

A G E N D A

SAN RAFAEL SANITATION DISTRICT BOARD OF DIRECTORS

THURSDAY – JUNE 2, 2022 - 11:00 A.M.

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CORONAVIRUS (COVID-19) ADVISORY NOTICE

Consistent with the provisions in Assembly Bill 361, this Board meeting will be held virtually using Zoom.

Public comments for this meeting can be submitted via email to the District Clerk at Cindy.Hernandez@cityofsanrafael.org. The public comment period opens when the agenda is posted online and will close two hours prior to the start of the meeting. Include your name and the item you would like to provide written comment on.

To provide comments during the meeting, please use the “raise hand” feature in the Zoom Meeting and the host will notify and unmute you when it is your turn to speak.

If you experience an issue providing comments in the meeting or want to comment via phone, please call 415-485-3132.

Members of the public may speak on Agenda items.

1. ROLL CALL

2. ADOPT TELECONFERENCE MEETING RESOLUTION TO COMPLY WITH ASSEMBLY BILL 361

Adopt resolution making findings that the proclaimed state of emergency continues to impact the ability to meet safely in person and declaring that the Board will continue to meet remotely in order to ensure the health and safety of the public.

3. OPEN PERIOD

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

4. MINUTES OF THE MEETING

Request approval as submitted – May 5, 2022 and May 20, 2022.

5. PAYMENTS

Request approval as submitted.

6. OLD BUSINESS

None

7. NEW BUSINESS

- a. Report on bid opening for the Bayside Acres Beach Sewer Relocation Project, Phase A and adopt resolution to award contract.
- b. Adopt resolution establishing the FY 2022-23 Appropriations Limit on tax proceeds (Proposition 4).
- c. Discussion on District's reserve policy.*

8. INFORMATIONAL ITEMS

9. DIRECTOR REPORTS/REQUESTS FOR FUTURE AGENDA ITEMS

10. CLOSED SESSION

a. Public Employee Performance Evaluation

California Government Code Section 54957

Title: District Manager

11. ADJOURNMENT

The next scheduled meeting is July 7, 2022.

*Information not furnished with Agenda

SAN RAFAEL SANITATION DISTRICT
Agenda Item No. 2.

DATE: June 2, 2022

TO: Board of Directors, San Rafael Sanitation District

FROM: Doris Toy, District Manager/District Engineer

SUBJECT: Adopt Resolution Making Findings that the Proclaimed State of Emergency Continues to Impact the Ability to Meet Safety in Person and Declaring that the Board will Continue to Meet Remotely in Order to Ensure the Health and Safety of the Public

RECOMMENDATION:

Adopt resolution making the findings that the proclaimed state of emergency continues to impact the ability to meet in person and declaring that the Board will continue to meet remotely in order to ensure the health and safety of the public.

BACKGROUND:

The Ralph M. Brown Act requires that except as specifically provided, “meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body,” Gov. Code Section 54953(a). For many years, the Brown Act has authorized members of a local agency’s legislative body to attend a public meeting by teleconference in compliance with strict procedural requirements. Under Government Code Section 54953(b)(3), in order to use teleconferencing, at least a quorum of the legislative body must participate from locations within the agency’s boundaries; and the agency must give notice of each teleconference location and allow members of the public to address the Council at each teleconference location.

On March 4, 2020, Governor Newsom declared a statewide State of Emergency in connection with the COVID-19 pandemic. Subsequently, on March 18, 2020, the Governor issued Executive Order No. N-29-20 suspending the Brown Act’s requirements for in-person meetings and facilitating the use of teleconferencing for public meetings during the State of Emergency. The Executive Order authorized public meetings to be held by teleconference only, provided that notice and accessibility requirements are met, members of the public are allowed to observe and address the legislative body at the meeting, and there is a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities. This order has allowed the Board to hold its public meetings using teleconference technologies, with the requisite notice and public participation; however, the order was due to expire on September 30, 2021, and without legislative action, in-person meetings and the strict teleconferencing procedures of the Brown Act would again be required.

Because the statewide State of Emergency continues and the COVID-19 pandemic still poses a health risk for public meetings, on September 16, 2021, Governor Newsom signed into law as an urgency measure Assembly Bill (AB) 361. AB 361 amends the Brown Act provisions governing the use of teleconferencing for public meetings of a local agency's legislative bodies, allowing more liberal teleconferencing requirements to continue during the current and future state-declared emergencies.

