



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

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

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

BOARD MEETING AGENDA

August 20, 2020

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

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

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

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

REMOTE CONFERENCING ONLY

Join Zoom Meeting online at:

<https://us02web.zoom.us/j/88437783260?pwd=a3d2OFROYUdQWlZhem5VbGFyVkgxQT09>

OR

By teleconference at: +16699009128 Meeting ID 884 3778 3260

Meeting Passcode 512388

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

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

OPEN SESSION:

3:30 PM

1. PUBLIC COMMENT

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

3:35 PM

2. CONSENT CALENDAR:

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

- A. Approve the Board Minutes for August 6, 2020
- B. Approve the Warrant List for August 20, 2020
- C. Approve Board Compensation for July 2020
- D. Approve Schriebman attending the Special Districts Summit West Virtual Meeting August 25
- E. Approve Application of Allocation of Capacity for APN 155-230-12, San Rafael Airport Recreational Facility
- F. Approve Resolution 2020-2198 Accepting Final Completion of Plant Improvements 2018 Project
- G. Approve Resolution 2020-2199 and LGVSD Conflict of Interest Code Biennial Update
- H. Approve Order of the Board that Publication of Ordinance 184 has Occurred
- I. Approve Extension of Designation of the Secondary Treatment Process Upgrade and Recycled Water Expansion Project as an Essential Function per Marin County Public Health Order

Possible expenditure of funds: Yes, Items B through D

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

3:45 PM

3. SECONDARY TREATMENT PROCESS UPGRADE AND RECYCLED WATER EXPANSION PROJECT CONTINGENCY INCREASE

Board and staff to discuss the Secondary Treatment Process Upgrade and Recycled Water Expansion Project Contingency Increase.

4:15 PM

4. DRAFT RELOCATION ASSISTANCE POLICY

Board and staff to review the Draft Relocation Assistance Policy.

- 4:30 PM** **5. ADMINSTRATIVE POLICY A-03 – MOBILE COMPUTER DEVICES USED FOR DISTRICT BUSINESS**
Board to review Administrative Policy A-03 Mobile Computer Devises Used for District Business.

5:00 PM **CLOSED SESSION:**

- 1. ASM RECRUITMENT UPDATE – PUBLIC EMPLOYEE APOINTMENT/EMPLOYMENT ADMINISTRATIVE SERVICES MANAGER** – Pursuant to subdivision (b)(1) of Government Code Section 54957.
- 2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS** – Pursuant to Government Code § 54956.5; Regarding real property located at 405 Vendola Drive, San Rafael. Real Property Negotiator Is Mike Prinz, General Manager.

OPEN SESSION:

- 5:15 PM** **6. INFORMATION ITEMS:**
- A. STAFF/CONSULTANT REPORTS:
 1. General Manager Report – Verbal
 2. Department Biannual Reports January through June 2020 - Written

- 6:25 PM** **7. BOARD MEMBER REPORTS:**
1. CLARK
 - a. NBWA Board Committee, NBWA Conference Committee, Other Reports
 2. ELIAS
 - a. NBWRA, Ad Hoc Engineering Committee re: STPURWE, Other Reports
 3. MURRAY
 - a. Marin LAFCO, CASA Energy Committee, 2020 GM Evaluation Ad Hoc Committee, Other Reports
 4. SCHRIEBMAN
 - a. Gallinas Watershed Council/Miller Creek Watershed Council, JPA Local Task Force NBWA Tech Advisory Committee, Other Reports
 5. YEZMAN
 - a. Flood Zone 7,CSRMA, Ad Hoc Engineering Committee re: STPURWE Engineering Subcommittee, 2020 GM Evaluation Ad Hoc Committee, Other Reports

- 6:35 PM** **8. BOARD REQUESTS:**
- A. Board Meeting Attendance Requests – Verbal
 - B. Board Agenda Item Requests – Verbal
 - C. Pending Board Agenda Item Requests
 - i. Board Conference Registration Assistance
 - ii. Donation Policy
 - iii. Pump Station Vegetation Report

6:40 PM

9. VARIOUS ARTICLES AND MISCELLANEOUS DISTRICT CORRESPONDENCE

6:45 PM

10. ADJOURNMENT

FUTURE BOARD MEETING DATES: SEPTEMBER 17, OCTOBER 1, and OCTOBER 15, 2020

AGENDA APPROVED:	Rabi Elias Board President	Patrick Richardson, Legal Counsel
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CERTIFICATION: I, Teresa Lerch, District Secretary of the Las Gallinas Valley Sanitary District, hereby declare under penalty of perjury that on or before August 17, 2020 at 3:30 p.m., I posted the Agenda for the Board Meeting of said Board to be held August 20, 2020 at the District Office, located at 101 Lucas Valley Road, Suite 300, San Rafael, CA.



Teresa L. Lerch
District Secretary

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

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

MINUTES OF AUGUST 6, 2020

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3 THE BOARD OF DIRECTORS OF THE LAS GALLINAS VALLEY SANITARY DISTRICT MET IN OPEN
4 SESSION BY ZOOM CONFERENCE ON AUGUST 6, 2020 AT 3:58 PM AND STAFF BY ZOOM
5 CONFERENCE AT THE DISTRICT OFFICE, 101 LUCAS VALLEY ROAD, SUITE 300 CONFERENCE
6 ROOM, SAN RAFAEL, CA. 94903
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8 **BOARD MEMBERS PRESENT:** (By Roll Call): M. Clark, R. Elias, C. Murray,
9 J. Schriebman, C. Yezman

10 **BOARD MEMBERS ABSENT:** None

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13 **STAFF PRESENT:** Mike Prinz , General Manager; Teresa Lerch, District
14 Secretary

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16 **OTHERS PRESENT:** Pat Richardson, District Counsel; Kathy Wood, Realtor;
17 (present for Closed Session)

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19 **ANNOUNCEMENT:** President Elias announced that the agenda had been
20 posted as evidenced by the certification on file in
21 accordance with the law.
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23 **PUBLIC COMMENT:** None.

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25 **ACTION:**

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27 THE BOARD OF DIRECTORS OF THE LAS GALLINAS VALLEY SANITARY DISTRICT ADJOURNED TO
28 CLOSED SESSION ON AUGUST 6, 2020 , AT 3:09 PM, BY ZOOM CONFERENCE AND AT THE DISTRICT
29 OFFICE, 101 LUCAS VALLEY ROAD, SUITE 300, CONFERENCE ROOM, SAN RAFAEL, CALIFORNIA.
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31 Lerch left at 4:00 pm.
32

33 **CLOSED SESSION:**

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35 **CONFERENCE WITH LEGAL COUNSEL— ANTICIPATED LITIGATION** – Significant exposure
36 to litigation pursuant to paragraph (2) of subdivision (d) of Government Code § 54956.9: One potential
37 case.
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39 **CONFERENCE WITH REAL PROPERTY NEGOTIATORS** – Pursuant to Government Code
40 § 54956.5; Regarding real property located at 405 Vendola Drive, San Rafael. Real Property Negotiator Is
41 Mike Prinz, General Manager.
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43 **ADJOURNMENT:**

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45 **ACTION:**

46 The Board of Directors of the Las Gallinas Valley Sanitary District reconvened the Regular Session on
47 August 6, 2020 5:16 pm.
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49 **BOARD MEMBERS PRESENT:** (By Roll Call): M. Clark ,R. Elias, C. Murray,
50 J. Schriebman, C. Yezman

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52 **STAFF PRESENT:** Teresa Lerch, District Secretary; Mike Cortez, District
53 Engineer

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55 **OTHERS PRESENT:** Kendall Flint, Regional Government Services;

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PUBLIC COMMENT: None.

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

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 July 16, 2020
- B. Approve the Warrant List for August 6, 2020
- C. Approve Contract Amendment 1 to ArcSine Engineering
- D. Approve Murray attending the Overcoming O& M Challenges COVID-19 Webinar July 22, 2020
- E. Approve Murray attending the Buliding and Maintaining an Equity Mindset in Local Government Webinar July 28, 2020
- F. Approve Murray attending the Maximizing Performance Through Documentation, Evaluation and Corrective Action Webinar July 29,2020
- G. Approve Application of Allocation of Capacity for APN 175-25-14, 496 Las Gallinas Ave Northgate III Shopping Center
- H. Approve Application of Allocation of Capacity for APN 165-102-25, 1927 Las Gallinas Ave Accessory Dwelling Unit
- I. Approve Extension of Designation of the Secondary Treatment Process Upgrade and Recycled Water Expansion Project as an Essential Function per Marin County Public Health Order
- J. Approve Order of the Board that Publication of Ordinance 183 has Occurred

Items D,E, F, G and H were pulled for discussion.

ACTION:

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

Roll Call:

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

PUBLIC HEARING – FOR ORDINANCE NO. 184 AMENDING TITLE 1, CHAPER 2 - SANITARY CODE OF THE LAS GALLINAS VALLEY SANITARY DISTRICT PUBLIC HEARING -CHANGING THE REGULAR BOARD MEEETING START TIME FROM 4:30 PM TO 3:30 PM

- A. **OPEN PUBLIC HEARING** – President Elias opened the public hearing at 5:27 P.M.
- B. **REVIEW DISTRICT STAFF RECOMMENDATIONS** – Board considered staff recommendations to adopt Ordinance 184, An Ordinance Amending Title 1, Chapter 2 of the Sanitary Code of the Las Gallinas Valley Sanitary District.
- C. **BOARD COMMENT** – Discussion ensued.
- D. **PUBLIC COMMENT** – No members of the public addressed the Board with comments.
- E. **CLOSE THE PUBLIC HEARING** – President Elias closed the Public Hearing at 5:29 P.M.

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ACTION:

Board approved (M/S Schriebman/Elias 5-0-0-0) Ordinance 184 Amending Title 1, Chapter 2 – Sanitary Code of the Las Gallinas Valley Sanitary District – changing the Regular Board Meeting Start time to 3:30 pm.

Roll Call:

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

BOARD MEETING DURATION

Board and staff discussed the regular Board meeting duration times.

CURRENT AND FUTURE AD HOC COMMITTEES

Board and staff discussed dissolving the 2019 General Manager Evaluation Ad Hoc Committee and the 2019 Employee Climate Survey Ad Hoc Committee.

ACTION:

Board approved (M/S Schriebman/ Murray 5-0-0-0) dissolving the 2019 GM Evaluation Ad Hoc Committee and the 2019 Employee Climate Survey Ad Hoc Committee.

Roll Call:

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

Board President Elias appointed Craig Murray and Crystal Yezman to serve on the 2020 GM Evaluation Ad Hoc Committee. The Board will discuss a 2021 Employee Climate Survey Committee in February or March of 2021.

INFORMATION ITEMS:

STAFF / CONSULTANT REPORTS:

1. General Manager Report – Verbal – Prinz reported
2. Grand Jury List of Public Agencies Report – Written – Lerch reported

BOARD MEMBER REPORTS:

1. CLARK
 - a. NBWA Board Committee –no report
 - b. NBWA Conference Committee– no report
 - c. Other Reports– no report
2. ELIAS
 - a. NBWRA– no report
 - b. Ad Hoc Engineering Committee— verbal report
 - c. Other Reports– no report
3. MURRAY
 - a. Marin LAFCO – meeting next week
 - b. CASA Energy Committee– meeting on the 27th
 - c. Other Reports– written webinar notes included in the Board packet
4. SCHRIEBMAN
 - a. JPA Local Task Force– no report
 - b. NBWA Tech Advisory Committee– will send in notes
 - c. Other Reports- attending Fire Safe Committees – no report

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5. YEZMAN

- a. Gallinas Watershed Council/Miller Creek Watershed Council– verbal report
- b. Flood Zone 7– meeting today
- c. CSRMA– meeting next week
- d. Ad Hoc Engineering Committee– verbal report – had tour of construction site
- e. Other Reports–no report

BOARD REQUESTS:

- A. Board Meeting Attendance Requests – Schriebman requested to attend the Special Districts Summit West Webinar on August 25
- B. Board Agenda Item Requests – Murray requested a staff report regarding vegetation at our 15 Pump stations.
- C. Previous Board Requests - Board Conference registration assistance; Administrative Policy A-03, Mobile Computer Devices Used for District Business; 2020 Employee Climate Survey; Donation Policy

VARIOUS ARTICLES AND MISCELLANEOUS DISTRICT CORRESPONDENCE:

Discussion ensued.

ACTION:

Board approved (M/S Schriebman/Murray 5-0-0-0) the adjournment of the meeting at 6:26 pm.

Roll Call:

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

The next Board Meeting is scheduled for August 13, 2020.

ATTEST:

Teresa Lerch, District Secretary

APPROVED:

Judy Schriebman, Vice President

SEAL

Las Gallinas Valley Sanitation District
Warrant List 8/20/2020 DRAFTDate August 20, 2020

	Date	Num	Vendor	Original Amount	Addition and Adjustment	Total Amount	Description for items
1	8/20/2020	EFT1	ADP Payroll	97,884.71		97,884.71	8/14/2020 Paydate & Processing Charges
2	8/20/2020	ACH	A & P Moving Inc	84.70		84.70	Records Retention (storage) for August
3	8/20/2020	N/A	AT&T Teleconference Services	393.50		393.50	Conference Lines 1 & 2
4	8/20/2020	EFT2	Bank fo Marin	47,335.64		47,335.64	September Loan Payment - Recycled Water Loan
5	8/20/2020	N/A	Banner Bank	81,430.00		81,430.00	STPURWE - Retention for Myers & Sons
6	8/20/2020	N/A	Bartley Pump DBA PumpMan	2,934.50		2,934.50	Irrigation Pump #1 Inspection
7	8/20/2020	N/A	Bay Area Air Quality Management District	391.00		391.00	Permit to Operte, Toxics Surcharge, Toxic Inventory Fee, Renewal Processing Fee
8	8/20/2020	N/A	Bay Area Background Checks	126.00		126.00	Background Checks on 2 new Employees
9	8/20/2020	ACH	Brown & Caldwell	3,062.89		3,062.89	STPURWE - Engineering Service
10	8/20/2020	ACH	Cal-Steam, Inc.	86.51		86.51	2xButt Galv Stl Nip & 3x2 Galv Mi 150# Red Coup
11	8/20/2020	EFT	CalPERS 457	4,902.30		4,902.30	EE Contribution to Deferred Comp.
12	8/20/2020	EFT	CalPERS Retirement	18,720.59		18,720.59	EE & ER's Retirement 7/31/2020 Paydate
13	8/20/2020	ACH	CalPERS CERTBT-OPEB	11,630.00		11,630.00	Pre-fund GASB payment
14	8/20/2020	N/A	CD & Power	8,022.98		8,022.98	Annual Fire Pump Inspection, 4- 40 KW Generators for PSPS Events
15	8/20/2020	N/A	Cintas Corporation	125.06		125.06	Safewasher Service & Filter Change
16	8/20/2020	N/A	Contractor Compliance and Monitoring Inc.	5,129.64		5,129.64	Labor Compliance Monitoring
17	8/20/2020	ACH	CORE Utilities	2,299.03		2,299.03	July IT Services
18	8/20/2020	N/A	CPM Construction	14,520.00		14,520.00	STPURWE - On Call Scheduling & Estimating Support
19	8/20/2020	ACH	Diego Truck Repair Inc.	324.53		324.53	Fuel Solenoid Installed
20	8/20/2020	EFT	Direct Dental	2,265.90		2,265.90	EE's Dental
21	8/20/2020	EFT	Discovery Benefits	50.00		50.00	FSA Administration
22	8/20/2020	ACH	Du-All Safety LLC	2,408.00		2,408.00	LGVSD Safety Compliance
23	8/20/2020	ACH	Edelstein, Daniel	1,500.00		1,500.00	Canada Goose Project
24	8/20/2020	N/A	Electrical Equipment Company	31.00		31.00	Money Owed From PO 19809 - New Motor Installed.
25	8/20/2020	ACH	Elias, Rabi	200.00		200.00	Health insurance Reimb
26	8/20/2020	ACH	EOA Inc.	15,480.90		15,480.90	Integrated Wastewater Master Plan, Regulatory Compliance Consulting Services (June 2020)
27	8/20/2020	ACH	Gardeners Guild	1,123.00		1,123.00	Landscape Maintenance for August
28	8/20/2020	ACH	GHD Inc.	1,133.00		1,133.00	Sewer Main Capacity and Storage
29	8/20/2020	ACH	Grainger	3,343.30		3,343.30	Pump with Nipple & Coupler

**Las Gallinas Valley Sanitation District
Warrant List 8/20/2020 DRAFT**

	Date	Num	Vendor	Original Amount	Addition and Adjustment	Total Amount	Description for Items
30	8/20/2020	ACH	Hanford ARC	5,937.75		5,937.75	LMC Revegetation Maintenance Services
31	8/20/2020	N/A	Hazen & Sawyer	4,580.00		4,580.00	Flow Equalization Basin Project
32	8/20/2020	N/A	Jackson's Hardware Inc.	151.35		151.35	Misc Parts & Supplies
33	8/20/2020	N/A	Kleinfelder Inc.	3,675.98		3,675.98	STPURWE - Const Inspection & Materials Testing
34	8/20/2020	N/A	Marin/Sonoma Mosquite & Vector Control Dist.	400.31		400.31	Mosquito Control at ponds -May - Jun 2020
35	8/20/2020	ACH	Murray, Craig	125.00		125.00	Health insurance Reimb
36	8/20/2020	N/A	MWA Architechs	11,880.63		11,880.63	Administration Building Site Evaluation Contract
37	8/20/2020	N/A	Myers & Sons Construction	1,547,170.00		1,547,170.00	STPURWE - Construction Contract (Ret #17)
38	8/20/2020	N/A	Operating Engineers	450.00		450.00	Union Dues - 8/14 Paydate
39	8/20/2020	EFT	Pacific Crest Group	2,400.00		2,400.00	HR Management Services
40	8/20/2020	N/A	Pacific Gas & Electric	6,602.17		6,602.17	NEM True-Up for 2019/2020 Solar
41	8/20/2020	N/A	Pacific Gas & Electric	157,600.91		157,600.91	NEM True-Up for Electricity 2019-2020
42	8/20/2020	N/A	ParcelQuest	2,750.00		2,750.00	3 Year Contract renewal @ \$2750/yr - parcel number data base - 5 Navigator Accounts
43	8/20/2020	N/A	Rathlin Properties LLC	8,596.00		8,596.00	Rent at 101 Lucas Valley Rd.
44	8/20/2020	N/A	Regional Government Services	16,208.00		16,208.00	Agreement for Professional Finance & Administrative Consultative Services
45	8/20/2020	ACH	Retiree Augusto	188.03		188.03	Retiree Health
46	8/20/2020	ACH	Retiree Burgess	188.03		188.03	Retiree Health
47	8/20/2020	ACH	Retiree Cummins	200.43		200.43	Retiree Health
48	8/20/2020	ACH	Retiree Cutri	515.06		515.06	Retiree Health
49	8/20/2020	ACH	Retiree Emanuel	245.78		245.78	Retiree Health
50	8/20/2020	ACH	Retiree Gately	212.39		212.39	Retiree Health
51	8/20/2020	ACH	Retiree Guion	212.39		212.39	Retiree Health
52	8/20/2020	ACH	Retiree Johnson	664.55		664.55	Retiree Health
53	8/20/2020	ACH	Retiree Kermoian	200.43		200.43	Retiree Health
54	8/20/2020	ACH	Retiree Mandler	200.43		200.43	Retiree Health
55	8/20/2020	ACH	Retiree McGuire	591.50		591.50	Retiree Health
56	8/20/2020	ACH	Retiree Memmott	200.43		200.43	Retiree Health
57	8/20/2020	ACH	Retiree Petrie	188.03		188.03	Retiree Health
58	8/20/2020	ACH	Retiree Pettey	184.74		184.74	Retiree Health

**Las Gallinas Valley Sanitation District
Warrant List 8/20/2020 DRAFT**

	Date	Num	Vendor	Original Amount	Addition and Adjustment	Total Amount	Description for items
59	8/20/2020	ACH	Retiree Provost	245.78		245.78	Retiree Health
60	8/20/2020	ACH	Retiree Reetz	539.86		539.86	Retiree Health
61	8/20/2020	ACH	Retiree Reilly	200.43		200.43	Retiree Health
62	8/20/2020	ACH	Retiree Vine	200.43		200.43	Retiree Health
63	8/20/2020	ACH	Retiree Wettstein	628.00		628.00	Retiree Health
64	8/20/2020	ACH	Retiree Williams	628.00		628.00	Retiree Health
65	8/20/2020	N/A	Riedinger Consulting	1,637.50		1,637.50	STPURWE -Call Construction Schedule Review Support
66	8/20/2020	ACH	Schriebman, Judy	200.00		200.00	Health insurance Reimb
67	8/20/2020	N/A	Synectic Technologies	1,373.64		1,373.64	New Phone Intercom Installed at Main Gate at Plant, Quarterly Charge - Warranty Agreement
68	8/20/2020	N/A	TPx Communications	640.26		640.26	Phone Services
69	8/20/2020	N/A	Verizon Wireless	1,439.44		1,439.44	Mobile/tablets phones 6/27/20 - 7/26/2020
70	8/20/2020	N/A	WCBS	372.52		372.52	Misc Parts & Supplies
71	8/20/2020	ACH	WECO Industries	2,278.05		2,278.05	Tools for the F450
72	8/20/2020	N/A	WIN-911 Software	1,189.00		1,189.00	Annual Software Update
73	8/20/2020	N/A	Woodland Auto Center	518.89		518.89	Battery, Cables, Core Return, Grease Gun, Rubber Wiring
74	8/20/2020	ACH	WRA	4,681.52		4,681.52	Miller Creek Project, Wildlife Vegetation Pond
75	8/20/2020	ACH	Yezman, Crystal	200.00		200.00	Health insurance Reimb

Do not change any formulas below this line.

TOTAL \$ 2,116,432.32 \$ - \$ 2,116,432.32

EFT1	EFT1 = Payroll (Amount Required)	97,884.71	97,884.71	Approval: Finance GM Board
EFT2	EFT2 = Bank of Marin loan payments	47,335.64	47,335.64	
PC	Petty Cash Checking	0.00	0.00	
>1	Checks (Operating Account)	0.00	0.00	
N/A	Checks - Not issued	1,880,340.28	1,880,340.28	
EFT	EFT = Vendor initiated "pulls" from LGVSD	28,338.79	28,338.79	
ACH	ACH = LGVSD initiated "push" to Vendor	62,532.90	62,532.90	
Total		<u>\$ 2,116,432.32</u>	<u>\$ 2,116,432.32</u>	

Difference:

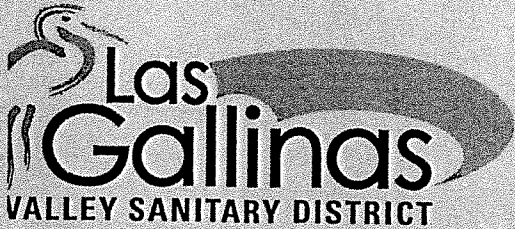
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Agenda Item 26
Date August 20, 2020

Directors' Meeting Attendance Recap

<u>Name</u>	<u>Total Meetings</u>
Megan Clark	3
Rabi Elias	3
Craig Murray	6
Judy Schriebman	3
Crystal Yezman	<u>4</u>
Total	<u><u>19</u></u>

Meeting Date: 8/20/2020
Paydate: 8/28/2020



300 Smith Ranch Road, San Rafael, CA 94903

Office: 415.472.1734 Fax: 415.499.7715

BOARD MEMBER ATTENDANCE FORM

Director's Name: MEGAN CLARK Month: JULY 2020

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

REGULAR and SPECIAL MEETINGS		CHARGING DISTRICT	
Date	Description of meeting	Yes	No
2	REG	✓	
16	REG	✓	
TOTAL		2	

OTHER MEETINGS		CHARGING DISTRICT	
Date	Description of meeting	Yes	No
29	NBWA - special	✓	
TOTAL		1	

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

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

Megan Clark 8-11-20
signature Date
[Signature] 8/13/2020 8/28/2020
Approved By/ Date Pay Date



300 Smith Ranch Road, San Rafael, CA 94903

Office: 415.472.1734 Fax: 415.499.7715

BOARD MEMBER ATTENDANCE FORM

Director's Name: Rabi Elias Month: July 2020

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

REGULAR and SPECIAL MEETINGS		CHARGING DISTRICT	
Date	Description of meeting	Yes	No
7/2/20	Regular Mtg	✓	
7/16/20	Regular Mtg	✓	
TOTAL		2	

OTHER MEETINGS		CHARGING DISTRICT	
Date	Description of meeting	Yes	No
7/28/20	Engineering Comm Mtg	✓	
TOTAL		1	

TOTAL MEETINGS CHARGED (Max of six per Health & Safety Code #4733):	3
--	----------

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

Rabi Elias Signature 8/11/20 Date
[Signature] Approved By/ Date 8/13/2020 8/28/2020 Pay Date



300 Smith Ranch Road, San Rafael, CA 94903

Office: 415-472-1734 Fax: 415-499-7715

BOARD MEMBER ATTENDANCE FORM

Director's Name: MURRAY, Craig K. Month: July 2020

Board Members shall be compensated for up to the legal limit of six (6) meeting per month and one (1) per day. Board Members are limited to four (4) conferences or seminars per year.

For multi-day conferences, compensation shall be at a maximum of one (1) meeting per day.

