 Actual	2022-23 Adopted Budget	2022-23 6-Month Actuals	2022-23 Projected End of Year
Restricted Funds				
Capacity / Capital Facilities / Connection Fee Fund (#5025)				
Beginning Balance	\$ 316,998	\$ 587,687	\$ 587,687	\$ 587,687
<i>Plus: Additions</i>	470,689	1,741,536	288,911	379,312
<i>Less: Use of Funds</i>	(200,000)	-	-	-
Ending Balance	\$ 587,687	\$ 2,329,223		\$ 967,000

Purpose: To pay for collection system and plant capacity improvements to serve new connections.

Captains Cove Fund (#5019)

Beginning Balance	\$ 17,266	\$ 1,498	\$ 1,498	\$ 1,498
<i>Plus: Additions</i>	48,025	16,025	1	26,476
<i>Less: Use of Funds</i>	(63,793)	(12,400)	-	(16,168)
Ending Balance	\$ 1,498	\$ 5,123		\$ 11,806

Purpose: Special assessment fees in and class account 350 expenses out.

Marin Lagoon Fund (#5005)

Beginning Balance	\$ 84,595	\$ 15,978	\$ 15,978	\$ 15,978
<i>Plus: Additions</i>	74,372	21,106	12	64,106
<i>Less: Use of Funds ⁽¹⁾</i>	(142,989)	(107,700)	-	(68,187)
Ending Balance	\$ 15,978	\$ (70,616)		\$ 11,898

Purpose: Special assessment fees in and class account 360 expenses out.

⁽¹⁾ Prior Year Capital Expenditures for Marin Lagoon Pump Station #1 to be recovered over multiple years as balance insufficient to cover entire cost of project.

Capital Improvement Plan for FY 2022-23

(Mid-Year Budget Report - February 16, 2023)

