



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

March 2, 2023

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

Estimated Time

**OPEN SESSION:**

4:30 PM

**1. PUBLIC COMMENT**

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

4:35 PM

**2. CONSENT CALENDAR:**

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

- A. Approve the Board Minutes for February 16, 2023
- B. Approve the Warrant List for March 2, 2023
- C. Approve Resolution 2023-2301 Board Policy B-180 Harrassment Prevention

Possible expenditure of funds: Yes, Item B.

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

4:45 PM

**3. INFORMATION ITEMS:**

**STAFF/CONSULTANT REPORTS:**

- 1. General Manager's Report – verbal
- 2. Board Policies O-140 Customer Support and M-10 Public Involvement and Outreach - written

5:15 PM

**4. AMENDMENT OF EMPLOYMENT AGREEMENT**

Board to review the Amendment of Employment Agreement for Mel Liebmann.

- 5:30 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

- 5:45 PM 6. BOARD REQUESTS:**
- A. Board Meeting Attendance Requests – Verbal
  - B. Board Agenda Item Requests – Verbal

**5:50 PM 7. VARIOUS INDUSTRY RELATED ARTICLES**

**6:00 PM 8. ADJOURNMENT**

**FUTURE BOARD MEETING DATES: MARCH 16 AND APRIL 6, 2023**

AGENDA APPROVED:	Megan Clark, President	Patrick Richardson, Legal Counsel
------------------	------------------------	-----------------------------------

**CERTIFICATION:** I, Teresa Lerch, Board Secretary of the Las Gallinas Valley Sanitary District, hereby declare under penalty of perjury that on or before February 27, 2023 4:30 p.m., I posted the Agenda for the Board Meeting of said Board to be held on March 2, 2023, at the District Office, located at 101 Lucas Valley Road, Suite 300, San Rafael, CA.

DATED: February 23, 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

**3/2/2023**

### **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 16, 2023

THE BOARD OF DIRECTORS AND STAFF OF THE LAS GALLINAS VALLEY SANITARY DISTRICT MET IN OPEN SESSION BY ZOOM CONFERENCE ON FEBRUARY 16, 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 and Gary Robards

**BOARD MEMBERS ABSENT:** Crystal Yezman

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

**OTHERS PRESENT:** Patrick Richardson, District Counsel; Mark Hildebrand, Hildebrand Consulting; Gregory Ramirez, IEDA;

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

**1. PUBLIC COMMENT:** None.

**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

**ACTION:**

Board approved (M/S Ford/Robards (4-0-1-0) the Consent Calendar items A through H.

AYES: Clark, Ford, Murray and Robards.

NOES: None.

ABSENT: Yezman.

ABSTAIN: None.

**3. INFORMATION ITEMS:**

**STAFF / CONSULTANT REPORTS:**

- 1. General Manager's Report – Paxton reported.
- 2. Board Policies B-180 Harassment Prevention –Lerch reported. Approved for consent at the next Board meeting.
- 3. Collections/Maintenance/Safety Department Report – Pease reported.
- 4. Operations Department Report – Liebmann reported.

5. Quarterly Financial Report – McDonald reported.
6. Midyear Budget Report- McDonald reported.
7. Sewer Rate Study Parameters with Hildebrand Consulting – Mark Hildebrand gave a presentation to the Board.

**4. ORDINANCE 191 TIME AND PLACE FOR REGULAR MEETINGS**

Board reviewed Ordinance 191 which changes the start time of Regular Board meetings to 4:30 pm.

**ACTION:**

Board approved (M/S Ford/Robards (4-0-1-0) Ordinance 191.

AYES: Clark, Ford, Murray and Robards.

NOES: None.

ABSENT: Yezman

ABSTAIN: None.

**5. BOARD MEMBER REPORTS**

1. CLARK

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

2. FORD

- a. NBWRA – no report
- b. 2023 Operations Control Center Ad Hoc Committee – no report
- c. 2023 McInnis Marsh Ad Hoc Committee – no report
- d. 2023 Fleet Management Ad Hoc Committee – no report
- e. Other Reports – none

3. MURRAY

- a. Marin LAFCO – verbal report
- b. CASA Energy Committee –verbal report
- c. 2023 Biosolids Ad Hoc Committee – no report
- d. Other Reports – none

4. ROBARDS

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

5. YEZMAN – Absent

- 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– None

**6. BOARD REQUESTS:**

- A. Board Meeting Attendance Requests -Board Secretary Lerch asked the Board to confirm if they can make a Special Budget Workshop meeting on March 29.
- B. Board Agenda Item Requests – none.

**7. MISCELLANEOUS DISTRICT CORRESPONDENCE:**

No discussion.