REGULAR and SPECIAL MEETINGS		CHARGING DISTRICT	
Date	Description of meeting	Yes	No
7/2/20	Board Meeting	X	
7/16/20	Board Meeting	X	
TOTAL		2/2	

OTHER MEETINGS		CHARGING DISTRICT	
Date	Description of meeting	Yes	No
7/12,19, 29/20	Merrydale Road/Las Gallinas Creek Headwater Litter Removal c/o City of San Rafael: 7/12: 2.0 hours; 7/19: 1.0 hours; 7/29: 1.5 hours		XXX
7/7/20	MCSDA: Marin County Special Districts Meeting		X
7/8/20	LAFCo EO, Officer Meeting: Attorney Evaluation.		X
7/9/20	APWA: Incorporating Social Equity into Decision Making		X
7/10/20	NEBRA Northeast Biosolids and Residuals Association: PFAS & Biosolids/Residuals Nationwide Update		X
7/16/20	LAFCo Vice Chair EO Coordinating Meeting		X
7/16/20	Governing: Moving HR and Finance to the Cloud: Hear the Inside Story		X
7/17/20	LGVS Board Member General Manager Coordinating Meeting		X
7/21/20	Transportation Authority of Marin (TAM) Stakeholder Working Group (SWG) 580-101 Corridor Improvements		X
7/22 /20	ESDA: CA Public Records Act Requests		X
7/22/20	CWEA CASA COVID #4 Webinar Management Issues	X	
7/23/20	CASA Air Quality, Climate Change & Energy (ACE) Workgroup Meeting	X	



300 Smith Ranch Road, San Rafael, CA 94903

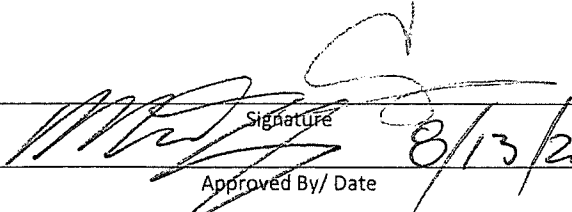
Office: 415-472-1734 Fax: 415-499-7715

BOARD MEMBER ATTENDANCE FORM

7/23/20	U.S.EPA Biosolids Webinar Series: Update on PFAS Analytical Methods		X
7/28/20	ICMA: Building and Maintaining An Equity Mindset In Local Government	X	
7/29/20	Liebert, Cassidy & Whitmore: Maximizing Performance Through Documentation, Evaluation and Corrective Action – Jack Hughes, Partner	X	
7/30/20	Renewable Gas 360 Removing the Fossil from the Fuel Webinar. National & State RNG Supply: Increasing Opportunities for Decarbonization.		X
TOTAL		4/15	

Total Meetings for which I am Requesting Payment/Approved: Board Members maximum of six (6) per Health & Safety Code §4733	6/17
--	-------------

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

<div style="display: flex; justify-content: space-between; align-items: center;"> <div style="text-align: center;">  Signature </div> <div style="text-align: center;"> July 31, 2020 Date </div> </div>	<div style="display: flex; justify-content: space-between; align-items: center;"> <div style="text-align: center;"> 8/13/2020 Approved By/ Date </div> <div style="text-align: center;"> 8/28/2020 Pay Date </div> </div>
---	---



300 Smith Ranch Road, San Rafael, CA 94903

Office: 415.472.1734 Fax: 415.499.7715

BOARD MEMBER ATTENDANCE FORM

Director's Name: Judy Schriebman Month: July 2020

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

REGULAR and SPECIAL MEETINGS		CHARGING DISTRICT	
Date	Description of meeting	Yes	No
7/2	Regular meeting	X	
7/16	Regular meeting	X	
TOTAL		2:2	

OTHER MEETINGS		CHARGING DISTRICT	
Date	Description of meeting	Yes	No
7/7	CSDA Marin organizing meeting		X
7/10	Vegetation Mgmt/FireSafe Marin Tech Advisory Group mtg		X
7/17	Outdoor Classroom restoration workday		X
7/22	JTC NBWA meeting	X	
TOTAL		1:4	

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

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

Judy Schriebman 8/3/2020
 Signature Date
[Signature] 8/28/2020
 Approved By/ Date Pay Date



300 Smith Ranch Road, San Rafael, CA 94903

Office: 415.472.1734 Fax: 415.499.7715

BOARD MEMBER ATTENDANCE FORM

Director's Name: Crystal Yezman Month: July 2020

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

REGULAR and SPECIAL MEETINGS		CHARGING DISTRICT	
Date	Description of meeting	Yes	No
07/02	Regular Board Mtg	X	
07/16	Regular Board Mtg	X	
TOTAL			

OTHER MEETINGS		CHARGING DISTRICT	
Date	Description of meeting	Yes	No
07/28	Engineering Subcommittee	X	
07/08	Gallinas Watershed Council	X	
TOTAL			

Total Meetings for which I am Requesting Payment: Max of six (6) per Health & Safety Code §4733	4

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

Crystal J Yezman

 Signature

 Approved By/ Date 8/13/2020

 Date 08/12/2020

 Pay Date 8/25/2020

AGENDA ITEM 2D
DATE August 20, 2020



BOARD MEMBER MEETING ATTENDANCE REQUEST

Date: Aug. 6, 2020 Name: Judy Schriebman

I would like to attend the Virtual Meeting of
Special Districts Virtual Summit West

To be held on the 25 day of Aug from 10:30 a.m. / p.m. to 12 noon

Location of meeting: Virtual

Actual meeting date(s): Aug. 25, 2020

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

Purpose of Meeting: special districts across the country are responding to the global pandemic. Districts have quickly shifted employees to remote work and adapted to managing virtual workforces. Deploying new and innovative online technologies and services to maintain vital operations, districts have kept critical citizen programs up and running

Other meeting attendees: _____

Meeting relevance to District: _____

Frequency of Meeting: one time

Estimated Costs of Travel (if applicable): _____

Date submitted to Board Secretary: Aug. 6, 2020

Board approval obtained on Date: _____

Please submit to the District Administrative Assistant, no later than 2:00 p.m. on the Friday prior to the Board Meeting.



Agenda Summary Report

To: Mike Prinz, General Manager *MP*
 From: Michael P. Cortez, PE, District Engineer
 Meeting Date: August 20, 2020
 Re: Application of Allocation of Capacity for APN 155-230-12, San Rafael Airport Recreational Facility
 Item Type: Consent X Discussion _____ Information _____ Other _____
 Standard Contract: Yes _____ No _____ (See attached) Not Applicable X

STAFF RECOMMENDATION

Board to approve the issuance of an updated Will Serve Letter to San Rafael Airport Recreational Facility located at 400 Smith Ranch Rd.

BACKGROUND

At the July 2, 2020 Board meeting, the Board requested Staff to further analyze the capacity of downstream sewers impacted by the proposed Gravity Vault project and the existing San Rafael Airport Recreational Facility, now renamed Marin Sports Center (facility), prior to the issuance of a Will Serve Letter to Gravity Vault. The Board also requested Staff to include Smith Ranch Pump Station in the analysis. Staff has reviewed the flow calculation submitted by Lee Oberkamper and determined that the combined daily average dry weather flow (ADWF) of 4,812 gallons and daily peak dry weather flow (PDWF) of 19,248 gallons should have minimal impacts because the point of connection in the 10-inch gravity sewer feeding into Smith Ranch Pump Station is approximately 420 feet from the pump station wet well. In general, the risk of surcharging manholes or sewer lines that are close to the wet well is low because [1] by design they should only be flowing near full during peak wet weather flow (PWWF) conditions and [2] they are most likely under the direct influence of wet well operations. Furthermore, the factor of safety included in designing for PWWF should provide sufficient capacity to accommodate ADWF and PDWF. Staff has also reviewed the Smith Ranch Pump Station telemetry data such as wet well water surface elevations during a major storm event early last year and did not find anything that would indicate pumping capacity issues.

Staff also informed the Board that a combined plumbing fixture unit (PFU) count to date for the Marin Sports Center will be presented at a later meeting. The original facility included sections for dance, gymnastics, soccer warm up area, indoor and outdoor soccer field, and Staff was concerned that the total PFU may have been adjusted in the last few years. San Rafael Airport has provided the information and indicated that it would be the primary applicant for a Will Serve Letter, which includes Gravity Vault. As such, no separate Will Serve Letter will be required for Gravity Vault as Staff had initially reported to the Board on July 2, 2020. Gravity Vault is owned by Marin Climbing Gym LLC and it is renovating an interior section of the facility into a rock-climbing gym. No new lateral is required because Gravity Vault discharges into the facility's existing private pump station through a sewer stub within the building plumbing system.

The District initially approved a sewer allocation of 106 PFUs for the recreational facility on May 22, 2014. In June 2020, the Marin Sports Center management submitted a request to expand the sewer allocation to 165 PFUs. The San Rafael Airport will utilize the reserve allocation of 17 PFUs it initially obtained through



annexation to the District in August 1999. Based on the information submitted, an updated Will Serve Letter has been drafted and a connection fee of \$13,398 has been assessed for the additional 42 PFUs.

PREVIOUS BOARD ACTION

Board approved the issuance of a Will Serve Letter to San Rafael Airport Recreational Facility on May 22, 2014.

ENVIRONMENTAL REVIEW

N/A

FISCAL IMPACT

Connection fee revenue of \$13,398.



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

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

Date: August 20, 2020
 Property Owner: San Rafael Airport, LLC
 Property Owner Address: 400F Smith Ranch Rd
 San Rafael, CA 94903
 Applicant: Bob Herbst, Airport Manager
 Project Name: San Rafael Airport Recreational Facility
 Project Address: 400 Smith Ranch Rd
 San Rafael, CA 94903
 Project APN: APN 155-230-12

Re: Will-Serve Letter

You have requested a **Will-Serve Letter** from the Las Gallinas Valley Sanitary District (“LGVSD”) at the August 20, 2020 Board Meeting.

Subject to the terms and conditions in this letter, LGVSD will serve the project with additional 42 Plumbing Fixture Units (PFU). This letter may be used to submit to another local agency to satisfy a condition for either tentative subdivision map approval or any other permit approval.

The standard terms and conditions of approval are as follows:

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

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

The Connection Fee approved by the Board is as follows:

Connection Fee for 42 PFU at \$319/PFU:	\$ 13,398.00
Application Fee:	\$ 250.00
Engineering Review and Inspection Fees:	\$ 0.00
Total Fee:	\$ 13,648.00

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

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

1. 10% of the Connection Fee is due within thirty days of Board approval of final plans and specifications;
2. 40% of the Connection Fee is due within one year, August 20, 2021; or upon the date of building permit issuance, whichever occurs first;
3. 50% of the Connection Fee is due within two years, August 20, 2022; or upon the date of building permit issuance, whichever occurs first;

Please remit **\$13,648** and make the check payable to Las Gallinas Valley Sanitary District. Please note if payment schedule as above is not followed, you risk losing your allocation.

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

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

Sincerely,

Mike Prinz, General Manager

AGREED:

Project Applicant

Date: _____

Cc: Michael P. Cortez, District Engineer



Item Number 2 F

Agenda Summary Report

To: Mike Prinz, General Manager *MP*
 From: Michael P. Cortez, PE, District Engineer
 Meeting Date: August 20, 2020
 Re: Approve Resolution 2020-2198 Accepting Final Completion of Plant Improvements 2018 Project
 Item Type: Consent Discussion Information Other
 Standard Contract: Yes No (See attached) Not Applicable

STAFF RECOMMENDATION

Board to approve Resolution 2020-2198 Accepting Final Completion of Plant Improvements 2018 Project.

BACKGROUND

On June 24, 2020, Gregory Equipment, Inc. of Redding, California (Contractor) completed the Plant Improvements 2018 project for a final cost of \$794,987 including \$114,857 in change orders. The project provided for the replacement of two grit centrifugal separators (hydrocyclones), installation of four new pumps for the grit classifier system, and miscellaneous piping and electrical modifications.

PREVIOUS BOARD ACTION

Board approved the Award of Contract to Gregory Equipment Inc. for the Plant Improvements 2018 in the amount of \$680,130 on August 23, 2018.

ENVIRONMENTAL REVIEW

N/A

FISCAL IMPACT

The project was previously budgeted in the FY 2018/2019 and FY 2019/2020 CIP budgets.

RESOLUTION No 2020-2198

**A RESOLUTION ACCEPTING THE
PLANT IMPROVEMENTS 2018
FOR**

LAS GALLINAS VALLEY SANITARY DISTRICT

WHEREAS, Gregory Equipment, Inc. of Redding, California, executed a contract on September 12, 2018 in the amount of \$680,130 to PLANT IMPROVEMENTS 2018 project, Job No. 12600-02, scope defined in Contract Documents and Specifications dated July 2018 prepared by Nute Engineering, for District ownership and maintenance;

WHEREAS, the District has authorized additive change orders in the total amount of \$114,857, for a total final project cost of \$794,987; and

WHEREAS, Michael P. Cortez, District Engineer for the Las Gallinas Valley Sanitary District by a Notice of Completion dated August 20, 2020, a copy of which is attached hereto as Exhibit A, has acknowledged that the aforementioned improvements have been installed, tested by the District, and found to be acceptable to the District, for District ownership and maintenance.

NOW, THEREFORE, the Board of Directors of the Las Gallinas Valley Sanitary District herein approves the Notice of Acceptance of Completion for recordation with the Marin County Recorder.

* * * * *

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 20th day of August 2020, by the following vote of the members thereof:

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

Teresa Lerch, District Secretary
Las Gallinas Valley Sanitary District

APPROVED:

(seal)

Rabi Elias, President Board of Directors

Exhibit A

Notice of Acceptance of Completion
PLANT IMPROVEMENTS 2018

Recorded at the Request of:
Las Gallinas Valley Sanitary District

When Recorded Mail to:
Las Gallinas Valley Sanitary District
300 Smith Ranch Road
San Rafael, CA 94903

Space above this Line for Recorder's Use

NOTICE OF ACCEPTANCE OF COMPLETION

LAS GALLINAS VALLEY SANITARY DISTRICT
MARIN COUNTY, CALIFORNIA

PLANT IMPROVEMENTS 2018

NOTICE IS HEREBY GIVEN, Pursuant to Section 3093 of the Civil Code of the State of California, that Michael P. Cortez, District Engineer for the Las Gallinas Valley Sanitary District, Marin County, California, on the 20th day of August 2020, did file with the Secretary of said District a Statement of Completion of the following described work, the PLANT IMPROVEMENTS 2018 project, Job No. 12600-02, the contract for doing which was awarded to Gregory Equipment, Inc. of Redding, California, and entered into on September, 12, 2018. A copy of said Statement of Completion is attached hereto and incorporated by reference herein as Attachment 1.

That said work and improvements are public improvements owned and held by said District for the benefit of the public, and were actually completed on 24th day of June 2020. Acceptance of completion of said work was ordered by the District Board on August 20, 2020.

That said work and improvements consisted of the performing of all work and furnishing of all labor, materials, equipment and all utility and transportation services required for the installation of PLANT IMPROVEMENTS 2018 project, all as more particularly described in the plans and specifications approved by the said District in July 2018.

The site of the construction and improvements was in and around 300 Smith Ranch Road, San Rafael, CA 94903.

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

VERIFICATION

I, the undersigned, declare that I am the General Manager and duly authorized representative for the Las Gallinas Valley Sanitary District, Marin County, California, and that I have read the foregoing notice, know its contents, and that the facts therein stated are true to the best of my knowledge and belief.

(CONTINUED NEXT PAGE)

I certify (or declare) under penalty of perjury that the forgoing is true and correct.

Executed at San Rafael, California, this _____ day of August 2020.

LAS GALLINAS VALLEY SANITARY DISTRICT

Michael Prinz, General Manager



DISTRICT BOARD

Megan Clark
Rabi Elias
Craig K. Murray
Judy Schreiber
Crystal Yezman

DISTRICT ADMINISTRATION

Michael Prinz,
General Manager
Michael Cortez,
District Engineer
Mel Liebmann,
Plant Manager
Greg Pease,
Collection System/Safety Manager
Vacant,
Administrative Services Manager

ATTACHMENT 1

STATEMENT OF COMPLETION

**PLANT IMPROVEMENTS 2018
(JOB NO. 12600-02)**

I, Michael P. Cortez, District Engineer, for the Las Gallinas Valley Sanitary District, Marin County, California, do hereby certify that work and improvements described in the contract, which was entered into by and between Las Gallinas Valley Sanitary District and Gregory Equipment, Inc. of Redding, California, dated September 12th, 2018 was completed to my satisfaction on June 24th, 2020.

That said work and improvements are more particularly described in the Contract Documents dated July 2018, prepared by Nute Engineering, and advertised for public bidding on June 28, 2018.

I understand that neither the determination of completeness of the work, nor acceptance of the work by the District, shall operate to bar claims against the Contractor under the terms of the guarantee provisions of the Contract Documents.

Dated: August 20, 2020

By:

Michael P. Cortez, PE
District Engineer



Item Number 26

Agenda Summary Report

To: Mike Prinz, General Manager *MP*
 From: Teri Lerch, Board Secretary *TL*
 Mtg. Date: August 20, 2020
 Re: Resolution 2020-2199 and LGVSD Conflict of Interest Code Biennial Update
 Item Type: Consent Discussion Information Other
 Standard Contract: Yes No (See attached) Not Applicable

STAFF RECOMMENDATION

Board to review and approve Resolution 2020-2199 and the updated 2020 LGVSD Conflict of Interest Code.

BACKGROUND

The State Political Reform Act requires that all public agencies adopt a Conflict of Interest Code. The Code designates positions required to file Statements of Economic Interests (Form 700) and assigns disclosure categories specifying the types of interests reported. Every local government agency is required to review its Conflict of Interest Code every two years. The County Board of Supervisors, as the Code reviewing body for the District, is charged with the responsibility of approving any changes to the District's Conflict of Interest Code. The attached updated Conflict of Interest Code deleted the Interim General Manager position, added the Plant Manager and Collection System/Safety Manager positions and updated language to make it compliant with current statute. It has been approved by District Counsel.

PREVIOUS BOARD ACTION

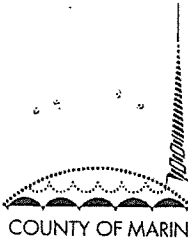
Board approved Resolution 2018-2137 and the updated Conflict of Interest Code in 2018.

ENVIRONMENTAL REVIEW

N/A

FISCAL IMPACT

None.



RECEIVED

JUN 24 2020

L.G.V.S.D. BOARD OF SUPERVISORS

PRESIDENT
Katie Rice
2ND DISTRICT

VICE PRESIDENT
Dennis Rodoni
4TH DISTRICT

2ND VICE PRESIDENT
Judy Arnold
5TH DISTRICT

Damon Connolly
1ST DISTRICT

Kathrin Sears
3RD DISTRICT

Matthew H. Hymel
COUNTY ADMINISTRATOR
CLERK OF THE BOARD

Diane Patterson
ASSISTANT CLERK OF THE BOARD

Marin County Civic Center
3501 Civic Center Drive
Suite 329
San Rafael, CA 94903
415 473 7331 T
415 473 3645 F
415 473 6172 TTY
www.marincounty.org/bos

DATE: June 17, 2020
TO: All Special Districts, Boards, Commissions and School Districts for which the Marin County Board of Supervisors is the Code Reviewing Body
FROM: Office of the Clerk of the Marin County Board of Supervisors
RE: 2020 Biennial Notice - Conflict of Interest Code

As you may recall, the State Political Reform Act requires all public agencies to adopt a Conflict of Interest Code. A code designates positions required to file Statements of Economic Interests (Form 700) and assigns disclosure categories specifying the types of interests to be reported. Every local government agency is required to review its Conflict of Interest Code every two years. The County Board of Supervisors, as the Code reviewing body for your agency, is charged with the responsibility of approving any changes to your Conflict of Interest Code.

No later than **October 1, 2020**, your agency must submit to the County Board of Supervisors the enclosed 2020 Local Agency Biennial Notice indicating whether an amendment to your Conflict of Interest Code is necessary. Even if your Code needs no changes, State law requires that you submit the enclosed notice stating that no changes to your Code are necessary.

Therefore, please review the attached. If amendments to your agency's Conflict of Interest Code are necessary, the amended Code must be forwarded to the Board of Supervisors within 90 days of filing the biennial notice. For example, if your agency files its notice on October 1, 2020 indicating that an amendment is necessary, the amendment is due to the Board of Supervisors by December 30, 2020. An agency's amended Code is not effective until it has been approved by the Board of Supervisors.

If you need any assistance with reviewing your Code or completing the Notice, the Fair Political Practices Commission may be contacted toll-free at 1-866-275-3772. (Forms and other information may be obtained from www.fppc.ca.gov.)

Thank you in advance for your attention to this matter.

Sincerely,

Shelagh Stewart-Chung
Deputy Clerk of the Board

Enclosures

FAIR POLITICAL PRACTICES COMMISSION

2020 Conflict of Interest Code Biennial Notice Instructions for Local Agencies

The Political Reform Act requires every local government agency to review its conflict of interest code biennially. A conflict of interest code tells public officials, governmental employees, and consultants what financial interests they must disclose on their Statement of Economic Interests (Form 700).

By **July 1, 2020**: The code reviewing body must notify agencies and special districts within its jurisdiction to review their conflict of interest codes.

By **October 1, 2020**: The biennial notice must be filed with the agency's code reviewing body.

The FPPC has prepared a 2020 Local Agency Biennial Notice form for local agencies to complete or send to agencies within its jurisdiction to complete before submitting to the code reviewing body. The City Council is the code reviewing body for city agencies. The County Board of Supervisors is the code reviewing body for county agencies and any other local government agency whose jurisdiction is determined to be solely within the county (e.g., school districts, including certain charter schools). The FPPC is the code reviewing body for any agency with jurisdiction in **more than one county** and will contact them.

The Local Agency Biennial Notice is not forwarded to the FPPC.

If amendments to an agency's conflict of interest code are necessary, the amended code must be forwarded to the code reviewing body for approval within 90 days. An agency's amended code is not effective until it has been approved by the code reviewing body.

If you answer yes, to any of the questions below, your agency's code probably needs to be amended.

- Is the current code more than five years old?
- Have there been any substantial changes to the agency's organizational structure since the last code was approved?
- Have any positions been eliminated or re-named since the last code was approved?
- Have any new positions been added since the last code was approved?
- Have there been any substantial changes in duties or responsibilities for any positions since the last code was approved?

If you have any questions or are still not sure if you should amend your agency's conflict of interest code, please contact the FPPC. Additional information including an online webinar regarding how to amend a conflict of interest code is available on [FPPC's website](#).

2020 Local Agency Biennial Notice

Name of Agency: Las Gallinas Valley Sanitary District
Mailing Address: 101 Lucas Valley Road San Rafael, CA. 94903
Contact Person: Jeri Lerch Phone No. 415-472-1734
Email: tlersch@lgsd.org Alternate Email: —

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code includes disclosure by those agency officials who make or participate in making governmental decisions.

This agency has reviewed its conflict of interest code and has determined that (check one BOX):

An amendment is required. The following amendments are necessary:

(Check all that apply.)

- Include new positions
 - Revise disclosure categories
 - Revise the titles of existing positions
 - Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions
 - Other (describe) The code was amended to reflect changes in the model code per California Regulation / FPPC. Please see attached Code and Resolution.
- The code is currently under review by the code reviewing body.
- No amendment is required. (If your code is over five years old, amendments may be necessary.)

Verification (to be completed if no amendment is required)

This agency's code accurately designates all positions that make or participate in the making of governmental decisions. The disclosure assigned to those positions accurately requires that all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding designated positions are reported. The code includes all other provisions required by Government Code Section 87302.

Signature of Chief Executive Officer

Date

All agencies must complete and return this notice regardless of how recently your code was approved or amended. Please return this notice no later than **October 1, 2020**, or by the date specified by your agency, if earlier, to:

(PLACE RETURN ADDRESS OF CODE REVIEWING BODY HERE)

PLEASE DO NOT RETURN THIS FORM TO THE FPPC.

RESOLUTION NO. 2020-2199

A RESOLUTION ADOPTING A CONFLICT OF INTEREST CODE FOR THE LAS GALLINAS VALLEY SANITARY DISTRICT

The Board of Directors of the Las Gallinas Valley Sanitary District ("LGVSD") does hereby find, resolve, and order as follows:

Section 1. The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies, including the Las Gallinas Valley Sanitary District, to adopt and promulgate conflict of interest codes.

Section 2. The Fair Political Practices Commission (the "FPPC") has adopted a regulation that contains the terms of a Model Conflict of Interest Code (the "Model Code"). The Model Code, codified at 2 California Code of Regulations Section 18730, can be incorporated by reference by the Authority as its conflict of interest code. After public notice and hearing, the FPPC may amend the Model Code to conform to amendments to the Political Reform Act.

Section 3. The Model Code, attached hereto as Exhibit "A," and any amendments to it duly adopted by the FPPC, are hereby incorporated into the conflict of interest code of this Authority by reference. This regulation and the attached Appendices designating officials and employees and establishing economic disclosure categories shall constitute the Conflict of Interest Code for the Las Gallinas Valley Sanitary District.

Section 4. All officials and employees required to submit a Statement of Economic Interests shall file their statements with the Executive Officer or his or her designee. For elected officials, the Executive Officer shall make and retain a copy of all statements filed and forward the originals of such statements to the Office of the County Clerk of Marin County. Designated employees (not elected officials) shall file their Statement of Economic Interests with LGVSD and the originals of such statements will be retained by LGVSD. All retained statements, original or copied, shall be available for public inspection and reproduction (Gov. Code Section 81008).

Section 5. The LGVSD has directed the District Counsel to coordinate the preparation of a revised Conflict of Interest Code in succeeding even-numbered years in accordance with the requirements of Government Code Sections 87306 and 87306.5. Changes have been made consistent with the modifications to the Model Code. These modifications are approved by passage of this Resolution. The changes will be sent to the Office of the County Clerk of Main County. When no revisions to the Code are required, the LGVSD shall submit a report to the

Office of the County Clerk of Marin County no later than October 1st of the same year, stating that amendments to the Code are not required.

Section 6. The District Secretary is directed to certify to the passage and adoption of this resolution.

* * * * *

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 20th day of August, 2020, by the following vote of the members thereof:

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

Teresa Lerch, District Secretary

Approve:

(seal)

Rabi Elias, President of Board of Directors

LAS GALLINAS VALLEY SANITARY DISTRICT
EXHIBIT "A"

18730. Provisions of Conflict of Interest Codes.

(a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict of interest code within the meaning of Government Code section 87300 or the amendment of a conflict of interest code within the meaning of Government Code section 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of article 2 of chapter 7 of the Political Reform Act, Government Code sections 81000, et seq. The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Government Code section 87100, and to other state or local laws pertaining to conflicts of interest.

(b) The terms of a conflict of interest code amended or adopted and promulgated pursuant to this regulation are as follows:

(1) Section 1. Definitions.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (2 Cal. Code of Regs. sections 18100, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

(2) Section 2. Designated Employees.

The persons holding positions listed in the Appendix are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on economic interests.

(3) Section 3. Disclosure Categories.

This code does not establish any disclosure obligation for those designated employees who are also specified in Government Code section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their economic interests pursuant to article 2 of chapter 7 of the Political Reform Act, Government Code sections 87200, et seq.

In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

(A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;

(B) The disclosure assigned in the code of the other agency is the same as that required under article 2 of chapter 7 of the Political Reform Act, Government Code section 87200; and

(C) The filing officer is the same for both agencies.¹

Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of economic interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those financial interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in the Appendix. It has been determined that the economic interests set forth in a designated employee's disclosure categories are the kinds of financial interests which he or she foreseeably can affect materially through the conduct of his or her office.

(4) Section 4. Statements of Economic Interests: Place of Filing.

The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code.²

(5) Section 5. Statements of Economic Interests: Time of Filing.

(A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.

(B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

¹ Designated employees who are required to file statements of economic interests under any other agency's conflict of interest code, or under article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdiction, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Government Code section 81004.

