

A G E N D A

**SAN RAFAEL SANITATION DISTRICT
BOARD OF DIRECTORS
TUESDAY – SEPTEMBER 8, 2015 - 8:30 A.M.
SAN RAFAEL CITY HALL
1400 FIFTH AVENUE – CDD CONFERENCE ROOM – 2ND FL.
SAN RAFAEL, CALIFORNIA 94901**

Members of the public may speak on Agenda items.

1. OPEN PERIOD

Opportunity for the public to address the Board on items not on the agenda.
(Presentations are generally limited to 2 minutes.)

2. MINUTES OF THE MEETING

Request approval as submitted – August 24, 2015.

3. PAYMENTS

Request approval as submitted.

4. OLD BUSINESS

None scheduled.

5. NEW BUSINESS

- a. Discussion on Pension and OPEB liability disclosures in financial statements.
(John Maher)

6. INFORMATIONAL ITEMS

7. CLOSED SESSION

a. Conference with Legal Counsel – Anticipated Litigation

Deciding whether or not to initiate litigation pursuant to California Government Code Section 54956.9(c): One potential case.

8. ADJOURNMENT

The next scheduled meeting is Monday, October 5, 2015.

**SAN RAFAEL SANITATION DISTRICT
Minutes of the Meeting
August 24, 2015**

Special Meeting

City of San Rafael
Conference Room 201
1400 Fifth Avenue
San Rafael, CA 94901

The meeting was called to order at 3:35 P.M. by Chairman Phillips.

Attendance Board: Gary O. Phillips, Chairman
Katie Rice, Director

Attendance Staff: Doris Toy, District Manager/District Engineer
Karen Chew, Senior Civil Engineer
Cynthia Hernandez, District Secretary

Attendance Others: Jason Dow, General Manager of CMSA

1. OPEN PERIOD - No persons were present to address the Board.

2. MINUTES OF JULY 16, 2015.

MOTION by Director Rice, seconded by Chairman Phillips, to approve the minutes of the July 16, 2015, meeting as presented.

AYES: Director Rice, Chairman Phillips

NOES: None

ABSENT: Director Bushey

Motion Carried

3. PAYMENTS

MOTION by Director Rice, seconded by Chairman Phillips, to approve the payments for July 2015 in the amount of \$2,760,254.81 for maintenance and operation of the District and for capital improvements.

AYES: Director Rice, Chairman Phillips

NOES: None

ABSENT: Director Bushey

Motion Carried

4. OLD BUSINESS

None.

5. NEW BUSINESS

a. Report on bid opening for the Sun Valley Sewer Replacement Project, Phase I, and adopt resolution to award contract.

District Manager Toy reported that the Sun Valley Sewer Replacement Project consists of replacing the sewer pipes on Alpine, Solano, Humboldt, and Nevada streets and on California and Windsor avenues. She also reported that because the cost is estimated to be approximately \$4 million, staff had decided to split the project into two phases for budgetary reasons. Manager Toy reported that Phase I will cost approximately \$1.5 million and will consist of replacing approximately 2,800 linear feet of 6-inch VCP with 8-inch PVC on Nevada Street, Humboldt Street, and California Avenue between Fifth Avenue and Humboldt Street. She also reported that the sewer mains in Humboldt and Nevada streets run through the front yards of some of the properties, and the laterals of the properties on the opposite sides of these streets cross the street and run into their neighbors' yards. She then reported that the current sewer mains would be abandoned and new mains would be installed in the middle of the street. Next, Manager Toy reported that the District had received eight bids, which were opened on August 18, 2015. She reported that the Engineer's Estimate for this project is \$1,416,725 and that Cratus, Inc., was the lowest responsible with a bid of \$1,326,620. She also reported that Cratus was recently established in 2013 and that staff had not previously heard of them. She then reported that staff had checked their references and that Cratus had been given great reviews. In response to the Board, Senior Civil Engineer Chew reported that Cratus has worked in cities all over the Bay Area, such as Daily City, San Jose, and Hayward. Manager Toy reported that Nute Engineering was currently working with them on a project in Alameda, and they had just been awarded a small project in Tiburon and were working their way north. District Manager Toy then reported that on August 20, 2015, the District had received a protest letter from Michael Paul Company (MPC), which was the second lowest bidder. She also reported that District staff likes working with MPC because they are very reasonable and very good to work with. Manager Toy reported that MPC is protesting because Cratus does not meet the 3-year average for the three types of safety criteria, which is because they are a newly formed company. She also reported that if a company does not meet the criterial for the first two types of safety criteria, they could hire a safety consultant at their own expense, which Cratus had offered to do. Manager Toy reported that the second reason that MPC is protesting is because Cratus' Workers' Compensation insurance policy only shows coverage for the past 6 months, but Cratus had reported that this was because they just switched to a different company. The Board then discussed this matter and concluded that Cratus was and is the lowest responsible responsive bidder.