ANALYSIS:

Executive Order N-29-20 has now expired, but AB 361 is now in effect, and its amendments to the Brown Act will allow the District to continue to hold its meetings using teleconferencing technology after September 30th. Government Code Section 54953, as amended by AB 361, now provides in new subsection (e)(1) that during the current and any future state-declared State of Emergency, the legislative body of a local agency may use teleconferencing without complying with the procedural requirements of Government Code Section 54953(b)(3) in any of three circumstances:

- (A) The legislative body holds a meeting during a proclaimed State of Emergency, and State or local officials have imposed or recommended measures to promote social distancing.
- (B) The legislative body holds a meeting during a proclaimed State of Emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
- (C) The legislative body holds a meeting during a proclaimed State of Emergency and has determined, by majority vote, pursuant to subparagraph (B), that as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

Certain additional requirements would apply under the new law, however, including specific requirements as to how public comment must be allowed and heard, with which the Board already complies. In addition:

- In the event of a disruption which prevents the Board from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the District's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption which prevent the public agency from broadcasting the meeting may be challenged pursuant to Section 54960.1.
- If a State of Emergency remains active or state of local officials have imposed or recommended measures to promote social distancing in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to

subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

- The legislative body has reconsidered the circumstances of the State of Emergency.
- Any of the following circumstances exist:
 - (i) The State of Emergency continues to directly impact the ability of the members to meet safely in person.
 - (ii) State or local officials continue to impose or recommend measures to promote social distancing.

This resolution is intended to comply with the requirement to make specified findings every 30 days. The resolution finds that the State of Emergency continues in effect, that measures to promote social distancing are still being imposed by the State and county, and that the State of Emergency directly impacts the ability of the public and the members of the Board to meet safely in person. The proposed resolution confirms the Board's determination that its public meetings should continue to be held using only teleconferencing technology.

Staff plans to agendize the same type of resolution at each regular Board meeting during the pendency of the statewide state of emergency so that the Board may continue to reconsider these findings at least every 30 days.

The Brown Act amendments adopted by AB 361 will be operative until January 1, 2024, and will then expire unless extended by new legislation.

FISCAL IMPACT:

None.

OPTIONS:

The Board has the following options to consider on this matter:

1. Adopt the resolution as proposed.
2. Adopt a modified resolution.
3. Direct staff to return with more information.
4. Take no action.

ACTION REQUIRED:

Staff recommends that the Board adopt the resolution making the findings that the proclaimed State of Emergency continues to impact the ability to meet in person and declaring that the Board will continue to meet remotely in order to ensure the health and safety of the public.

Attachment: Resolution

RESOLUTION NO. 22-1246

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN RAFAEL
SANITATION DISTRICT MAKING FINDINGS THAT THE PROCLAIMED STATE OF
EMERGENCY CONTINUES TO IMPACT THE ABILITY TO MEET SAFELY IN
PERSON AND DECLARING THAT THE BOARD OF DIRECTORS WILL CONTINUE
TO MEET REMOTELY IN ORDER TO ENSURE THE HEALTH AND SAFETY OF
THE PUBLIC**

WHEREAS, the San Rafael Sanitation District (the “District”) is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of the District’s legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the District’s legislative body conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, on March 4, 2020, Governor Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for a broader spread of COVID-19; and

WHEREAS, on March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20, which suspended certain provisions of the Ralph M. Brown Act in order to allow local legislative bodies to conduct meetings electronically without a physical meeting place; and

WHEREAS, as a result of Executive Order N-29-20, staff set up Zoom teleconference meetings for all District Board of Directors meetings; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21, which specified that Executive Order N-29-20 would remain in effect through September 30, 2021, at which point it would expire; and

WHEREAS, since the issuance of Executive Order N-08-21, the Delta variant has emerged, causing a spike in COVID-19 cases throughout the state; and

WHEREAS, the Governor's proclaimed State of Emergency remains in effect, and State and local officials, including the Marin County Director of Health and Human Services, the California Department of Public Health, and the Department of Industrial Relations, have imposed or recommended measures to promote social distancing; and

WHEREAS, on September 16, 2021, the Governor signed Assembly Bill 361 into law, as urgency legislation that goes into effect on October 1, 2021, amending Government Code Section 54953 of the Brown Act to allow legislative bodies to continue to meet remotely during a proclaimed state of emergency, provided certain conditions are met and certain findings are made; and

WHEREAS, the continued local rates of transmission of the virus and variants causing COVID-19 are such that the Director of Health & Human Services has recommended that the County continue to emphasize social distancing in order to minimize the potential spread of COVID-19 during indoor, public meetings.