Line No.	Mgr.	Project No.	Acco unt	Project Name	Adopted				
					Year 1 Budget 2022-23	Mid-Year Funding Transfers FY 22-23	Actual Expenditures Thru 12/3/22	Estimated Thru EOY June 30, 2023	Est. Carryover Balance at EOY 2022-23
PLANNING, SOFTWARE, & OTHER ENGINEERING									
1	MC	20100-05	4362	Integrated Wastewater Master Plan Phase 2 and Phase 3 (combined) ⁽¹⁾	448,910	305,000	21,869	150,000	605,979
2	MC	20100-05	4362	Integrated Wastewater Master Plan Phase 3 (combined with Phase 2) ¹⁾	100,000	(305,000)		-	-
3	MC	21500-08	4859	Biosolids System Improvement Analysis	107,000	(47,000)	66,108	60,000	0
4	MC	21500-08	4859	Biosolids Well Monitoring Design and Construction	300,000	(173,264)		110,000	16,736
5	MC	21500-08	4859	Biosolids Program Research and Project Support Services	-	460,264		200,000	260,264
6	MC	21500-08	4859	Biosolids Flood Protection Plan Phase 1	-	99,955		99,955	-
7	MC	22600-01	4299	Asset Management Onboarding Task 2-4 CMMS CityWorks	400,000			250,000	198,676
8	MC	22125-01	4870	Sea Level Rise Mitigation Program Design	100,000		432	60,000	40,000
9	MC	22125-02	4871	Standard Specifications and Drawings Update Project	50,000			40,000	35,000
10	MC	20125-01	4117	On-Call Engineering Contract	210,000	(52,707)	8,514	100,000	128,607
11	MC	22125-03	4117	On-Call Inspection	44,910			40,000	4,910
12	MC	22125-04	4117	On-Call Construction Contract (2021-2023)	100,000		383	100,000	80,569
13	GP	22200-01	4872	IT Pipes Software Upgrade for Video Interface w/CityWorks	35,000			35,000	-
14	GP	17200-03	4413	City Works Azteca Annual Licensing plus ESRI license	40,000			40,000	-
15	GP	22200-02	4873	Fleet Maintenance Software annual licenses	2,160		782	1,500	660
16	DM	20100-01	4825	Accounting ERP Integration	53,798			53,000	35,734
17	DM	22100-01	4361	Website Improvement - O&M beginning in FY 22-23	25,000				25,000
18	MC	21125-02	4821	Drafting Software for Eng. Computer Upgrade	6,000			6,000	-
19	MC	23200-01	4808	Hydraulic Modeling of Collection System	200,000	52,707	31,650	180,000	72,707
20	MC	21300-07, 21500-07, & 21600-16	4833, 4843, 4856	Arc Flash Study	-	11,118	11,118	11,118	(0)
Subtotal:					2,222,778	351,073	140,855	1,536,573	1,504,843
FLEET & EQUIPMENT (To be procured through Vehicle Replacement Fund) and OTHER EQUIPMENT									
27	GP	22200-03	4801	Smart Covers (3) Additional in FY 22-23	22,000			22,000	-
28	GP	23200-02	4154	4" Trash Pump w/ trailer	90,000	(32,000)	39,970	39,970	18,030
29	GP	23200-03	4884	2023 Cushman Hauler 800X Electric Carts (2)		32,000		32,000	-
30	GP	Pending	4154	2023 Ford Transit Cargo Van Hybrid for Camera	45,000	10,000		50,000	-
31	GP	Pending	4154	2023 Hybrid Fleet to replace CMAX	45,000			45,000	-
32	GP	Pending	4154	2023 Vac-Con Flusher Truck - clean diesel (upon Board approval)	305,000			305,000	-
Subtotal:					507,000	-	39,970	493,970	18,030
COLLECTION SYSTEM (INCL. PUMP STATIONS "PS" & FORCE MAINS)									
39	MC	11200-03	4377	John Duckett PS & HWY 101 Terra Linda Trunk Sewer Design	730,927	(140,000)	8,042	50,000	1,153,688
40	MC	12300-05	4246	Rafael Meadows Pump Station - Electrical Generator Standby	160,000		597	100,000	60,000
41	MC	20300-09	4828	Smith Ranch Pump Station Electrical Upgrades	300,000			35,000	265,000
42	MC	20200-01	4153	Force Main Assessment, Cleaning, Location Marking, & Mapping	350,000		14,787	35,000	315,000
43	MC	21300-03	4830	Standby/Towable Generators for Minor Pump Stations	357,044	67,896	26,143	150,000	316,125
44	MC	21350-01	4834	Automatic Transfer Switches for Pump Stations	260,000			35,000	225,000
45	MC	21300-04	4831	Pump Station Site Lighting, Safety, & Security Improvements	241,877			35,000	206,877
46	MC	21600-01	4835	Emergency Bypass Pumping Analysis & Response Plan	105,000			35,000	70,000
47	MC	22300-01	4874	Rafael Meadows Pump Station - Civil, fencing, other	180,000	(180,000)			-
48	MC	22300-02	4875	Mulligan PS wet well upgrade	60,000	(60,000)			-
49	GP	19200-02	4153	Manhole Frame & Cover Adjustment Allowance	50,000			30,000	112,029
50	MC	21300-06	4832	Fencing Improvements at Various Locations	60,000	(48,000)		12,000	-
51	MC	21600-03	4837	Annual Facility Paving at Various Locations	35,000			35,000	-
52	MC	20600-03	4217	Smith Ranch CNG Filling Station Function	45,000	145,000	183,707	190,000	-
53	GP	18350-01	4238	Captains Cove Pump Station Upgrades(2)	50,000			25,000	25,000
54	MC	Begin 23-24	4153	Sewer Main Collection System Rehabilitation Program	1,000,000			-	1,000,000
55	GP	Pending	4162	SCADA Integration & Control Panel Repl. for Pump Stations	250,000				250,000
56	GP	23300-01	4485	110 HP Spare Pump for John Duckett PS	-	140,000		138,000	2,000
57	MC	20200-01	4153	Install Ports in PSs, includ. in Proj. 20200-01.	30,000			30,000	-
58	GP	21300-06	4832	Hawthorn Pump Station Fencing - Second Fence line	25,000		6,613	6,613	18,387
59	MC	22300-04	4173	Venetia Harbor Pump Station Block Wall	-	48,000		48,000	-
61	MC	18360-01	4481	Marin Lagoon Pump Station No.1- final billing in July 2022	-	18,364	18,364	18,364	41,680
74	GP	21300-06	4832	Hawthorn Pump Station Fencing - 1st Fence project	-				7,155
Subtotal:					4,289,848	(8,740)	258,253	1,007,977	4,067,941