² See Government Code section 81010 and 2 Cal. Code of regs. Section 18115 for the duties of filing officers and persons in agencies that make and retain copies of statements and forward the originals to the filing officer.

(C) Annual Statements. All designated employees shall file statements no later than April 1. If a person reports for military service as defined in the Servicemember's Civil Relief Act, the deadline for the annual statement of economic interests is 30 days following his or her return to office, provided the person, or someone authorized to represent the person's interests, notifies the filing officer in writing prior to the applicable filing deadline that he or she is subject to that federal statute and is unable to meet the applicable deadline, and provides the filing officer verification of his or her military status.

(D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

(5.5) Section 5.5. Statements for Persons Who Resign Prior to Assuming Office.

Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided he or she did not make or participate in the making of, or use his or her position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his or her appointment. Such persons shall not file either an assuming or leaving office statement.

(A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:

(1) File a written resignation with the appointing power; and

(2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he or she did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

(6) Section 6. Contents of and Period Covered by Statements of Economic Interests.

(A) Contents of Initial Statements.

Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(B) Contents of Assuming Office Statements.

Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later, or for a board or commission member subject to Section 87302.6, the day after the closing date of the most recent statement filed by the member pursuant to Regulation 18754.

(D) Contents of Leaving Office Statements.

Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

(7) Section 7. Manner of Reporting.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Disclosure.

When an investment or an interest in real property³ is required to be reported,⁴ the statement shall contain the following:

1. A statement of the nature of the investment or interest;
2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
3. The address or other precise location of the real property;
4. A statement whether the fair market value of the investment or interest in real property exceeds two thousand dollars (\$2,000), exceeds ten thousand dollars (\$10,000), exceeds one hundred thousand dollars (\$100,000), or exceeds one million dollars (\$1,000,000).

(B) Personal Income Disclosure. When personal income is required to be reported,⁵ the statement shall contain:

³ For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

⁴ Investments and interests in real property which have a fair market value of less than \$ 2,000.00 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the Aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

⁵ A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

1. The name and address of each source of income aggregating five hundred dollars (\$500) or more in value, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;

2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), greater than ten thousand dollars (\$10,000), or greater than one hundred thousand dollars (\$100,000);

3. A description of the consideration, if any, for which the income was received;

4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;

5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,⁶ the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;

2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000).

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

(8) Section 8. Prohibition on Receipt of Honoraria.

⁶ Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent of greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

- (A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests.
- (B) This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.
- (C) Subdivisions (a), (b), and (c) of Government Code Section 89501 shall apply to the prohibitions in this section.
- (D) This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Government Code section 89506.

(8.1) Section 8.1. Prohibition on Receipt of Gifts in Excess of \$470.

- (A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than \$470 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests
- (B) This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.
- (C) Subdivisions (e), (f), and (g) of Government Code section 89503 shall apply to the prohibitions in this section.

(8.2) Section 8.2. Loans to Public Officials.

(A) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control.

(B) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(C) No elected officer of a state or local government agency shall, from the date of his or

her election to office through the date that he or she vacates office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.

(D) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(E) This section shall not apply to the following:

1. Loans made to the campaign committee of an elected officer or candidate for elective office.

2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.

3. Loans from a person, which, in the aggregate, do not exceed five hundred dollars (\$500) at any given time.

4. Loans made, or offered in writing, before January 1, 1998.

(8.3) Section 8.3. Loan Terms.

(A) Except as set forth in subdivision (B), no elected officer of a state or local government agency shall, from the date of his or her election to office through the date he or she vacates office, receive a personal loan of five hundred dollars (\$500) or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.

(B) This section shall not apply to the following types of loans:

1. Loans made to the campaign committee of the elected officer.

2. Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.

3. Loans made, or offered in writing, before January 1, 1998.

(C) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

(8.4) Section 8.4. Personal Loans.

(A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:

1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.

2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:

a. The date the loan was made.

b. The date the last payment of one hundred dollars (\$100) or more was made on the loan.

c. The date upon which the debtor has made payments on the loan aggregating to less than two hundred fifty dollars (\$250) during the previous 12 months.

(B) This section shall not apply to the following types of loans:

1. A loan made to the campaign committee of an elected officer or a candidate for elective office.

2. A loan that would otherwise not be a gift as defined in this title.

3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.

4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.

5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

(C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

(9) Section 9. Disqualification.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth two thousand dollars (\$2,000) or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth two thousand dollars (\$2,000) or more;

(C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars (\$500) or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$500 or more provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

(9.3) Section 9.3. Legally Required Participation.

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

(9.5) Section 9.5. Disqualification of State Officers and Employees.

In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use his or her official position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of his or her immediate family has, within 12 months

prior to the time when the official action is to be taken:

(A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or

(B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services or 18705.2(c) totaling in value one thousand dollars (\$1,000) or more.

(10) Section 10. Disclosure of Disqualifying Interest.

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest.

(11) Section 11. Assistance of the Commission and Counsel.

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Government Code section 83114 and Regulations 18329 and 18329.5 or from the attorney for his or her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

(12) Section 12. Violations.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code sections 81000-91015. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Government Code section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code section 91003.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 87103(e), 87300-87302, 89501, 89502 and 89503, Government Code.

LAS GALLINAS VALLEY SANITARY DISTRICT

APPENDIX "A"

CATEGORY 1

Persons in this category shall disclose all interests in real property located within the jurisdiction of the Las Gallinas Valley Sanitary District. Real property shall be deemed to be within the jurisdiction if the property or any part of it is located within, or not more than two miles outside of, the boundaries of the jurisdiction, or within two miles of any land owned or used by the District.

Persons are not required to disclose property used primarily as their principal residence or any other property that they utilize exclusively as their personal residences.

CATEGORY 2

Persons in this category shall disclose reportable income from persons or business entities that have a franchise or contract with the District or that provide, plan to provide or have provided within two years from the time a statement is required under this Conflict of Interest Code, franchise or contractual services, or other services, supplies, materials or equipment of the type utilized by the District.

CATEGORY 3

Persons in this category shall disclose reportable investments in business entities that have a franchise or contract with the District or that provide, plan to provide or have provided within two years from the time a statement is required under this Conflict of Interest Code, franchise or contractual services, or other services, supplies, materials or equipment of the type utilized by the District.

CATEGORY 4

Persons in this category shall disclose reportable business positions in business entities that have a franchise or contract with the District or that provide, plan to provide or have provided within two years from the time a statement is required under this Conflict of Interest Code, franchise or contractual services, or other services, supplies, materials or equipment of the type utilized by the District.

CATEGORY 5

For consultants who serve in a staff capacity with the District, the consultant shall disclose based on the disclosure categories assigned elsewhere in this code for that staff position. For consultants who do not serve in a staff capacity, the following disclosure categories shall be used:

Persons required to disclose in this category must disclose pursuant to subcategories A, B, and C below unless the Executive Officer determines in writing that a particular consultant is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in categories A, B, or C. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Officer's determination is a public record and must be retained for public inspection in the same manner and at the same location as the District's conflict of interest code.

- A. Reportable interests in real property in the jurisdiction as specified above in Category 1.
- B. Reportable personal and business entity income, as specified above in Category 2.
- C. Reportable investments, as specified above in Category 3.
- D. Reportable business positions, as specified above in Category 4.

LAS GALLINAS VALLEY SANITARY DISTRICT

APPENDIX "B"

<u>Designated Positions</u>	<u>Disclosure Categories</u>
Member of Board of Directors	1, 2, 3, 4
Member of Board of Directors (Alternate)	1, 2, 3, 4
General Manager	1, 2, 3, 4
District Counsel	1, 2, 3, 4
Administrative Services Manager	1, 2, 3, 4
District Engineer	1, 2, 3, 4
Plant Manager	1, 2, 3, 4
Collection System/Safety Manager	1, 2, 3, 4
Consultant	5

Agenda Item 2H
Date August 20, 2020



ORDER REGARDING PUBLICATION

The Board of Directors finds that Ordinance 184, unanimously passed by the Board, was published in the Marin Independent Journal on August 12, 2020 as required by the California Health and Safety Code and have been available for inspection at the District's offices and on its website. This Order constitutes conclusive evidence of compliance with requirements for publication and posting of this ordinance. This Order shall be posted at the following locations and are available for inspection at the District's offices

The Order shall be posted in the following locations in the District, as follows:

1. Las Gallinas Valley Sanitary District Administrative Office
101 Lucas Valley Road, Suite 300
San Rafael, California 94903
2. Las Gallinas Valley Sanitary District Web Site
www.lgvsd.org

Executed on this 20th day of August 2020, at San Rafael, Marin County, California.

Rabi Elias
Board President

Marin Independent Journal

4000 Civic Center Drive, Suite 301
San Rafael, CA 94903
415-382-7335
legals@marinij.com
2074259

LAS GALLINAS VALLEY SANITARY
300 SMITH RANCH ROAD
SAN RAFAEL, CA 94903

**PROOF OF PUBLICATION
(2015.5 C.C.P.)**

**STATE OF CALIFORNIA
County of Marin**

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above matter. I am the principal clerk of the printer of the MARIN INDEPENDENT JOURNAL, a newspaper of general circulation, printed and published daily in the County of Marin, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Marin, State of California, under date of FEBRUARY 7, 1955, CASE NUMBER 25566; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

08/12/2020

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Dated this 12th day of August, 2020.

Donna Lazarus

Signature

PROOF OF PUBLICATION

Legal No. 0006509108

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

**ORDINANCE 184
AN ORDINANCE OF AMENDING TITLE 1,
CHAPTER 2 OF THE ORDINANCE CODE OF THE
LAS GALLINAS VALLEY SANITARY DISTRICT
TIME AND PLACE FOR REGULAR MEETINGS**

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

ARTICLE 1.

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

***ARTICLE 1. MEETINGS**

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

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

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

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

The attendance at such meeting by any member at the time it convenes shall constitute a waiver of the provisions herein for notice to the member.

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

ARTICLE 2. ADOPTION AND NOTIFICATION

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

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

AYES: Clark, Elias, Murray, Schriebman.

Yezman
NOES: None
ABSENT: None
ABSTAIN: None

/s/ Teresa Lerch, District Secretary
Las Gallinas Valley Sanitary District

APPROVED:
/s/ Rabi Elias, Board President
No. 902 Aug. 12, 2020



Item Number 2 I

Agenda Summary Report

To: Mike Prinz, General Manager MP
 From: Michael P. Cortez, PE, District Engineer
 Meeting Date: August 20, 2020
 Re: Designation of the Secondary Treatment Process Upgrade and Recycled Water Expansion Project as an Essential Governmental Function per Marin County Public Health Order
 Item Type: Consent Discussion Information Other
 Standard Contract: Yes No (See attached) Not Applicable

STAFF RECOMMENDATION

Board to approve continued Designation of the Secondary Treatment Process Upgrade and Recycled Water Expansion Project as an Essential Governmental Function per Marin County Public Health Order.

BACKGROUND

The shelter-in-place order issued by Marin County Health Officer in effect as of the writing of this report allows recurring designation of projects previously designated by the lead agency as Essential Governmental Functions.

PREVIOUS BOARD ACTION

The Board approved Resolution 2020-2184 on April 16, 2020 designating the Secondary Treatment Process Upgrade and Recycled Water Expansion (STPURWE) Project as an Essential Governmental Function as defined in the Order of the Marin County Health Officer dated March 31, 2020, section 13.f.v.4.

The Board has approved the continued designation of the Project at every regular Board meeting since the original designation on April 16, 2020.

ENVIRONMENTAL REVIEW


N/A

FISCAL IMPACT

N/A



Agenda Summary Report

To: Mike Prinz, General Manager 

From: Michael P. Cortez, PE, District Engineer

Meeting Date: August 20, 2020

Re: Secondary Treatment Plant Upgrade and Recycled Water Expansion Project
Contingency Increase

Item Type: Consent _____ Discussion X Information _____ Other _____

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

STAFF RECOMMENDATION

Board to approve an additional 2.5% construction contingency in the amount of \$1,215,000 for the Secondary Treatment Plant Upgrade and Recycled Water Expansion (STPURWE) Project.

BACKGROUND

As of July 2020, the District has expended 58% (\$3,211,706) of the current 11.5% construction contingency of \$5,585,000 for the STPURWE project. Based on the estimated cost of outstanding potential change orders of \$1,652,388 and the current trend of approved contract change orders, Staff anticipates that the remaining balance of \$720,906 of the original 11.5% contingency may be exhausted by end of 3rd quarter 2020. An additional 2.5% construction contingency in the amount of \$1,215,000 is warranted.

Budget Reallocation: The funding source for this contingency increase is proposed to be the UV deletion credit estimated at \$1.5 million, which is currently under final negotiation with the contractor. The Board initially authorized Staff to reallocate the credit to the Flow Equalization project scheduled for construction after completion of the STPURWE project. However, this project has a budget of \$4,599,739 for FY 2020/21 and it has sufficient funding to complete the ongoing engineering design with Hazen and Sawyer. Staff will either [1] request additional budget from the Capital Reserve or [2] budget in the District Capital Improvements Program for the Flow Equalization project after a more accurate engineer's estimate is prepared and prior to award of a construction contract, if needed.

Staff brought this matter to the attention of the engineering subcommittee on July 28, 2020.

PREVIOUS BOARD ACTION(S)

1. Award of contract to Myers & Sons Construction, LLC for construction of STPURWE project on November 15, 2018.
2. Approval of a 5% construction contingency on November 15, 2018.
3. Approval of a 6.5% construction contingency increase on February 20, 2020.

ENVIRONMENTAL REVIEW

N/A

FISCAL IMPACT

The net fiscal impact of a 2.5% construction contingency increase is \$1,215,000.

PERSON(S) TO BE NOTIFIED

N/A



Item Number 4

Agenda Summary Report

To: LGVSD Board of Directors

From: Mike Prinz, General Manager *MAP*

Meeting Date: August 20, 2020

Re: Draft Relocation Assistance Policy

Item Type: Consent Discussion Information Other

Standard Contract: Yes No (See attached) Not Applicable

STAFF RECOMMENDATION

None. Informational only.

BACKGROUND

The District has not previously encountered need to relocate tenants from District property and, consequently, does not currently have a policy related to relocation of tenants.

Current California State Law describes a range of requirements that public agencies are obligated to fulfill if the agency has a need to relocate tenants residing on property owned by or to be owned by said agency. As a public agency, the District is obligated to follow State Law and, if deemed necessary, establish additional requirements consistent with requirements mandated by the State.

Attached is a draft relocation assistance policy which will be brought back to the Board for consideration on September 17th or later.

PREVIOUS BOARD ACTION

None.

ENVIRONMENTAL REVIEW

N/A

FISCAL IMPACT

None as a result of this informational item, however future costs attributable to a potential policy approval are unknown.

Relocation Assistance Act Policy for Real Estate Acquisitions and Leases

Responsible Officer:	General Manager
Responsible Office:	101 Lucas Valley Rd., Suite 300, San Rafael, CA 94903
Issuance Date:	8/20/2020
Effective Date:	8/27/2020
Scope:	This specific policy applies to all locations under the jurisdiction of the Las Gallinas Valley Sanitary District within the County of Marin, State of California.

Contact:	Mike Prinz
Title:	District General Manager
Email:	mprinz@lgvsd.org
Phone #:	(415) 472-1734

DRAFT

- I. Policy Summary
- II. Policy Text
- III. Compliance/Responsibilities
- IV. Related Information
- V. Revision History

I. POLICY SUMMARY

The Relocation Assistance Act Policy for Real Estate Acquisitions and Leases applies to situations where persons or businesses are required to vacate occupancy of property as a result of lease or acquisition by The District. Section 7260 et seq. of the California Government Code ("California Relocation Assistance Law" or the "Act") requires that all public entities adopt rules and regulations to administer relocation assistance and to implement the payments under the provision of the Code. The rules and regulations are to conform to the *Relocation Assistance and Real Property Acquisition Guidelines* ("Guidelines") adopted by the California Department of Housing and Community Development. This Policy is intended to implement the intent of the Act and Guidelines.

II. POLICY STATEMENT

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District Relocation Assistance Act Policy for Real Estate Acquisitions and Leases

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ARTICLE 1. GENERAL

1.1 Statement of Purpose and Policy.

(a) The purpose of this Policy ("Policy") is to implement the California Relocation Assistance Law, Government Code Section 7260 et seq. (the "Act") and the Relocation Assistance and Real Property Acquisition Guidelines adopted by the California Department of Housing and Community Development, Title 25, California Code of Regulations, Section 6000 et seq. (the "Guidelines").

(b) The Policy is designed to carry out the following policies of the Act:

(1) To ensure that uniform, fair and equitable treatment is afforded persons displaced from their homes, businesses or farms as a result of the actions of the District in order that such persons shall not suffer disproportionate injury as a result of action taken for the benefit of the District; and

(2) In the acquisition of real property by the District, to ensure consistent and fair treatment for owners of real property to be acquired, to encourage and expedite acquisition by agreement with owners of such property in order to avoid litigation and relieve congestion in courts, and to promote confidence in the District's land acquisition.

(c) The District shall not participate in or undertake a project that will displace individuals from their homes unless comparable replacement dwellings (as defined in Section 1.5(c)) will be available within a reasonable period of time prior to displacement.

(d) The Act, the Guidelines and this Policy are intended for the benefit of displaced persons, to ensure that such persons receive fair and equitable treatment and do not suffer disproportionate injuries as the result of programs designed for the benefit of the public as a whole. The Act, Guidelines and this Policy on which determinations are based shall be construed to affect this intent.

(e) This Policy does not address District projects involving displacement that are accomplished by the use of Federal Government Funds. If the direct source of funds for a project that will require displacement is Federal Funds, consult with the General Manager prior to taking any actions that could result in displacement.

1.2 Applicability and Supersedure.

(a) The effective date of this Policy shall be the date that it is adopted. This Policy supersedes all other Relocation Policies or regulations previously adopted by the District, provided, however, that this Policy shall not be construed to apply retroactively to actions undertaken by the District prior to its adoption.

District Relocation Assistance Act Policy for Real Estate Acquisitions and Leases

(b) In the event there are conflicts between this Policy and applicable state and federal laws or regulations, the applicable state and federal laws or regulations shall control and this Policy shall be deemed amended accordingly.

(c) Nothing in this Policy shall require, or be construed to require the District to provide any relocation or other assistance, payments, or benefits, or to provide any notices or to follow any procedures, beyond that required by the Act, the Guidelines and this Policy. No greater rights or obligations beyond those set forth in the Act and Guidelines are created or conferred by this Policy.

1.3 Severability

(a) If any provision of this Policy or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Policy which can be given effect without the invalid provision or application, and to this end, the provisions of this Policy are severable.

1.4 Authority

This Policy has been adopted pursuant to Section 7267.8(a) of the California Government Code and is in conformity with the Act and the Guidelines.

1.5 Definitions. The following terms shall mean:

(a) Acquisition. Obtaining ownership or possession of property for public use by lawful means.

(b) Business. Any lawful activity, except a farm operation, provided such lawful activity is not in an unlawful occupancy as defined in subsection (t), conducted primarily:

(1) For the purchase, sale, lease, or rental of personal and real property, and for the manufacture, processing, or marketing of products, commodities, or any other personal property;

(2) For the sale of services to the public; or

(3) By a nonprofit organization; or

(4) Solely for the purpose of a moving expense payment (see section 3.6), for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of an outdoor advertising display, whether or not such display is located on the premises on which any of the above activities are conducted.

District Relocation Assistance Act Policy for Real Estate Acquisitions and Leases

(c) Comparable Replacement Dwelling. A dwelling which satisfies each of the following standards:

(1) Decent, safe and sanitary (as defined in subsection (d)), and comparable to the acquired dwelling with respect to number of rooms, habitable living space and type and quality of construction, but not lesser in rooms or living space than is necessary to accommodate the displaced person.

(2) In an area not subjected to unreasonable adverse environmental conditions from either natural or manmade sources, and not generally less desirable than the acquired dwelling with respect to public utilities, public and commercial facilities and neighborhood conditions, including schools and municipal services, and reasonably accessible to the displaced person's present or potential place of employment; provided that a potential place of employment may not be used to satisfy the accessibility requirement if the displaced person objects.

The replacement dwelling need not be generally as desirable as the acquired dwelling with respect to environmental characteristics.

Though a displaced person does not have to accept a dwelling subject to unreasonable adverse environmental conditions, neither is the District required to duplicate environmental characteristics, such as scenic vistas or proximity to the ocean, lakes, rivers, forests or other natural phenomena.

If the displaced person so wishes, every reasonable effort shall be made to relocate such person within or near to his or her existing neighborhood. Whenever practicable the replacement dwelling shall be reasonably close to relatives, friends, services or organizations with whom there is an existing dependency relationship.

(3) Available on the private market to the displaced person and available to all persons regardless of race, color, sex, marital status, religion, or national origin in a manner consistent with Title VIII of the Civil Rights Act of 1968 or any other applicable state or federal anti-discrimination law.

(4) To the extent practicable and where consistent with paragraph (c)(1) of this section, functionally equivalent and substantially the same as the acquired dwelling, but not excluding newly constructed housing.

(5) Within the Financial Means of the Displaced Person. A replacement dwelling is within the financial means of a displaced person if the monthly rental cost (including utilities and other reasonable recurring expenses) minus any replacement housing payment available to the person (as provided in sections 3.13) does not exceed thirty percent (30%) of the person's average monthly income (as defined in subsection (k)).

For homeowners; a replacement dwelling is within the financial means of a displaced person if the purchase price of the dwelling including related increased interest costs

District Relocation Assistance Act Policy for Real Estate Acquisitions and Leases

and other reasonable expenses including closing costs (as described in section 3.12) does not exceed the total of the amount of just compensation provided for the dwelling acquired and the replacement housing payment available to the person (as provided in section 3.12).

If a dwelling which satisfies these standards is not available the District may consider a dwelling which exceeds them.

(d) Decent, Safe and Sanitary.

(1) Housing in sound, clean and weather tight condition, in good repair and adequately maintained, in conformance with the applicable state and local building, plumbing, electrical, housing and occupancy codes or similar ordinances or regulations and which meets the following minimum standards:

(A) Each housekeeping unit shall include a kitchen with a fully usable sink, a stove or connection for a stove, a separate and complete bathroom, hot and cold running water in both bathroom and kitchen, and adequate and safe wiring system for lighting and other electrical services and heating as required by climatic conditions and local codes.

(B) Each non-housekeeping unit shall be in conformance with state and local code standards for boarding houses, hotels and other dwellings for congregate living.

(2) When the term decent, safe and sanitary is interpreted, under local, state or federal law, as establishing a higher standard, the elements of that higher standard, which exceed the provision of paragraph (1) of this subsection; are incorporated herein. A unit which is occupied by no more than the maximum number of people allowed under the State Building Code shall be considered to be in compliance with the occupancy provisions of this subsection.

(e) Displaced Person. Any person who moves from real property, or who moves his or her personal property from real property, either:

(1) As a result of a written notice of intent to acquire by the District or as a result of the acquisition of such real property for public use, in whole or in part, by the District, or as the result of written order from the District to vacate the real property; or

(2) As a result of the rehabilitation, demolition or other displacing activity undertaken by the District of real property on which the person is in lawful occupancy or conducts a business, and the displacement lasts longer than 90 days.

(3) Notwithstanding (1) and (2) above, a displaced person shall not include any of the following:

(A) Any person who has been determined to be in unlawful occupancy of the displacement property as defined in subsection (t).

District Relocation Assistance Act Policy for Real Estate Acquisitions and Leases

(B) Any person who is a post-acquisition occupant of the displacement dwelling, as provided in section 2.3;

(C) Any person who occupied the property for the purpose of obtaining relocation benefits and assistance;

(D) Any occupant of a District-owned dwelling who is required to move pursuant to the terms of a lease or rental agreement that allows the District to move or transfer the occupant to another comparable dwelling;

(E) Any occupant of a District-owned dwelling whose continued occupancy of such dwelling is conditioned upon the occupant being an employee, contractor or consultant of the District who is required to move because of expiration or termination of the occupant's status as an employee, contractor or consultant;

(F) An employee, contractor or consultant occupying a residence or an apartment unit, or any portion thereof, pursuant to a rental agreement with a term of less than ten (10) months, provided the employee, contractor or consultant is not displaced during the term of the rental agreement unless the employee, contractor or consultant is required to move during the term of the rental agreement because of violations of the rental agreement;

(G) A person who is not required to move permanently or temporarily as a result of the District undertaken project as long as they are notified they are not required to move and the project does not impose an unreasonable change in the character or use of the property.

(H) An owner-occupant who moves as a result of an acquisition meeting the requirements of Government Code section 7277.

(f) Dwelling. The place of permanent or customary and usual abode of a person, including a single-family dwelling, a single-family unit in a two-family dwelling, multi-family or multipurpose dwelling, a unit of a condominium or cooperative housing project, a non-housekeeping unit, a mobile home, a recreational vehicle as described in Health and Safety Code Section 18010, or any other residential unit which either is considered to be real property under State law or cannot be moved without substantial damage or unreasonable cost. A residence need not be decent, safe and sanitary to be a dwelling. A second home shall be considered to be a dwelling only for the purpose of establishing eligibility for payment for moving and related expenses (as provided in section 3.6).

(g) Economic Rent. The amount of rent a tenant or homeowner would have to pay for a dwelling similar to the acquired dwelling in a comparable area.

(h) Elderly Household. A household in which the head of household or spouse is 62 years or older.

District Relocation Assistance Act Policy for Real Estate Acquisitions and Leases

(i) Family. Two or more individuals who by blood, marriage, adoption, or mutual consent live together as a family unit.

(j) Farm Operation. Any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

(k) Gross Income. Gross income means the total annual income of an individual, or where a family is displaced total annual income of the parents or adult heads of household, less the following:

(1) A deduction of \$500 for each dependent in excess of three.

(2) A deduction of ten percent (10%) of total income for an elderly or handicapped household.

(3) A deduction for recurring, extraordinary medical expenses, defined for this purpose to mean medical expenses in excess of three percent of total income, where not compensated for or covered by insurance or other sources, such as public assistance or tort recovery.

(4) A deduction of reasonable amounts paid for the care of children or sick or incapacitated family members when determined to be necessary to employment of the head or spouse, except that the amount deducted shall not exceed the amount of income received by the person thus released.

Gross income is divided by twelve to ascertain the average monthly income. Relocation and property acquisition payments are not to be considered as income for the determination of financial means.

(l) Handicapped Household. A household in which any member is handicapped or disabled.

(m) Initiation of Negotiations. The initial written offer made by the District to the owner of real property to be purchased, or the owner's representative. Discussions and/or exchange of documents preceding the making of an offer are not negotiations.