**8. CLOSED SESSION:**

**ACTION:**

THE BOARD OF DIRECTORS OF THE LAS GALLINAS VALLEY SANITARY DISTRICT ADJOURNED TO CLOSED SESSION ON FEBRUARY 16, 2023 , AT 5:40 PM, BY ZOOM CONFERENCE AND AT THE DISTRICT OFFICE, 101 LUCAS VALLEY ROAD, SUITE 300, CONFERENCE ROOM, SAN RAFAEL, CALIFORNIA.

Lerch left the meeting at 5:40 pm.

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

**ADJOURNMENT:**

**ACTION:**

The Board of Directors of the Las Gallinas Valley Sanitary District reconvened the Regular Session on February 16, 2023 at 5:59 pm.

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

**10. BOARD MEETING ADJOURNMENT:**

**ACTION:**

Board approved (M/S Ford/Clark 4-0-1-0) the adjournment of the meeting at 6:03 PM

AYES: Clark, Ford, Murray and Robards

NOES: None.

ABSENT: Yezman

ABSTAIN: None.

The next Board Meeting is scheduled for March 2, 2023 at 4:30 PM in person at the District Office.

ATTEST:

\_\_\_\_\_  
Teresa Lerch, Board Secretary

APPROVED:

\_\_\_\_\_  
Megan Clark, President

Agenda Item 2B  
 Date March 2, 2023

Las Gallinas Valley Sanitation District  
 Warrant List 3/02/2023 DRAFT

	Date	Num	Vendor	Original Amount	Addition and Adjustment	Total Amount	Description for items
1	3/2/2023	EFT1	ADP Payroll	168,196.15		168,196.15	2/24/2023 Payroll & Processing Charges
2	3/2/2023	N/A	Allied Fluid Products	1,035.61		1,035.61	Parts for the Sample Pump Amiad Filters
3	3/2/2023	N/A	Aramark Uniform Service	547.10		547.10	Laundry Service w/e 2/13 & 2/20
4	3/2/2023	EFT2	Bank of Marin	27,723.45		27,723.45	Recycled Water Loan Payment-March
5	3/2/2023	ACH	Bellecci	4,536.00		4,536.00	On-Call Inspection Services
6	3/2/2023	ACH	Brown & Caldwell	1,668.75		1,668.75	STPURWE- Support During Construction
7	3/2/2023	N/A	Buchholz, Bob	214.67		214.67	Safety Glasses
8	3/2/2023	ACH	Cal Microturbine	9,337.00		9,337.00	Factory Protection Plan for 2023
9	3/2/2023	EFT	CalPERS 457 Plan	8,156.84		8,156.84	EE's Contribution to Deferred Comp. Paydate 2/24
10	3/2/2023	EFT	CalPERS Health	47,589.91		47,589.91	CalPERS Health- Active & Employer Retiree Share -March
11	3/2/2023	EFT	CalPERS Retirement	26,499.98		26,499.98	EE & ER Payment to Retirement-Paydate 2/24
12	3/2/2023	ACH	Caltest	9,167.50		9,167.50	Outside Lab Testing
13	3/2/2023	ACH	Cascade Fire Equipment	845.26		845.26	Industrial Strength Hose
14	3/2/2023	ACH	Central Marin Sanitation	400.00		400.00	Microbiological Analysis- Jan
15	3/2/2023	N/A	Cintas	179.54		179.54	Safewasher & Filter Service
16	3/2/2023	N/A	Cintas Safety	73.24		73.24	Restock First Aid Kits
17	3/2/2023	EFT	Direct Dental	1,854.82		1,854.82	Dental Payments
18	3/2/2023	N/A	Environmental Business Specialists	1,340.00		1,340.00	Biological Analysis
19	3/2/2023	ACH	Grainger	226.18		226.18	Misc. Supplies
20	3/2/2023	ACH	HDR Engineering	907.50		907.50	District Rate Study- Nov- Jan
21	3/2/2023	N/A	JDB Systems	2,873.70		2,873.70	Wiring Renovations for Pump Controller- Captain's Cove
22	3/2/2023	ACH	Kennedy Jenks	116,013.50		116,013.50	STPURWE- Construction Management & Inspection Services
23	3/2/2023	N/A	Liebert Cassidy Whitmore	550.50		550.50	Legal Services
24	3/2/2023	N/A	Linscott Engineering Contractors	2,165.07		2,165.07	Chlorine Chamber Junction Box Modifications
25	3/2/2023	N/A	Marin Ace	322.74		322.74	Misc. Supplies
26	3/2/2023	N/A	Medical Center of Marin	242.00		242.00	Pre-Employment Physical
27	3/2/2023	ACH	Newterra	5,296.44		5,296.44	STPURWE- Aerator Rental
28	3/2/2023	N/A	Operating Engineers	658.98		658.98	Union Dues 2/24 Paydate
29	3/2/2023	ACH	Orion Protections Services	353.20		353.20	Nightly patrol at 300 Smith Ranch Rd.