MOTION by Director Rice, seconded by Chairman Phillips, to adopt the resolution awarding the contract to Cratus, Inc., for the Sun Valley Sewer Replacement Project, Phase I, for the amount of \$1,326,620.

AYES: Director Rice, Chairman Phillips

NOES: None

ABSENT: Director Bushey

Motion Carried

b. Adopt resolution rejecting claim brought by Yvonne Postelle.

District Manager Toy reported that Yvonne Postelle owns the property at 15 Gloucester Cove, which is adjacent to the District's Cayes Main Pump Station. She also reported that this pump station had recently been under construction. Manager Toy reported that Ms. Postelle claims that the construction work had caused her fence to loosen from its posts and her deck to move out of alignment. She reported that Ms. Postelle is requesting \$4,962 for the fence repair and wants the District's contractor (JMB Construction) to realign the deck. She also reported that Senior Civil Engineer Chew and JMB Construction had previously met with Ms. Postelle, and JMB had offered to reestablish some of the fence posts, repair some of the dry rot on the fence panels, and push the deck back into place. Manager Toy reported that neither the District nor JMB has had any response from Ms. Postelle. She also reported that according to the District's contract specifications, the contractor indemnifies, defends, and holds the District harmless from any claims. Manager Toy then requested the Board to reject this claim and reported that the District would forward it to the contractor. She reported that the contractor would then try to contact Ms. Postelle again and would keep the District apprised of the outcome of this matter. She also reported that the District would send Ms. Postelle a letter advising her that the District had referred this matter to JMB Construction.

MOTION by Director Rice, seconded by Chairman Phillips, to adopt the resolution rejecting the claim brought by Yvonne Postelle.

AYES: Director Rice, Chairman Phillips

NOES: None

ABSENT: Director Bushey

Motion Carried

6. INFORMATIONAL ITEMS.

None.

7. ADJOURNMENT

There being no further business to come before the Board, the meeting of August 24, 2015, was adjourned at 3:46 P.M. The next meeting of the San Rafael Sanitation District was scheduled for Tuesday, September 8, 2015, at 8:30 A.M. at San Rafael City Hall.