(n) Manufactured Home or Mobilehome. A structure described in Health and Safety Code sections 18007 and 18008.

(o) Mortgage. Such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of, real property, together with the credit instruments, if any, secured thereby.

District Relocation Assistance Act Policy for Real Estate Acquisitions and Leases

(p) Ownership. Holding any of the following interests in a dwelling, or a contract to purchase one of the first six interests:

- (1) A fee title.
- (2) A life estate.
- (3) A 50-year lease.
- (4) A lease with at least twenty (20) years to run from the date of acquisition of the property.
- (5) A proprietary interest in a cooperative housing project which includes the right to occupy a dwelling.
- (6) A proprietary interest in a mobilehome.
- (7) A leasehold interest with an option to purchase.

In the case of one who has succeeded to any of the foregoing interests by devise, bequest, inheritance or operation of law, the tenure of ownership, but not occupancy, of the succeeding owner shall include the tenure of the preceding owner.

(q) Person. Any individual, family, partnership, corporation, limited liability corporation, or association.

(r) Public Use. A use for which property may be acquired by eminent domain.

(s) Tenant. A person who rents or is otherwise in lawful possession of a dwelling, including a sleeping room, which is owned by another.

(t) District. The Las Gallinas Valley Sanitary District and its Board of Directors.

(u) Unlawful Occupancy. A person is considered to be in unlawful occupancy if the person has been ordered to move by a court of competent jurisdiction or if the person's tenancy has been lawfully terminated by the owner for cause, the tenant has vacated the premises, and the termination was not undertaken for the purpose of evading relocation assistance obligations.

1.6 Prior Determinations.

Displacement. The District may not proceed with any phase of a project or other activity which will result in the displacement of any person, business or farm until it makes the following determinations:

District Relocation Assistance Act Policy for Real Estate Acquisitions and Leases

(1) Fair and reasonable relocation payments will be provided to eligible persons as required by Article 3 of this Policy.

(2) A relocation assistance program offering the services described in Article 2 of this Policy will be established.

(3) Eligible persons will be adequately informed of the assistance, benefits, policies, practices and procedures, including grievance procedures, provided for in this Policy.

(4) Based upon recent survey and analysis of both the housing needs of persons who will be displaced and available replacement housing and considering competing demands for that housing, comparable replacement dwellings will be available, or provided, if necessary, within a reasonable period of time prior to displacement sufficient in number, size and cost for the eligible persons who require them.

(5) Adequate provisions have been made to provide orderly, timely, and efficient relocation of eligible persons to comparable replacement housing available without regard to race, color, religion, sex, marital status, or national origin with minimum hardship to those affected.

(6) A relocation plan meeting the requirements of section 2.4 has been prepared.

(b) When the District's action will only result in an insignificant amount of non-residential displacement the District's provision of benefits as required by this Policy and the Act shall constitute compliance with this section.

1.7 Citizen Participation.

(a) All persons who will be displaced, neighborhood groups and any relocation committee shall be given the opportunity and should be encouraged fully and meaningfully to participate in reviewing the relocation plan and monitoring the relocation assistance program.

(b) When a substantial number of persons will be displaced from their dwellings the District shall encourage the residents and community organizations in the displacement area to form a relocation committee. The committee shall include, when applicable, residential owner occupants, residential tenants, business people, and members of existing organizations within the area.

If a substantial number of persons will not be displaced from their dwellings, the District shall at least consult with and obtain the advice of residents and community organizations and make the relocation plan available to such persons and organizations prior to submitting it for approval. (See section 2.4.)

District Relocation Assistance Act Policy for Real Estate Acquisitions and Leases

- (c) At a minimum the District shall guarantee the following: Timely and full access to all documents relevant to the relocation program.

The District may reasonably restrict access to material where its confidentiality is protected by law or its disclosure is prohibited by law.

The District shall ensure that the information in documents the provision of which would result in disclosure of the identity of eligible persons is provided in a manner designed to avoid such disclosure. This obligation to avoid improper disclosure shall not affect the right of the person to which the information relates (or any other person authorized in writing by such person) to inspect such documents.

- (2) The provision of technical assistance necessary to interpret elements of the relocation plan and other pertinent materials.

- (3) The right to submit written or oral comments and objections, including the right to submit written comments on the relocation plan and to have these comments attached to the plan when it is forwarded to the General Manager for approval.

- (4) Prompt, written response to any written objections or criticisms.

1.8 Prerequisite to Displacement. No person shall be displaced until the District has fulfilled the obligations imposed by the Act, the Guidelines and this Policy.

1.9 Remedies.

- (a) If the District has not fulfilled or is not substantially fulfilling its relocation responsibilities, it shall cease displacement until such time as its responsibilities are fulfilled. When appropriate, project implementation shall be suspended or terminated.

- (b) Eligible persons who move without offers of assistance and benefits, after the District was required to offer assistance or benefits, shall be provided such assistance and payments and, when appropriate, compensation for additional costs incurred. The District shall make every effort to identify and locate such persons.

- (c) The District may pay a complainant's attorney's fees and costs when a complainant institutes a successful administrative appeal or judicial action.

ARTICLE 2. RELOCATION ASSISTANCE ADVISORY PROGRAM AND ASSURANCE OF COMPARABLE REPLACEMENT HOUSING

2.1 Purpose. The purpose of this part is to set forth requirements with respect to the development and implementation of a relocation assistance advisory program for the provision of specified services and to prescribe the obligation of the District not to displace or cause the

District Relocation Assistance Act Policy for Real Estate Acquisitions and Leases

displacement of any person from his or her dwelling without adequate notice and unless comparable replacement housing is available.

2.2 Relocation Assistance Advisory Program. The District shall develop and implement a relocation assistance advisory program which satisfies the requirements of the Act, the Guidelines, this Policy and of Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, the Unruh Civil Rights Act, Rumford Act and applicable state and federal anti-discrimination laws. Such program shall be administered so as to provide advisory services which offer maximum assistance to minimize the hardship of displacement and to ensure that (a) all displaced person are relocated into housing meeting the criteria for comparable replacement housing, and (b) all persons displaced from their places of business or farm operations are assisted in reestablishing with a minimum of delay and loss of earnings.

2.3 Eligibility.

- (a) Subject to (b) below, relocation assistance and benefits shall be available to:
- (1) Any displaced person.
 - (2) Subject to Section 3.3, any person who will move from real property or will move his or her personal property from real property, because he or she will be displaced from other real property on which he or she conducts a business or farm operation.
 - (3) Any displaced person who moves from real property as a result of its acquisition by the District for public use whether the move is voluntary or involuntary.
 - (4) Any displaced person who, following the initiation of negotiations by the District, moves as the result of the pending acquisition of the property for public use.
 - (5) Any displaced person who moves as the result of pending acquisition, rehabilitation or demolition by the District either following receipt of a Notice of Intent to Displace (see section 3.4) or as a result of inducement or encouragement by the District.
- (b) (1) Post-acquisition tenants, those who lawfully occupy property only after the District acquires it, are not eligible for assistance and benefits other than advisory assistance to the extent determined by the District. The District shall inform post-acquisition tenants regarding the projected date of displacement and, periodically, should inform post-acquisition tenants of any changes in this projection.
- (2) When the displacement of a post-acquisition tenant causes a hardship for the person because of a critical housing shortage, age, handicap, infirmity, lack of financial means or other circumstance, the District shall provide relocation advisory assistance and, may in its discretion, provide other financial relocation benefits.

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(3) Where the District, on property it owns, is making housing available on a permanent basis, a post-acquisition tenant who moves as the result of a written order from the District to vacate is eligible for relocation assistance and benefits if the order to vacate is related to a plan to demolish, rehabilitate or change the use of such units unless the occupant was informed of the District's plans to demolish, rehabilitate or change the use of the property prior to taking occupancy of the property. Housing provided to employees, contractors or consultants is not provided on a permanent basis when such housing is provided contingent upon the occupant maintaining his or her status as an employee, contractor or consultant of the District.

2.4 Relocation Plan.

(a) As soon as possible following the initiation of negotiations and prior to proceeding with any phase of a project or other activity that will result in displacement, the designated District staff or consultant(s) shall prepare a Relocation Plan and submit it for approval to the General Manager of the District or his or her designee. When the District's action will only result in an insignificant amount of non-residential displacement the District shall provide benefits as required by this Policy and the Act without compliance with this section.

For residential projects of 15 or fewer households, the District may complete the Model Relocation Plan HCD-832 (new), for compliance with the planning requirements of this section.

(b) A Relocation Plan shall include the following:

(1) A diagrammatic sketch of the project area.

(2) Projected dates of displacement.

(3) A written analysis of the aggregate relocation needs of all persons to be displaced (as required by section 2.9) and a detailed explanation as to how these needs are to be met.

(4) A written analysis of relocation housing resources (as required by section 2.11).

(5) A detailed description of the relocation advisory services program, including specific procedures for locating and referring eligible persons to comparable replacement housing.

(6) A description of the relocation payments to be made (pursuant to Article 3) and a plan for disbursement.

(7) A cost estimate for carrying out the plan and identification of the source of the necessary funds.

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- (8) A detailed plan by which any last resort housing (as described in section 2.12 and Article 4) is to be built and financed.
 - (9) A standard information statement to be sent to all persons who will be permanently displaced (as required by section 2.8).
 - (10) Temporary relocation plans, if any.
 - (11) A description of relocation office operation procedures.
 - (12) Plans for citizen participation.
 - (13) An enumeration of the coordination activities undertaken (pursuant to section 2.11).
 - (14) The comments of the relocation committee, if any (pursuant to section 1.7).
 - (15) A written determination by the District that the necessary resources will be available as required.
- (c) In the event of delay of more than one year in the implementation of the relocation program, the plan shall be updated prior to implementation of that program.
- (d) Copies of the plan shall be submitted for review to the relocation committee 30 days prior to submission for approval. Copies shall be available to the public upon request. A copy of the final relocation plan shall be forwarded to the California Department of Housing and Community Development.

General notice of the plan shall be provided. Notice shall be designed to reach the occupants of the property and shall be in accordance with the provisions of paragraph 2.8(a)(3) and subsection 2.8(b); and it shall be provided 30 days prior to submission of the Plan to the General Manager or his or her designee for approval.

2.5 Minimum Requirements of Relocation Assistance Advisory Program.

(a) Each relocation assistance advisory program undertaken pursuant to this Article shall include, at a minimum, such measures, facilities or services as may be necessary or appropriate in order to:

- (1) Fully inform eligible persons under this Article within 60 days following the initiation of negotiations but not later than the close of escrow on the property, for a parcel as to the availability of relocation benefits and assistance and the eligibility requirements therefore, as well as the procedures for obtaining such benefits and assistance, in accordance with the requirements of section 2.8.

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- (2) Determine the extent of the need of each such eligible person for relocation assistance in accordance with the requirements of section 6048.
- (3) Assure eligible persons that within a reasonable period of time prior to displacement there will be available comparable replacement housing, meeting the criteria described in section 1.5(c), sufficient in number and kind for and available to such eligible persons.
- (4) Provide current and continuing information on the availability, prices, and rentals of comparable sales and rental housing, and of comparable commercial properties and locations, and as to security deposits, closing costs, typical down payments, interest rates, and terms for residential property in the area.
- (5) Assist each eligible person to complete applications for payments and benefits.
- (6) Assist each eligible, displaced person to obtain and move to a comparable replacement dwelling. Only adequate inspection will insure that a particular unit meets this standard. If a displaced person occupies a unit to which he or she is referred by the District and the unit does not satisfy the comparable replacement dwelling standard, the District has not fulfilled its obligations to assist the displaced person to obtain such a dwelling. Whenever this occurs the District shall offer to locate such a dwelling for the displaced person and to pay again all moving and related expenses. If the displaced person chooses not to move from the unit that he or she occupied following referral, the District shall not assert that he or she is ineligible to receive relocation assistance and benefits on the basis of that unit's failure to satisfy the comparable replacement dwelling standard.
- (7) Assist each eligible person displaced from his or her business or farm operation in obtaining and becoming established in a suitable replacement location.
- (8) Provide any services required to insure that the relocation process does not result in different or separate treatment on account of race, color, religion, national origin, sex, marital status, familial status, or any basis protected by state or federal antidiscrimination laws, or any other arbitrary circumstances.
- (9) Supply to such eligible persons information concerning federal and state housing programs, disaster loan and other programs administered by the Small Business Administration, and other federal or state programs, offering assistance to displaced persons.
- (10) Provide other advisory assistance to eligible persons in order to minimize their hardships. It is recommended that, as needed, such assistance include counseling and referrals with regard to housing, financing, employment, training, health and welfare, as well as other assistance.

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(11) Inform all persons who are expected to be displaced about the eviction policies to be pursued in carrying out the project, which policies shall be in accordance with the provisions of section 2.14.

(b) Relocation Office. When a substantial number of persons will be displaced and the relocation staff's office is not easily accessible to those persons, the District may establish at least one appropriately equipped site office which is accessible to all the area residents who may be displaced and is staffed with trained or experienced relocation personnel. Office hours should be scheduled to accommodate persons unable to visit the office during normal business hours.

2.6 Replacement Housing Prior to Displacement; Notices To Displaced Persons.

(a) No eligible person shall be required to move from his or her dwelling unless within a reasonable period of time prior to displacement comparable replacement dwellings (as defined in subsection 1.5(c)) or, in the case of a temporary move (as defined in section 2.7), adequate replacement dwellings (as defined in subsection (b) below) are available to such person.

(b) The criteria for adequate replacement dwellings are in all respects identical to those for comparable replacement dwellings, except that an adequate replacement dwelling, with respect to the number of rooms, habitable living space and type of construction, need be only adequate not comparable.

(c) Reasonable Offer of Replacement Housing. The requirements of this section shall be deemed to have been satisfied if a person is offered and refuses without justification reasonable choices of specifically identified comparable replacement dwellings which fully satisfy the criteria set forth in this Policy. The offers shall be in writing, in a language understood by the displaced person. The number of offers determined to be reasonable should be not less than three.

(d) Notice. No eligible person occupying property shall be required to move from a dwelling or to move a business or farm operation, without at least 90 days written notice from the District. The District shall notify each individual tenant to be displaced as well as each owner-occupant. (These requirements are in addition to those contained in sections 2.5 and 2.8.)

(e) Waiver. The requirement in subsection (a) above may be waived only when immediate possession of real property is of crucial importance and in the case of one of the following circumstances:

(1) When displacement is necessitated by a major disaster as defined in Section 102(2) of the Hazard Mitigation and Relocation Assistance Act of 1993 (42 U.S.C. 5121) and/or the California Natural Disaster Assistance Act.

(2) During periods of declared national or state emergency.

2.7 Temporary Move.

(a) General.

(1) The District shall minimize to the greatest extent feasible the use of temporary relocation resources (as defined in section 2.6), but, when a project plan anticipates moves back into completed project accommodations, temporary relocation resources may be used, at the displaced person's election for a limited period of time.

(2) Temporary relocation does not diminish the District's responsibility to provide relocation assistance, services and benefits designed to achieve permanent relocation of displaced persons into comparable replacement dwellings.

(b) Requirements.

(1) Temporary replacement housing may not be relied upon if comparable replacement housing will not be available to the displaced person within twelve (12) months of the date of the temporary move.

(2) Prior to the move, the District shall have determined and have provided written assurance to each displaced person that:

(A) Comparable replacement housing will be made available at the earliest possible time but in any event no later than twelve (12) months from the date of the move to temporary housing. Temporarily housed persons may agree to extend the twelve (12) month limitation but, if they do not, the District shall ensure that comparable replacement dwellings are available within the twelve (12) month period.

(B) Comparable replacement housing will be made available, on a priority basis, to the individual or family who has been temporarily rehoused.

(C) The move to temporary housing will not affect a claimant's eligibility for a replacement housing payment nor deprive him or her of the same choice of replacement housing units that would have been made available had the temporary move not been made and the costs of a temporary move will not be considered as all or a part of the relocation payments to which a displaced person is entitled.

(D) If a project plan anticipates moves back into replacement housing accommodations in the project or program area, the person who has been temporarily displaced will be given priority opportunity to obtain such housing accommodations.

(E) The District will pay all costs in connection with the move to temporary housing, including increased housing costs.

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2.8 Information Program.

(a) Basic Requirements. The District shall establish and maintain an information program that provides for the following:

(1) Preparation and distribution of informational material as early as practicable, to each occupant of the property. This material shall be distributed within 60 days following the initiation of negotiations and not less than 90 days in advance of displacement except for those situations described in subsection 2.6(c). Where appropriate, separate informational statements shall be prepared for residential and for non-residential occupants.

(2) Conducting personal interviews and maintaining personal contacts with occupants of the property to the maximum extent practicable.

(3) Utilizing meetings, newsletters, and other mechanisms, including local media available to all persons, for keeping occupants of the property informed on a continuing basis. The criterion for selecting among various alternatives shall be the likelihood of actually communicating information to such persons. Legal publications, legal ads in local newspapers of general circulation and similar means which may go unnoticed are deemed to be inadequate.

(b) Language. Informational material should be prepared in the language(s) most easily understood by the recipients. In displacement areas where there are significant concentrations of persons who do not read, write, or understand English fluently, the native language of the people should be used and all information material should be provided in the native language(s) and English.

(c) Method of Delivery. To assure receipt of the informational material, the District should arrange to have the material either hand-delivered to each occupant of the property with a request for a written receipt, or sent by certified mail, return receipt requested.

(d) General and Specific Information. In addition to disseminating general information of the type described in this section, the District shall also provide each person with individual, written notification as soon as his or her eligibility status has been established.

(e) Content of Informational Statement. Attachment A identifies the kinds of information required to be included in statements distributed to occupants of the property.

2.9 Survey and Analysis of Relocation Needs.

(a) Requirement. Immediately following the initiation of negotiations the University shall interview all eligible persons, business concerns, including nonprofit organizations, and farm operations to obtain information upon which to plan for housing and other accommodations, as well as counseling and assistance needs.

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(1) Coordination with Other Agencies. Other agencies may also be conducting surveys in the area at the same time. Coordination will be necessary to avoid duplication and to ensure that necessary information is available at the appropriate time. Surveys utilized to gather data for social service referrals should be planned in cooperation with social service agencies and a referral system should be established.

(2) Information to Persons To Be Displaced. The District shall carefully explain and discuss fully with each person interviewed the purpose of the survey and the nature and extent of relocation payments and assistance that will be made available. All persons shall be advised and encouraged to visit the relocation office for information and assistance.

(3) Relocation Records. Based on information obtained during the survey and other sources as applicable, the District shall prepare and maintain an accurate relocation record for each person to be displaced. The record shall contain a description of the pertinent characteristics of the persons to be displaced and the assistance deemed to be necessary.

(b) The survey shall be by direct, personal interview, except where repeated efforts indicate that is not possible. When a person cannot be interviewed or the interview does not produce the information to be obtained, reasonable efforts shall be made to obtain the information by other means. Eligible persons should be encouraged to bring any change in their needs to the attention of relocation officials. The survey shall be updated at least annually.

(c) The District shall endeavor to obtain the following information: income; whether a person is elderly or handicapped; size of family; age of children; location of job and factors limiting accessibility; area of preferred relocation; type of unit preferred; ownership or tenant preference; need for social and public services, special schools and other services; eligibility for publicly assisted housing; and with reference to the present dwelling, the rent, the type and quality of construction, the number of rooms and bedrooms, the amount of habitable living space, and locational factors including among others public utilities, public and commercial facilities (including transportation and schools) and neighborhood conditions (including -municipal services). Other matters that concern a household as its members contemplate relocation should also be included.

(d) A written analysis of relocation housing needs shall be prepared. It shall be prepared in sufficient detail to enable determination of the availability for all potential displacees of housing which meets the standards set forth in the definition of comparable replacement housing.

The information concerning homeownership and rental units shall be provided separately. The number of units needed shall be identified by cost for each size category. The needs of elderly and handicapped households shall be shown separately and shall include information on the number of such households requiring special facilities and the nature of such facilities. The statement of relocation housing needs shall include a description of the locational characteristics of the displacement area neighborhoods corresponding to the requirements of comparable

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replacement housing. Information shall be provided concerning proximity to present employment sources, medical and recreational facilities, parks, community centers, shopping, transportation and schools. Information concerning proximity to other relevant needs and amenities is essential to ensuring that no residents are incapacitated by the relocation and such information also should be provided.

2.10 Failure to Conduct Timely and Effective Survey. When a survey is not conducted in a timely and effective manner, the District shall be obligated to make every effort to locate all eligible persons who have moved so that their needs can be included in the survey and the impact on the housing stock in the community can be more accurately determined. The District shall offer such persons all relocation assistance and benefits for which they otherwise qualify and, in addition, shall compensate such persons for all costs occasioned by the District's failure to provide timely notice and offers of relocation assistance and benefits.

2.11 Survey and Analysis of Available Relocation Resources.

(a) To enable the District reasonably to determine that the requisite comparable replacement dwellings will be available, the District, within 60 days following the initiation of negotiations, shall initiate a survey and analysis of available comparable relocation resources. If a recent survey that provides the information identified in this section is not available, the District shall conduct a survey and analysis of the housing market. If a recent survey is available, but it does not reflect more recent, significant changes in housing market conditions, the survey shall be updated or it shall not be relied upon.

When more than 15 households will be displaced, survey results shall be submitted for review to local housing, development and planning agencies and shall be compared to other existing information on housing availability.

The survey shall be updated at least annually.

(b) The survey area shall be reasonably related to the displacement area and to the needs and preferences of the persons to be displaced, as indicated in the written analysis prepared pursuant to this section 2.11. The survey area shall have relevant characteristics (see subsection 1.5(c)) which equal or exceed those of the neighborhood from which persons are to be displaced.

(c) A written analysis of relocation housing resources shall be prepared in sufficient detail to enable determination of the availability for all potential displacees of housing which meets the standards set forth in the definition of comparable replacement housing.

The information concerning homeownership and rental units shall be provided separately. The number of units available shall be identified by cost for each size category. Resources available to meet the needs of elderly and handicapped households shall be shown separately and shall include information on the number of units with special facilities and the nature of such facilities.

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The analysis of resources shall include a description of the locational characteristics of the survey area neighborhoods corresponding to the requirements of comparable replacement housing. Information shall be provided concerning proximity to present employment sources (with the consent of the displaced person a potential employer may be substituted), medical and recreational facilities, parks, community centers, shopping, transportation and schools.

Information concerning proximity to other relevant needs and amenities is essential to ensuring that residents are not incapacitated by the relocation and such information should also be provided.

(d) (1) Units which do not satisfy the standards of comparable replacement housing, including the locational criteria, shall not be counted as a relocation resource.

(2) Uncompleted new construction or rehabilitation shall not be included in the gross figure unless there is a substantial likelihood that the units will be available when needed and at housing or rental costs within the financial means of the prospective occupants.

(3) In addition to the other requirements of this section, the gross figure representing the number of units available shall be discounted to reflect both concurrent displacement and the extent to which turnover is represented. Concurrent displacement by the federal government and its agencies, including federally-assisted projects, as well as displacement by other public entities shall be taken into account. Turnover is the dynamic operation by which occupancy changes occur within a standing inventory over a period of time and theoretically could occur in the complete absence of vacancies on a person to person basis. The use of turnover for relocation is not permissible. The displacing entity shall assume that four percent of the rental and one percent of the ownership units which meet the standards of comparable replacement dwellings (see section 1.5(c)) represents turnover. The District shall use a higher percentage figure if such figure is more accurate. The District may use a lower figure if it establishes that the lower figure is a more accurate assumption.

(1) Publicly subsidized housing, including public housing, shall not be counted as a resource unless it reasonably can be established that:

(A) The units will be available when needed;

(B) The governmental body providing the subsidy has made, in writing, a reasonably binding commitment of assistance; and

(C) The units have been inspected and determined to be decent, safe and sanitary and the income ceilings, rent ranges and age restrictions, if any, have been considered.

(D) The number of units available in the community exceeds the number of households in need of the units.

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Uncompleted new construction or rehabilitation which is subsidized by public funds shall not be counted as a relocation resource unless the units are being subsidized to provide relocation resources.

2.12 Last Resort Housing.

(a) No eligible person shall be required to move from his or her dwelling because of the action of the District unless comparable replacement housing is available to him or her.

(b) If on the basis of its survey and analysis of relocation needs and resources the District cannot determine that comparable replacement housing will be available as required, the District may not proceed with any phase of a project or other activity which will result in displacement unless it provides such housing. (See Article 4.)

(c) If the action of the District has resulted or is resulting in displacement and comparable replacement housing is not available as needed, the District shall use its funds, or funds authorized for the project to provide such housing (see Article 4), or shall terminate or suspend further implementation of the project activity in accordance with the provisions of section 1.9.

(d) Temporary relocation resources may be relied upon in the interim only if the provisions of section 2.7 are satisfied.

2.13 Termination of Relocation Assistance. The District's relocation obligations cease under the following circumstances:

(a) A displaced person moves to a comparable replacement dwelling and receives all assistance and payments to which he or she is entitled.

(b) The displaced person moves to substandard housing, refuses reasonable offers of additional assistance in moving to decent, safe and sanitary replacement dwelling and receives all payments to which he or she is entitled.

(c) All reasonable efforts to trace a person have failed. To ensure that the action of the District do not reduce the housing supply in critical categories or locations, unsuccessful efforts to trace a particular displaced person shall not lessen the obligation to provide last resort housing (See Article 4.)

(d) The business concern or farm operation has received all assistance and payments to which it is entitled and has been successfully relocated or has ceased operations.

(e) A person displaced from his or her dwelling, business or farm refuses reasonable offers of assistance, payments and comparable replacement housing.

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2.14 Eviction.

(a) Eviction is permissible as a means of terminating occupancy of a property that must be vacated in order to carry out a District project only as a last resort. Eviction in no way affects the eligibility of evicted displaced persons for relocation payments except that persons who are determined to be in unlawful occupancy (see Section 1.5(t)) are not eligible for relocation assistance or relocation benefits. Relocation records must be documented to reflect the specific circumstances surrounding the eviction.

(b) Eviction shall be undertaken only for one or more of the following reasons:

(1) Failure to pay rent, except in those cases where the failure to pay is due to the lessor's failure to keep the premises in habitable condition, is the result of harassment or retaliatory action or is the result of discontinuation or substantial interruption of services.

(2) Performance of a dangerous, illegal act in the unit.

(3) Material breach of the rental agreement and failure to correct breach within 30 days of notice.

(4) Maintenance of a nuisance and failure to abate within a reasonable time following notice.

(5) The eviction is undertaken only after a displaced person has refused to accept one of a reasonable number of offers of replacement dwellings.

