

**RESOLUTION No 2020-2184**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
LAS GALLINAS VALLEY SANITARY DISTRICT,  
REGARDING THE DISTRICT'S SECONDARY TREATMENT PLANT UPGRADE  
AND RECYCLED WATER EXPANSION ("STPURWE") CONSTRUCTION PROJECT  
PURSUANT TO THE NOVEL CORONAVIRUS DISEASE 2019 ("COVID-19"),  
HEALTH CRISIS AND THE RESULTING ORDERS OF  
THE MARIN COUNTY HEALTH OFFICER**

**WHEREAS**, on March 4, 2020, Governor Gavin Newsom proclaimed a State of Emergency in California due to the outbreak and spread of the Novel Coronavirus Disease 2019 ("COVID-19");

**WHEREAS**, on March 16, 2020, Health Officers of seven Bay Area counties, including Marin County, issued a Health Order under California Health and Safety Code Sections 101040, 101085 and 120175 for the maximum number of people to self-isolate in their places of residence to the maximum extent feasible (i.e., "Shelter-In-Place") to slow the spread of COVID-19 to the maximum extent possible, allowing leaving of residences only for essential activities, essential businesses and essential governmental functions. And following therefrom, the Marin County Health Officer issued subsequent Order, dated March 31, 2020 ("Health Order"), superseding the March 16, 2020 Order and providing further "Definitions and Exemptions" (Sec. 13) with the intent of clarifying, strengthening and extending certain terms of the prior Shelter Order to increase social distancing and reduce person-to person contact in order to further slow transmission of the COVID-19 by defining exempt "Essential Activities," "Essential Businesses," "Essential Infrastructure" (which included sewer utilities), "Essential Governmental Functions," and more specifically, exempt "Construction.";

**WHEREAS**, the Health Order, under the "Essential Businesses" exempted several types of "Construction" projects to include the following:

- "v. Construction, but only of the types listed in this subparagraph below:
  1. Projects immediately necessary to the maintenance, operation or repair of Essential Infrastructure;
  4. Public works projects if specifically designated as an Essential Governmental Function by the lead governmental agency;"

**WHEREAS**, the District is currently engaged in a major multi-million-dollar renovation and upgrade of its sewage treatment plant and facilities, known as the "Secondary Treatment Plant Upgrade and Recycled Water Expansion" [Job Nos. 12600-07 and 16650-02] ("STPURWE"). The STPURWE was undertaken to comply with the conditions of its National Pollutant Discharge Elimination System permit ("NPDES") issued by the San Francisco Bay Regional Water Quality Control Board. Furthermore, the District finds:

1. While construction is under way and approximately 1/3 complete, it is highly time sensitive and weather dependent. Furthermore, there are significant deadlines that must be met due to Federal and State funding grants and Bond requirements;

2. Any stoppage due to COVID-19 could create a significant ‘seasonal’ delay, which will impact the contractor and their subcontractors.
3. It has a significant impact on blending reduction which will impact the District’s NPDES permit and likely result in substantial penalties and fines imposed against the District by the Regional Water Quality Board, and
4. Several components of the current Plant facilities (e.g. the secondary clarifier) are aging and subject to failure and associated environmental impact if the project is delayed due to impacts from COVID-19 including restrictions imposed by any Health Orders.
5. Maintaining the current level of service in "sewer" treatment and preventing sewage spills and potential pollution of San Francisco Bay waters is an essential governmental function and essential infrastructure as defined in the Health Order.

**NOW, THEREFORE, BE IT RESOLVED AND DECLARED** by the Board of Directors of the Las Gallinas Valley Sanitary District that:

1. An emergency exists in the District and is necessary to complete work on the “Secondary Treatment Plant Upgrade and Recycled Water Expansion” [Job Nos. 12600-07 and 16650-02] (“STPURWE”) project to safeguard life, health, or property. The nature of the emergency justifying this action is the ongoing spread of COVID-19;
2. The “Secondary Treatment Plant Upgrade and Recycled Water Expansion” [Job Nos. 12600-07 and 16650-02] (“STPURWE”) project is immediately necessary to the maintenance, operation and repair of the “Essential Infrastructure” of the District, i.e. its sewage treatment plant facility;
3. The “Secondary Treatment Plant Upgrade and Recycled Water Expansion” [Job Nos. 12600-07 and 16650-02] (“STPURWE”) project is an “Essential Governmental Function” as it is necessary to maintain and safeguard the health, safety and welfare of the general public within the District’s jurisdiction by maintaining the highest standards of sewer treatment and operation of its sewer systems in order to prevent sewage spills and overflows either onto property within the District’s jurisdiction or into San Francisco Bay waters.
4. District General Manager shall ensure that all District Staff involved the “Secondary Treatment Plant Upgrade and Recycled Water Expansion” [Job Nos. 12600-07 and 16650-02] (“STPURWE”) project are in compliance with all Social Distancing Requirements described in the Health Order and inform all consultants and the Contractor involved the Project that they are to ensure that their staff are compliant with the Order while working on the project and/or while on District Property at all times.
5. This Board shall review this emergency action at its regularly scheduled meeting on May 7, 2020, and at every regularly scheduled meeting thereafter until the action is terminated, to determine, by a four-fifths vote, whether there is a need to continue the

action;

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I hereby certify that the forgoing is a full, true, and correct copy of a resolution duly and regularly passed and adopted by the Sanitary Board of the Las Gallinas Valley Sanitary District, Marin County, California, at a meeting thereof held on the 16 day of April 2020, by the following vote of the members thereof:

AYES, and in favor thereof, Members: *Clark, Elias, Murray, Schrieberman, Ye zmer*

NOES, Members: *None.*

ABSTAIN, Members: *None.*

ABSENT, Members: *None.*

*Judy Schrieberman*  
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Judy Schrieberman Vice-President Board of Directors

Attest:

*Teresa L. Lerch*  
\_\_\_\_\_  
Teresa L. Lerch, District Secretary

(seal)