Respectfully submitted,

Katie Rice, Acting Recording Secretary

ATTEST THIS 8th DAY OF SEPTEMBER 2015

Gary O. Phillips, Chairman

SAN RAFAEL SANITATION DISTRICT
PAYMENT SUMMARY
August 1, 2015 - August 31, 2015

Vendor/Payee	Memo	Class	Acct #	Account Name	Amount
AAA BUSINESS SUPPLIES	Office Supplies - file folders	100	2133	Office & shop supplies	\$ 433.61
AMERICAN SPECIALTY OFFICE PRODUCTS	Office Supplies - numbered file labels	100	2133	Office & shop supplies	\$ 43.25
AMESOS PLUMBING INC	Collection System - 34 Redding Way, sewer repair job	200	2360	O&M - collection systems	\$ 570.95
ARAMARK UNIFORM SERVICES	Uniforms - weekly service ending 7/15/15	200	2021	Uniforms	\$ 98.93
ARAMARK UNIFORM SERVICES	Uniforms - weekly service ending 7/22/15	200	2021	Uniforms	\$ 98.98
ARAMARK UNIFORM SERVICES	Uniforms - weekly service ending 7/29/15	200	2021	Uniforms	\$ 102.43
ARAMARK UNIFORM SERVICES	Uniforms - weekly service ending 8/05/15	200	2021	Uniforms	\$ 98.93
ARAMARK UNIFORM SERVICES	Uniforms - weekly service ending 8/12/15	200	2021	Uniforms	\$ 102.43
ARAMARK UNIFORM SERVICES	Uniforms - weekly service ending 8/19/15	200	2021	Uniforms	\$ 106.98
AT&T	Telephone Service - for account # 239 361-8018 836 7 from 7/07/15-8/06/15	100	2534	Telephone service	\$ 186.34
AT&T	Telephone Service - land lines for dialers and pump stations from 6/02/15-7/01/15	100	2534	Telephone service	\$ 274.86
AT&T	Telephone Service - land lines for dialers and pump stations from 7/02/15-8/01/15	100	2534	Telephone service	\$ 294.01
AT&T MOBILE	Telephone Service - cell phones service from 6/04/15-7/03/15	100	2534	Telephone service	\$ 663.83
AT&T MOBILE	Telephone Service - cell phones service from 7/04/15-8/03/15	100	2534	Telephone service	\$ 667.08
BPXPRESS	Cathodic Protection - plans & specs	300	4145	Cathodic Protection	\$ 90.27
BPXPRESS	Glenwood - project set-up and plans & specs	300	4146	Glenwood Pump Station	\$ 1,351.68
BPXPRESS	Glenwood - plans & specs	300	4146	Glenwood Pump Station	\$ 543.35
BWS DISTRIBUTORS	Safety Equipment - oxygen sensor for gas detector	200	2365	Safety equipment and supplies	\$ 120.18
CALIFORNIA SANITATION RISK MGMT ATH	General Insurance - 2015-16 property insurance renewal	100	2059	General insurance	\$ 4,966.72
CAL-STEAM CO INC	Pump Stations - force main ARV valves	200	2359	Maint- pump sta's & force mains	\$ 301.21
CAL-STEAM CO INC	Pump Stations - pipe fittings for ARV cleaning	200	2359	Maint- pump sta's & force mains	\$ 221.81
CENTRAL MARIN SANITATION AGENCY	Connection Fees - 1590 Mission Ave., Marin Academy Science Center	200	2210	Connection fees payable cmsa	\$ 50,431.32
CITY OF SAN RAFAEL	Collection System - sanitary sewer main repair	200	2360	O&M - collection systems	\$ 2,897.00
CITY OF SAN RAFAEL	Contract with San Rafael - 1st quarter FY 15-16 reimbursement	100	2361	Contract with San Rafael	\$ 571,183.60
CITY OF SAN RAFAEL	Facilities mapping services - GIS mapping through 6/30/15	300	4188	Facilities mapping services	\$ 45,000.00
CITY OF SAN RAFAEL	Lincoln Ave. - repair traffic signal	300	4318	Lincoln Ave, Paloma to Mission	\$ 3,514.36
CITY OF SAN RAFAEL	Power - PG&E reimbursement for invoice paid by City of San Rafael	200	2535	Electric utility costs	\$ 207.69
CITY OF SAN RAFAEL	Vehicles - Brandon Tire invoice paid by City of San Rafael	200	2083	Parts and repairs vehicles	\$ 772.30
COUNTY OF MARIN	Director's Fees - Katie Rice board meeting on 7/16/15	100	2282	Director's fees	\$ 100.00
CSW/STUBER-STROEH ENGR GROUP INC.	Cayes - professional fees through 7/05/15	300	4143	Cayes Pump Station	\$ 1,784.30
CWEA-TCP	Memberships and Dues - St.Cyr membership renewal	100	2388	Training and education	\$ 164.00
CWEA-TCP	Memberships and Dues - Smith certification renewal	100	2388	Training and education	\$ 86.00
D&D PIPELINES INC	Warner Ct. - sewer improvements, progress payment #1	300	4313	Warner Ct., Woodland (80yr)	\$ 212,471.78
EVOQUA WATER TECHNOLOGIES, LLC	Odor Control - chemicals for pump stations 7/21/15	200	2106	Odor control chemicals	\$ 8,244.07
FLYERS ENERGY, LLC	Pump Stations - red dyed diesel for West Railroad	200	2359	Maint- pump sta's & force mains	\$ 1,328.46
FORSTER & KROEGER INC.	Collection System - weed abatement and fire fuel reduction services	200	2360	O&M - collection systems	\$ 8,528.63
FORSTER & KROEGER INC.	Pump Stations - annual blackflow testing	200	2359	Maint- pump sta's & force mains	\$ 1,078.00
HARRIS & ASSOCIATES INC	Sewer System - professional services from 6/01/15-6/30/15, SSMP update	300	4301	Sewer Syst condition/capacity	\$ 1,680.00
HERNANDEZ, CYNTHIA	Public Outreach - postage	100	2321	Public outreach	\$ 9.80
JACKSON'S HARDWARE	Collection System - funnel	200	2360	O&M - collection systems	\$ 6.54
JACKSON'S HARDWARE	Collection System - tubing for Vactor Truck	200	2360	O&M - collection systems	\$ 5.35
JMB CONSTRUCTION, INC.	Cayes Pump Station - progress payment #9	300	4143	Cayes Pump Station	\$ 101,267.82
LEAK DETECTION PROS, INC.	Cathodic Protection - renovation project, stage 2, locate force main on Andersen Drive	300	4145	Cathodic Protection	\$ 350.00
MAGGIORA & GHILOTTI INC	Lincoln Ave. - sewer improvement project, progress payment #2	300	4318	Lincoln Ave, Paloma to Mission	\$ 311,277.09
MAHER ACCOUNTANCY	Accounting Services - July	100	2717	Accounting services	\$ 3,600.00