**Las Gallinas Valley Sanitation District  
Warrant List 3/02/2023 DRAFT**

	Date	Num	Vendor	Original Amount	Addition and Adjustment	Total Amount	Description for items
30	3/2/2023	ACH	Regional Government Services	3,973.50		3,973.50	Contracted Financial Services -Jan
31	3/2/2023	ACH	RelaDyne	2,895.56		2,895.56	Diesel & Unleaded Fuel
32	3/2/2023	N/A	Sewer Connection	10,000.00		10,000.00	Sewer Lateral Replacement Program - 747 Penny Royal Lane
33	3/2/2023	N/A	Site One Landscape Supply	11.34		11.34	Concrete Mix
34	3/2/2023	EFT	Sunlife Financial Services	3,579.61		3,579.61	EE's AD&D, Disability and Life Insurance-March
35	3/2/2023	N/A	United Site Services	692.43		692.43	Porta Potty Rental
36	3/2/2023	ACH	Univar	28,362.80		28,362.80	Sodium Hypochlorite & Bisulfite
37	3/2/2023	EFT	US Bank	1,777,500.00		1,777,500.00	2017 Revenue Bond Payment
38	3/2/2023	N/A	Water Components & Building Supply	848.34		848.34	Misc. Supplies
39	3/2/2023	EFT	WEX Health	25.00		25.00	FSA Payment
40	3/2/2023	N/A	Zenon Environmental Corp	1,926.76		1,926.76	Supplies for Recycled Water CIP Pump

Do not change any formulas below this line.

TOTAL \$ 2,268,790.97    \$ -    \$ 2,268,790.97

EFT1	EFT1 = Payroll (Amount Required)	168,196.15	168,196.15	Approval:
EFT2	EFT2 = Bank of Marin loan payments	27,723.45	27,723.45	
PC	Petty Cash Checking	0.00	0.00	
>1	Checks (Operating Account)	0.00	0.00	
N/A	Checks - Not issued	23,682.02	23,682.02	
EFT	EFT = Vendor initiated "pulls" from LGVSD	1,865,206.16	1,865,206.16	
ACH	ACH = LGVSD initiated "push" to Vendor	183,983.19	183,983.19	
Total		<u>\$ 2,268,790.97</u>	<u>\$ 2,268,790.97</u>	

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

STPURWE Costs 122,978.69



Item Number \_\_\_\_\_ 2C \_\_\_\_\_

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:** March 2, 2023  
**Re:** Approve Resolution 2023-2301 adopting revised Board Policy B-180  
 (Harassment, Discrimination and Retaliation Prevention Policy and Complaint  
 Procedure)  
**Item Type:** Consent  X  Action \_\_\_\_\_ Information \_\_\_\_\_ Other \_\_\_\_\_ .  
**Standard Contract:** Yes \_\_\_\_\_ No \_\_\_\_\_ (See attached) Not Applicable  X  .

---

## STAFF RECOMMENDATION

Attached for approval is Resolution 2023-2301 updating Board Policy B-180 (Harassment, Discrimination and Retaliation Prevention Policy and Complaint Procedure). Legal Counsel suggested changes are shown in highlight (strikeout format) and a final copy is also provided.

## BACKGROUND

The Board has requested to review and update Board Policies.

## PREVIOUS BOARD ACTION

On February 16, 2023, the Board reviewed Policy B-180 (Harassment Prevention Policy and Complaint Procedure) with staff and requested it come back to the Board for approval.

## 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 (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.

<b>Resolution No. 2023-2301</b>	Date Approved: March 2, 2023
President of the Board	Last Revised: February 16, 2023

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

<b>Resolution No. 2023-2301</b>	Date Approved: March 2, 2023
President of the Board	Last Revised: February 16, 2023

**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 of a third party witnesses such 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>Resolution No. 2023-2301</b>	Date Approved: March 2, 2023
President of the Board	Last Revised: February 16, 2023

**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.

**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>Resolution No. 2023-2301</b>	Date Approved: March 2, 2023
President of the Board	Last Revised: February 16, 2023

**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.

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>Resolution No. 2023-2301</b>	Date Approved: March 2, 2023
President of the Board	Last Revised: February 16, 2023

**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.
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.

<b>Resolution No. 2023-2301</b>	Date Approved: March 2, 2023
President of the Board	Last Revised: February 16, 2023



- 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.

<b>Resolution No. 2023-2301</b>	Date Approved: March 2, 2023
President of the Board	Last Revised: February 16, 2023

## 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 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 conduct~~ 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 appears 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~~and 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.

