

MINUTES OF JUNE 17, 2021

THE BOARD OF DIRECTORS OF THE LAS GALLINAS VALLEY SANITARY DISTRICT MET IN OPEN SESSION BY ZOOM CONFERENCE ON JUNE 17, 2021, AT 3:32 PM AND STAFF BY ZOOM CONFERENCE AT THE DISTRICT OFFICE, 101 LUCAS VALLEY ROAD, SUITE 300 CONFERENCE ROOM, SAN RAFAEL, CA. 94903

- BOARD MEMBERS PRESENT:** (By Roll Call): M. Clark, R. Elias, C. Murray, J. Schriebman, C. Yezman.
- BOARD MEMBERS ABSENT:** None
- STAFF PRESENT:** Mike Prinz , General Manager; Teresa Lerch, District Secretary; Dale McDonald, District Treasurer; Mel Liebmann, Plant Manager; Mike Cortez, District Engineer;
- OTHERS PRESENT:** Pat Richardson, District Counsel; Shawn Koorn HDR;
- ANNOUNCEMENT:** President Elias announced that the agenda had been posted as evidenced by the certification on file in accordance with the law.
- 1. PUBLIC COMMENT:** None.

- 2. RESOLUTION NO. 2021-2217– A RESOLUTION CERTIFYING THAT LEGAL NOTICE HAS BEEN GIVEN FOR THE HEARING ON THE SEWER SERVICE CHARGE RATE INCREASES FOR THE FISCAL YEAR 2021-22 AND FISCAL YEAR 2022-23 AND RESOLUTION NO. 2021-2218 – A RESOLUTION CERTIFYING THAT LEGAL NOTICE HAS BEEN GIVEN FOR THE HEARING ON THE BUDGET FOR THE FISCAL YEAR 2021-22**

ACTION:

Board approved (M/S Murray/Schriebman 5-0-0-0) Resolution No. 2021-2217 – A Resolution Certifying that Legal Notice Has Been Given for the Hearing on the Sewer Service Charge Rate Increases for the Fiscal Year 2020-21 and Fiscal Year 2022-23.

Roll Call:

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

Board approved (M/S Schriebman/Murray 5-0-0-0) Resolution No. 2021-2218 – A Resolution Certifying that Legal Notice has been Given for the Hearing on the Budget for the Fiscal Year 2021-22.

Roll Call:

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

3. PUBLIC HEARING - SEWER SERVICE CHARGE RATE INCREASE: A HEARING TO CONSIDER RAISING THE ANNUAL SEWER SERVICE CHARGE FOR THE NEXT TWO YEARS CONSISTENT WITH REQUIREMENTS OF THE GOVERNMENT CODE 54954.6

- A. **OPEN PUBLIC HEARING** – President Yezman opened the public hearing at 3:36 P.M.
- B. **RATE INCREASE PRESENTATION** – Shawn Koorn from HDR presented a summary on the Sewer Rate Study Report presented in April regarding service charge rate increases for Fiscal Year 2021-22 and 2022-23. The proposed increases are: Fiscal year 2021-22, not to exceed \$1,055 and Fiscal Year 2022-23, not to exceed \$1,150. McDonald provided a Treasurer's report and included alternatives that would reduce the impact a sewer service charge increase would have on its customers.
- C. **REVIEW DISTRICT STAFF RECOMMENDATIONS** – Board considered staff recommendations to increase sewer service charges.
- D. **BOARD COMMENT** – Discussion ensued.
- E. **PUBLIC COMMENT** – One member of the public addressed the Board with comments.
- F. **CLOSE THE PUBLIC HEARING** – President Yezman closed the Public Hearing at 4:45 P.M. Director Elias stated -We have been working on the budget for a few months now. Thank you, Dale, for putting it all together. Thank you, Mike Cortez, for a good job on the project and hopefully it will come in on budget. I am happy with the Budget the way it is.