SAN RAFAEL SANITATION DISTRICT
PAYMENT SUMMARY
August 1, 2015 - August 31, 2015

Vendor/Payee	Memo	Class	Acct #	Account Name	Amount
MAHER ACCOUNTANCY	Accounting Services - August	100	2717	Accounting services	\$ 3,600.00
MARIBETH BUSHEY	Director's Fees - board meetings on 7/16/15	100	2282	Director's fees	\$ 100.00
MARIN COUNTY ASSESSOR'S OFFICE	Miscellaneous - dead parcel history report	100	2389	Miscellaneous expenses	\$ 25.00
MARIN COUNTY TAX COLLECTOR	Legal Services - from 4/01/15-6/30/15	100	2713	Legal services	\$ 3,331.25
MARIN MUNICIPAL WATER DIS	Water - 44 Lagoon Rd from 6/17/15-8/14/15	200	2536	Water utility costs	\$ 21.53
MARIN MUNICIPAL WATER DIS	Water - 1271 Andersen Dr. from 6/11/15-8/10/15	200	2536	Water utility costs	\$ 21.53
MARIN MUNICIPAL WATER DIS	Water - 3106 Kerner Bl. from 6/16/15-8/13/15	200	2536	Water utility costs	\$ 21.53
MARIN MUNICIPAL WATER DIS	Water - Andersen Dr. from 6/11/15-8/10/15	200	2536	Water utility costs	\$ 21.53
MARIN MUNICIPAL WATER DIS	Water - Castro Ave from 6/13/15-8/12/15	200	2536	Water utility costs	\$ 201.18
MARIN MUNICIPAL WATER DIS	Water - Catalina Bl. from 6/13/15-8/12/15	200	2536	Water utility costs	\$ 36.62
MARIN MUNICIPAL WATER DIS	Water - E. Francisco Bl from 6/13/15-8/12/15	200	2536	Water utility costs	\$ 21.53
MARIN MUNICIPAL WATER DIS	Water - E Francisco Bl from 6/16/15-8/13/15	200	2536	Water utility costs	\$ 90.33
MARIN MUNICIPAL WATER DIS	Water - Montecito Rd. from 6/16/15-8/13/15	200	2536	Water utility costs	\$ 23.81
MARIN MUNICIPAL WATER DIS	Water - N San Pedro Rd from 6/17/15-8/14/15	200	2536	Water utility costs	\$ 29.01
MARIN MUNICIPAL WATER DIS	Water - Peacock Dr. from 6/17/15-8/14/15	200	2536	Water utility costs	\$ 25.27
MARIN MUNICIPAL WATER DIS	Water - Pt. San Pedro Rd from 6/16/15-8/13/15	200	2536	Water utility costs	\$ 23.81
MARIN MUNICIPAL WATER DIS	Water - Riviera Dr. from 6/17/15-8/14/15	200	2536	Water utility costs	\$ 21.53
MARIN MUNICIPAL WATER DIS	Water - Simms St. from 6/11/15-8/10/15	200	2536	Water utility costs	\$ 21.53
MARIN MUNICIPAL WATER DIS	Water - Vactor Truck, 220 Tamal Vista Bl from 2/28/15-6/30/15	200	2536	Water utility costs	\$ 2,358.67
MARIN MUNICIPAL WATER DIS	Water - Woodland Ave. from 6/11/15-8/10/15	200	2536	Water utility costs	\$ 21.53
MILLER PACIFIC ENGINEERING GROUP	Cayes - geotechnical services from 3/09/15-5/17/15	300	4143	Cayes Pump Station	\$ 3,464.20
MILLER PACIFIC ENGINEERING GROUP	Upper Lincoln - geotechnical services from 4/30/15-7/26/15	300	4318	Lincoln Ave, Paloma to Mission	\$ 10,876.10
MILLER PACIFIC ENGINEERING GROUP	Upper Lincoln - geotechnical services from 4/30/15-7/26/15	300	4319	Lincoln Ave, Prospect to Paloma	\$ 9,845.00