Line No.	Mgr.	Project No.	Acct Unit	Project Name	Adopted				
					Year 1 Budget 2022-23	Mid-Year Funding Transfers FY 22-23	Actual Expenditures Thru 12/3/22	Estimated Thru EOY June 30, 2023	Est. Carryover Balance at EOY 2022-23
RECLAMATION									
79	GP	21500-01	4838	Reclamation Pump Station Improvements	130,000	(239)	1,110	1,110	133,651
80	MC	22300-03	4876	St. Vincent's Pump Station Improvements	100,000	(99,716)	284	284	0
81	MC	21500-04	4841	Reclamation Pasture Irrigation System Assessment Study	45,000	(45,000)			-
82	MC	11500-09	4412	Miller Creek Vegetation Maintenance repair, maint.	75,000		30,429	50,000	25,000
83	MC	22500-04	4330	Solar PV System Replacement	300,000			50,000	265,000
84	MC	Pending		Reclamation Pond Diversion Boxes	175,000	(1,180)		120,000	53,820
85	MC	Pending		Reclamation Staging Area	60,000			60,000	-
86	MC	Pending		Sludge Lagoon Liner Replacement/Repair	75,000			60,000	15,000
88	MC			IWMP Reclamation Projects (Placeholder)	-	(3,250)			146,750
92	MC	20500-05	4290 / 4460	Marsh Pond Vegetation Removal & Long-Term Vegetation Management Plan	-				171,115
96	MC	18500-02	4332	NBWRA Water Grant for Reclamation - prior year close out	-	3,250	3,250	3,250	-
97	MC	20500-02	4459 / 4262	Reclamation Storage Pond Valves & Transfer Boxes - 3 catwalks	-	1,180	1,180	1,180	-
Subtotal:					960,000	(144,955)	36,253	345,824	810,337

TREATMENT PLANT (INCL. RECYCLED WATER)									
101	MC	21100-01	4861	Operations ControlCenter (OCC) & Admin Building Design	1,525,000		56,835	80,835	1,444,165
102	MC	21600-07	4862	Digester Inspection & Coating Improvement	300,000	(267,896)		30,000	2,104
103	MC	21600-06	4846	Digester Room MCC #2 Upgrade Design & Construction	682,000		26,438	100,000	593,884
104	MC	20600-04	4328	Flow Equalization Basin Design and Construction	375,000			100,000	3,446,113
105	MC	22600-01	4878	Primary Clarifier #1 Repair	300,000			50,000	250,000
106	MC	21600-08	4848	Grit Chambers Coating & Auger Rebuild	300,000	(100,000)	688	200,000	0
107	MC	21600-11	4851	Annual Plant Paving at Various Locations	60,000			60,000	-
108	MC	21600-09	4849	Plant Lighting Improvements and Other Electrical Enhan.	50,000			50,000	50,000
109	MC	21600-15	4855	Misc Plant Equipment Demolition & Disposal	30,000	(29,482)	221	221	297
110	GP	21600-12	4852	Maintenance Shop & Locker Room Improvements	50,000				50,000
111	MC	Pending		Secondary Digester Piping Project	60,000			60,000	-
112	MC	23500-05	4262	Center Pivot No. 1 Replacement	-	200,000		174,500	25,500
Subtotal:					3,732,000	(197,378)	84,181	905,556	5,862,063

TOTAL PLANNING, FLEET, COLLECTION, RECLAMATION, & TREATMENT PROJECTS (Non-Financed)									
Total (Non-Financed):					11,711,626	-	559,512	4,289,900	12,263,213

FINANCED AND BOND PROJECTS									
129	MC	12600-07 & 16650-02	4501 & 4225	Secondary Treatment Plant Upgrade & Recycled Water Expan.	8,606,442		2,777,653	7,921,623	1,238,193
130	MC			Operations Control Center Building Construction & Soft Costs	3,000,000				3,000,000
Subtotal:					11,606,442	-	2,777,653	7,921,623	4,238,193

GRAND TOTAL CAPITAL OUTLAY: 23,318,068 - 3,337,165 12,211,523 16,501,406




Item Number _____ 3.7 _____

GM Review _____ CP _____

Agenda Summary Report

To: Board of Directors

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

Meeting Date: February 16, 2023

Re: Discussion on Sewer Rate Study Parameters with Hildebrand Consulting

Item Type: Consent _____ Action _____ Information X Other _____.

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

STAFF RECOMMENDATION

Board to meet with Hildebrand Consulting and discuss parameters on updating the District’s financial plan and evaluation of the structure of the existing sewer user charges.

BACKGROUND

The Las Gallinas Valley Sanitary District awarded contract to Hildebrand Consulting to conduct a sewer user charge cost of service and rate study. The study will assess and evaluate the District’s existing rate structure and rate policies, review current methodology, and make recommendations for potential alternative methods if needed.

Staff has met with Mark Hildebrand and provided information that will be used to help develop a 10-year financial management plan that will be used to be develop recommendations for a four year rate study that will cover fiscal years 2023-24 to 2026-27.