**RESOLUTION NO. 2023-2301**

**A RESOLUTION APPROVING BOARD POLICY REVISION FOR B-180 (HARASSMENT, DISCRIMINATION AND RETALIATION PREVENTION POLICY AND COMPLAINT PROCEDURE)**

**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 February 16, 2023 the Board reviewed and suggested changes to Board Policy B-180 (Harassment, Discrimination and Retaliation Prevention Policy and Complaint Procedure; and

**NOW THEREFORE**, the Board of Directors of the Las Gallinas Valley Sanitary District approves the following revised policy section: B-180 HARASSMENT, DISCRIMINATION AND RETALIATION PREVENTION POLICY AND COMPLAINT PROCEDURE. The previously approved Board Policy B-180 is 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 2<sup>nd</sup> day of March 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

**3/2/2023**

**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@lgvsd.org  
**Mtg. Date:** March 2, 2023  
**Re:** Board Policy Review of O-40 (Customer Support) and M-10 (Public Involvement and Outreach)  
**Item Type:** Consent \_\_\_\_\_ Action \_\_\_\_\_ Information **X** Other \_\_\_\_\_  
**Standard Contract:** Yes \_\_\_\_\_ No \_\_\_\_\_ (See attached) Not Applicable **X** .

---

## STAFF RECOMMENDATION

Attached for information and Board review are Draft Board Policies O-40 (Customer Support) and M-10 (Public Involvement and Outreach).

There are no suggested changes by staff and legal counsel. Staff will receive comments on the subject policies at the meeting and through March 15<sup>th</sup>.

Comments received will be incorporated or addressed prior to bringing back these policies 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

**O-40 CUSTOMER SUPPORT**

**Purpose**

This policy covers procedures for customer input, questions, and approvals.

**O-40-10 Public Input and Questions.** The Board desires that the public have opportunities to provide input, ask questions, and participate in the local government process and that they be treated courteously and with respect during any interaction with Staff or the Board. (See Policy M-10 on Outreach for more detailed information.)

**O-40-20 Complaints.** Public complaints should be resolved at the lowest possible administrative level, and that the method for resolution of complaints be logical and systematic. A complaint is an allegation by a member of the public of a violation or misinterpretation of a District policy, or state or federal statute of which the individual has been adversely affected.

**O-40-30 Steps to Resolve Complaints.** The method of resolving complaints shall be:

- The individual with a complaint shall first discuss the matter with the Administrative Services Manager, or other responsible employee, with the objective of resolving the matter informally.
- If the individual registering the complaint is not satisfied with the disposition of the complaint by the Administrative Services Manager, or other responsible employee, the complaint may be filed with the General Manager, or other responsible managing employee. The General Manager, or other responsible managing employee may conduct conferences and take testimony or written documentation in the resolution of the complaint. The individual filing the complaint may request a written decision from the General Manager [or other responsible managing employee].
- If the individual filing the complaint is not satisfied with the disposition of the matter by the General Manager, or other responsible managing employee, a written complaint may be filed with the entire Board. The Board may consider the matter at the next regular meeting, or call a special meeting. The Board shall expeditiously resolve the matter. The individual filing the complaint may request a written decision from the Board.

This policy in no way prohibits or is intended to deter a member of the community or Staff member from appearing before the Board to present verbally a testimony, complaint, or statement in regard to actions of the Board, District programs and services, or impending considerations of the Board.

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

## MISCELLANEOUS

### M-10 PUBLIC INVOLVEMENT AND OUTREACH

#### Purpose

This policy covers public involvement, public information, stakeholders, public input, and district spokesperson(s).

**M-10-10 Customers.** The District's public (customers) is the founder, ratepayer, owner and sole purpose for the existence of the District. Through the electoral process, customers selected a Board of peers to oversee the District and provide governance and oversight. In order to provide oversight of the Board and vote appropriately, the public needs to be kept informed of key issues surrounding the District.

Although on a day-to-day basis the public is pleased to delegate authority to the Board of Directors and Staff, on particular issues of importance--major capital projects, rate increases, significant regulatory and environmental issues--the public requires additional information and opportunities to provide input through public meetings, hearings, etc. It is the policy of Las Gallinas Valley Sanitary District to provide appropriate communication and opportunities for public input.

Responsibility for public involvement and outreach is delegated to the General Manager with oversight by the Board or ad hoc committees, as deemed appropriate in each case.

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





Item Number 4  
GM Review CP

# Agenda Summary Report

---

To: Board of Directors  
From: Dale McDonald, Administrative Services Manager *M*  
(415) 526-1519 [dmcdonald@lqvsd.org](mailto:dmcdonald@lqvsd.org)  
Meeting Date: March 2, 2023  
Re: Amendment of Employment Agreement – Robert Liebmann  
Item Type: Consent \_\_\_\_\_ Action X Information \_\_\_\_\_ Other \_\_\_\_\_  
Standard Contract: Yes \_\_\_\_\_ No X (See attached) Not Applicable \_\_\_\_\_

---

## STAFF RECOMMENDATION

Board to authorize the General Manager to execute the Amendment of Employment Agreement between the District and Plant Manager, Robert Liebmann.