(6) The eviction is required by State or local law and cannot be prevented by reasonable efforts on the part of the District.

2.15 Evaluation of Relocation.

(a) The operational unit of the District that undertakes relocation activity is encouraged to evaluate its relocation program, assessing the quality and quantity of services provided as well as displacee satisfaction, to determine the adequacy of program planning and to ascertain whether any persons have been denied the full benefits and services to which they are entitled. The evaluation should be based upon an annual or continual inspection of files and records, case interviews and inspection of replacement housing and business and farm replacement locations and discussions with local individuals or organizations familiar with relocation issues. A written evaluation should be prepared at least annually, provided, however, if the District or an operational unit has not undertaken any relocation activities in the previous year, no annual review is expected.

(b) The files and records of displaced persons and property owners should be selected at random. The review should include any cases that were identified by previous monitoring as

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requiring corrective action and should assess the District's progress in taking corrective action. Both relocation and acquisition activities should be covered by the review.

(1) The relocation sample should include cases in which all payments have been completed and cases in which the person has been displaced but all payments have not yet been made. The sample should provide a basis for the reviewer to determine not only whether payments were computed properly and made promptly, but also whether displaced persons received proper notice of the full range of relocation assistance and services to which they are entitled. Priority attention should be given to cases in which a grievance has been filed or the District has determined that a person is ineligible for relocation benefits.

(2) The acquisition sample should be based on cases in which settlement has been completed. However, if necessary to provide a representative sample of acquisition activities, the reviewer should include incomplete transactions in which negotiations have been initiated.

(c) After the records and files have been reviewed, the reviewer should select cases for further evaluation through personal interviews with displaced persons and/or owners and the inspection of housing to which persons have moved. The interviews and housing inspections should serve both to spot check the accuracy of the information obtained in the examination of the records and files and give the reviewer a better perspective on the District's performance.

The number and type of cases for which interviews and housing inspections are to be carried out should reflect the reviewer's judgment based on the information he or she has just reviewed.

Generally, an interview and inspection should be carried out for at least one of every five cases for which the files and records have been reviewed. Only where the number of persons displaced is less than 25 should the number of interviews and inspections be less than 10.

In no case should the number of interviews and inspections be lower than the lesser of five and the number of persons displaced. To the extent possible, the interviews should cover a representative cross section of the types of cases in the District's workload: e.g., relocation cases involving families of various sizes as well as individuals and business concerns (including both owners and tenants), and acquisition transactions involving residential, commercial and industrial properties.

(d) In addition to the above, the following factors are among those which should be considered:

(1) The effectiveness of efforts to provide relocation services to displaced persons, including timeliness of notice and correctness of eligibility determinations.

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- (2) The satisfaction of relocated families, individuals and business concerns in their new locations.
- (3) The extent to which self-moves to substandard housing have been minimized.
- (4) The effectiveness of efforts to provide relocation services to business concerns, including counseling services and SBA loans to aid in their reestablishment.
- (5) The promptness of processing claims and the making of payments, including the amounts, delivery, and use of relocation payments.
- (6) The number and magnitude of rent increases following acquisition and displacement.
- (7) The effectiveness of methods used to resolve difficulties experienced by site occupants.
- (8) The effectiveness of the District's grievance procedures.
- (9) The extent of resident involvement in planning the relocation program.
- (10) The effectiveness in assuring equal opportunity for displaced persons and in reducing patterns of minority-group concentration.
- (11) The effectiveness of relocation in upgrading the housing and overall environmental conditions of persons displaced.
- (12) The effectiveness of the social service program, including counseling services, in helping residents adjust to relocation and in helping solve individual and family problems.
- (13) The impact on those segments of the housing market serving the income groups displaced.

ARTICLE 3. RELOCATION PAYMENTS

3.1 Purpose. The purpose of this Article is to set forth the types of, and specific eligibility criteria for, relocation payments to displaced persons. Basic eligibility conditions are set forth in section 3.3. Specific conditions relating to particular payments are described in later sections.

3.2 Relocation Payment by the District. The District shall make relocation payments to or on behalf of eligible displaced persons in accordance with and to the full extent permitted by this Article. The obligations described in this Article are in addition to those in Article 6.

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3.3 Basic Eligibility Conditions. A person establishes basic eligibility for relocation payments if he or she satisfies the conditions described in section 2.3. A person who moves from real property or who moves his or her personal property from real property because he or she will be displaced from other real property on which he or she conducts a business or, farm operation, establishes eligibility on the basis of the move from such other property only for payments made pursuant to section 3.6.

3.4 Notice of Intent to Displace. The District may issue a written Notice of Intent to Displace at any time after forming a reasonable expectation of acquiring real property. Such a notice, by establishing eligibility prior to acquisition, will enable the District to respond to hardship and other situations.

3.5 Filing of Claims; Submission of Tax Returns. All claims filed with the District shall be submitted within eighteen (18) months of the date on which the claimant receives final payment for the property or the date on which he or she moves, whichever is later. The District may extend this period upon a proper showing of good cause. Except where specifically provided otherwise a claimant shall not be required to submit a copy of his or her tax returns in support of a claim for relocation payments.

3.6 Actual Reasonable Moving Expenses.

(a) General. The District shall make a payment to a displaced person who satisfies the pertinent eligibility requirements of section 3.3 and the requirements of this section, for actual reasonable expenses specified below and subject to the limitations set forth in subsection (c) of this section for moving himself or herself, his or her family, business, farm operation or other personal property. In all cases the amount of a payment shall not exceed the reasonable cost of accomplishing the activity in connection with which a claim has been filed.

The moving and related expenses for which claims may be filed shall include:

- (1) Transportation of persons and property not to exceed a distance of 50 miles from the site from which displaced, except where relocation beyond such distance of 50 miles is reasonably necessary;
- (2) Packing, crating, unpacking and uncrating personal property;
- (3) Such storage of personal property, for a period generally not to exceed twelve (12) months, as determined by the District to be necessary in connection with relocation;
- (4) Insurance of personal property while in storage or transit; and
- (5) The reasonable replacement value of property lost, stolen or damaged (not through the fault or negligence of the displaced person, his or her agent, or employee) in the

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process of moving, where insurance covering such loss, theft or damage is not reasonably available.

(6) The cost of disconnecting, dismantling, removing, reassembling, reconnecting and reinstalling machinery, equipment or other personal property (including goods and inventory kept for sale) not acquired by the District, including connection charges imposed by public utilities for starting utility service.

(b) **Actual Reasonable Moving Expenses - Displaced Business Concerns and Farm Operations.** In addition to those compensable expenses set forth in subsection (a) of this section, a displaced business concern or farm operation may file a claim for the following moving and related expenses:

(1) The cost, directly related to displacement of modifying the machinery, equipment, or other personal property to adapt it to the replacement location or to utilities available at the replacement location or modifying the power supply.

(2) Claims for payment under this subsection shall be subject to the following limitations:

(A) Reimbursable costs shall be reasonable in amount.
(B) The cost could not be avoided or substantially reduced at an alternate available and suitable site to which the business was referred.

(C) The cost of any license, permit or certification required by a displaced business concern to the extent such cost is necessary to the reestablishment of its operation at a new location.

(3) The reasonable cost of any professional services (including but not limited to, architects', attorneys', or engineers' fees, or consultants' charges) necessary for planning the move of personal property, moving the personal property, or installation of relocated personal property at the replacement site.

(4) Where an item of personal property which is used in connection with any business or farm operation is not moved but is replaced with a comparable item, reimbursement in an amount not to exceed (x) the replacement cost, minus any net proceeds received from its sale, or (y) the estimated cost of moving, whichever is less.

(c) **Advance Payments.** A displaced person may be paid for his or her anticipated moving expenses in advance of the actual move. The District shall provide advance payment whenever later payment would result in financial hardship. Particular consideration shall be given to the financial limitations and difficulties experienced by low and moderate income persons and small farm and business operations.

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(d) Other Reasonable Arrangements. The specific provisions contained in this section are not intended to preclude the District's reliance upon other reasonable means of effecting a move, including contracting moves and arranging for assignment of moving expense payments by displaced persons.

(e) Self-moves. Without documentation of moving expenses actually incurred, a displaced person electing a self-move may submit a claim for his or her moving expenses to the District in an amount not to exceed an acceptable low bid or an amount acceptable to the District.

(f) Personal Property of Low Value and High Bulk - Business or Farm Operation. Where, in the judgment of the District, the cost of moving any item of personal property of low value and high bulk which is used in connection with any business or farm operation would be disproportionate in relation to its value, the allowable reimbursement for the expense of moving such property shall not exceed the difference between the cost of replacing the same with a comparable item available on the market and the amount which would have been received for such property on liquidation. This provision may in appropriate situations be applied to claims involving the moving of junkyards, stockpiles, sand, gravel, minerals, metals and similar property.

(g) Documentation in Support of a Claim.

(1) General. Except in the case of a displaced person conducting a self-move as provided in subsection (e) above, a claim for a payment under this section shall be supported by a bill or other evidence of expenses incurred. By prearrangement between the District, the site occupant, and the mover, evidenced in writing, the claimant or the mover may present an unpaid moving bill to the District, and the District may pay the mover directly

(2) Business and Farm Operations. Each claim in excess of \$1,000 for the costs incurred by a displaced person for moving his or her business or farm operation shall be supported by competitive bids in such number as are practical. If the District determines that compliance with the bid requirement is impractical or if estimates in an amount of less than \$1,000 are obtained, a claim may be supported by estimates in lieu of bids.

(h) Public Utilities Exemption. Whenever the District must pay the actual cost of moving a displaced person, the costs of such move shall be exempt from regulations by the Public Utilities Commission as provided by section 7262 (e) of the Act. The District may solicit competitive bids from qualified bidders for performance of the work. Bids submitted in response to such solicitations shall be exempt from regulation by the Public Utilities Commission.

(i) (1) Reestablishment Expenses. In addition to moving expense payments, a farm, nonprofit organization or small business of not more than 500 employees, shall be entitled to actual and reasonable reestablishment expenses, not to exceed \$10,000.00.

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Reestablishment expenses shall be only those expenses that are reasonable and necessary and include, but are not limited to:

(A) Repairs or improvements to the replacement property as required by Federal, State or local law, code or ordinance.

(B) Modifications to the replacement property to accommodate the business operation or make replacement structures suitable for conducting the business.

(C) Construction and installation costs for exterior signing to advertise the business.

(D) Provision of utilities from right-of-way to improvements on the replacement site.

(E) Redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint, paneling or carpeting.

(F) Licenses, fees and permits when not paid as part of moving expenses.

(G) Feasibility surveys, soil testing and marketing studies.

(H) Advertisement of replacement location.

(I) Professional services in connection with the purchase or lease of a replacement site.

(J) Estimated increased costs of operation during the first two (2) years at the replacement site for items including but not limited to:

1. Lease or rental charges,
2. Personal or real property taxes,
3. Insurance premiums, and
4. Utility charges, excluding impact fees.

(K) Impact fees or one-time assessments for anticipated heavy usage.

(L) Other items essential to the reestablishment of the business.

(M) For purposes of this subsection the term "small business" shall mean a business having not more than 500 employees working at the site being acquired or

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displaced by a program or project, which site is the location of economic activity. Sites occupied solely by outdoor advertising signs, displays, or devices do not qualify as a small business for purposes of this subsection.

(2) Ineligible expenses. The following is a nonexclusive listing of reestablishment expenditures not considered to be reasonable, necessary, or otherwise eligible:

(A) Purchase of capital assets, such as, office furniture, filing cabinets, machinery, or trade fixtures.

(B) Purchase of manufacturing materials, production supplies, product inventory, or other items used in the normal course of the business operation.

(C) Interior or exterior refurbishment at the replacement site which are for aesthetic purposes, except as provided in paragraph (i)(1)(E) of this section.

(D) Interest on money borrowed to make the move or purchase the replacement property.

(E) Payment to a part-time business in the home which does not contribute materially to the household income.

3.7 Actual Direct Losses of Tangible Personal Property.

(a) General. The District shall make a payment to a displaced person who satisfies the eligibility requirements of section 3.3 and this section, for actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation, in an amount determined by the District to be in accordance with the provisions of this section.

(b) Determining Actual Direct Loss of Property. Actual direct loss of property shall be determined on the basis of the lesser of the following:

(1) The fair market value of the property for continued use at its location prior to displacement.

(2) The estimated reasonable costs of relocating the property. The District may require that the owner first make a bona fide effort to sell the property or it may permit the owner not to do so. The proceeds realized from any sale of all or part of the property shall be deducted from the determination of loss. In calculating payment under this section the reasonable cost of an effort to sell shall be added to the determination of loss.

(c) Documentation to Support Claim. A claim for payment hereunder shall be supported by written evidence of loss which may include appraisals, certified prices, bills of sale, receipts, canceled checks, copies of advertisements, offers to sell, auction records, and other

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records appropriate to support the claim or the District may agree as to the value of the property left in place.

3.8 Actual Reasonable Expenses in Searching for a Replacement Business or Farm. A displaced person who satisfies the pertinent eligibility requirements of section 3.6 with respect to actual reasonable moving expenses, shall be eligible for a payment in an amount not to exceed \$1,000.00, in searching for a replacement business or farm, including expenses incurred for:

- (a) Transportation;
- (b) Meals and lodging away from home;
- (c) Time spent in searching, based on the hourly wage rate of the salary or earnings of the displaced person or his representative; and
- (d) Fees paid to a real estate agent or broker to locate a replacement business or farm.

3.9 Moving Expenses - Outdoor Advertising Businesses. A displaced person who conducts a lawful activity primarily for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of outdoor advertising displays is entitled to payment for the reasonable cost of moving such displays or their in-place value, whichever is lesser.

3.10 Alternate Payments - Individuals and Families. A person or family, who is displaced from a dwelling and is eligible for a payment for actual reasonable moving expenses under section 3.6 may elect to receive and shall be paid, in lieu of such payment a moving expense and dislocation allowance determined in accordance with established Federal Highway Administration schedules maintained by the California Department of Transportation.

3.11 Alternate Payments - Businesses and Farm Operations.

- (a) General.

(1) A person who is displaced from his or her place of business or farm operation and is eligible for payments under sections 3.6, 3.7, 3.8 and 3.9 complies with the requirements of this section, may elect to receive and shall be paid, in lieu of such payments, a payment equal to the average annual net earnings of the business or farm operation (but not including a business as described in section 3.9) as determined in accordance with subsection (b) below, except that such payment shall be not less than \$1,000.00 nor more than \$20,000.00. For purposes of this section, the dollar limitation specified in the preceding sentence shall apply to a single business, regardless of whether it is carried on under one or more legal entities.

(2) Loss of Goodwill. When payment under this section will precede settlement of a claim for compensation for loss of goodwill under the Eminent Domain Law, the District, before tendering payment shall state in writing what portion of the payment, if any, is

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considered to be compensation for loss of goodwill and shall explain in writing that any payment made pursuant to Code of Civil Procedure, Section 1263.510 et seq. will be reduced in the same amount. The portion considered to be compensation for loss of goodwill shall not exceed the difference between the payment made under this section and an amount which reasonably approximates the payments for which the displaced person otherwise would be eligible under Section 3.6, 3.7, 3.8 and 3.9. Failure to provide such written statement and explanation shall constitute a conclusive indication that no portion of the payment is considered to be compensation for loss of goodwill for the purposes of that portion of the Code of Civil Procedure referenced above.

(b) Requirements - Businesses. Payment shall not be made under this section unless the District determines all of the following to be true:

- (1) The business is not operated solely for rental purposes;
- (2) The business cannot be relocated without a substantial loss of its existing patronage, based on a consideration of all pertinent circumstances including such factors as the type of business conducted, the nature of clientele, the relative importance to the displaced business of its present and proposed location, and the availability of a suitable relocation site;
- (3) The business is not part of a commercial enterprise that operates at least three (3) other establishments which are not being acquired for a project and which are engaged in the same or similar business.
- (4) The displaced business:

(A) Had average annual gross receipts of at least \$5,000.00 during the two taxable years prior to displacement; or

(B) The displaced business had average annual net earnings of a least \$1,000.00 during the two taxable years prior to displacement; or

(C) The displaced business contributed at least 33 1/3 percent of the total gross income of the owner(s) during each of the two taxable years prior to displacement. If in any case the District determines that the two year period prior to displacement is not representative of average receipts, earnings or income, it may make use of a more representative period.

(D) If the application of the above criteria creates an inequity or hardship, the District may use other criteria as permitted in 49 CFR 24.306.

No payment shall be made under this Section, when the sole remaining facility of a business which has been displaced from its principal location: (i) has been in operation for less than two years; or (ii) has had average annual gross receipts of less than \$2,000.00 during the two taxable years prior to displacement of the major component of the business; or (iii) has had

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average annual net earnings of less than \$1,000.00 during the two taxable years prior to the displacement of the principal location of the business. Such a remaining facility will not be considered another "establishment" for purposes of this Section.

(c) Determination of Number of Businesses. In determining whether one or more legal entities, all of which have been acquired, constitute a single business, the following factors among others shall be considered:

- (1) The extent to which the same premises and equipment are shared.
- (2) The extent to which substantially identical or intimately interrelated business functions are pursued and business and financial affairs are commingled.
- (3) The extent to which such entities are held out to the public, and to those customarily dealing with such entities, as one business.
- (4) The extent to which the same person or closely related persons own, control or manage the affairs of the entities.

(d) Requirements - Farms. In the case of a farm operation, no payment shall be made under this section unless the District determines that the farm met the definition of a farm operation prior to its acquisition. If the displacement is limited to only part of the farm operation, the operator will be considered to have been displaced from a farm operation if: the part taken met the definition of a farm operation prior to the taking and the taking caused such a substantial change in the nature of the existing farm operation as to constitute a displacement.

(e) Requirements - Nonprofit Organizations. In the case of a nonprofit organization, no payment shall be made under this section unless the District determines that:

- (1) The nonprofit organization cannot be relocated without a substantial loss of its existing patronage (the term "existing patronage" as used in connection with a nonprofit organization includes the membership, persons, community, or clientele served or affected by the activities of the nonprofit organization); and
- (2) The nonprofit organization is not a part of an enterprise having more than three (3) other establishments not being acquired which is engaged in the same or similar activity.

(f) Net Earnings. The term "average annual net earnings" as used in this section means one-half of any net earnings of the business or farm operation, before federal and state income taxes, during the two (2) taxable years immediately preceding the taxable year in which the business or farm operation moves from the real property acquired for such project, or during such other period as the District determines to be more equitable for establishing such earnings, and includes any compensation paid by the business or farm operation to the owner, his or her spouse or his or her dependents during such period. The term "owner" as used in this

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section includes the sole proprietor in a sole proprietorship, the principal partners in a partnership, and the principal stockholders of a corporation, as determined by the District. For purposes of determining a principal stockholder, stock held by a spouse wife and dependent children shall be treated as one unit.

(g) If a displaced person who conducts a business or farm operation elects to receive a fixed payment under this section, he or she shall provide proof of his or her earnings from the business or farm operation to the Agency concerned. Proof of earnings may be established by income tax returns, financial statements and accounting records or similar evidence acceptable to the District.

3.12 Replacement Housing Payments for Homeowners.

(a) General. The District shall make to a person who is displaced from a dwelling and who satisfies the pertinent eligibility requirements of section 3.3 and the conditions of subsection (b) of this section, a payment not to exceed a combined total of \$22,500.00 for:

(1) The amount, if any, which when added to the acquisition cost of the dwelling acquired for the project equals the reasonable cost, as determined in accordance with subsection (c), of a comparable replacement dwelling. This amount shall not exceed the difference between the acquisition price of the acquired dwelling and the actual purchase price of the replacement dwelling, except where a displaced person, in the circumstance described in paragraph 3.15 (a)(1), is willing to use the extra money to improve the condition of the dwelling.

(2) The amount, if any, to compensate the displaced person for any increased interest costs, as determined in accordance with subsection (c), he or she is required to pay for financing the acquisition of a replacement dwelling. The payment shall not be made unless the dwelling acquired by the District was encumbered by a bona fide mortgage which was a valid lien on the dwelling for not less than 180 days prior to the initiation of negotiations for acquisition of such dwelling. (This time requirement may be modified in accordance with the provisions of subsection (b) below.)

(3) Reasonable expenses, determined in accordance with subsection (c) of this section, incurred by the displaced person incident to the purchase of the replacement dwelling.

(4) In accordance with section 3.15, the cost of rehabilitating a dwelling which does not satisfy the decent, safe and sanitary standard.

(b) Eligibility Conditions.

(1) A displaced person is eligible for payment under this section if such person:

(A) Is displaced from a dwelling that is acquired;

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(B) Has actually owned and occupied such dwelling for not less than 180 days prior to the initiation of negotiations for its acquisition; and

(C) Purchases and occupies a replacement dwelling within one year subsequent to the date on which he or she received final payment from the District of all costs of the acquired dwelling or the date on which he or she moves from the acquired dwelling, whichever is later.

(2) If an owner satisfies all but the 180 day requirement and can establish to the satisfaction of the District that he or she bought the dwelling with the intention of making it his or her place of residence, that the move was not motivated by a desire to receive relocation assistance and benefits, and that he or she neither knew nor should have known that a public acquisition was intended the District may reduce the requirement as necessary.

(3) Where for reasons beyond the control of the displaced person completion of construction, rehabilitation, or relocation of a replacement dwelling is delayed beyond the date by which occupancy is required, the District shall determine the date of occupancy to be the date the displaced person enters into a contract for such construction, rehabilitation, or relocation or for the purchase, upon completion, of a dwelling to be constructed or rehabilitated, if, in fact, the displaced person occupies the replacement dwelling when the construction or rehabilitation is completed.

(4) Where, for reasons of hardship or circumstances beyond the control of the displaced person, such person is unable to occupy the replacement dwelling by the required date, the District may extend the deadline as necessary. If by the deadline the displaced person has contracted to purchase a replacement dwelling, the District should extend the deadline.

(5) No person otherwise eligible for a payment under this section or under section 3.13 shall be denied such eligibility as a result of his or her being unable, because of a major state or national disaster, to meet the occupancy requirements.

(c) Computation of Replacement Housing Payment.

(1) Cost of Comparable Replacement Dwelling.

(A) In determining the reasonable cost of a comparable replacement dwelling, the District concerned shall use one of the following methods:

1. Comparative Method. On a case-by-case basis by determining the listing price of dwellings which have been selected by the District and which are most representative of the acquired dwelling unit and meet the definition of comparable replacement dwelling set out in subsection 1.5(c). Whenever possible the listing price of at least three dwellings shall be considered.

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2. Schedule Method. Where the District determines that the comparative method is not feasible, it may establish a schedule of reasonable acquisition costs for the various types of comparable replacement dwellings. The schedule shall be based on a current analysis of the market to determine a reasonable cost for each type of dwelling to be purchased. In large urban areas this analysis may be confined to the sub-area from which persons are displaced or may cover several different sub-areas, if they satisfy or exceed the criteria listed in subsection 1.5(c). To assure the greatest comparability of dwellings in any analysis, the analysis shall be divided into classifications of the type of construction, number of bedrooms, and price ranges.

3. Alternative Method. Where the District determines that neither the schedule, nor comparative method is feasible in a given situation, by the use of another reasonable method.

(B) Whichever method is selected the cost shall be updated to within three (3) months of the date of purchase of the replacement dwelling.

(2) Interest Payments. Interest payments shall be equal to the discounted present value of the difference between the aggregate interest applicable to the amount of the principal of the mortgage on the acquired dwelling over its remaining term at the time of acquisition, and other debt service costs, and the aggregate interest paid on the mortgage on the replacement dwelling, and other debt service costs. The term and amount of the mortgage on the replacement dwelling for purposes of this paragraph shall be the lesser of the remaining term and amount of the mortgage on the acquired dwelling, or the actual term and amount of the mortgage on the replacement dwelling.

The amount of the debt service cost with respect to the replacement dwelling shall be the lesser of the debt service cost based on the cost required for a comparable dwelling, or the debt service cost based on the actual cost of the replacement dwelling.

Prepaid interest or "points" shall be considered in the determination of aggregate interest.

In calculating the amount of compensation, increased interest cost shall be reduced to discounted present value using the prevailing interest rate paid on savings deposits by commercial banks in the general area in which the replacement dwelling is located.

(3) Expenses Incident to the Purchase of the Replacement Dwelling. Payment under this section shall include the amount necessary to reimburse the displaced person for actual costs incurred by him or her incident to the purchase of the replacement dwelling, including but not limited to the following: legal, closing, and related costs including title search, preparing conveyance contracts, notary fees, surveys, preparing drawings or plats, and charges paid incident to recordation; lender, FHA, VA or similar appraisal costs; FHA, VA or similar application fee; cost for certification of structural soundness; credit report charges; charges for owner's and mortgagee's evidence or assurance of title; escrow agent's fee; and sales or transfer

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taxes. Payment for any such expenses shall not exceed the amount attributable to the purchase of a replacement dwelling. Such expenses shall be reasonable and legally required or customary in the community.

Reimbursement shall not be made under the provisions of this paragraph for any fee, cost, charge, or expense which is determined to be a part of the debt service or finance charge under Title I of the Truth in Lending Act (Pub. L. 90-321), and Regulation Z issued pursuant thereto by the Board of Governors of the Federal Reserve System. Any such sum should be considered in the determination of interest payments.

(d) Multi-family Dwelling. In the case of a displaced homeowner who is required to move from a one-family unit of a multi-family building which he or she owns, the replacement housing payment shall be based on the cost of a comparable one-family unit in a multi-family building of approximately the same density or if that is not available in a building of the next less density, or, if a comparable one-family unit in such a multi-family building is not available, the cost of an otherwise comparable single-family structure.

(e) Owner Retention.

(1) If a displaced homeowner elects to retain, move, and occupy his or her dwelling, the amount payable under this section is the difference between the acquisition price of the acquired property and the sum of the moving and restoration expenses, the cost of correcting decent, safe, and sanitary deficiencies, if any, and the actual purchase price of a comparable relocation site. The District may limit the payment made under this subsection to the amount of the replacement housing payment for which the homeowner would otherwise be eligible.

(2) The payment shall not exceed \$22,500.

(f) Provisional Payment Pending Condemnation. If the exact amount of a replacement housing payment cannot be determined because of a pending condemnation suit, the District may make a provisional replacement housing payment to the displaced homeowner equal to the difference between the District's maximum offer for the property and the reasonable cost of a comparable replacement dwelling, but only if the homeowner enters into an agreement that upon final adjudication of the condemnation suit the replacement housing payment will be recomputed on the basis of the acquisition price determined by the court. If the acquisition price as determined by the court is greater than the maximum offer upon which the provisional replacement housing payment is based, the difference will be refunded by the homeowner to the District. If the acquisition price as determined by the court is less than the maximum offer upon which the provisional replacement housing payment is based, the difference will be paid to the homeowner.