It is prudent for the Board to confirm the study objectives of the District early in the rate setting process. We will discuss preliminary findings on the impact of the capital spending program on future revenue requirements. The Board will also be asked to share any thoughts or concerns with the existing rate structure.

PREVIOUS BOARD ACTION

On January 19, 2023, the Board awarded contract to Hildebrand Consulting to conduct a Sewer User Charge Cost for Service and Rate Study.

ENVIRONMENTAL REVIEW

N/A

FISCAL IMPACT

No additional impact. The consultant costs for this meeting are included in the contract previously awarded.



Item Number _____ 4 _____

GM Review _____ CP _____

Agenda Summary Report

To: Board of Directors
From: Teri Lerch, Executive Assistant/Board Secretary
 (415) 526-1510; tlerch@lgsd.org
Mtg. Date: February 16, 2023
Re: Approve Ordinance 191 Changing Start Time of Regular Meetings
Item Type: Consent _____ Action X Information _____ Other _____
Standard Contract: Yes _____ No _____ (See attached) Not Applicable X .

STAFF RECOMMENDATION

Attached for Board approval is Las Gallinas Valley Sanitary District Ordinance 191 changing the Board Meeting start time to 4:30 pm.

BACKGROUND

The Board had requested to review the start time of Board meetings.

PREVIOUS BOARD ACTION

On January 5, 2023, Board reviewed B-140 (Board Meetings) and Ordinance 184 (attached) and requested they be brought back for Board approval.

ENVIRONMENTAL REVIEW

N/A

FISCAL IMPACT

N/A

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

ORDINANCE 191

**AN ORDINANCE OF AMENDING TITLE 1, CHAPTER 2 OF THE
ORDINANCE CODE OF THE LAS GALLINAS VALLEY SANITARY DISTRICT
TIME AND PLACE FOR REGULAR MEETINGS**

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

ARTICLE I.

The contents of Title 1, Chapter 2, Time and Place for Regular Meetings, Article I, Meetings, Section 101, Regular Meetings, is amended to read as follows:

“ARTICLE I. MEETINGS

Section 101. Regular Meetings. The Regular Meetings of the Las Gallinas Valley Sanitary District shall be held on the first and third Thursdays of each and every calendar month starting at 4:30 pm.

The remainder of Section 101, which encompasses subsections (a) and (b) shall remain the same.

ARTICLE 2. ADOPTION AND NOTIFICATION

This Ordinance shall take effect and be in force either seven (7) days from the date of its passage and publication or as of February 23, 2023, whichever is later. The Ordinance or a summary of it shall be published once, with the names of the members of the Board of Directors of the Las Gallinas Valley Sanitary District of Marin County, California, voting for and against the same in the Marin Independent Journal, a newspaper of general circulation published in the County of Marin. A certified copy of the full text of the proposed regulation or ordinance or proposed amendment to same shall be posted in the office of the clerk of the board, along with the names of those board members voting for and against the ordinance.

I hereby certify that the foregoing is a full, true and correct copy of the Ordinance duly and regularly passed and adopted by the Board of Directors of the Las Gallinas Valley Sanitary District of Marin County, California, at a meeting hereof held on February 16, 2023 by the following vote of members thereof:

AYES:
NOES:
ABSENT:
ABSTAIN:

Teresa Lerch, Board Secretary
Las Gallinas Valley Sanitary District

APPROVED:

Megan Clark, Board President

(seal)

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

ORDINANCE 184

**AN ORDINANCE OF AMENDING TITLE 1, CHAPTER 2 OF THE
ORDINANCE CODE OF THE LAS GALLINAS VALLEY SANITARY DISTRICT
TIME AND PLACE FOR REGULAR MEETINGS**

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

ARTICLE I.

The contents of Title 1, Chapter 2, Time and Place for Regular Meetings, Article I, Meetings, Section 101 and 102, Regular Meetings and Special Meetings, respectively, are amended to read as follows:

“ARTICLE I. MEETINGS

Section 101. Regular Meetings. The Regular Meetings of the Las Gallinas Valley Sanitary District shall be held on the first and third Thursdays of each and every calendar month starting at 3:30 pm.

(a) Closed Sessions of Regular Meetings of the Board of Directors shall be held on the same date as a scheduled Regular Meeting. A Closed Session may be scheduled at any time during the Regular Meeting.