WHEREAS, the District cannot maintain adequate safe social distance between members of the public, Board members and staff in their respective meeting locations; and

WHEREAS, because of the rise in cases due to the Delta variant, the District is concerned about the health and safety of attendees, the District's Board of Directors desires to take the actions necessary to comply with AB 361 and to continue to hold its Board and committee meetings remotely.

NOW, THEREFORE, THE SAN RAFAEL SANITATION DISTRICT BOARD OF DIRECTORS RESOLVES AS FOLLOWS:

1. The Board has reconsidered the circumstances of the State of Emergency and finds that:
 - a. The factors triggering the State of Emergency continue to directly impact the ability of the members of the Board of Directors, District staff, and members of the public to meet safely in person; and
 - b. State and local officials continue to recommend measures to promote social distancing.
2. District Board of Directors meetings will continue to be conducted remotely for the next 30 days in compliance with AB 361 and Government Code Section 54953(e)(2), in order to ensure the health and safety of the public while providing access to public meetings.
3. The Board of Directors will reconsider the circumstances of the State of Emergency and revisit the need to conduct meetings remotely within 30 days of the adoption of this Resolution.

PASSED AND ADOPTED at a regular meeting of the San Rafael Sanitation District Board of Directors held on the 2nd day of June 2022 by the following vote, to wit:

AYES:

NOES:

ABSENT/ABSTAIN:

SAN RAFAEL SANITATION DISTRICT

Kate Colin, Chair

ATTEST:

Maribeth Bushey, Secretary

SAN RAFAEL SANITATION DISTRICT
Minutes of the Meeting
May 5, 2022

Regular Meeting

Via Teleconferencing

The meeting was called to order at 11:03 A.M. by Chair Kate.

Attendance Board:	Kate Colin, Chair Maribeth Bushey, Secretary/Director Katie Rice, Director
Attendance Staff:	Doris Toy, District Manager/District Engineer Kris Ozaki, Operations and Maintenance Manager Tim Tran, Associate Civil Engineer Darlene Baten, Administrative Assistant Temp
Attendance Others:	Kerry Law Gerchow, Deputy County Counsel Martin Rauch, Pres., Rauch Communication Consultants, Inc. Mark Wilson, Nute Engineering

1. **ROLL CALL** – A roll call was taken, and Chair Kate and Director Rice were present.
2. **ADOPT TELECONFERENCE MEETING RESOLUTION TO COMPLY WITH ASSEMBLY BILL 361**

Adopt resolution of the Board of Directors of the San Rafael Sanitation District making findings that the proclaimed State of Emergency continues to impact the ability to meet safely in person and declaring that the Board of Directors will continue to meet remotely in order to ensure the health and safety of the public.

MOTION by Director Rice, seconded by Chair Kate, to adopt the resolution making findings that the proclaimed State of Emergency continues to impact the ability to meet safely in person and declaring that the Board of Directors will continue to meet remotely in order to ensure the health and safety of the public.

AYES: Director Rice and Chair Kate

NOES: None

ABSENT: Director Bushey

Motion Carried

3. **OPEN PERIOD** – No persons were present to address the Board
4. **MINUTES OF MARCH 3, 2022**

MOTION by Director Rice, seconded by Chair Kate, to approve the minutes of the March 3, 2022 meeting as presented.

AYES: Director Rice and Chair Kate

NOES: None

ABSENT: Director Bushey

Motion Carried

5. PAYMENTS

MOTION by Director Rice, seconded by Chair Kate, to approve the payments for March 2022 and April 2022 for maintenance and operation of the District and for capital improvements.

AYES: Director Rice and Chair Kate

NOES: None

ABSENT: Director Bushey

Motion Carried

Director Bushey joins meeting at 11:08 a.m.

6. OLD BUSINESS

a. Discussion on the Bayside Acres Beach Sewer Improvement Project.