## BACKGROUND

Management employees of the District are entitled to the use of a District vehicle, or they can choose to receive a vehicle allowance. Plant Manager Liebmann would like to release his entitled use of the District’s 2018 Toyota Camry Hybrid so that it can be used as a pool vehicle to replace the aging 2014 Ford CMAX, which is scheduled to be replaced this fiscal year. He would then be eligible to receive the vehicle allowance, which is his preference.

Currently, the General Manager, Plant Manager, and Collections System Manager are entitled to a District vehicle. The District pays for all expenses associated with these vehicles.

The District Engineer and Administrative Services Manager are compensated \$410.21 per month as a vehicle allowance. They drive their own personal vehicle for District activities, when commuting to and from work, and are responsible for all vehicle costs.

Employment Agreements, and therefore related amendments or modifications, are required to be approved by the Board.

## PREVIOUS BOARD ACTION

On December 16, 2021, the Board ratified Employment Agreements with management, including the agreement with Plant Manager Liebmann.

## ENVIRONMENTAL REVIEW

N/A

## FISCAL IMPACT

\$45,000 for purchase of a new fleet vehicle will not be required. The allocated funding can be used for other capital projects or can be returned to the Vehicle Reserve Fund.

# **AMENDMENT OF EMPLOYMENT AGREEMENT**

**Between Las Gallinas Valley Sanitary District**

**And**

**Robert Liebmann (Plant Manager)**

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

## **RECITALS**

WHEREAS, an Employment Agreement exists between the District and Employer, entered into the 16th of December 2021; and

WHEREAS, management employees are contractually entitled to use either a District vehicle where the Employer pays for all expenses associated with the vehicle or the Employee can choose to receive a monthly vehicle allowance, currently \$410.21 per month, for use of their own personal vehicle; and

WHEREAS, the Employee currently receives the benefit of using a District vehicle and would like to begin using his own personal vehicle, freeing up the District vehicle for use as pool vehicle; and

WHEREAS, it is mutually beneficial to the District and Employee to amend Management Benefits Section 5 (B) to provide a monthly vehicle allowance to the Employee in lieu of the use of a District vehicle; and

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

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

**Replace in Entirety Section 5 (B) of the Employment Agreement With**

*Section 5 (B)* Employee shall be compensated \$410.21 monthly for a vehicle allowance. The amount will increase each year based on Board approved COLA increases.

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

\_\_\_\_\_  
General Manager  
Las Gallinas Valley Sanitary District

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

\_\_\_\_\_  
Robert Liebmann

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

\_\_\_\_\_  
Teresa Lerch  
Board Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
David J. Byers, Attorney for  
Las Gallinas Valley Sanitary District

3/2/2023

## **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.

**3/2/2023**

**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

News | February 13, 2023

## Biden-Harris Administration Announces \$2B In Bipartisan Infrastructure Law Funding To States And Territories To Address Emerging Contaminants Like PFAS In Drinking Water

Today, U.S. Environmental Protection Agency (EPA) Administrator Michael S. Regan announced the availability of \$2B from President Biden's Bipartisan Infrastructure Law to address emerging contaminants, like Per- and Polyfluoroalkyl Substances (PFAS) in drinking water across the country. This investment, which is allocated to states and territories, will be made available to communities as grants through EPA's Emerging Contaminants in Small or Disadvantaged Communities (EC-SDC) Grant Program and will promote access to safe and clean water in small, rural, and disadvantaged communities while supporting local economies. Administrator Regan announced the water infrastructure investments in Maysville, North Carolina while holding a community roundtable with North Carolina Department of Environmental Quality Secretary Elizabeth S. Biser and other state and local leaders.

"Too many American communities, especially those that are small, rural, or underserved, are suffering from exposure to PFAS and other harmful contaminants in their drinking water," said EPA Administrator Michael S. Regan. "Thanks to President Biden's leadership, we are investing in America and providing billions of dollars to strengthen our nation's water infrastructure while safeguarding people's health and boosting local economies. These grants build on EPA's PFAS Strategic Roadmap and will help protect our smallest and most vulnerable communities from these persistent and dangerous chemicals."

The Bipartisan Infrastructure Law invests \$5B over five years to help communities that are on the frontlines of PFAS contamination reduce PFAS in drinking water. This initial allotment of \$2B to states and territories can be used to prioritize infrastructure and source water treatment for pollutants, like PFAS and other emerging contaminants, and to conduct water quality testing.