MILLER PACIFIC ENGINEERING GROUP	Warner Ct. - geotechnical services from 5/18/15-8/16/15	300	4313	Warner Ct., Woodland (80yr)	\$ 4,616.00
NUTE ENGINEERING	Consulting - Loch Lomond Village plan review services from 6/01/15-6/30/15	100	2325	Consulting services	\$ 2,625.50
NUTE ENGINEERING	Consulting - Loch Lomond Village plan review services from 7/01/15-7/31/15	100	2325	Consulting services	\$ 1,138.00
NUTE ENGINEERING	Consulting - revised standard specs services from 7/01/15-7/31/15	100	2325	Consulting services	\$ 101.00
NUTE ENGINEERING	Glenwood Pump Station - design schedule A services from 6/01/15-6/30/15	300	4146	Glenwood Pump Station	\$ 54,249.75
NUTE ENGINEERING	Glenwood Pump Station - design schedule A services from 7/01/15-7/31/15	300	4146	Glenwood Pump Station	\$ 5,909.50
NUTE ENGINEERING	Lincoln Ave. - construction review services from 7/01/15-7/31/15	300	4318	Lincoln Ave, Paloma to Mission	\$ 5,757.75
NUTE ENGINEERING	Pump Station- OERP Contingency Planning services from 6/01/15-6/30/15	200	2359	Maint- pump sta's & force mains	\$ 10,577.00
NUTE ENGINEERING	Pump Stations - OERP contingency planning services from 7/01/15-7/31/15	200	2359	Maint- pump sta's & force mains	\$ 19,882.50
NUTE ENGINEERING	Sun Valley - Sewer Replacement Project services from 6/01/15-6/30/15	300	4309	Alpine St., Sun Valley	\$ 10,742.00
NUTE ENGINEERING	Sun Valley - sewer replacement services from 7/01/15-7/31/15	300	4309	Alpine St., Sun Valley	\$ 26,451.50
NUTE ENGINEERING	Upper Lincoln Ave. - construction review services from 6/01/15-6/30/15	300	4318	Lincoln Ave, Paioma to Mission	\$ 10,922.25
NUTE ENGINEERING	Warner Ct. - sewer improvement services from 6/01/15-6/30/15	300	4313	Warner Ct., Woodland (80yr)	\$ 1,533.25
NUTE ENGINEERING	Warner Ct. - sewer improvement services from 7/01/15-7/31/15	300	4313	Warner Ct., Woodland (80yr)	\$ 3,495.25
PACE SUPPLY	Warner Ct. - grinder pump with float	300	4313	Warner Ct., Woodland (80yr)	\$ 1,085.67
PG&E	Power - service for pump stations 6/11/15-7/10/15	200	2535	Electric utility costs	\$ 9,441.83
PG&E	Power - service for pump stations 7/10/15-8/11/15	200	2535	Electric utility costs	\$ 9,628.46
PHILLIPS, GARY	Director's Fees - board meeting 7/16/15	100	2282	Director's fees	\$ 100.00
ROTO-ROOTER SEWER SERVICE	Collection System - work at 7 Twin Oaks Ave.	200	2360	O&M - collection systems	\$ 9,267.25
ROTO-ROOTER SEWER SERVICE	Collection System - work at 38 Oakmont Ave.	200	2360	O&M - collection systems	\$ 4,285.00
ROTO-ROOTER SEWER SERVICE	Collection System - work at 127 Ross Dr.	200	2360	O&M - collection systems	\$ 1,632.25
ROTO-ROOTER SEWER SERVICE	Standby - work at 28 Moody Ct.	200	2363	Standby services	\$ 1,150.00