District Manager Toy gave a presentation regarding the Bayside Acres Beach Sewer Improvement Project in summary. District Manager Toy reviewed the project location, affecting 20 properties with addresses on Oak Drive, Beach Drive, Marine Drive, and Pt. San Pedro Road; the existing system conditions with maintenance inaccessibility, manhole and pipe corrosion and erosion, and aging infrastructure; project history; and summary of all four alternatives. The two first alternatives are not feasible. Alternative three and four are still being considered. In regard to costs, Manager Toy propose that the District pays for all design and construction costs for both alternatives. If the Board chooses the shared pump systems (Alternative 3), the District will own and maintain the pump stations and the pipes between the pump stations and the sewer mains; and the property owners will continue to own and maintain the pipes between the dwellings and the pump stations. If the Board chooses the individual pump systems (Alternative 4), then after the infrastructures have been installed, the property owners will continue to own and maintain their individual lateral system, including the pump systems and all the piping (pressurized and gravity) between dwellings and sewer mains. In this District, all property owners are responsible for their sewer laterals, including those with pump systems. Public outreach is then discussed, which includes informal site visits, formal public meetings, one-on-one phone conversations, emails to staff, emails and letters to the board, a petition in favor of shared pump system, and a statement that was read in public comment time. Manager Toy presented its staff perspective on the shared pump system compared with the individual pump system. The private pump system (Alternative 4) is the more reasonable alternative, because of the following: 1) More fair for all 16,000 District ratepayers, since at the present, the District does not own and

maintain any “shared pump system”; the ratepayers own and maintain their individual laterals; 2) Potential for fewer delays and lower risk of spill in the Bay, since there would be no easements to negotiate; 3) Overall long-term costs for majority of ratepayers; 4) Pump-sump units and control panels are smaller and easier to conceal; 5) Maintaining private pump is manageable. The shared pump system (Alternative 3) is 1) Less equitable for other ratepayers; 2) Longer window for potential sewer break and sewage spills while negotiating easements; 3) Higher overall costs to District and ratepayers; 4) Pump-sump units and control panels are larger and harder to conceal; 5) Minimum two large electrical panels on both end of the project with large parking space for District vehicles and generator trailer; 6) Greater potential for disagreements between neighbors, which could stop project; 7) District policy does not allow shared laterals; 8) This project has to serve for future generations of owners who may not be pleased with the shared system, which means the shared system is not as secure.

Manager Toy noted that the District wishes to make the process as smooth as possible for property owners and proposes the following. If the board chooses private or shared pump systems, the staff will coordinate closely and flexibly with owners within constraints; the District will restore landscaping in kind and restore any construction damage, as this is the standard District practice; reasonable effort to screen control panel and pump unit; and provide pump systems at no charge to owners. If the board chooses private pump systems, the board could consider providing a power backup source, such as a generator or a battery; and a plumbing contractor to provide training and maintenance service for a period of time, such as a year. These are staff’s recommendations that has not been approved by the board.

Manager Toy recommends the final decision should be based on the following principles: Property owner input; Potential for delays that could increase the risk of spill; Overall cost and fairness to 16,000 District ratepayers; Precedent for future projects; and Long-term stability of the solution.

Chair Kate invited the Board for questions to staff.

In response to Director Bushey’s question in regard to batteries being used as a power backup in similar facilities and price range, Manager Toy reported that battery is not common since it is expensive and portable generator is more common. Staff is working on pricing.

Director Rice then asked how often power backup is triggered during a power outage. Manager Toy stated that the individual pump system is normally designed for 24-hours. However, in a power outage, people are more conscientious about water usage, and the water usage would be less since some of the appliances are powered by electricity. In response to Director Rice’s request to explain more about power outages for shared system, Manager Toy stated that during power outages, the District maintenance staff goes to each of the pump stations and check the water levels; when the water reaches a certain level, staff would tow a portable generator to the pump station and turn on the pumps, then they go to the next pump station. The frequency of powering the pumps depends on the water usage in various locations.

Chair Kate asked if any property owners have come forth and said that they would have the shared pump system on their property. Mark Wilson, Nute Engineering, said no, but he did hear from those who do not want the shared pump system on their properties.

Chair Kate invited public comment and for those who are willing to have the shared pump system on their property to identify themselves. Speakers:

Manager Toy introduced Karin Hern to read a statement on behalf of some of the homeowners and noted that the statement in the agenda packet is a draft and there is a final version with more bullet points. Ms. Hern stated that she is willing to have the shared pump system on her property. She stated that 94% of the affected homeowners strongly prefer Alternative 3, the shared pump system. She read nine points: 1) District is currently actively pursuing Alternative 4 and stopped Alternative 3; 2) District should continue with responsibilities as it is now, since pump systems are complex; 3) Misleading that EPA prefer Alternative 4; 4) In Alternative 4, any environmental spill will be blamed on local government agencies; 5) Alternative 3 cannot cost less than Alternative 4; 6) The costs of two alternatives were not evaluated at the same quality and life expectation levels; 7) Now, property owners' responsibility ends at the sewer main in the bay and District is responsible for the sewer main in the bay and to the street; and the new pipes and pumps are no different; 8) Property owners buying generators is unacceptable; District should provide Tesla-like battery backup for PG&E shut offs; 9) Alternative 4 would double or triple the costs they currently pay for sewer services through their taxes and will also negatively affect their property values.