(g) Lease of Condominium. For the purposes of this section, the leasing of a condominium for a 99-year period, or for a term which exceeds the life expectancy of the displaced person as determined by the most recent life tables in Vital Statistics of the United

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States, as published by the Public Health Service of the Department of Health, Education and Welfare, shall be deemed a purchase of the condominium.

3.13 Replacement Housing Payments for Tenants and Certain Others.

(a) General. The District shall make to a displaced person who satisfies the eligibility requirements of section 3.3 and the conditions of subsection (b) below, a payment not to exceed \$5,250.00 for either:

(1) An amount, computed in accordance with paragraph (d)(1) of this section, necessary to enable such person to lease or rent a replacement dwelling for a period not to exceed forty-two (42) months; or

(2) An amount, computed in accordance with paragraph (d)(2) of this section, necessary to enable such person to make a down payment on the purchase of a replacement dwelling (including incidental expenses described in section 6102).

(b) Eligibility Conditions. A displaced person is eligible for the payments specified in subsection (a) if he or she satisfies the following conditions:

(1) Has occupied the dwelling from which he or she is displaced for a period of not less than 90 days prior to the initiation of negotiation for acquisition of such dwelling.

(2) Is not eligible to receive a replacement housing payment for homeowners under section 3.12 or elects not to receive such payment. Where the displaced person is the owner-occupant of the dwelling, the payment made under paragraph 3.13(a)(2) shall not exceed the amount of payment to which the person would be eligible under section 3.12.

(3) Whenever a payment under subsection (a)(2) is sought the displaced person shall within one year from the date of displacement purchase and occupy a replacement dwelling.

(c) The provisions in subsection 3.12(b) for modifying the conditions of eligibility also apply to this section.

(d) Computation of Payment.

(1) Rentals. The amount of payment necessary to lease or rent a comparable replacement dwelling, under subsection (a)(1), shall be computed by subtracting 42 times the base monthly rental of the displaced person (as determined in accordance with this subsection), from 42 times the monthly rental for a comparable replacement dwelling (as determined in accordance with this subsection): Provided, that in no case may such amount exceed the difference between 42 times the base monthly rental as determined in accordance with this subsection and 42 times the monthly rental actually required for the replacement dwelling occupied by the displaced person.

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(A) Base Monthly Rental. The base monthly rental shall be the lesser of the average monthly rental paid by the displaced person for the three (3) month period prior to initiation of negotiations or 30 percent of the displaced person's average monthly income. (See subsection 1.5(k).) Where the displaced person was the owner of the dwelling from which he or she was displaced or was not required to pay rent for that dwelling, the economic rent (see subsection 1.5(g)) shall be used in lieu of the average monthly rental to calculate base monthly rental.

(B) Comparable Rental. The monthly rental for a comparable replacement dwelling shall be the amount of rent determined by the District by one of the methods described in paragraph 3.12 (c)(1), considering rental charges instead of listing price or acquisition cost.

(C) Whichever method is selected the cost shall be updated to within three (3) months of the date of rental of the replacement dwelling.

(2) Downpayment. The down payment for which a payment specified under paragraph (a)(2) of this section may be made, shall not exceed the amount of a reasonable down payment for the purchase of a comparable replacement dwelling where such purchase is financed, plus expenses incident to the purchase of a replacement dwelling computed in accordance with Section 3.12. The full amount of a down payment under this section shall be applied to the purchase of the replacement dwelling and shall be shown on the closing statement or other document acceptable to the District.

(e) Rental Payments for Displaced Owners and Dependents.

(1) Owners. A displaced owner who elects to rent rather than purchase a replacement dwelling and who meets the eligibility conditions specified in subsection (b) is eligible for the payment specified in paragraph (a)(1).

(2) Dependents. A dependent who is residing separate and apart from the person or family providing support, whether such separate residence is permanent or temporary, shall be entitled to payment under this section, but such payment shall be limited to the period during which the displaced dependent resides in the replacement dwelling. At the time the displaced dependent vacates that dwelling, no further payment under this section shall be made to such person. For the purposes of this paragraph a "dependent" shall be a person who derives fifty-one percent or more of his or her income in the form of gifts from any private person or any academic scholarship or stipend. Fulltime students shall be presumed to be dependents but may rebut this presumption by demonstrating that fifty percent or more of their income is derived from sources other than gifts from another private person or academic scholarships or stipends. Dependents residing with the family of which they are a part shall not be entitled to any payment except as a part of the family.

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(f) Disbursement. Except where specifically provided otherwise, the District shall have the authority to disburse payments under this section in a lump sum, monthly or at other intervals acceptable to the displaced person.

3.14 Proration of Payments. For the purpose of calculating an alternate payment under section 3.10 or a replacement housing payment under section 3.12 or 3.13, two or more individuals (whether they are members of one family or not) living together in and displaced from a single dwelling shall be regarded as one person.

Where a tenant is sharing a single-family dwelling with an owner-occupant and paying the owner-occupant rent for the privilege, the tenant shall not be entitled to more than one-half of the rental supplement otherwise payable. The owner-occupant shall not be required to share the payment to which he or she is entitled or accept a prorated amount.

3.15 Condition of Replacement Dwelling.

(a) When a displaced person qualifies for a replacement housing payment (under section 3.12 or 3.13) by purchasing or renting a replacement dwelling, the unit, as a general rule, must be decent, safe and sanitary. There are three exceptions. One is described in paragraph 2.5(a)(6). The others are:

(1) If the purchase of such a dwelling is the result of the District's failure to identify a reasonable number of comparable replacement dwellings as required or if the dwelling is one to which the person was referred by the District, the condition of the dwelling does not effect eligibility for a replacement housing payment.

(2) If the purchase of such a dwelling is not the result of a District's referral or failure to refer, the otherwise eligible person qualifies for a replacement housing payment if the unit is brought into compliance with the decent, safe and sanitary standard. In this situation payment shall be limited to the amount that would be provided in connection with the purchase of a similar, comparable replacement dwelling or the sum of the actual costs of acquisition (including related expenses) and rehabilitation, whichever is less.

(b) The District shall not induce or encourage a displaced person to acquire a dwelling which does not satisfy the comparable replacement housing standard. (See section 1.5(c).)

3.16 Certificate of Eligibility. Upon request by a displaced homeowner or tenant who has not yet purchased and occupied a replacement dwelling, but who is otherwise eligible for a replacement housing payment, the District shall certify to any interested party, financial institution, or lending agency, that the displaced homeowner or tenant will be eligible for the payment of a specific sum if he or she purchases and occupies a dwelling within the time limits prescribed.

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3.17 Manufactured Homes and Mobilehomes.

(a) General. A manufactured home or mobilehome is a dwelling. A person displaced from a manufactured home or mobilehome must satisfy the same eligibility requirements and must be provided the same assistance, assurance and payments as a person displaced from a conventional dwelling.

(b) Moving Expenses. If a manufactured home or mobilehome is moved to another site, the displaced person shall be compensated for moving expenses in accordance with sections 3.6 and 3.7. The provisions of these sections which generally apply only to businesses and farms shall also apply to displaced persons who move a manufactured home or mobilehome.

(c) Replacement Housing Payments.

(1) A person who owns a manufactured home or mobilehome and site and as a replacement purchases both a dwelling and site shall be provided a replacement housing payment in accordance with section 3.12. A person who owns a manufactured home or mobilehome and site, and as a replacement rents both a dwelling and site, shall be provided a payment in accordance with section 3.13.

(2) A person who rents a manufactured home or mobilehome and site, and as a replacement rents or purchases a dwelling and site, shall be provided a payment in accordance with section 3.13.

(3) A person who owns a manufactured home or mobilehome and site, and as a replacement purchases a dwelling and rents a site, shall be provided a payment in accordance with sections 3.12 and 3.13. The payment shall be limited to the lesser of:

(A) The amount necessary to purchase a conventional comparable replacement manufactured home or mobilehome; or

(B) The amount necessary to purchase a replacement manufactured home or mobilehome (in accordance with section 3.12) plus the amount necessary to rent a replacement site (in accordance with section 3.13). In calculating this amount, the economic rent for the site shall be used in lieu of average monthly rental to determine the base monthly rental (as provided in paragraph 3.13(d)(1)).

(4) A person who owns a site from which he or she moves a manufactured home or mobilehome shall be provided a replacement housing payment under section 3.12 if he or she purchases a replacement site and under section 3.13 if he or she rents a replacement site.

(5) A person who owns a manufactured home or mobilehome which is acquired and rents the site shall be provided payment as follows:

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(A) If a manufactured home or mobilehome, as appropriate, is not available the amount required to purchase a conventional replacement dwelling (in accordance with section 3.12);

(B) The amount necessary to purchase a replacement manufactured home or mobilehome (in accordance with section 3.12) plus the amount necessary to lease, rent or make a downpayment on a replacement site (in accordance with section 3.13); or

(C) If he or she elects to rent a replacement manufactured home or mobile home and site, the amount required to do so in accordance with section 3.13. In calculating this payment, the average monthly rental shall equal the economic rent for the manufactured home or mobilehome plus the actual rent for the site.

(6) Similar principles shall be applied to other possible combinations of ownership and tenancy upon which a claim for payment might be based.

ARTICLE 4. LAST RESORT HOUSING.

4.1 Purpose. The purpose of this part is to set forth the criteria and procedures for assuring that if the action of the District results, or will result in displacement, and comparable replacement housing will not be available as needed, the District shall use its funds or funds authorized for the project to provide such housing.

4.2 Determination of Need for Last Resort Housing. If on the basis of data derived from surveys and analyses which satisfy the requirements of sections 2.9 and 2.11, the District is unable to demonstrate that comparable replacement housing will be available as required, the General Manager or his or her designee shall determine whether to use the District's funds or the funds authorized for the project to provide such necessary replacement housing or to modify, suspend or terminate the project or undertaking.

4.3 Development of Replacement Housing Plan.

(a) General.

(1) Following the determination pursuant to section 4.2, the General Manager or his or her designee shall develop or cause to be developed a replacement housing plan to produce a sufficient number of comparable replacement dwellings. The plan shall specify how, when and where the housing will be provided, how it will be financed and the amount of funds to be diverted to such housing, the prices at which it will be rented or sold to the families and individuals to be displaced, the arrangements for housing management and social services as appropriate, the suitability of the location and environmental impact of the proposed housing, the arrangements for maintaining rent levels appropriate for the persons to be rehoused, and the disposition of proceeds from rental, sale, or resale of such housing. If a referendum requirement or zoning presents an obstacle, the issue shall be addressed.

District Relocation Assistance Act Policy for Real Estate Acquisitions and Leases

(2) All contracts and subcontracts for the construction, rehabilitation or management of last resort housing shall be let without discrimination as to race, sex, sexual orientation, marital status, color, religion, national origin, ancestry or other arbitrary circumstance and pursuant to an affirmative action program. The District shall encourage participation by minority persons in all levels of construction, rehabilitation, planning, financing and management of last resort housing. When the housing will be located in an area of minority concentration, the District shall seek to secure significant participation of minorities in these activities. The District shall require that, to the greatest extent feasible, opportunities for training and employment arising in connection with the planning, construction, rehabilitation, and operation of last resort housing be given to persons of low income residing in the area of such housing and shall determine and implement means to secure the participation of small businesses in the performance of contracts for such work.

(b) Citizen Participation.

(1) If the need for last resort housing exceeds 25 units, the General Manager or his or her designee shall establish a committee which will consult with and provide advice and assistance to the District in the development of the plan. The committee should include appointed representatives of the District and state and local agencies knowledgeable regarding housing in the area, including but not limited to the local housing authority. In addition, the committee should include representatives of other appropriate public groups (for example, local and area wide planning agencies) and private groups knowledgeable regarding housing and the problems of housing discrimination.

(2) The committee shall include representatives of the residents to be displaced. These representatives may be appointed by the displacing entity or elected by the residents, as the residents wish. Resident representatives shall, at a minimum, constitute one-third of the committee membership. Votes shall be allocated so that the total votes of resident representatives shall equal one-half of the total votes of the committee membership.

(3) The plan must be approved by the vote of a simple majority of the committee membership. In the event the committee fails to approve the plan, the General Manager or his or her designee may approve the plan.

(c) Consultation with Other Housing Agencies and Organizations. The District may consult or contract with the Department, a local housing authority, or other agency or organization having experience in the administration or conduct of housing programs to provide technical assistance and advice in the development of the replacement housing plan.

4.4 Submission of Plan for Comment. The District shall submit the plan and all significant amendments to the local housing and planning agencies for comment and to assure that the plan accurately reflects housing conditions and needs in the relocation area. Reviewing agencies shall have 30 calendar days following receipt of the plan to prepare their comments. Copies of all comments received shall be forwarded to the committee and available to all interested persons.

District Relocation Assistance Act Policy for Real Estate Acquisitions and Leases

General notice of the plan shall be provided. Notice shall be designed to reach the residents of the relocation area; it shall be in accordance with the provisions of paragraph 2.8(a)(3) and subsection 2.8(b); and it shall be provided 30 days prior to submission to the committee, or the General Manager for approval.

4.5 Determination by District of Feasibility and Compliance. Upon receipt and consideration of the comments, the General Manager or his or her designee shall determine whether or not:

- (a) The plan is feasible.
- (b) The plan complies with applicable environmental standards and procedures.
- (c) The plan is compatible with the local general plan and housing element and the area wide housing plan or strategy

If any of the above determinations is negative the District shall revise the plan as necessary. Substantial modifications in the plan shall be submitted for review and comment as provided in section 4.4. If necessary for timely implementation of the plan or execution of the project, the General Manager or his or her designee may shorten the time allowed in section 4.4 for review of modifications.

4.6 Implementation of the Replacement Housing Plan. Upon making the determinations required by section 4.5, the District may expend funds and take such other actions as necessary to provide, rehabilitate, or construct replacement housing pursuant to the approved replacement housing plan through methods including but not limited to the following:

- (a) Transfer of funds to state and local housing agencies.
- (b) Contract with organizations experienced in the development of housing.
- (c) Direct construction by the District.

Whenever practicable, the District should utilize the services of federal, state, or local housing agencies, or other agencies having experience in the administration or conduct of similar housing programs

4.7 Housing Production. The General Manager or his or her designee shall monitor the production of the last resort housing to ensure that it is in accordance with the plan.

4.8 Jointly Sponsored Development. Where several agencies are administering programs resulting in residential displacement, opportunities shall be sought for joint development and financing to aggregate resources in order most efficiently to provide replacement housing in sufficient quantity to satisfy the aggregate needs of such programs.

District Relocation Assistance Act Policy for Real Estate Acquisitions and Leases

4.9 Last Resort Housing In Lieu of Payments. The District shall not require a displaced person to accept a dwelling provided pursuant to this Article in lieu of the displaced person's acquisition payment, if any, for the real property from which he or she is displaced or the relocation payments for which he or she may be eligible.

4.10 Conformity with the Act and Other Statutes, Policies and Procedures.

(a) Civil Rights and Other Acts. The administration of this Article shall be in accordance with the provisions of all applicable federal and state non-discrimination laws and regulations issued pursuant thereto.

(b) Dwelling and Relocation Standards. Determinations made pursuant to section 4.2 and any plan developed and implemented for providing replacement housing and all such housing provided thereunder shall be in conformity with the standards established in the Act, the Guidelines and this Policy.

4.11 Last Resort Housing.

(a) Whenever comparable replacement dwellings are not available, or are not available within the monetary limits of Government Code sections 7263 or 7264, as appropriate, the District shall provide additional or alternative assistance under the provisions of this part.

(b) The methods of providing replacement housing of last resort include, but are not limited to:

(1) A replacement housing payment calculated in accordance with the provisions of sections 3.12 or 3.13, as appropriate, even if the calculation is in excess of the monetary limits of Government Code sections 7263 and 7264. A rental assistance payment under this part shall be paid to the displaced person in a lump sum, or at the discretion of the District, \$5,250.00 shall be paid to the displaced person in a lump sum upon displacement and the remainder of the payments shall be paid to the displacee in periodic payments over a period not to exceed (42) months unless otherwise specified by statute.

(2) Major rehabilitation of and/or additions to an existing replacement dwelling in a sum equal to or greater than the payment to which the displaced person is entitled under subsection (b)(1).

(3) The construction of a new replacement dwelling in a sum equal to or greater than the payment to which the displaced person is entitled under subsection (b)(1) of this section.

(4) The relocation and, if necessary, rehabilitation of a dwelling.

(5) The purchase of land and/or a replacement dwelling by the District and subsequent sale or lease to, or exchange with a displaced person.

District Relocation Assistance Act Policy for Real Estate Acquisitions and Leases

(6) For purposes of accommodating the needs of handicapped persons, the removal of barriers to the handicapped.

(c) Only at the discretion of the District are post-acquisition tenants entitled to last resort housing payments.

ARTICLE 5. GRIEVANCE PROCEDURES

5.1 Purpose. The purpose of this article is to set forth guidelines for processing appeals from District determinations as to eligibility, the amount of payment, and for processing appeals from persons aggrieved by a District's failure to refer them to comparable permanent or adequate temporary replacement housing.

5.2 Right of Review. Any complainant, that is any person who believes himself or herself aggrieved by a determination as to eligibility, the amount of payment, the failure of the District to provide comparable permanent or adequate temporary replacement housing may, at his or her election, have his or her claim reviewed and reconsidered by the General Manager of the District or his or her authorized designee (other than the person who made the determination in question) in accordance with the procedures set forth in this article, as supplemented by the procedures the District shall establish for such review and reconsideration.

5.3 Notification to Complainant. If the District denies or refuses to consider a claim, the District's notification to the complainant of its determination shall inform the complainant of its reasons and the applicable procedures for obtaining review of the decision. If necessary, such notification shall be printed in a language other than English in accordance with section 2.8.

5.4 Stages of Review by a District.

(a) Request for Further Written Information. A complainant may request the District to provide him or her with a full written explanation of its determination and the basis therefore, if the complainant feels that the explanation accompanying the payment of the claim or notice of the District's determination was incorrect or inadequate. The District shall provide such an explanation to the complainant within three weeks of its receipt of the complainant's request.

(b) Informal Oral Presentation. A complainant may request an informal oral presentation before seeking formal review and reconsideration. A request for an informal oral presentation shall be filed within the period described in subsection (d) of this section, and within 15 days of the request the District shall afford the complainant the opportunity to make such presentation. The complainant may be represented by an attorney or other person of his or her choosing. This oral presentation shall enable the complainant to discuss the claim with the General Manager of the District or his or her designee (other than the person who made the initial determination) having authority to revise the initial determination on the claim. The General Manager or his or her designee shall make a summary of the matters discussed in the oral presentation to be

District Relocation Assistance Act Policy for Real Estate Acquisitions and Leases

included as part of its file. The right to formal review and reconsideration shall not be conditioned upon requesting an oral presentation.

(c) Written Request for Review and Reconsideration. At any time within the period described in subsection (d) a complainant may file a written request for formal review and reconsideration. The complainant may include in the request for review any statement of fact within the complainant's knowledge or belief or other material which may have a bearing on the appeal. If the complainant requests more time to gather and prepare additional material for consideration or review and demonstrates a reasonable basis therefore, the complainant's request should be granted.

(d) Time Limit for Requesting Review. A complainant desiring either an informal oral presentation or seeking a formal review and reconsideration shall make a request for such review to the District within eighteen (18) months following the date he or she moves from the property or the date he or she receives final compensation for the property, whichever is later.

5.5 Formal Review and Reconsideration by the District.

(a) General. The District shall consider the request for review and shall decide whether a modification of its initial determination is necessary. This review shall be conducted by the General Manager or an authorized, impartial designee. (The designee may be a committee). A designee shall have the authority to revise the initial determination or the determination of a previous oral presentation. The General Manager or designee shall consider every aggrieved person's complaint regardless of form, and shall, if necessary provide assistance to the claimant in preparing the written claim. When a claimant seeks review, the District shall inform the claimant that the claimant has the right to be represented by an attorney, to present the claimant's case by oral or documentary evidence, to submit rebuttal evidence, to conduct such cross-examination as may be required for a full and true disclosure of facts, and to seek judicial review once the claimant has exhausted administrative appeal.

(b) Scope of Review. The District shall review and reconsider its initial determination of the claimant's case in light of:

(1) All material upon which the original determination was based including all applicable rules and regulations, except that no evidence shall be relied upon where a claimant has been improperly denied an opportunity to controvert the evidence or cross-examine the witness.

(2) The reasons given by the claimant for requesting review and reconsideration of the claim.

(3) Any additional written or relevant documentary material submitted by the claimant.

District Relocation Assistance Act Policy for Real Estate Acquisitions and Leases

(4) Any further information which the District in its discretion, obtains by request, investigation, or research, to ensure fair and full review of the claim.

(c) Determination on Review by District.

(1) The determination on review by the District shall include, but is not limited to:

(A) The District's decision on reconsideration of the claim.

(B) The factual and legal basis upon which the decision rests, including any pertinent explanation or rationale.

(C) A statement to the claimant of the right to further administrative appeal, if the District has such an appeal structure, or if not, a statement to the claimant that administrative remedies have been exhausted and judicial review may be sought.

(2) The determination shall be in writing with a copy provided to the claimant.

(d) Time Limits

(1) The District shall issue its determination of review as soon as possible but no later than 6 weeks from receipt of the last material submitted for consideration by the claimant or the date of the hearing, whichever is later.

(2) In the case of complaints dismissed for untimeliness or for any other reason not based on the merits of the claim, the District shall furnish a written statement to the claimant stating the reason for the dismissal of the claim as soon as possible but not later than 2 weeks from receipt of the last material submitted by the claimant or the date of the hearing, whichever is later.

5.6 Refusals to Waive Time Limitation. Whenever the District rejects a request by a claimant for a waiver of the time limits provided in section 3.5, a claimant may file a written request for review of this decision in accordance with the procedures set forth in sections 5.4 and 5.5, except that such written request for review shall be filed within 90 days of the claimant's receipt of the District's determination.

5.7 Extension of Time Limits. The time limits specified in section 5.4 may be extended for good cause by the District.

5.8 Recommendations by Third Party. Upon agreement between the claimant and the District, a mutually acceptable third party or parties may review the claim and make advisory recommendations thereon to the General Manager or his or her designee for his or her final

District Relocation Assistance Act Policy for Real Estate Acquisitions and Leases

determination. In reviewing the claim and making recommendations to the General Manager or his or her designee, the third party or parties shall be guided by the provisions of this Article.

5.9 Review of Files by Claimant. Except to the extent the confidentiality of material is protected by law or its disclosure is prohibited by law, the District shall permit the claimant to inspect all files and records bearing upon the claim or the prosecution of the claimant's grievance. If a claimant is improperly denied access to any relevant material bearing on the claim, such material may not be relied upon in reviewing the initial determination.

5.10 Effect of Determination on Other Persons. The principles established in all determinations by the District shall be considered as precedent for all eligible persons in similar situations regardless of whether or not a person has filed a written request for review. All written determinations shall be kept on file and available for public review.

5.11 Right to Counsel. Any aggrieved party has a right to representation by legal or other counsel at the aggrieved party's expense at any and all stages of the proceedings set forth in these sections.

5.12 Stay of Displacement Pending Review. If a complainant seeks to prevent displacement, the District shall not require the complainant to move until at least 20 days after it has made a determination and the complainant has had an opportunity to seek judicial review. In all cases the District shall notify the complainant in writing 20 days prior to the proposed new date of displacement.

5.13 Joint Complainants. Where more than one person is aggrieved by the failure of the District to refer them to comparable permanent or adequate temporary replacement housing the complainants may join in filing a single written request for review. A determination shall be made by the District for each of the complainants.

5.14 Judicial Review. Nothing in this Article shall in any way preclude or limit a claimant from seeking judicial review of a claim upon exhaustion of such administrative remedies as are available under this Article.

III. COMPLIANCE/RESPONSIBILITIES

In August of 2020, The Board approved the District's relocation regulations and authorized the General Manager of the District to implement those regulations. In order to facilitate stakeholders' access to the regulations, they are published and administered as the Las Gallinas Valley Sanitary District's Relocation Assistance Act Policy for Real Estate Acquisitions and Leases.

District Relocation Assistance Act Policy for Real Estate Acquisitions and Leases

Effective with the publication of this Policy, the General Manager's authority to implement the Policy is also delegated to District Staff or any other person(s) or consultant(s) as designated by the General Manager, ("Responsible Officers").

IV. RELATED INFORMATION

Attachment A: Minimum Contents of Informational Statement(s)

V. REVISION HISTORY

August 2020: The Board of Directors of the Las Gallinas Valley Sanitary District approves "Las Gallinas Valley Sanitary District's Relocation Regulations" and authorizes the General Manager to implement those regulations.

DRAFT

District Relocation Assistance Act Policy for Real Estate Acquisitions and Leases

ATTACHMENT A
Minimum Contents of Informational Statement(s)

		<u>For Distribution To</u>	
		Displaced Persons	Business Concerns and Others
1.	General description of the nature and types of activities that will be undertaken, including an identification of areas which may involve displacement. A diagrammatic sketch of the project area should be attached	X	X
2.	Statement that public action may result in displacement but that no one lawfully occupying property will be required to surrender possession without at least 90 days' written notice from the District and no one will be required to move until 90 days after the provision of information.	X	X
3.	Assurance that families and individuals will not be required to move before reasonable offers of decent, safe, and sanitary and otherwise comparable housing within their financial means have been made, except for the causes set forth in the local agency's eviction policy (which shall be in accordance with section 6058.)	X	
4.	General description of types of relocation payments available, including general eligibility criteria and a caution against premature moves that might result in loss of eligibility for a payment.	X	X
5.	Identification of the District's relocation program and a description of the relocation services and aids that will be available.	X	X
6.	Encouragement to visit the District's relocation office and cooperate with the staff. The address, telephone #, and hours of the relocation office should be specified.	X	X
7.	Information on replacement housing, including: <ul style="list-style-type: none"> a. Brief description of what constitutes comparable replacement housing, including physical standards. b. Laymen's description of Federal fair housing law (Title VIII Of Civil Rights Act Of 1968), and applicable State and local fair housing laws, as well as rights under Title IV of the Civil Rights Act of 1964. c. Statement that the District (or its agent) will identify comparable replacement dwellings within the financial means of and otherwise available to displaced persons and will provide assistance to persons in obtaining housing of their choice, including assistance in the referral of complaints of discrimination to the appropriate Federal, State or local fair housing enforcement agency. d. Statement that persons may seek their own housing accommodations and urging them, if they do so, to notify the relocation office prior to making a commitment to purchase or occupy the property 	X	
8.	Statement that the District will provide maximum assistance in locating relocation accommodations, including consultation with the Small Business Administration and other governmental agencies which might be of assistance.		X
9.	Statement describing requirement for prior notification to the agency of the business concern's intention to move.		X
10.	Summary of the local agency's eviction policy, which shall be in accordance with the provisions of section 2.14.	X	X
11.	Statement describing the agency's grievance procedure, its purpose, and how it may be used, which procedure shall be in accordance with the provisions of Article 5.	X	X



Item Number 5

Agenda Summary Report

To: Mike Prinz, General Manager *MP*
From: Teri Lerch, Board Secretary *TL*
Mtg. Date: August 20, 2020
Re: Administrative Policy A-03 Mobile Computer Devices Used for District Business
Item Type: Consent Discussion Information Other
Standard Contract: Yes No (See attached) Not Applicable

STAFF RECOMMENDATION

Board to discuss potential revisions to Administrative Policy A-03, and direct staff as needed.