(b) By at least a 3/5ths majority vote, the Board may approve a change of the date and/or time of a Regular Meeting. If less than all five members of the Board of Directors are present to vote on the proposed change of the Regular Meeting date and/or time, then the vote approving the change must be by at least three (3) members of the Board. A notice of the change of the date and/or time of the Regular Meeting shall be posted at least two (2) weeks prior to the changed Regular Meeting in a location that is

freely accessible to members of the public and in the same manner as for the publishing of the Agenda for a Regular Meeting.

Section 102. Special Meetings. Special meetings of the Board of Directors shall be held upon the call of the President of said Board, or of a majority of the members thereof, by delivering personally or by mail written notice to each member and to each local newspaper of general circulation, radio or television station requesting notice in writing. Such notice must be given not less than twenty-four (24) hours before the time fixed for the proposed meeting and shall specify the time and place of the special meeting and the business to be transacted. The notice required hereunder may be dispensed with as to any member who, prior to the time the meeting convenes, filed with the Secretary a written waiver of notice which said waiver may be given by fax and/or email. The attendance at such meeting by any member at the time it convenes shall constitute a waiver of the provisions herein for notice to the member.

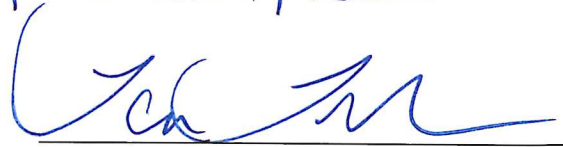
(a) Closed Sessions of Special Meetings of the Board of Directors shall be held on the same date as a scheduled Special Meeting. A Closed Session may be scheduled at any time during the Special Meeting.

ARTICLE 2. ADOPTION AND NOTIFICATION

This Ordinance shall take effect and be in force either seven (7) days from the date of its passage and publication or as of August 14, 2020, whichever is later. The Ordinance or a summary of it shall be published once, with the names of the members of the Board of Directors of the Las Gallinas Valley Sanitary District of Marin County, California, voting for and against the same in the Marin Independent Journal, a newspaper of general circulation published in the County of Marin. A certified copy of the full text of the proposed regulation or ordinance or proposed amendment to same shall be posted in the office of the clerk of the board, along with the names of those board members voting for and against the ordinance.

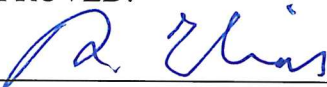
I hereby certify that the foregoing is a full, true and correct copy of the Ordinance duly and regularly passed and adopted by the Board of Directors of the Las Gallinas Valley Sanitary District of Marin County, California, at a meeting hereof held on August 6, 2020 by the following vote of members thereof:

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



Teresa Lerch, District Secretary
Las Gallinas Valley Sanitary District

APPROVED:



Rabi Elias, Board President

(seal)



2/16/2023

BOARD MEMBER REPORTS

CLARK

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

FORD

NBWRA, 2023 Operations Control Center Ad Hoc Committee, 2023 McInnis Marsh Ad Hoc Committee, 2023 Fleet Management Ad Hoc Committee, Other Reports

MURRAY

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

ROBARDS

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

YEZMAN

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



BOARD MEMBER MEETING ATTENDANCE REQUEST

Date: _____ Name: _____

I would like to attend the _____ Meeting
of _____

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

Location of meeting: _____

Actual meeting date(s): _____

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

Purpose of Meeting: _____

Meeting relevance to District: _____

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

Frequency of Meeting: _____

Estimated Costs of Travel (if applicable): _____

Date submitted to Board Secretary: _____

Board approval obtained on Date: _____

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

2/16/2023

BOARD AGENDA ITEM REQUESTS

Agenda Item 6B

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

MARIN MUNICIPAL

Plans for new water supplies get tested

District examines options against severe drought

BY WILL HOUSTON

WHOUSTON@MARINIJ.COM

As the Marin Municipal Water District nears the end of a yearlong study into new water supplies, its governing board took a deeper dive this month into how well different portfolios of options could help prevent severe water shortages in a worst-case scenario drought.

“We’re at the point now where it’s all starting to come together,” district official Paul Sellier told the board this week.

The study, which began in early 2022, is examining a variety of new water supplies, including interties with other water agencies, desalination, expanding conservation programs, groundwater storage, maximizing Sonoma County water imports, enlarging storage capacity of local reservoirs and recycled water expansion.

The effort was launched after the district and the 191,000 central and southern Marin residents it serves faced depleting local reservoir supplies as soon as mid-2022 after a severe two-year drought.