SAN RAFAEL SANITATION DISTRICT
PAYMENT SUMMARY
August 1, 2015 - August 31, 2015

<i>Vendor/Payee</i>	<i>Memo</i>	<i>Class</i>	<i>Acct #</i>	<i>Account Name</i>	<i>Amount</i>
ROTO-ROOTER SEWER SERVICE	Standby - work at 161 Solano St.	200	2363	Standby services	\$ 460.00
SHAMROCK	Collection System - supplies for manhole repair on Pt. San Pedro Rd.	200	2360	O&M - collection systems	\$ 28.01
SHAMROCK	Collection System - supplies for manhole repair on Pt. San Pedro Rd.	200	2360	O&M - collection systems	\$ 149.92
TELSTAR INSTRUMENTS INC	Pump Stations - annual calibrations and preventative maintenance	200	2359	Maint- pump sta's & force mains	\$ 13,261.03
UNDERGROUND SERVICE ALERT	Memberships - annual membership	100	2131	Memberships and subscriptions	\$ 162.65
US BANK CORPORATE PAYMENT	Telephone Service - yellow pages advertising	100	2534	Telephone service	\$ 1,346.52
US BANK CORPORATE PAYMENT	Misc. Expenses - UPS shipping fee to return safety video to CSRMA	100	2389	Miscellaneous expenses	\$ 8.43
VERIZON WIRELESS	Telephone Service - wireless service for laptops 6/21/15-7/20/15	100	2534	Telephone service	\$ 266.64
WATER COMPONENTS & BLDG SUPPLY	Collection System - parts for 34 Redding Way sewer repair job	200	2360	O&M - collection systems	\$ 166.27
WATER COMPONENTS & BLDG SUPPLY	Collection System - rod hole cover and plug for 61 Mariposa	200	2360	O&M - collection systems	\$ 50.77
WATER COMPONENTS & BLDG SUPPLY	Pump Stations - ARV cleaning parts	200	2359	Maint- pump sta's & force mains	\$ 41.89
WATER COMPONENTS & BLDG SUPPLY	Pump Stations - Loch Lomond, bioxide feed	200	2359	Maint- pump sta's & force mains	\$ 70.26
WATER COMPONENTS & BLDG SUPPLY	Pump Stations - red marking paint for painting valve cans	200	2359	Maint- pump sta's & force mains	\$ 5.17
WATER COMPONENTS & BLDG SUPPLY	Pump Stations - supplies for air release valves at West Railroad and Kerner	200	2359	Maint- pump sta's & force mains	\$ 101.34
Total					\$ 1,582,239.04

5.a.