BACKGROUND

A Board member request to review policy A-03 was recently made. See attached Administrative policy A-03. Other Board Policy revisions in process could be augmented to include revisions to Policy A-03.

The following is a summary of Reimbursement of iPad/Laptop used for District Business:

Board Member	Reimbursement Date
Clark	7/17/18
Elias	2/18/20
Murray	10/12/12
Schriebman	6/12/18
Yezman	1/22/19

District Counsel	
Byers	5/31/17

PREVIOUS BOARD ACTION

On September 8, 2016 the Board passed Resolution 2016-2079 which adopted Administrative Policy A-03: Mobile Computer Devices Used for District Business. (See attached) The allowance for replacement is \$1,347, plus sales tax. The iPad/laptop is required to be in service for a minimum of four years.

ENVIRONMENTAL REVIEW

N/A

FISCAL IMPACT

To be determined depending on outcome of revision discussion.

RESOLUTION NO. 2016-2079

A RESOLUTION AMENDING ADMINISTRATIVE POLICY A-03:
MOBILE COMPUTER DEVICES USED FOR DISTRICT BUSINESS

THE LAS GALLINAS VALLEY SANITARY DISTRICT

WHEREAS, the Board of Directors has determined that a comprehensive list of Policies and Procedures for the Board of Directors is in the best interest of the District.

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

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

WHEREAS, the Board of Directors did adopt Administrative Policy A-03: Mobile Computer Devices Used for District Business on September 27, 2012,

WHEREAS, such policies may need to be appended,

NOW THEREFORE, the Board of Directors of the Las Gallinas Valley Sanitary District approves the following revised policy: Administrative Policy A-03: Mobile Computer Devices Used for District Business, a copy of which is attached as Exhibit A and by reference incorporated herein.

The previously approved Administrative Policy A-03: Mobile Computer Devices Used for District Business is hereby revoked and declared null and void.

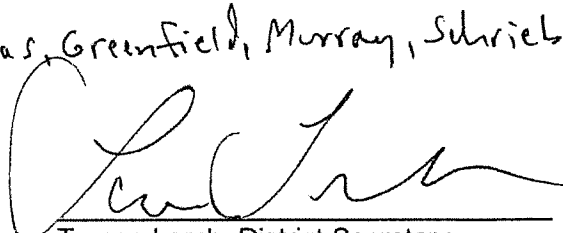
If any policy or portion of a policy contained within the Policies and Procedures is in conflict with rules, regulations, or legislation having authority over the Las Gallinas Valley Sanitary District, said rules, regulations or legislation shall prevail.

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 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 8th day of September, 2016, by the following vote of the members thereof:

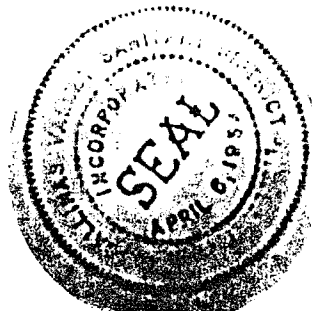
AYES, and in favor thereof Members: Clark, Elias, Greenfield, Murray, Schriebman.
NOES, Members: None.
ABSENT, Members: None.
ABSTAIN, Members: None.


Teresa Lerch, District Secretary

Approve:


Judy Schriebman, President of Board of Directors

Resolution No. 2016-2079



(seal)

Las Gallinas Valley Sanitary District

SECTION:	Administrative Policy A-03
SUBJECT:	Mobile Computer Devices Used for District Business
DATE:	September 8, 2016

Purpose

To provide guidance to District staff and the Board on the proper procedures for the use of mobile computer devices including personal computers (PCs), lap tops and Tablet computers for District business.

I. Definitions

Apple ID – is an existing email address from any email provider that is used to login to systems that Apple Inc. has introduced for its many products such as an Apple iPad.

De minimus personal use – any non-District use of the computer for less than a total accumulated data of 25 Megabytes or 10% per month, whether during, before or after working hours. Personal use of computers should be minimal.

4G – 4th generation mobile communications standards which provide mobile ultra-broadband Internet access for laptops, smartphones, Tablet PCs and other mobile computer devices. These standards were established under the International Mobile Telecommunications Advanced specifications setting peak speed requirements for 4G service at 100 megabits per second for high mobility communications (such as from trains and cars) and 1 gigabit per second for low mobility communication (such as pedestrians and stationary users.)

iCloud – Cloud storage is a service that allows users to store data on remote computer servers for download to multiple devices that use the Apple computer operating system, iOS. It is a data syncing center for email, contacts, calendars, bookmarks, notes, to-do lists and other data.

Laptop – a personal computer for mobile use which integrates most of the typical components of a desktop computer.

Megabyte – The megabyte is a multiple of the unit byte for digital information storage or transmission. It is commonly abbreviated as Mbyte or MB. Depending on compression methods and file format, a megabyte of data can roughly be:

- a 1024×1024 pixel bitmap image with 256 colors (8 bits per pixel color depth).
- 1 minute of 128 kbit/s MP3 compressed music.
- 6 seconds of uncompressed.
- a typical English book volume in plain text format (500 pages × 2000 characters per page).

Remote Access/Virtual Private Network (VPN) – Remote access and VPN are methods by which staff may access their District desktop computers via the Internet.

Tablet PC - an Internet-enabled, mobile computer primarily operated by touching the screen such as an Apple iPad.

3G – 3rd generation mobile communications is a generation of standards for mobile phones and mobile communications services fulfilling the International Mobile Telecommunications-2000 specification. Application services include wide-area wireless voice telephone, mobile Internet access, video call and mobile Television, all in a mobile environment.

Wi-Fi – Technology that allows an electronic device to exchange data wirelessly over a computer network, including high-speed Internet connections.

II. Policy

General:

In order to promote increased efficiency, lower costs and reduce waste, Board agenda packets will be provided electronically to Board members and select staff members (Covered Position) for use on Tablet PCs or laptop computers. The District will either reimburse Covered Position for the purchase a Tablet PC up to an amount specified by the Board every 4 years or provide them with a Tablet PC or laptop as required by the needs of the position. The General Manager may be provided with a District issued laptop and reimbursed for the purchase of a tablet. The District shall provide a Tablet PC cellular allowance to all Covered Position who receive their agenda packets electronically for use on their Tablet PC during or in preparation for Board meetings. The allowance shall be commensurate with the needs of the position.

Board agenda packets will also be made available electronically to staff members. Staff members may be provided a Tablet PC or Laptop to use for District business at the discretion of the General Manager. The District shall provide a cellular plan to all staff members who use their District provided computers based on the requirements of the position. Computers used solely for reviewing the agenda packet prior to and during the Board meetings may utilize the Internet Wi-Fi service provided in the Board room at no additional cost.

Guidelines for District Owned and Non-District Owned Devices:

Option A: District-issued

If the District provides Covered Position with a Tablet PC or Laptop, they must return it and any District-issued accessories to the District Secretary or Administrative Services Manager at the end of their service. Covered Position are responsible for the general care of any District-issued equipment. Any Tablet PC or Laptop or accessory that is broken, damaged, or fails to work properly must be taken to the Administrative Services Manager for evaluation.

Option B: Covered Position/Staff-owned

Covered Position may choose to purchase their own Tablet PC or Laptop. These devices must support the applications required by the District, and must have cellular data (3G, 4G, etc.) capability. The District will not provide any hardware support for individually owned Tablet PC or Laptop so the purchaser should consider an extended service and/or technical support plan.

Software and Use:

1. The following apply to both District-issued and Covered Position-owned Tablet PC or Laptops:
 - a. Covered Position will be provided with the apps needed to conduct District business. Updates to these apps and operating system should be applied as they are released. Training on the basic use of the Tablet PC or Laptop as well as the applications required by the District for conducting District businesses will be provided by the District. All District-provided applications, data, and services (such as email and calendars) will remain the property of the District and may be accessed, altered, or removed by the District at any time. All information on any Tablet PC or Laptop used for District business may be (with limited exceptions) subject to the provisions of the Public Records Act.
 - b. If a Covered Position believes the security of his or her Tablet PC or Laptop has been compromised, he or she shall immediately notify the District Secretary and the Administrative Services Manager. The Tablet PC or Laptop should be password protected and used only by the authorized personnel. Internet use, email and other activities carried out on the Tablet PC or Laptop may be traceable to the District, and may impact the reputation of the District. Accessing of, emailing or sharing of pornographic materials, gambling, graphic pictures or other offensive and non-District business related items is strictly prohibited. The General Manager reserves the right to restrict or cancel computer usage.
 - c. Cellular data use (not Wi-Fi) outside of the continental USA is extremely expensive. Therefore, District-issued Tablet PC or Laptops may not be used outside of the continental USA, and the District will not pay data fees for individually-purchased Tablet PC or Laptops incurred when used outside of this area unless it is an emergency or as approved by the General Manager.
2. The following applies to District-issued Tablet PC or Laptops:
 - a. District-issued Tablet PC or Laptops and accessories are tools for Covered Position to conduct District Business. Only personal use which is lawful, *de minimus* and which does not result in a gain or advantage to the user or a loss to the District is permitted.

- b. District-issued Tablet PC or Laptops may be backed up, remotely wiped, or restored from a backup at the discretion of the General Manager. The District does not accept responsibility for loss of files or software lost due to a wipe and backup. The District may add or remove software / information on the Tablet PC or Laptop at the discretion of the General Manger. In addition, the District will retain access to and ownership of backups of the Tablet PC or Laptop's content. The Apple ID and iCloud accounts used to manage the device will be maintained by the District.
3. The following applies to Covered Position-owned Tablet PC or Laptops:
 - a. Covered Position -owned devices can be used without restriction, but the owner is responsible for backing up their own devices. The District takes no responsibility for maintaining backups of Covered Position -owned devices. District Staff will not provide any support for hardware or software, except for software that is required and provided for the conduct of District business.

Data

All Tablet PCs or Laptops used for District business by Covered Position must be cellular data (3G, 4G, etc.) equipped to allow Covered Position to have frequent access to their District information. Generally a Tablet PC works either on one cellular provider network based on the installed cellular air card; Laptops may work on other cellular data provided networks. Users of District-issued Tablet PCs and Laptops will be provided with a data plan commensurate with their District business usage. Covered Position who purchase their own Tablet PC will receive a monthly allowance equal to the District's cost to provide the above amount of data for a District-issued Tablet PC. Staff who purchase their own device will be provided data access as needed for their District business usage at the discretion of the General Manager.

Email, Calendar, and Other Documents

All Covered Position will be provided with email addresses and shall not use their home or business email accounts for any communication pertaining to District business. District-issued email shall be used for all communication regarding District business, and only for such communication. In addition, the District may provide access to calendars and other documents though the Tablet PC or Laptop. Covered Position are expected to utilize the email, calendar, and other documents provided on the Tablet PC or Laptop.

Covered Position may receive confidential items in electronic format for Closed Sessions of Board meetings. These items will be sent via separate encrypted, password protected email. These electronically distributed items are subject to the same confidentiality provisions of regularly distributed Closed Session items and must be deleted from the Tablet PC or Laptop and email accounts after the meeting.

Remote Access/VPN

The District will allow Remote Access through the Internet or Virtual Private Network (VPN) for staff as designated by the General Manager. Since this access is a direct portal to the District's computer system, proper care and security measures should be taken by staff when using it. Due to the threat of key logging and other spy tactics, access through public computers is strictly prohibited.

III. Replacement

It is anticipated that Tablets and Laptops will be in service for a minimum of 4 years in order to recover the cost benefits of not producing hard copy agenda packets. The paperless agenda packet program was initially approved by the Board of Directors on July 12, 2012. On August 4, 2016 the Board approved updating the allowance for replacing tablet PC's to \$1,347, plus sales tax which represents the cost of an iPad Pro 12.9 inch model with a keyboard and the Applecare technical service plan. Covered staff, Board members and District counsel may spend up to this amount for a Tablet PC and submit their receipt for reimbursement.

Covered staff who are issued a laptop will have the devices replaced as needed for the position at the discretion of the General Manager.

IV Taxability

District provided Tablet PCs and Laptops are not taxable fringe benefits provided there is no more than *de minimus* personal use of the devices.

The provision of a reimbursement of purchasing a Tablet PC or Laptop will be reported as a taxable fringe benefit through payroll. For determination of individual taxability, Covered Position and staff should check with their tax advisor.

V. Acknowledgment

All Covered Position will be required to sign an acknowledgement that they have reviewed this policy and agreed to it upon assignment of a device or provision of a purchase allowance.

Date Approved: September 8, 2012

Supersedes: September 27, 2012

President of the Board

X:\BOARD\POLICIES\ADMINISTRATIVE POLICIES AUGUST 2015\A-03 ADMINISTRATIVE POLICY MOBILE COMPUTER DEVICES USED FOR DISTRICT BUISNESS UPDATE 09 08 2016.DOCX

**Acknowledgement of Review and Understanding of the:
Mobile Computer Devices Used for District Business**

I, _____, have received and read the administrative policy related to the Mobile Computer Devices Used for District Business. I agree to abide by the terms of the policy in effect as of September 8, 2016.

Signature

Date

8/20/2020

General Manager Report

- Separate Item to be distributed at Board Meeting
- Separate Item to be distributed prior to Board Meeting
- Verbal Report – Topics include:
 - Recruitment Updates
 - Billing Calculations – Tax Rolls
 - Audit
 - Requests for Proposals (2)
 - MS Office email address problems
 - Discharge Schedule Update
 - Staff Commitment
- Presentation

January - June 2020

Agenda Item GAZ

Date August 20, 2020

Below is a summary of the activities performed by the Administration Department during the previous six months.

Human Resources and Payroll

Training, Staff Development and Employee Engagement:

- Coordinated Labor Committee Meetings (LMC). Direct communications with Union Rep and LGVSD negotiator regarding union issues.
- Reviewed several employee evaluations and discussed improvements with managers.
- Obtained FLSA Audit
- Initiated Class & Compensation Study
- Coordinated Organizational Review Study
- Finalized 2019 FutureSense Employee Climate Update Report
- Employees who have achieved promotions:
 - Anthony Asaro, Mech/Tech Grade 2, 06/13/2020
- Established Human Resources Support Contract with Pacific Crest Group
- Established Administrative Support Contract with Regional Governmental Services
- Initiated training of administrative staff on QuickBooks

Recruitments and Separations:

- Separation of Administrative Services Manager 4/29/2020
- Separation of Lab Technician 6/19/2020
- Recruiting for 3 positions as of the end of the six-month reporting period.
 - Administrative Services Manager
 - Lab Technician
 - Skilled Maintenance Worker

Benefits:

- Added PERSable uniform allowance to affected employees.

Payroll:

- Processed thirteen regular payrolls.

Workers Compensation:

- There was one employee with a lost time event.

Administration

- Developed COVID-19 Temporary Modifications
- Review procedures for bank transfers; internal control environment.
- Continuous website updates for posting of agendas, minutes, resolutions, ordinances and public hearing notices, blending events, and personnel changes.
- Revised Board Policies
- Grand Jury Response for Transparency
- Held multiple closed sessions regarding potential purchase of 405 Vendola Drive

January – June 2020

Board Support

- Supported the Board in setting up Board meetings, preparing agendas, scheduling special meetings and assisting with expense reimbursements. (90 staff reports, 17 board minutes, two public hearings, 17 board resolutions, Spring/Summer newsletter, Forms 470 and 700 compliance)
- Published nine legal notices in the newspaper regarding public hearings and ordinance changes.
- Modified several Board Policies regarding meeting locations, compensation, and travel.
- Established virtual Board meeting protocols

Finance

- The 2019-20 Annual Audit was approved by the board January 16, 2020.
- Submitted State Controllers Annual Compensation Report
- Submitted continuing disclosure report to trustee for 2017 Revenue Bonds
- Processed 12 warrant lists for \$12,739,095
- Executed 26 LAIF and Bank of Marin Transactions
- Private Sewer Lateral Assistance Program activity:
 - Processed six applications which were submitted during the period.
 - For the six-month reporting period, \$71,272 in new loans was expended.
 - Projected billing for FY2020/21 tax rolls \$89,566
- Initiated planning for FY2019/20 annual audit with District's outside CPA audit firm.
- Conducted Proposition 218 Rate Increase Hearing and associated public notification
- Developed FY2020/21 Sanitary Sewer Service Charge rates in-house
- Held two budget study sessions and public hearing to adopt FY2020/21 District Budget.
- Addressed several month backlog of bank reconciliations.
- Initiated FY2022 & FY2023 Rate Study
- Initiated STPURWE Project Funding Plan Evaluation
- Initiated work on FY2020/21 County tax roll billing
- Initiated evaluation of readiness for preparation of ERP (accounting and financial reporting system) RFP

Information Technology

- Completed technology installation in new administration offices
- Microsoft Office 365 upgrade

Collections/Maintenance/Safety Department Report

January – June 2020



***As a result of the Covid – 19 Pandemic, significant modifications to staff hours and Preventative Maintenance Scheduling (In order to decrease the risk of exposure) resulted in drastic decreases in maintenance footage for January – June 2020. Also contributing to the significant decrease was the loss of a staff member to injury.

Preventative Maintenance

Jan - June 2020			Jan - June 2019		
Measurement in Feet			Measurement in Feet		
	JANUARY - JUNE	TOTAL			TOTAL
ITV	27,834	27,834	ITV	17,856	17,856
CJET	17,351	17,351	CJET	82,233	82,233
CLEAN	46,538	46,538	CLEAN	134,353	134,353
TOTAL	91,723	91,723	TOTAL	234,442	234,442

ITV = Camera truck
 CJET = Flushing with camera truck
 CLEAN = Flushing with flusher truck



Collections/Maintenance/Safety Department Report

Underground Service Alerts Completed

- 1,976 USA's completed (0.75 hours x 1,976 = 1,482 hours)

Service Requests (Customer call outs - Incident Reports)

- There were 3 Service Requests for the months of January-June 2020

Collection System Overflow Summary

Sanitary Sewer Overflows (SSO) – There were (1) Sanitary Sewer Overflow reported/verified in the District.
of spills Year to Date

- March 16, 2020 Corner of Professional Center Pkwy and Redwood Highway
 - 550-gallon category 1 SSO (Category I – overflow to waters of the state)

Private Sewer Lateral Replacement

- The District has issued (44) lateral replacement/repair permits.
- Of the (44) issued, (39) have been completed and approved by the District. Total lateral footage replaced to date = approximately 1,896 feet of Sewer Laterals Replaced
- 44 inspections completed (0.75 hours x 44= 33 hours)

Lateral Inspection Ordinance

- The District received (71) Lateral Inspection Reports for Review
- (1) illegal connection was discovered and subsequently removed
- A majority of Lateral Inspection reports show laterals to be in functioning shape with a moderate amount of minor defects identified within them.

District Maintenance activities performed by the Skilled Maintenance Worker and Out of Class Maintenance Supervisor Assignment

***Some (not all) notable maintenance tasks completed:**

- Old Collections Department Office demolished and remodeled to include a new locker-room and storage room.
- Continued vegetation cleanup and removal in the Reclamation area
- Installed new pumps at Descanso and Rafael Meadows Pumps Stations
- Installed new identification and/or safety signage in the plant, at pump stations and reclamation
- Installed new communication wiring at MCC #9
- Repaired Composite Samplers
- Repaired Headworks air compressors
- Installed new light pole and fixture in corp-yard parking lot



Collections/Maintenance/Safety Department Report

- Installed new decking on piers in reclamation
- Repaired Deep Bed Filter valves
- Routine Valve exercising in the Plant
- Completed 80+ Preventative Maintenance Workorders
- Assisted with forming and pouring a new curb and gutter in corp-yard parking lot
- Assisted with new intercom installation and trenching of conduit at Plant gate entrance

Safety - Calendar

- Covid – 19 Site Specific Protection Plan – Completed May 28, 2020
- Multi-Employer Work Site Safety Training
- Hazardous Waste Management
- Hearing Conservation
- Bloodborne Pathogens

**To limit the possibility of contracting /spreading the virus here at the District, we have implemented the following control measures and screenings:

We are in compliance with the Marin Recovers Site Specific Protection Plan, which includes the following requirements:

- District staff complete a daily self-assessment prior to starting their shift
- District staff is required to stay home if they have any Covid-19 related symptoms or have come in contact with someone who does.
- Shift start times, break times and end times have all been adjusted to limit employee interactions with other staff. Breaks and lunches are taken at multiple locations and at different times and staggered start and end times prevent multiple people gathering in the locker-rooms.
- Cleaning of the District facilities has been increased to two times per week and all surfaces, handles and workstations are disinfected.
- If any member of the Staff becomes infected, the cleaning company has CDC approved cleaning machines to disinfect the entire building(s).
- We practice the most current Social Distancing guidelines.
- Staff do not travel in the same vehicle and all tools and vehicles are to be disinfected at the end of every shift.

January - June 2020



Figure 1. Construction of Bio-Wheels. Photo taken on 6/10/2020.

Secondary Treatment Plant Upgrade and Recycled Water Expansion (STPURWE) Progress:

- PG&E and Myers and Sons Construction (Contractor) completed PG&E Phase 2 relocation construction.
- Executed contract for PG&E Phase 3 Rule 16 for service extension.
- Finalizing change order for cost associated with the UV deletion.
- Obtained easement from County of Marin for PG&E Phase 2 relocation.
- Investigated secondary clarifier interim mode of operations.
- In the process of evaluating potential challenges and changes associated with commissioning of Bio-Wheels, structural integrity of the existing Secondary Clarifier (SC), and performance issues of existing Secondary Clarifier with activated sludge process.

STPURWE Progress (Cont'd):

- Begin to evaluate alternate locations for SC #1. Site investigation, preparation of cost estimates, and constructability review are in progress. SC#2 will be built at the secondary biofilter location.
- Submitted WaterSMART grant reimbursement request #2 and received reimbursement payment in full amount (\$805,550).
- Communicated Recycled Water Facility expansion cost share and schedule delays to Marin Municipal Water District.
- Working with Regional Government Services on verification of funding sources and costs associated with the project.
- CATS4U relocated aboveground gas tank adjacent to Primary Clarifier #1 in order to provide fuel access to District staff for the rest of construction.
- Held two monthly meetings with County staff regarding PG&E easement, Memorandum of Agreement for construction access, golf net, drainage culvert, San Francisco Bay Trail Connection, and reimbursement for fuel tank purchase and cart rental.
- Processed contractor Progress Payment #9 thru 15 for a total amount of \$16,242,619.
- Processed Contract Change Order #17 thru #25 for a total amount of \$2,031,053.
- Held project update meetings for the ad hoc engineering subcommittee on 2/7/2020, 5/1/2020, & 6/16/2020.
- Held project update meeting for the full Board on 3/5/2020.
- **Construction Activities:**
 - Completed PG&E Phase 2 realignment.
 - Installed GE membrane filtration cartridges for Recycled Water Facility.
 - Nearly completed installation of new Electrical Building.
 - Completed 30" Secondary Clarifier feed lines from the aeration basins.
 - Installed pond return pump station header pipe.
 - Constructed aeration basin interior and exterior walls.
 - Installed approximately half of Bio-wheels in aeration basins.
 - Began modifications to dechlorination facility.
 - Work completed through June 2020: \$30,488,556 (59% completion)

Below is a summary of Engineering Department activities and project status during the first six months of 2020:

Job No.	Project Description	Status/Updates
PLANNING, SOFTWARE, & OTHER ENGINEERING		
20100-04	Integrated Wastewater Master Plan <i>Development of an Integrated Wastewater Master Plan that will include an integrated plan for District's collections, treatment, recycled water production, and biosolids disposal systems. The master plan will become a road map for future CIP projects.</i>	<ul style="list-style-type: none"> • Kick-off meeting with Kennedy Jenks (KJ) held on 1/23. • Attended Business Risk and Vulnerability Assessment (BRVA) 5-day workshop hosted by KJ. • KJ presented BRVA workshop findings and provided technical memo for District's review. • Staff provided documents in response to the RFI list. • KJ provided assistance to MWA Architect on Sea Level Rise analysis s for Admin Building Site Evaluation project. • KJ provided preliminary information on Rafael Meadows Pump Station upgrade, and energy audit for other District CIP or development projects.
20125-01	On-Call Construction Contract <i>Provide on-call construction services for small projects and emergency projects, when applicable.</i>	<ul style="list-style-type: none"> • Piazza Construction began working on: <ol style="list-style-type: none"> 1) Deep Bed Filter Valve Repair; 2) Center Pivot Center Pivot #2Feed Line Emergency Repair; and 3) Reclamation Pipe Leak near Solar Panels.
20125-01	On-Call Consultant Contract <i>Provide on-call consultant services for small projects and emergency projects, when applicable.</i>	<ul style="list-style-type: none"> • Hazen & Sawyer (HS) began the following task orders: <ol style="list-style-type: none"> 1) Investigate UV issues; 2) Provide information & recommendation on algae control at the reclamation storage ponds.
COLLECTION SYSTEM		
11200-03	John Duckett Sewage Main Capacity and Storage <i>Project will include the design for deepening of the Duckett pump station, eliminating the visible Gallinas Creek crossing and a new Highway 101 crossing.</i>	<ul style="list-style-type: none"> • GHD worked on site alternatives analysis report to include the west side of Hwy 101. • Staff reviewed draft report and requested GHD to include property analysis and contact property owners for a potential offer to purchase.
11200-03	Marinwood Trunk Sewer Repair <i>Trenchless rehabilitation of 420 LF of 18" diameter ABC (Asbestos Bonded Corrugated) underground sewer crossing at Highway 101 near Postmile 15.6-Miller Creek Rd overcrossing using Cured-in-Place Pipe (CIPP) lining.</i>	<ul style="list-style-type: none"> • Completed closeout process and filed Notice of Completion on 6/4/2020.
19200-01	Air Release Valve and Vault Replacements <i>To replace 11 Air Release Valves and perform valve assessment as necessary.</i>	<ul style="list-style-type: none"> • Called for Bids on 6/26/2020.
PUMP STATIONS/FORCE MAINS		
12300-05	Rafael Meadows Pump Station <i>Upgrade of existing electrical facilities and installation of permanent standby generator for Rafael Meadows Pump Station.</i>	<ul style="list-style-type: none"> • Staff completed plans to relocate temporary standby generator to a permanent location. • Informally bid per UPCCAA guidelines. • Called for Bids on 6/26/2020.