Rains in late 2021 worked to nearly refill local reservoirs but demonstrated the vulnerability of the local water supply. Voters responded in 2022 by electing three new board members — Ranjiv Khush, Matthew Samson and Jed Smith — who had campaigned on bolstering local supplies.

On Tuesday, the district board and its consultants from Jacobs Engineering reviewed how well four portfolios of water supply options performed against a severe four-year drought. The simulated drought combined the district’s two worst droughts of record in 2020-2021 and 1976-1977. The portfolios include:

- Maximize local and regional water supplies. Includes expanding water imports from Sonoma County, enlarging reservoirs, expanding reservoir capacity.
- New local supplies. Includes desalination plants, expansion of recycled water system.
- Diversifying water imports. Interties with outside water agencies, including building a pipeline across the Richmond-San Rafael Bridge to pump in Central Valley water.
- Low-cost options. Includes options that cost less than \$2,250 per acre-foot of water produced. Includes conservation program expansion, a brackish desalination plant on the Petaluma River, groundwater banking, adding adjustable gates to reservoir spillways.

The district does not intend to pick one portfolio of options but rather a variety of options from each based on criteria such as water yield, cost, environmental impacts, regulatory hurdles, public acceptance and other factors.

“We can mix and match to help put together a portfolio that we think would work in the short, medium and long term,” Smith said during the meeting.

The district plans to review potential combinations of supply options it could choose in February before deciding on what options to pursue at a later date.

The simulation results presented on Tuesday showed how well these portfolios prevented the district from dipping below emergency storage levels and whether it would be able to meet customer water demand during this four-year drought.

The district's seven reservoirs hold about 80,000 acre-feet of water, which is about a two-year water supply. When water levels dip below 30,000 acre-feet, the district considers this to be emergency storage.

Each portfolio was passed through the drought simulation to calculate how much storage levels dipped below 30,000 acre-feet and whether there would be a resulting shortage of water to meet customer demand based on factors such as certain reservoirs going dry or state-mandated dam releases for fish. To compare each portfolio's performance, the district combined both the supply and demand shortage volumes for each and divided them over the four years to come up with an annual average deficit.

Of the four portfolios, the water imports portfolio had the largest deficit of water during this simulation of about 3,700 acre-feet per year, with an acre-foot being about 326,000 gallons. Maximizing local supplies only showed a 300-acre-foot shortage by comparison while the low-cost and new local supplies options avoided a deficit altogether.

District consultant Armin Munevar said avoiding these shortages would take several years to achieve, with the district beginning with initiatives such as conservation enhancement while it plans for larger projects such as enlarging reservoirs or desalination, for example.

"Take home here is a number of these more long-term, fully developed pathways provide sufficient yield and reliability to resolve the challenges," Munevar told the board.

Additionally, Munevar said water conservation will be integral to whether these new water supplies prevent deficits.

"Conservation and drought restrictions are key elements that have to be on the table and in my view are no-regret, low-regret options," he said.

The findings prompted a discussion among board members on whether they should forgo further study of water interties to the East Bay or San Francisco altogether given their performance in the simulation. Samson and board president Monty Schmitt voiced support for narrowing the scope of options away from interties, given the findings, as well as the major construction and regulatory hurdles associated with these projects.

"We have to start narrowing our view as we start to look at other options," Samson said.

"If we're going down an intertie pathway, there is a very substantial all-or-nothing commitment," Schmitt said.

Khush and board member Larry Russell urged the district to wait until the final study report is released before making any decisions, which the board ultimately opted to do.

While options such as enlarging reservoirs or adding spillway gates to dams provided supply benefits, Schmitt also raised concerns about how many options rely on augmenting local storage, especially given the regulatory hurdles. Expanding reservoir storage could trigger potential changes to the district's state water rights, which could set in motion a lengthy review process. One outcome that board members previously expressed concern over is whether the state would require the added water to be used for environmental releases rather than human use.

Former district board member Larry Bragman of Fairfax urged the board to begin at least exploring these options, such as raising the heights of spillways or spillway gates.

He said the neighboring North Marin Water District has had preliminary talks with the state without much pushback for its proposal to add a spillway gate to its Stafford Lake reservoir near Novato.

“I really think we should get moving on that and put some exploratory lines of communication out to let them know what we’re thinking about,” he said.

Boost COVID-19 surveillance to detect new variants

In the 1967 film “The Graduate,” the title character played by Dustin Hoffman attends a post-graduation party where a partygoer beckons him from the boisterous crowd and gives him a single word of career advice that has become an iconic cinema quote: “Plastics.”