RESOLUTION NO. 7593

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL AUTHORIZING EXECUTION OF AMENDED AGREEMENT BETWEEN CITY AND THE SAN RAFAEL SANITATION DISTRICT FOR TRANSFER OF CITY'S SANITARY SEWER GRAVITY COLLECTION SYSTEM TO THE DISTRICT

WHEREAS, on July 1, 1987, the City of San Rafael and the San Rafael Sanitation District had entered into an agreement for transfer of the City's sanitary sewer gravity collection system to the District; and

WHEREAS, for liability insurance purposes, District has been seeking membership in the California Sanitation Risk Management Authority; and

WHEREAS, the California Sanitation Risk Management Authority has advised the District that its membership is subject to a modification of the aforementioned agreement with the City; and

WHEREAS, said modification speaks to the City indemnifying and holding the District harmless for any negligent acts committed by City employees while maintaining District facilities.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the City Council of the City of San Rafael that the Mayor and City Clerk are authorized to execute the attached amended Agreement between the City of San Rafael and the San Rafael Sanitation District for transfer of City's sanitary sewer gravity collection system to the District.

I, JEANNE M. LEONCINI, Clerk of the City of San Rafael, California, hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a regular meeting of the Council of said City held on the 17th day of August, 1987, by the following vote, to wit:

AYES: COUNCILMEMBERS: Breiner, Frugoli, Nave, Willms & Mayor Mulryan
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None

Jeanne M. Leoncini
JEANNE M. LEONCINI, City Clerk

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AMENDED AGREEMENT BETWEEN THE CITY OF
SAN RAFAEL AND THE SAN RAFAEL SANITATION
DISTRICT FOR THE TRANSFER OF CITY'S SANITARY
SEWER GRAVITY COLLECTION SYSTEM TO THE DISTRICT

This Agreement is entered into this 26th day of
August, 1987 by and between the City of San Rafael (City)
and the San Rafael Sanitation District (District) for the purpose of
transferring ownership, maintenance, liability and responsibility of
the City's sanitary sewer gravity collection system as set forth
below:

WHEREAS, the City currently owns, maintains and is other-
wise responsible for the sanitary sewer gravity collection system
within the jurisdictional limits of the City and the District; and

WHEREAS, the City desires to transfer ownership and
maintenance of and liability and responsibility for said system to
the District; and

WHEREAS, the District agrees to accept ownership, main-
tenance, liability and full responsibility of/for the sanitary sewer
gravity collection system with knowledge of the recommendations made
in a report prepared by Bartle-Wells Associates dated May, 1987,
entitled "Wastewater Service Charges," attached hereto as Exhibit
"A"; and

WHEREAS, it is in the best interest of the health and
safety of San Rafael citizens that such a transfer occur; and

WHEREAS, said transfer will correct a current inequity for
those San Rafael property owners north of Puerto Suello Hill; and

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WHEREAS, said transfer will provide more effective enforcement power for the District, particularly in the areas of source control and facility access; and

WHEREAS, this Agreement will amend all prior agreements between the City and the District concerning the sanitary sewer gravity collection system.

NOW, THEREFORE, the City and District hereby agree as follows:

1. This Agreement amends all prior agreements between the City and District concerning the sanitary sewer gravity collection system.
2. The City hereby transfers to District, all City's ownership interest, liability, maintenance and full responsibility for the sanitary sewer gravity collection system to the District.
3. Within one year of the date of execution of this Agreement, City will grant to District all of City's current easement rights for sanitary sewer purposes.
4. Until the easements described in paragraph number 3 above, have been transferred to District, City grants to District access rights over said sanitary sewer easements.
5. City's transfer herein of the sanitary sewer gravity collection system, and its future transfer of its easement rights and all other appurtenances associated with said transfer, shall be accomplished at no cost to City. District agrees to pay nominal costs of closing this Agreement.
6. In conformity with Health and Safety Code section 4760, District agrees to accept ownership, liability, maintenance

and full responsibility of/for said sanitary sewer gravity collection system in its present condition.