EPA is also releasing the Emerging Contaminants in Small or Disadvantaged Communities Grant Implementation document. The implementation document provides states and communities with the information necessary to use this funding to address local water quality and public health challenges. These grants will enable communities to improve local water infrastructure and reduce emerging contaminants in drinking water by implementing solutions such as installing necessary treatment solutions.

Today's actions represent a significant milestone within the Biden-Harris Administration's commitments to combat PFAS pollution and safeguard drinking water, and specifically EPA's October 2021 PFAS Strategic Roadmap. Under the Roadmap, EPA is working across the Agency to protect the public from the health impacts of PFAS. EPA has taken a number of actions to deliver progress on PFAS including:

- Proposing to designate two PFAS as CERCLA hazardous substances. If finalized, this will be a critical step toward increasing transparency around releases of PFAS and holding polluters accountable for cleaning up their contamination.
- Releasing drinking water health advisories. Acting in accordance with EPA's mission to protect public health and keep communities and public health authorities informed when new science becomes available, the Agency issued drinking water health advisories for four PFAS.
- Laying the foundation to enhance data on PFAS. This included an order under EPA's National PFAS Testing Strategy requiring companies to conduct PFAS testing, and nationwide sampling through the Unregulated Contaminant Monitoring Rule for 29 PFAS in public drinking water systems.
- Expanding the scientific understanding of PFAS. The Agency issued more than 30 scientific publications by EPA researchers and released EPA's PFAS Thermal Treatment Database.
- Translating the latest science into EPA's cross-agency PFAS efforts. This included updating EPA's contaminated site cleanup tables, developing new PFAS methods and conducting toxicity assessments, and issuing draft national recommended water quality criteria

- Continuing engagement with the public. EPA’s PFAS work was informed by public webinars, stakeholder meetings, Congressional testimony, and engagement with EPA’s federal advisory committees.

In addition to this new grant, EPA is also working to propose a PFAS National Primary Drinking Water Regulations (NPDWR) in the coming weeks. The draft proposed rule is currently undergoing interagency review and EPA will issue the proposed rule for public comment when it clears the Office of Management and Budget (OMB). The Agency anticipates finalizing the rule by the end of 2023. Together, with today’s announcement, these actions highlight EPA’s commitments outlined in the PFAS Strategic Roadmap to protect public health and the environment from the impacts of PFAS. They also illustrate the benefits of investing in water—protecting public health and the environment, addressing key challenges facing communities, and creating jobs.

[Visit EPA’s website for more information.](#)

*Source: The U.S. Environmental Protection Agency (EPA)*



## STATE POLITICS

## Interests tussle over water from recent storms

BY ADAM BEAM

THE ASSOCIATED PRESS

SACRAMENTO >> Weeks after powerful storms dumped 32 trillion gallons of rain and snow on California, state officials and environmental groups in the drought-ravaged state are grappling with what to do with all of that water.

State rules say when it rains and snows a lot in California, much of that water must stay in the rivers to act as a conveyor belt to carry tens of thousands of endangered baby salmon into the Pacific Ocean.

But this week, California Gov. Gavin Newsom asked state regulators to temporarily change those rules. He says the drought has been so severe it would be foolish to let all of that water flow into the ocean and that there's plenty of water for the state to take more than the rules allow while still protecting threatened fish species.

If Newsom gets his way, the state would stop about 300,000 acre feet (370 million cubic meters) of water from flowing through the rivers. One acre foot of water is generally enough water to supply two households for one year.

Environmental group say pulling that much water out of the rivers would be a death sentence for the salmon and other threatened fish species that depend on strong, cool flows in the rivers to survive. They're furious with Newsom, whom they view as a hypocrite for touting himself as a champion of the environment while disregarding the laws designed to protect it.

"This governor is the most anti-environmental governor, with respect to endangered species and California water, that we've had in my lifetime," said Jon Rosenfield, senior scientist for the San Francisco Baykeeper, an environmental group that focuses on the San Francisco Bay and its watershed.

It's one of the oldest disputes in California, a state that for more than a century has manipulated the natural flow of rivers and streams to transform the Central Valley into one of the most fertile stretches of farmland on Earth while also supplying some of the nation's most populous coastal cities.

Those demands have threatened the delicate environmental balance of the San Francisco Bay and the Sacramento/San Joaquin Delta, one of the largest estuaries in the country. That has put multiple fish species at risk, including the Delta smelt, longfin smelt, Central Valley steelhead, spring-run Chinook salmon, winter-run Chinook salmon and the green sturgeon, according to Rosenfield.

Those rules protect more than just fish, including host of other rare and endangered species while also benefiting commercial and recreational fishing and other recreational pursuits.