As COVID-19 retreats in the midwinter, the one word of advice for our scientific community going forward is “surveillance.” The pandemic has forced us to relearn that public health surveillance — maintaining a watchful eye on new COVID-19 variants as well as other bacteria and viruses that threaten us — is the basis for preventing disease outbreaks and controlling them once they occur.

In many ways, public health surveillance is similar to a national government’s intelligence surveillance. Both require a combination of human intelligence and technical sophistication to achieve their purpose. Espionage requires trained agents and high-tech equipment; public health demands expert health care personnel and advanced molecular diagnostic methods. Most important, in both cases, keeping citizens safe takes a global effort.

Right now, the greatest threat of a COVID-19 resurgence is from new coronavirus variants. The most important reservoir for those variants is China, where hundreds of millions of COVID-19 cases have been reported. Any one of China’s many new cases could spawn a new variant, possibly more contagious and/or more virulent than what we have seen to date.

It is imperative that we work with China and other COVID-19 hot spots using the most advanced molecular techniques for identifying new viral variants. This means tracking data on COVID-19 cases and establishing and recording molecular profiles of circulating viruses to anticipate trends and tailor vaccine development.

At home, we must ramp up one of the most important techniques developed during the pandemic — the deployment of wastewater sampling. The creation of an expanded national wastewater surveillance system by the Centers for Disease Control and Prevention to track the spread of COVID-19 variants is an early indicator of the rise or fall in COVID-19 cases and of new variants in a particular region. Wastewater sampling does not depend on whether people have COVID-19 symptoms or get tested.

Monitoring wastewater has added advantages including the possibility of discovering other viruses such as polio that threaten to reemerge in America. Wastewater sampling can assess the comparative success of COVID-19 control strategies in different regions of the country. To complement wastewater surveillance, it may soon be possible to employ airborne surveillance to look for COVID-19 and other aerosol or droplet-borne viruses aloft. Imagine not having to worry whether the crowded restaurant you enter has COVID-19 circulating above your table.

One of the difficulties during this phase of the pandemic has been ascertaining the true number of COVID-19 cases. In the U.S., there have been more than 100 million cases diagnosed and recorded by testing, but there are likely two to three times as many actual cases — people who have never been tested or those who tested at home and never reported the results.

We don’t know how much this undercount keeps us from measuring COVID-19 trends precisely. At-home testing has been a major advance in controlling spread and determining when to institute treatment. A system to report positive home tests automatically by mobile phone would be of immense benefit, and at-home tests are being developed for other potentially epidemic and treatable viruses such as influenza.

In the past, Google has attempted to predict seasonal flu patterns based on internet searches of symptoms and purchases of over-the-counter medicines. Results are mixed, but this, too, is a promising area for information technology.

Twenty-eight years after his role in “The Graduate” made him a star, Hoffman starred in “Outbreak,” a riveting film about a deadly virus. Hoffman must stop the spread of the virus before it infects the entire country, and his superior, played by Morgan Freeman, tells the team: “The fate of the nation, perhaps the world, is in our hands. We cannot, we dare not refuse this burden. I am confident each of you will do his duty.”

Life imitates art.

Dr. Cory Franklin is a retired intensive care physician. Dr. Robert Weinstein is an infectious disease specialist at Chicago’s Rush University Medical Center. This commentary originally appeared in the Chicago Tribune.

MMWD details plan for rate hike

Aimed at supply projects, upgrades, staff additions

BY WILL HOUSTON

WHOUSTON@MARINIJ.COM

The Marin Municipal Water District unveiled more details this week on a proposed overhaul of its water rates and fees meant to address looming budget deficits, add new water supplies, repair aging facilities and end a hiring freeze.

“Today we find ourselves at an inflection point,” Ben Horenstein, the utility’s general manager, said during the district board meeting on Tuesday.

While the district’s rate study is ongoing, a preliminary proposal presented on Tuesday shows the district could increase bimonthly water bills by \$18 for lower water users and as much as \$88 for higher water consumers.

The district is also proposing to change its water rate tiers, which determine how much customers can use before they get bumped into higher rates. About 80% of the district’s customers fall into the tier with the lowest rates, Tier 1, while only a few percent are in Tier 3, the highest.

“We’re giving our lowest cost water to 80% of the users, which really limits the effectiveness of the pricing signal and frankly limits the impact of our tier system overall,” Bret Uppendahl, the district finance director, told the board. Additionally, the district is considering ending seasonal tier rates, which increase the amount of water customers can use during the summer months — when use is highest because of irrigation — before they get placed into higher tiers.