ACTION:

District Counsel stated the following:

In considering a Motion for adoption of the sewer service charge rate increase the Board hereby finds that action to adopt said sewer service charge rate increase is supported by substantial evidence as contained in the administrative record as follows:

1. That there is substantial evidence, based upon the Sewer Rate Methodology and Connection Fee study prepared by HDR Engineering, Inc. and adopted by the Board on April 15, 2021, and the budget analysis conducted by District staff for the 2021-2022 fiscal year, both of which are available for inspection at the District's website and are incorporated by reference herein, and the Agenda Summary Report prepared by District staff along with supporting documentation; and
2. That the evidence supports a finding that the revenues derived from the proposed sewer service rate increase does not exceed the funds required to provide the District's property related services.; and
3. That the evidence supports a finding that revenues derived from the proposed sewer service rate increase is not for a purpose other than the services provided by the District; and
4. That the evidence supports a finding that the revenues derived from the proposed sewer service rate increase imposed on any parcel or person does not exceed the proportional cost of the District's services attributable to the parcel; and
5. That the evidence supports a finding that the revenues derived from the proposed sewer service rate increase is only imposed for District service's that are actually used or immediately available to the owner of the property in question; and
6. That the Board has heard and considered all public comment regarding the proposed sewer service rate increase and takes note that it received only Thirteen (13) Protest letters against the proposed rate increase; and
7. That these findings and the entirety of the Administrative Record are consistent with Article 13D, Sec. 6 of the California Constitution and Government Code Section 53750 through 53758.

Board approved (M/S Schriebman/Yezman 4-1-0-0) the findings above and the Sewer Service Charge Rate Increases to \$1,029. (6.34%) for 2021-22 and \$1,122. (9%) for 2022-23.

Roll Call:

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

4. PUBLIC HEARING – ORDINANCE NO. 187 AMENDING TITLE 3, CHAPTER 1 – SANITARY CODE OF THE LAS GALLINAS VALLEY SANITARY DISTRICT

- A. **OPEN PUBLIC HEARING** – President Yezman opened the public hearing at 4:57 P.M.
- B. **REVIEW DISTRICT STAFF RECOMMENDATIONS** – Board considered staff recommendation to adopt Ordinance 187 to reflect the increase in sewer service charges effective July 1, 2021, through June 30, 2023 amending Title 3, Chapter 1 Sanitary Code of the Las Gallinas Valley Sanitary District.
- C. **PUBLIC COMMENT** – No members of the public addressed the Board with comments.
- D. **BOARD COMMENT** – Discussion ensued
- E. **CLOSE THE PUBLIC HEARING** – President Yezman closed the Public Hearing at 4:58 P.M.

ACTION:

Board approved (M/S Schriebman/Yezman 5-0-0-0) Ordinance 187, Amending Title 3, Chapter 1 Sanitary Code of the Las Gallinas Valley Sanitary District setting the annual sewer service unit at \$1,029 for FY 2021/22 and \$1,122 for FY 2022/23 and made a finding that the proposed action is consistent with the requirements of Proposition 218.

Roll Call:

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

5. PUBLIC HEARING – BUDGET FOR THE 2021-22 FISCAL YEAR

- A. **OPEN PUBLIC HEARING** – President Yezman opened the public hearing at 5:00 P.M.
- B. **BUDGET 2021-21 PRESENTATION** - District staff presented the following proposed budget for the fiscal year July 1, 2021 to June 30, 2022:
 - a. Revenue
 - b. Operating and Maintenance
 - c. Reserves
 - d. Debt Service
 - e. Capital Outlay
- C. **REVIEW DISTRICT STAFF RECOMMENDATIONS** – Board considered staff recommendation to approve the budget including implementing alternatives presented in the Agenda Summary Report. District Treasurer presented alternative rate stabilization and use of capital carryover funding to provide revenue needed to offset the reduced sewer service charge increase of 6.34%.