The Newsom administration says a changing climate requires new rules. Historically, rain has been spread fairly evenly through the winter months. More water is typically left in the rivers when it rains because there's an assumption that more rain will follow.

That's not happening now. Scientists say climate change is contributing to so-called "weather whiplash," when periods of intense rain are followed by extreme dryness. Newsom fears California's intense January storms will be followed by an unusually dry spring.

That makes it more difficult to manage the state's sparse water supply, especially "this early in the season before we've really had a sense of exactly how the water year is going to turn out," said Karla Nemeth, director of the California Department of Water Resources.

Jennifer Pierre, general manager for the State Water Contractors — a nonprofit association representing 27 public water agencies — said the proposed rule changes are an "appropriate action to help realign California's water management decision making with the latest and most relevant science and the current hydrology."

"California is still recovering from years of drought and water cutbacks," she said. "We must be nimble in ensuring responsible water management for both water supply and the environment."

If the state doesn't change the rules, Nemeth warned that would mean the state has far less water to make available in the spring and summer for farmers and major cities such as Los Angeles.

Nemeth said there's plenty of water in the rivers to support fish, though the Newsom administration acknowledged in its proposal that it could lead to more deaths of baby salmon. The state would monitor the fish and "quickly respond," if needed. For example, Nemeth said if state officials detect fish near the pumps in the river, they can turn the pumps down so as not to harm them.

"That's protective enough of the species," she said.

Environmental groups argue that the administration's plan for fish is not enough. Last year, the survival of winter-run Chinook salmon in the Sacramento River was the lowest on record, according to the National Oceanic and Atmospheric Administration. Once state officials see fish near the pumps, that means many more have already been swept away, said John McManus, president of the Golden State Salmon Association.

Most of the state's reservoirs — including the two biggest ones at Oroville and Shasta — are at or near their historic averages. Plus, the amount of snow in the mountains is nearly double what it has been historically for this time of year. That's why McManus says Newsom is acting too soon to change the rules to store more water.

## EDITORIAL

## MMWD must assure hike secures supply

Some Marin Municipal Water District ratepayers may feel they are caught in a predictable cycle.

It has happened more than once: They dramatically cut back their use of water, most recently due to a drought, and, soon after, their rates rise because the district needs to make up for the loss of income caused by that reduction.

In recent years, orders to reduce water use have been in response to dire conditions caused by drought conditions, including 2021 when MMWD officials worried they might run out of water. MMWD ratepayers stepped up and significantly reduced their water use.

The quandary is whether we get a lot of drought-relieving rain or perilously little, MMWD's cost of delivering that water to its customers doesn't fluctuate.

It certainly doesn't fluctuate as much as rainfall in recent years.

So it comes as little surprise that MMWD directors are considering plans to raise rates.

A preliminary proposal could lift bimonthly bills by \$18 for lower water users — 80% of its customers — and as much as \$88 for higher consumers.

The dilemma is understandably frustrating for many ratepayers, who feel as though even after they conserve significant numbers of gallons — giving up their lawns and roses or taking shorter showers while surrounded by buckets — they are going to be asked to pay more for the water they do use.

But that pattern is only part of MMWD's financial problems. The district also has increased the amount of water it imports from Lake Sonoma and has seen inflation increase its costs for construction and supplies.

Just as important, MMWD is working on a strategy to bolster its resiliency in the face of climate changes we've seen in recent years. Both the planning and construction are going to come with significant costs that are going to have to be reflected in ratepayers' bills.

Those in charge of the district's ledgers estimate MMWD faces a \$31 million annual budget shortfall, one that will grow if the district doesn't change its rates.

According to MMWD, its average bimonthly bill for a single-family home is about \$138.

District directors, with three newly elected members, face some big decisions, not only how to bolster the district's supply of water, but how to meet current costs and the need for significant investments to help prevent another crisis like the one MMWD faced in 2021.

They also face the reality that water rates need to be affordable; that the district has a responsibility of providing water for local households, both the wealthy and those struggling in the face of Marin's economics.

For most tenants, it is likely their landlords will pass on any increases in the form of a rent hike.

Consideration of possible financial impacts on those households need to be addressed as the board weighs proposed increases.

Directors also face a call by MMWD employees to end the district's hiring freeze. Some areas of the district's responsibilities, such as open space rangers and not filling recent vacancies has created a staffing shortage.

While rate hikes may be inevitable, directors need to make a public case for charging more.

They need to recognize ratepayers' frustration with the conservation/rate-hike cycle, but also need to clearly outline the need to grow income.

Newcomers to the board are not getting much of a chance to ease into their new responsibilities. Rates and supply are two of the biggest issues facing the board and they are on the board's table at the same time.

Their election was in large part in response to voters' frustration in MMWD's approach, especially its need to have been better prepared in 2021. It should be interesting if they find room for change in the way the district approaches its budget and rates.