If adopted, the rate changes would take effect on July 1.

The proposal is likely to cause a stir among some ratepayers who have voiced concerns in the past that they are being punished with higher bills despite conserving water.

“The more that we consumers do what the district wants us to do, the more the district will do to hurt us,” Larkspur resident James Holmes told the board on Tuesday. “Until the district finds a way to escape from that cruel conundrum, the less confidence in the district we ratepayers will have and the less appealing that conservation policies will be.”

The rate hikes and changes are being considered in the face of several challenges facing the water district.

Financial forecasts show the district faces about a \$31 million budget deficit at the end of the next fiscal year that would continue growing each year without changes to the rate structure.

The district attributes the deficit to the loss of water sales revenue because of customer conservation efforts in recent drought years; the purchase of more imported water from Sonoma County to preserve local reservoir supplies; and inflationary pressures driving up construction and material costs.

The issue was compounded by the fact that the district did not have drought rates during the recent drought, which could have allowed the agency to charge higher rates to limit the financial strains.

Uppendahl told the board that the district has been able to cover these financial impacts using its reserve funds, but that this approach is unsustainable. Reserves have dipped from \$63.1 million in 2021 to about \$28.1 million. Uppendahl said the district must now begin to replenish the reserves to be able to respond to emergencies and droughts.

The recent drought, which almost caused the district to deplete local reservoir supplies last year, has prompted the agency to begin adding new sources of water. The agency is also looking to address a backlog of maintenance on its supply system.

\$42 million per year, according to the district.

Uppendahl told the board that the new rate structure is meant to pivot away from the agency's past approach toward rate increases, which included "large swings," unpredictability and several years of rates remaining flat.

The district's rates have increased by an average of 4% per year for the past 30 years, slightly higher than the average annual inflation rate of 3% during that time, Uppendahl said. By contrast, a survey by the American Water Works Association, a nonprofit organization, found that average annual rate increases among California water agencies were about 10% from 1998 to 2018.

The Marin district's rate changes have been inconsistent in recent decades. Uppendahl said that since 1992, the district had 16 years where rates held flat and had three years when rates spiked by 10%. In 1993, rates were actually reduced by about 25% and were held flat for 11 of the 14 preceding years, Uppendahl said.

"Operationally what we have been doing has been unsustainable in a changing climate," board member Matt Samson said Tuesday.

Past rate structures and a reduction in water use by customers through the years have resulted in a rate structure that has increasingly relied on revenues from fixed fees, Uppendahl said. The fees, which are used to fund infrastructure repairs, maintenance of the watershed, fire prevention and other uses, are charged to customers regardless of how much water they use.

For single-family residential customers, the percentage that fixed fees make up on their bill charges has increased from about 34% in 2015 to about 62% from 2019 onward, according to district staff.

On average, ratepayers in single-family homes pay about \$138 on their bimonthly water bills, according to Uppendahl.

Employees of the district called on the district board on Tuesday to end a hiring freeze that they said is limiting their ability to do their jobs.

Longtime park ranger Matt Cerkel said the ranger staff has dwindled from 13 to six positions during his tenure. At the same time, he said, visitation has increased substantially, especially in recent years. Five of the six rangers are over 50 years old. Cerkel said the district is not prepared for the coming turnover and loss of institutional knowledge.

"These days it's not uncommon with vacations and training and sick leave and other forms for only one ranger to be on duty to patrol the watershed for extended periods," Cerkel told the board. "This includes 20,000 acres, 200 miles of roads and trails and seven reservoirs."

Eric Ettlinger, a district ecologist, said the hiring freeze prevented the district from hiring temporary staff positions to perform mandated surveys of endangered coho salmon juveniles last summer.

"Despite my best efforts we were not able to finish the survey and the data we did collect frankly was poor quality," Ettlinger told the board. "Adequate staffing is required if we are to continue to produce the high-quality work that regulators and our customers have come to expect."

The district is planning to hold three public workshops in the coming week to discuss the proposed rate increases. One is set for 6 to 8 p.m. Monday at the Corte Madera Community Center at 498 Tamalpais Drive, and another for 6 to 8 p.m. Wednesday at the Albert J. Boro Community Center at 50 Canal St. in San Rafael.

A teleconference is set for 6 to 8 p.m. Thursday via Zoom. Viewers can access the forum with webinar ID 863 0742 2347 or by calling 669-900-6833.

More information on the rate proposals and meetings can be found at marinwater.org/2023RateSetting.

AGENDA ITEM 8

2/16/2023

CLOSED SESSION

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