7. District agrees to maintain the sanitary sewer gravity collection system in its present or in a superior condition.

8. From and after the date of execution of this Agreement, District agrees to hold harmless, indemnify, including attorney's fees, and defend City from and against all suits, causes of action, claims, damages, liability or other harm lodged, filed, claimed or asserted by anyone, arising directly or indirectly as a result of District's ownership responsibility for the sanitary sewer gravity collection system and/or District's use of City's easements for said system during period of City's ownership thereof.

9. District further agrees to provide City with proof of insurance naming City as additional insured upon execution of this Agreement. The provisions and limits of coverage shall be subject to approval of the City Attorney and County Counsel.

10. City agrees to hold harmless, indemnify, including attorneys' fees and defend District from and against all suits, causes of action, claims, damages, liability or other harm lodged, filed, claimed or asserted by anyone, arising directly or indirectly as a result of City's, its agents', or employee's negligent or intentional act or omission in performing City's maintenance responsibilities as articulated herein.

11. City agrees to provide District with proof of insurance naming the District as an additional insured upon execution of this Agreement. City agrees to maintain nine million in liability insurance.

12. Once ownership, maintenance, liability and full responsibility for said system is transferred to District, City agrees to continue to provide, on a contractual basis as articulated herein, maintenance services to District for all of Sanitation District's facilities, including pump stations, force mains and the gravity collection system.

→ 13. District agrees to pay City all administrative, operational and maintenance costs associated with City's continued contractual maintenance of the facilities described in paragraph 12 herein.

14. City and District agree to submit any claims arising under this Agreement to binding arbitration pursuant to the current provisions of the California Code of Civil Procedure and any succession statutes.

This Agreement entered into as of the day and year first written above.

SAN RAFAEL SANITATION DISTRICT

CITY OF SAN RAFAEL

BY *Lawrence E. Ubaldo*
Chairman

Lawrence E. Ubaldo
Mayor

ATTEST

ATTEST

R. A. Ramirez
Secretary

George H. Leoncini
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO FORM:

J. L. F. Lopez
County Counsel

Mary R. Cooney
City Attorney

T.a.



OFFICE OF THE
COUNTY COUNSEL

RECEIVED

AUG 10 2015

SAN RAFAEL
SANITATION DIST.

Steven M. Woodside
COUNTY COUNSEL

August 4, 2015

Jack F. Govi
ASSISTANT COUNTY COUNSEL

Board of Directors
San Rafael Sanitation District
P.O. Box 151560
San Rafael, California 94915-1560

Renee Giacomini Brewer
SUPERVISING DEPUTY

Re: Closed Session

Mari-Ann G. Rivers
David L. Zaltsman
Michele Keno
Patrick M. K. Richardson
Stephen R. Raab
Steven M. Perl
Sheila Shah Lichtblau
Edward J. Kiernan
Jessica Mills Sutherland
Brian C. Case
Jenna J. Brady
Valorie R. Boughey

Dear Board Members:

I request that you conduct a closed session, during your meeting on September 8, 2015 to discuss possible initiation of litigation. In my opinion, public discussion of this matter would prejudice your position. The specific reason and the legal authority for the closed session is Government Code Section 54956.9(c).

The San Rafael Sanitation District is deciding whether to initiate litigation.

The agenda description should read as follows:

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Deciding whether or not to initiate litigation pursuant to California Government Code Section 54956.9(c): One potential case.

DEPUTIES

Jeanine Michaels
ADMINISTRATIVE ASSISTANT

Respectfully submitted,

Steven M. Perl
Deputy County Counsel

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cc: Doris Toy