MARIN MUNICIPAL

## New water saving triggers OK'd



Nicasio reservoir in July. The Marin Municipal Water District adopted a new conservation plan.

**BY WILL HOUSTON**

[WHOUSTON@MARINIJ.COM](mailto:WHOUSTON@MARINIJ.COM)

Marin Municipal Water District adopted a new plan this week that will trigger water conservation measures and usage restrictions sooner and more frequently.

The district Board of Directors voted unanimously to adopt the new conservation triggers on Tuesday. The plan will enact either mandatory or voluntary conservation measures and potential drought surcharges on rates based on reservoir storage levels as of April 1 of each year.

Some conservation measures will begin even when reservoir levels appear to be ample, with the first trigger starting when reservoirs are about 88% full as of April 1.

Board President Monty Schmitt said the plan marks a shift in how the district ensures reliability and water security in the face of climate change and future droughts.

"I think this is a really important milestone accomplishment to learn from the past and come up with a means by which we can be more quickly responsive to our situation and not wait until the crisis is so heavily upon us that it's unavoidable or that it's unnoticeable," Schmitt said before the vote.

The district's seven reservoirs can hold about 79,600 acre-feet <sup>45</sup> of water. An acre-foot is about 326,000 gallons. The reservoirs hold about two years' worth of water for the 191,000 residents the district serves in central and southern Marin and make up about 75%

of its supply. The remaining 25% comes from water imports from the Russian River.

The new plan would trigger the following conservation measures based on reservoir storage levels on April 1:

- 70,000 acre-feet: up to 10% voluntary conservation
- 65,000 acre-feet: up to 20% voluntary conservation
- 55,000 acre-feet: up to 30% mandatory conservation
- 45,000 acre-feet: up to 40% mandatory conservation
- 35,000 acre-feet: up to 50% mandatory conservation
- 25,000 acre-feet: 50% or greater mandatory conservation

Currently, reservoirs are 99.7% full.

Each conservation stage also allows the district to enact various water use restrictions depending on the severity of the shortage, including on car washing, golf course watering, power washing, irrigation limits and — in the most extreme shortages — banning outdoor water use altogether.

One of the biggest changes will be to allow the board to implement drought surcharges on water rates when reservoir levels dip below 65,000 acre-feet, known as a “Stage 2” shortage.

The drought surcharges are being considered as part of the district’s current rate-setting process and could be implemented on July 1 if adopted. The surcharges would charge higher rates to make up for financial losses from reduced water sales as residents conserve.

The district’s previous water shortage plan first adopted in 1991 and updated through the years had enacted 10% voluntary conservation when reservoir levels were less than 50,000 acre-feet on April 1. Mandatory conservation of 25% was triggered if reservoir storage is less than 40,000 acre-feet at that time. If storage levels were near or less than 30,000 acre-feet as of Dec. 1, the district could enact 50% mandatory conservation.

Updates to the plan through time used rainfall and storage levels at different times of year to enact different levels of conservation, which staff said made it difficult for the district to have a consistent conservation message.

These triggers were not often activated, staff said. Reservoir levels only dipped to levels requiring 10% voluntary conservation twice, in 1991 and 2021, under the previous plan. A 50% conservation mandate was briefly enacted during the drought in 1991.

District Water Resources Director Paul Sellier said using April 1 as the trigger date makes sense because it comes right after a majority of the district’s rain typically falls.

Compared to the previous plan, the new conservation triggers will occur more frequently. After the district last expanded its reservoir storage in 1983, reservoir levels dipped below 70,000 acre-feet as of April 1 about 12 times or about 31% of those years. Storage dipped below 65,000 acre-feet about seven times or about 18% of those years.

“We’ve strived for not setting up a level that we would never attain but also one that we don’t hit every year,” Sellier told the board.

Board Director Matt Samson said the new plan is easier to understand but said the challenge will be that most customers only learn of their water usage on their bimonthly bills. The district is exploring how to fund the replacement of water meters that must be read by hand and transition to smart meters that would allow them to access their water usage in real time.

“I look forward to being able to close that gap hopefully in the near future and I think we’ll start seeing a lot more success with this plan,” Samson said during the meeting.

Woodacre resident Phil Sotter questioned how much some of the water conservation mandates triggered by the plan would actually save, stating that the district’s plan did not include any quantitative data on the expected water savings of some of the mandates.

“Some of these requests to customers might turn out to be a nuisance,” Sotter told the board. “It’ll bother the customer without really saving that much water. I have a feeling there is probably one or two or three things that we could ask customers to do that are really important.”

A copy of the district’s water shortage plan can be found at [bit.ly/46KyuOQM](https://www.marinwater.com/46KyuOQM).