Director Elias left at 5:41 PM.

- D. **PUBLIC COMMENT** – No members of the public addressed the Board.
- E. **BOARD COMMENT** – The Board discussed the proposed Budget.
- F. **CLOSE THE PUBLIC HEARING** – President Yezman closed the Public Hearing at 6:05 P.M.

ACTION:

Board approved (M/S Schriebman/Murray 4-0-1-0) the Budget for the 2021-22 Fiscal Year as amended.

Roll Call:

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

6. RESOLUTIONS

ACTION:

Board approved (M/S Schriebman/Murray 4-0-1-0) Resolution No. 2021-2219– A Resolution Confirming the Annual Sewer Service Charge and Supplemental Service Charges for the Las Gallinas Valley Sanitary District for the Fiscal Years 2021-22 and 2022-23 and Providing for the Collection of Sewer Service Charges on the Tax Roll.

Roll Call:

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

ACTION:

Board approved (M/S Murray/Schriebman 4-0-1-0) Resolution No. 2021-2220– A Resolution Fixing and Approving the Budget for the Fiscal Year 2021-22.

Roll Call:

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

ACTION:

Board approved (M/S Murray/Yezman 4-0-1-0) Resolution No. 2021-2222 – A Resolution Determining the 2021-22 Appropriation of Tax Proceeds

Roll Call:

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

ACTION:

Board approved (M/S Schriebman/Murray 4-0-1-0) Resolution No. 2021-2223 – A Resolution Requesting Allocation of Taxes for the Fiscal Year 2021-22.

Roll Call:

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

7. 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 June 3, 2021
- B. Approve the Warrant List for June 17, 2021
- C. Approve Board Compensation for May, 2021

ACTION:

Board approved (M/S Schriebman/Murray 4-0-1-0) the Consent Calendar items A through C.

Roll Call:

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

8. INFORMATION ITEMS:

STAFF / CONSULTANT REPORTS:

1. General Manager Report – Verbal – Prinz reported. Schriebman asked that an HR update be brought back to the Board.

9. EMPLOYEE CLIMATE SURVEY CONTRACT AWARD

This item was moved to the next Board Meeting.

ACTION:

Board approved (M/S Yezman/Murray-0-0-0) moving Board Agenda items 9, 12, 13 and 14 to the next Board meeting.

Roll Call:

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

10. EMPLOYMENT AGREEMENTS FOR UNREPRESENTED EMPLOYEES

Board reviewed the contract extensions for the unrepresented employees.

ACTION:

Board approved (M/S Murray/Yezman 4-0-1-0) the Contract Extensions for the General Manager, Administrative Services Manager, Collections System/Safety/Maintenance Manager, District Engineer, Plant Manager and Administrative Financial Specialist.

Roll Call:

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

11. PUBLIC COMMENT - None

12. BOARD MEMBER REPORTS – moved to the next Board Meeting.

13. BOARD REQUESTS – moved to the next Board Meeting.

14. VARIOUS ARTICLES AND MISCELLANEOUS DISTRICT CORRESPONDENCE- moved to the next Board Meeting.

15. ADJOURNMENT:

ACTION:

Board approved (M/S Schriebman/Yezman 4-0-1-0) the adjournment of the meeting at 6:58 pm.

Roll Call:

AYES: Clark, Murray, Schriebman and Yezman.

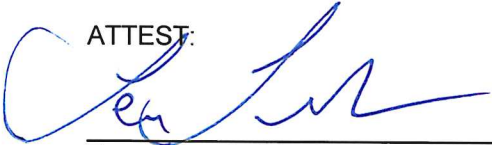
NOES: None.

ABSENT: Elias

ABSTAIN: None.

The next Board Meeting is scheduled for June 22, 2021.

ATTEST:



Teresa Lerch, District Secretary

APPROVED:



Megan Clark, Vice President

SEAL