Job No.	Project Description	Status/Updates
14300-05	Combined Force Main Repair/Replacement <i>Replace or repair existing force main to the treatment plant and installation of redundant line for summer and winter flows.</i>	<ul style="list-style-type: none"> • Design on hold at 50% pending Master Plan and granting of easements from the Silveiras. • Tentatively scheduled for FY 2022-2023.
18360-01	Marin Lagoon Pump Station <i>Pump station control cabinets need to be upgraded due to deterioration, corrosion, and aging of the infrastructure.</i>	<ul style="list-style-type: none"> • Staff finalized and returned comments to ArcSine on 95% drawings and specifications. • ArcSine provided proposal for additional engineering services.
18300-05	Hawthorn Pump Station Fencing <i>Replacement and realignment of pump station fencing.</i>	<ul style="list-style-type: none"> • Project is on hold since 2017 due to property line discrepancy with pump station neighbors.
RECLAMATION		
11500-09	Miller Creek (Lower Miller Creek Channel Maintenance) <i>Rock vane caused levee erosion. Repair rock vane and levee. Continue monitoring of the revegetation per regulatory requirement.</i>	<ul style="list-style-type: none"> • Completed closeout process and filed Notice of Completion on 6/4/2020.
17500-05	McInnis Marsh Restoration <i>Financial participation with County of Marin. Force main relocation.</i>	<ul style="list-style-type: none"> • Staff reviewed and provided comments on the Descanso force main relocation design by BKF Engineers.
20500-02	Reclamation Valves & Transfer Boxes <i>Installation of 36" transfer valve. Investigate possible leak. Replace transfer boxes and deck. Install additional guardrail/posts/fencing for public</i>	<ul style="list-style-type: none"> • Received quote from CATS4U to repair the wood boxes through UPCCAA process. • Staff anticipates start of work in August 2020.
20500-10	Center Pivot No. 2 Irrigation System Replacement <i>Replace center pivot irrigation system.</i>	<ul style="list-style-type: none"> • Rebid project in February 2020. • Awarded contract to Amerine Systems. • Work is complete; Amerine to test system.
20500-04	Sharp Solar Panel Replacement Project <i>Replacement of solar panels on District property.</i>	<ul style="list-style-type: none"> • Empire Earthworks installed solar panels. • Punchlist items in progress.
20500-05	Marsh Pond Long Term Vegetation Management <i>Prepare long-term vegetation management plan for marsh pond.</i>	<ul style="list-style-type: none"> • WRA provided the long-term plan. • Staff to complete review of the plan and coordinate with Marin/Sonoma Mosquito & Vector Control District and Audubon Society.
TREATMENT PLANT		
12600-02	Plant Improvements 2018 <i>Replacement of grit pumps, grit motor controls, hydrocyclones, and installation of progressive cavity sludge pumps.</i>	<ul style="list-style-type: none"> • Completed punch list items.
12600-07	Secondary Treatment Plant Upgrades <i>Increase secondary treatment capacity and provide treatment plant upgrades.</i>	<ul style="list-style-type: none"> • See cover page for status update.
16650-02	Recycled Water Facility Expansion <i>Expand Recycled Water Facility.</i>	<ul style="list-style-type: none"> • See cover page for status update.

Job No.	Project Description	Status/Updates
20100-02	Administration Building Site Evaluation <i>Site investigation for Administration Building.</i>	<ul style="list-style-type: none"> • MWA presented preliminary results to the Board on 6/4/2020. • MWA will provide draft evaluation report by 7/31/2020.
20600-01	Influent Screens Rebuild <i>Rebuild two Parkson units.</i>	<ul style="list-style-type: none"> • CATS4U completed installation.
20600-03	BERS Boiler <i>Fix issue with boiler.</i>	<ul style="list-style-type: none"> • Bay City Boiler completed the repair.
20600-03	BERS & Smith Ranch Canopy <i>Weather protection for CNG skids and facilities.</i>	<ul style="list-style-type: none"> • Tentatively scheduled for FY 2022/23 pending completion of potential BERS piping project and other civil improvements.
20600-04	Flow Equalization Basin <i>Design and construction of flow equalization basin.</i>	<ul style="list-style-type: none"> • Hazen & Sawyer (HS) completed review of background materials and information. • HS evaluated 5 potential sites for the basin. • HS began evaluating pipeline routing and developing potential layouts. • Staff received proposal on headworks & primary clarifier desktop evaluation.
Other Projects		
	Annual Encroachment Permit - County	<ul style="list-style-type: none"> • Staff obtained annual encroachment permit with County of Marin for emergency repair work.
	Tide Gate Replacement Project <i>Replace tide gate at Silveira Drainage Pump Station.</i>	<ul style="list-style-type: none"> • Coordinated and provided authorization letter to Silveira for working on District property. • Coordinating with Silveira for installation of the tide gate.
LAND DEVELOPMENT		
	350 Merrydale Townhomes - 350 Merrydale Rd <i>Demolition of three (3) one-story classroom buildings on site and construction of 9 buildings containing a total of 44 residential townhome units.</i>	<ul style="list-style-type: none"> • Staff responded to CEQA ISMND. • Staff reviewed Tentative Maps approved by the City. • Staff discussed developer's offer to cost share of pump station upgrades with the developer. • Staff provided updates to developer frequently. • Staff worked with KJ on cost estimate of the Rafael Meadows Pump Station and Mulligan Trunk Sewer Capacity upgrades.
	Airport Recreational Facility - 400 Smith Ranch Rd <i>Expand allocated sewer capacity for current and future tenants.</i>	<ul style="list-style-type: none"> • Staff began to review plans submitted and coordinated with Airport for flow calculations.
	Chevron Gas Station - 3530 Civic Center Dr <i>Replace existing with a new gas station</i>	<ul style="list-style-type: none"> • Issued Will Serve Letter on 2/6/2020.
	Fire Station 57 - 3530 Civic Center Dr <i>Replace existing with a new fire station.</i>	<ul style="list-style-type: none"> • Issued Will Serve Letter on 2/6/2020. • Staff coordinated with Fire Station on vehicle access (add padlock to the gate).

Job No.	Project Description	Status/Updates
	Gravity Vault - 400 Smith Ranch Rd <i>Indoor rock climbing gym inside Airport Recreational Facility.</i>	<ul style="list-style-type: none"> • Staff reviewed plans submitted by the applicant. The sewer allocation for this project is under Airport Recreational facility.
	Guide Dogs for the Blind - 350 N. San Pedro Rd <i>Construction of new puppy center.</i>	<ul style="list-style-type: none"> • In communication with Guide Dogs for the Blind and its consultant for the easement access issue.
	Kaiser Parking Garage - 1650 Los Gamos Dr <i>Construction of a parking structure on the existing parking lot.</i>	<ul style="list-style-type: none"> • Staff inspected the site.
	Kaiser Medical Office Building - 1650 Los Gamos Dr <i>Convert existing office building into a medical office building.</i>	<ul style="list-style-type: none"> • Staff inspected the site and it appears to be in compliance with the approved plans & specifications. • Attended Kaiser's kick-off meeting.
	Marin Jewish Community Campus - 200 North San Pedro Rd <i>Renovation</i>	<ul style="list-style-type: none"> • Staff responded to County of Marin Planning Division's referral on 1/27/2020.
	Monk's Kettle - 655 Del Ganado Rd <i>Interior remodeling.</i>	<ul style="list-style-type: none"> • Staff reviewed proposed plans and provided response on 4/23/2020. • Issued Will Serve Letter on 5/21/2020.
	Northgate III Shopping Center - 496 Las Gallinas Ave <i>Converting the existing Toscalito Tire & Automotive shop in the Northgate III Shopping Center to a retail space with restaurant.</i>	<ul style="list-style-type: none"> • Staff reviewed plans submitted by the applicant.
	SCA Marin Specialty Surgery Center - 1 Thorndale Dr <i>Construction of a outpatient surgery center within existing tenant space.</i>	<ul style="list-style-type: none"> • Staff provided a response to the applicant on 5/5/2020.
	23 Upper Oak Dr <i>Construction of an accessory dwelling unit.</i>	<ul style="list-style-type: none"> • Issued Will Serve Letter on 6/18/2019.
	28 Vendola Dr <i>Construction of an accessory dwelling unit.</i>	<ul style="list-style-type: none"> • Issued Will Serve Letter on 3/19/2019.
	383 Quietwood Dr <i>Interior remodeling.</i>	<ul style="list-style-type: none"> • Issued Will Serve Letter on 5/21/2020.

January – July 2020

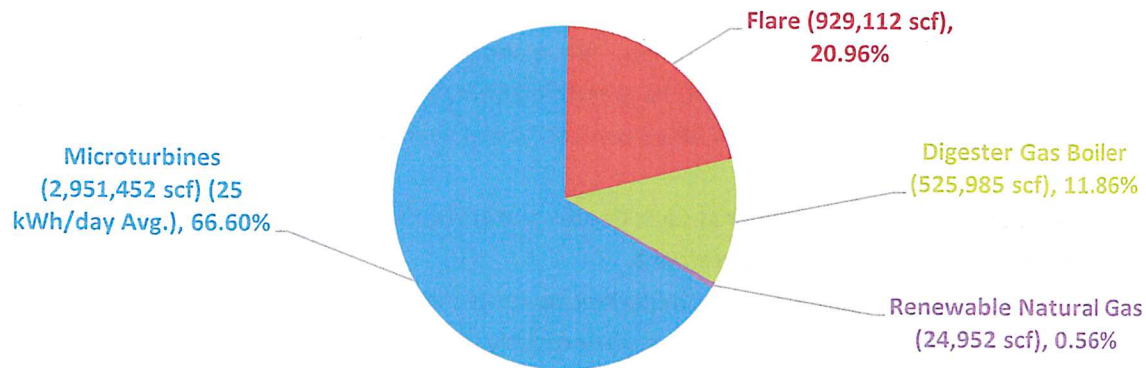
Recycled Water Facility Totals

- 11,729,080 Gallons Distributed to North Marin Water District
- 15,973 kilowatt hours consumed, approximate cost = \$2,316
- No Recycled Water was Produced by MMWD per Operational Agreement to facilitate STPURWE Project

Biosolids

- 800,000 gallons biosolids applied to the District's dedicated land disposal site as of July 21, 2020

Biogas Utilization



Events

General

- 1/16/20 Throttling valves were installed on the 8" x 6" and 4" x 4" portable pumps.
- 1/29/2020 A boiler service company replaced the gas inlet valve on the RNG Boiler and performed a startup as well as tuning the gas flow under flow conditions.
- 6/7/20 Transference of recycled water permit from SF Bay Area RWQCB Order No. 96-011 to California Water Resources Control Board Recycled Water Statewide Order 2016-0068-DWQ
- 6/11/20 The District's controls integration firm installed and configured new alarm delivery software and cellular modems for the SCADA network.
- 6/26/20 Four portable generators placed at pump stations not provisioned with fixed generators for standby power were leased in anticipation of PG&E PSPS events.

Wastewater Treatment Plant

- 1/10/20 Operations staff replaced the shaft seal, upper discharge gasket and both membranes on the Primary Clarifier #2 scum pump.
- 1/22/20 Fixed Film Reactor pump #1 motor was rebuilt and returned to service.

- 4/3/20 An older blind flange failed on the digester supernatant pipe that connects the primary and secondary digesters. During the service outage to replace the blind flange, staff took the opportunity to replace an unreliable plug valve that was connected to this line.
- 4/7/20 The STPURWE Project's General Contractor damaged the Deep Bed Filter feed line while performing excavation work. Plant effluent was diverted to the storage ponds while the line was repaired.
- 4/8/20 Operations staff worked with a service company to replace siloxane removal media for the BERS gas conditioning skid.
- 4/19/20 The treatment plant disinfection system's second stage sample pump that supplies process water to the chlorine analyzer was replaced after finding the pump's motor bearings had failed.
- 5/5/20 A failed motor and check valve was replaced on plant air compressor #2.
- 6/9/20 Glycerin solution, used as a preservative in the new recycled water ultrafiltration membrane modules, was purged to storage tote bins during start up and then fed to the primary digester at a rate of 100 gallons per day. Glycerin that could not be transferred to storage containers was pumped to the sludge lagoons.

Pump Stations

- 1/6/20 The sump pump inside the valve pit at MacPhail's pump station failed and was replaced.
- 1/8/20 The sump pump inside the valve pit at Civic Center pump station failed and was replaced.
- 1/22/20 Rafael Meadows pump station perimeter fence and locked external electrical receptacle were damaged ostensibly to use the electrical service. Staff have notified SRPD multiple times and are investigating alternative means of securing the site. On 6/16/20 a fence contractor replaced sections of perimeter fencing that were damaged.
- 1/24/20 The ultrasonic level transducer at Civic Center pump station was replaced and relocated in the wet well to improve the reliability of level measurement.
- 4/20/20 Venetia Harbor pump station was experiencing erratic level readings due to the integrated pump controller and pressure transducer not functioning properly. A new pump controller and pressure transducer was installed.
- 5/15/20 Mulligan pump station radio telemetry equipment stopped functioning. A general station alarm, provided via telephone circuit, is still functional. A plan is ready to implement a redirection of communications through Smith Ranch Pump Station. Staff are coordinating an effort to complete this work by the end of August.
- 5/12/20 A local sewer service contractor removed grease and cleaned Rafael Meadows pump station.
- 6/16/20 Recycled water distribution to NMWD was stopped in response to results of high total coliform bacteria. Operations staff has narrowed the cause to leakage from the UV disinfection system inlet valves.

Recycled Water & Reclamation

- 2/26/20 An electrical/instrumentation contractor installed radio telemetry equipment to provide storage pond flow meter values to the SCADA network. The underground signal cable that was being used to provide this service failed at an unknown location between the treatment plant and the storage ponds.
- 4/27/20 Plant effluent was redirected to the marsh pond for 4 days due to and extremely low level in the marsh.
- 5/29/20 The recycled water distribution wet well chlorine pump's stroke controller was replaced with a spare stroke controller.
- 6/8/20 The recycled water facility membrane filtration manufacturer's field technician performed testing and pre-commission validation for the recycled water facility's capacity expansion skids.

Lab & Regulatory Compliance

- The treatment plant continued to operate in discharge mode during January-May 2020. All monitoring requirements for NPDES permit were met and water quality remained within permit requirements.
- The new NPDES Permit was adopted on July 8 and becomes effective on September 1st, 2020.
- 4/30/20 Sahar Golshani was honored with the 2020 Marin School of Environmental Leadership's Vision into Action Award. This award is given in recognition of an outstanding environmental leader who has excelled at contributing to the community through their actions. Lab staff have partnered with Terra Linda High School's MarinSEL program in its environmental projects since 2015.
- The lab analyst position has been vacant since June 2020. The District is currently recruiting to fill the position by September 2020.
- The Marketing Machine company created a new video for public outreach events to introduce to the public the highlights of each sanitation agency in Marin County, how to dispose of household waste properly (The toilet is not a garbage can), and the wastewater treatment process works. The video reviewed and approved by public education committee and it will be ready in near future.
- On July 2020, The NELAC Institute (TNI) standards officially adopted by Environmental Laboratory Accreditation Program (ELAP). All environmental labs must meet the TNI standard regulations by July 2023. Lab staff have been updating and revising the QA manual and lab SOPs to comply with the new TNI standards. Marin County Sanitation Agencies laboratory directors are convening a TNI implementation support committee.
- Sahar Golshani attended a five-day TNI basic assessor course provided by NELAC Institute (instructed by Marlene Moore as a certified TNI assessor) to master TNI regulations as an assessor for internal audits. Sahar successfully passed the exam and received her certificate.
- The District began to operate in non-discharge mode June 1, 2020. All monitoring requirements for Reclamation and Recycled Water permit were met and water quality constituents were within permit limitations with one exception. On 6/15/20 The Recycled Water (Post UV) Total Coliform sample result was >2419.6 MPN/100 ml, which exceeded the Recycled Water permit limit for single day. Upon receipt of the result, staff immediately stopped recycled water distribution to North Marin Water District. District staff have been testing the performance of the system and verifying test results until samples indicate that water quality is within permit compliance requirements.
- **Regulatory Compliance NPDES Permit Excursions**

Date Occurred	Violation Description	Corrective Action
06/15/2020	>2419.6 MPN/100ml result Exceeded Recycled Water Max Single Sample Limit (240 MPN/100ml) Total Coliform Bacteria	Staff are manually isolating offline reactor during production to prevent bypass leakage from contractor adjusted automatic valve. UV Reactors were disassembled, inspected and all questionable components were replaced with new.

8/20/2020

BOARD MEMBER REPORTS

CLARK

NBWA Board Committee, NBWA Conference
Committee, Survey, Other Reports

ELIAS

NBWRA , Ad Hoc Engineering Sub-Committee re:
STPURWE, Other Reports

MURRAY

Marin LAFCO, CASA Energy Committee, 2020 GM
Evaluation Ad Hoc Subcommittee, Other Reports

SCHRIEBMAN

JPA Local Task Force, NBWA Tech Advisory Committee,
Other Reports

YEZMAN

Gallinas Watershed Council/Miller Creek Watershed
Council, Flood Zone 7, CSRMA, Ad Hoc Engineering Sub-
Committee re: STPURWE, 2020 GM Evaluation Ad Hoc
Subcommittee, 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: _____

Other meeting attendees: _____

Meeting relevance to District: _____

Frequency of Meeting: _____

Estimated Costs of Travel (if applicable): _____

Date submitted to Board Secretary: _____

Board approval obtained on Date: _____

Please submit to the District Administrative Assistant, no later than 2:00 p.m. on the
Friday prior to the Board Meeting.

8/20/2020

BOARD AGENDA ITEM REQUESTS

Agenda Item 8B

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

Transportation in Santa Venetia

Marin Transit Connect Transitioning to Uber App July 1

• Cody Lowe, Planning Analyst, Marin Transit, clowe@marintransit.org

Marin Transit and the Transportation Authority of Marin (TAM) are excited to announce that starting July 1, 2020, Connect will transition from the Marin Transit app to the Uber app platform.



Transitioning to the Uber app will provide riders many benefits:

- » Integration of TAM's first-last GET2SMART program and Marin Transit Connect all within one-app
- » Service area expansion to roughly a 2.5-mile radius from all Marin County SMART stations
- » Ability for Connect to increase first and last mile, shared-ride connectivity to fixed route transit and major employment sites
- » Real-time transit departure information within the Uber app so you can compare your trip request to see if other shared ride options—including local bus, regional Golden Gate Transit bus service, or SMART rail service—is a more attractive option

In preparation for the transition, Marin Transit and TAM encourage all riders to download the Uber app. The app is available in the Apple App Store for iPhone or Google Play Store for Android.

While Marin Transit Connect has been free since March 20 throughout Shelter-in-Place orders, fares will be collected again beginning July 1, 2020. The general public fare is \$4 per mile. Marin Access clients are eligible for a \$3 per trip fare.

Questions? All rider inquiries can be sent to connect@marintransit.org. If you are a Marin Access rider, please contact a Marin Access Travel Navigator at 415-454-0902. We look forward to seeing you onboard soon!



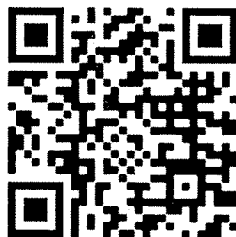
Flood Zone 7 (FCZ #7) Update

• Gerhard Epke, Marin County Flood Control, Senior Program Coordinator, 415-473-6562, gepke@marincounty.org

Flood Zone 7 continues work on the Gallinas Levee Project assembling the funding needed to purchase easements and reconstruct the levee behind Vendola Drive homes. FEMA awarded the project a \$3 million grant earlier this year, and the Zone and County contributions are still available, so we are 5/6 of the way there. The plan to generate the last \$1 million is to pass a temporary tax on parcels within the Zone, which makes it a high-stakes public decision.

In order to put that decision squarely on the owners of properties that are at risk of flooding from a levee failure we are currently working on reconfiguring the tax as a Benefit Assessment, meaning it would be voted on and paid for by those parcels that see a risk reduction benefit, rather than all parcels within Zone 7. Benefit Assessments are an alternative to special taxes for situations like this where the revenue goes directly to a project whose benefits can be quantified. We plan to complete the Benefit Assessment vote this year, with more specifics later this summer.

In the meantime, scan this barcode with your smartphone QR reader or camera to see an elevation map of the levee project.



EDITOR'S NOTE: Current plans include holding a FCZ #7 AB meeting in August or September to discuss and decide strategies to protect our neighborhood. To be notified of upcoming meetings, go to <https://tinyurl.com/yb6koakx> and add your name to "stay connected".

Second Saturday Medians

Agenda Item

• Nanni Wurl, 415-472-3269

Date

August 23, 2020

After two months of forced absence, we were back on track in May and worked on the median we love to hate, between Meadow and Mabry. Besides being too long, we get practically no support from the residents there. I only work on this median for Kurt Huget who waters and fixes the run-over sprinklers. Dennis could not work and Caroline came to help, even though she lives in Sonoma, but she no longer has a truck. Our lunch money went to dump fees. We got four green cans: one from Alison & Aaron Anspach on NSPR; another from Dean Tizzard on Meadow; and one each from Alison Fuller and her neighbor, they live close to NSPR. Working were Carolyn Byrne, Wayne Lechner, Peter Fisher, Andrea Hedin, and Carl & Helen Sitchler.

Wayne and I had put in extra time. He worked in front of the three homes. I did some pruning on that median, the one with the junipers. Elaine Reichert donated money which we both appreciated very much. It went for part of the dump fee.

In June, we worked on the median between Birch and La Pasada. Wayne took down a dead tree, Carl weed-whacked, and the rest of us pruned and pulled weeds. Working were Carolyn Byrne, Wayne Lechner, and Carl & Helen Sitchler. Two kind souls stopped to offer to take away the green stuff, but Wayne was already loaded up, so thanks to Wayne for yet another dump run.

Las Gallinas Valley Sanitary District

Update on Smith Ranch Road/Access to Reclamation Area

• Malcolm Smith, malcolms@yahoo.com, 408-472-8536

As of July 1, 2020, Smith Ranch Road is typically open, providing vehicular access to the District's reclamation area parking lot and trails.

When visiting the reclamation area, please utilize all social distancing practices, for your safety and that of other visitors, and be aware of construction vehicles on Smith Ranch Road.

PLEASE NOTE: to support social distancing and maintain safe separation from construction activities, on weekdays an attendant at the gate near the main entrance to the District is limiting the number of vehicles to the maximum number of spaces in the reclamation area parking lot. When the parking lot is full, no additional vehicles will be allowed to enter, until a vehicle exits. The attendant will enforce this limitation Monday through Friday until 4 pm. This parking lot control will be in place until further notice – we apologize for any inconvenience that this may cause our visitors. This does not affect the northerly 'Hamilton' access to the reclamation area.

It's also important to remind District visitors that the ongoing construction of its Secondary Treatment Plant Upgrade and Recycled Water Expansion Project may require temporary closures of the entrance gate and/or Smith Ranch Road on short notice, for the safety of the public. Such closures will of course affect access to the reclamation area. Please check the District's website for updates: www.lgvsd.org

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NO. 707 JULY 9, 16, 23, 30, 2020

**NOTICE OF PUBLIC HEARING TO DISCUSS
PROPOSED ORDINANCE NO 184
AN ORDINANCE AMENDING TITLE 1,
CHAPTER 2 SANITARY CODE OF THE
LAS GALLINAS VALLEY SANITARY DISTRICT**

The Las Gallinas Valley Sanitary District will conduct a Public Hearing to discuss an ordinance amending Section 101 and Section 102 of Title 1, Chapter 2 of the Sanitary Code of the Las Gallinas Valley Sanitary District:

Section 101 - REGULAR MEETINGS
Section 102 - SPECIAL MEETINGS

This hearing will take place at the District office at 101 Lucas Valley Road, Suite 300, San Rafael on Thursday, August 6, 2020 at 4:30 PM. The proposed ordinance can be viewed on the District's website at www.lgvsd.org or at the District office posted at the front gate bulletin board from July 21 to August 6, 2020.

Dated: July 21, 2020

Mike Prinz
General Manager
Las Gallinas Valley Sanitary District

July 23, 8, 30, 2020

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8-4-2020



<http://novatosan.com> v



ter the suspect. Going over Alto Hill, the officer saw the Mazda and a BMW pulled off to the shoulder, Barclay said.

When the officer stopped and exited his patrol car, the driver of the BMW drove and said the Mazda driver had a gun. The officer arrested the suspect.

The officer learned the suspect believed he was cut off by the BMW driver. The suspect allegedly chased down the BMW and pointed a black paintball gun that resembles a rifle at the driver.

The suspect eventually swerved toward the car and crashed into it, running it off the freeway, Barclay said.

Kristian Wood, 26, was booked into Marin County Jail on suspicion of brandishing an imitation firearm

the same day.

Police said it was unclear if the incidents were connected.

NOVATO

Sanitary district offers rate relief

The Novato Sanitary District is offering discounted sewer fees to commercial and institutional customers affected by COVID-19 closures.

The relief amount will vary, but qualifying customers can receive a discount of up to 16% on the 2019-20 sewer service charge. Qualifying customers include schools, businesses and nonprofits.

Separately, the district is considering rate relief for low-income households.

More information is at novatosan.com.

BOARD OF DIRECTORS OF THE LAS GALLINAS VALLEY SANITARY DISTRICT

ORDINANCE 184 AN ORDINANCE OF AMENDING TITLE 1, CHAPTER 2 OF THE ORDINANCE CODE OF THE LAS GALLINAS VALLEY SANITARY DISTRICT TIME AND PLACE FOR REGULAR MEETINGS

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

ARTICLE I.

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

"ARTICLE I. MEETINGS

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

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

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

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

The attendance at such meeting by any member at the time it convenes shall constitute a waiver of the provisions herein for notice to the member.

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

ARTICLE 2. ADOPTION AND NOTIFICATION

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

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

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

/s/Teresa Lerch, District Secretary
Las Gallinas Valley Sanitary District

APPROVED:
/s/Rabi Elias, Board President

No. 902 Aug. 12, 2020

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WEDNESDAY, AUGUST 12, 2020