Joyce Price lives along Pt. San Pedro Road and favors Alternative 4. She also disputes the 94% and 19 of the 20 Property Owners favoring Alternative 3, as read in the previous statement by Ms. Hern. Regarding shared system, she is not willing to grant sewer easements. Not willing to be subjected to the noise of the pumps and water in the piping or engage in an agreement with shared financial responsibilities with her neighbors. She prefers the individual private system and has experience with similar system in the past and it worked fine.

Ivo Keller, SSL Law Firm, representing Hillary Perkins and Jim Nunally, stated that their concerns are detailed in a May 2, 2022, letter. Keller stated the share pumps is not preferred by the residents, because according to the conceptual plans, the pump system is near their main living space and this would burden them with the visual, odor, and noise impact. They are also concerned with the private system impacting both their hardscape and landscape around their home. Keller also says costs, materials used, and other conceptual plans have not been thought completely through. CEQA compliance is also of interest by Keller and his clients.

Susan Matross, who lives in one of the 50/51/53 Beach Drive, stated that all have volunteered for the shared pump system and read a statement written by her neighbor, Hal Lauritzen. The current \$980 annual fee should cover maintenance and electricity as it always has; they should not be paying additional costs for the alternatives. They are requesting to connect these homes directly to the existing District pump station or at a

new location in the median.

Michelle Wolfe stated on record that she supports both Susan Matross and Karen Hern's statements. Connie, who lives on Marine Drive, stated on record supporting Karen Hern's statement.

Doctor Kircos support Karen Hern and District to continue to take responsibility for the sewer system, since they pay almost \$1,000 a year.

Chair Kate closed Public Comment.

Chair Kate summarized questions being raised, i.e. CEQA, the cost of the two different alternatives, liability, quality of the individual pump system, the imposition of a shared of a pump system, the conceptual vs. actual design, payment of an old system and why the money should go elsewhere. And the last question is about 50/51/53 Beach Drive homes.

California Environmental Quality Act (CEQA) is discussed further by Mark Wilson, the design engineer from Nute Engineering. District will comply with CEQA.

Mark Wilson explained conceptual and actual plans, and District installs high quality systems for both alternatives.

In response to Chair Kate's question regarding private spills, Manager Toy stated that it is not common to have a private spill resulting from a private pump station. Public agencies tend to help the property owner in handling private spills. As for the District's spills, the fine is quite high, and District is more liable if there is a spill that occurs. The fines given to homeowners who do not fix a private spill are much less in scale both with cost and liability.

In response to Chair Kate, Mark Wilson stated that for the shared system alternative, the District requires easements from the private properties. There will also be easements to be negotiated between neighbors. In regard to 50/51/53 Beach Drive, Designer Engineer Wilson stated that there is an existing pump station at the end of Beach Drive that the District already own and maintains. From the engineering perspective, it is possible that the three homes can connect to this pump station.

Manager Toy confirmed that there was a special assessment district to install a new sewer system for the Bayside Acres neighborhood approximately 50 years ago and it's been completed. The annual fee that these property owners have been paying is the same annual fee that all the District ratepayers pay.

In response to Director Rice, District Manager Toy confirmed that the District does not have similar shared pump systems as proposed for this project. Design Engineer Wilson is only aware of one shared system in Marin County, where Nute Engineering had to rehabilitate an existing shared pump system in Richardson Bay, but they did consider to

turn them private.

In response to Director Rice, Manager Toy talked about the District's policy regarding sewer lateral being the property owner's responsibility and that the District does not allow shared laterals. Shared laterals are difficult to maintain between neighbors. For example, if the lateral needs to be repaired, how will it be paid for between neighbors; it would need to be negotiated.

In response to Director Bushey, Manager Toy stated that it may be feasible for the 50/51/53 Beach Drive to connect to District's existing pump station; however, the pump station may need to be retrofitted to accommodate the three properties.

Director Rice noted that typically it's the property owner's responsibility for the lateral replacement at their expense; and the District is considering to pay for the lateral as part of the project. Director Bushey agrees with Director Rice that the District needs to move forward with a best solution for the District.

Board agrees to have a meeting on May 20, 2022, to decide on the alternative.

7. NEW BUSINESS

None.

8. INFORMATIONAL ITEMS

- a. District Manager Toy informed the Board that Senior Civil Engineer Dave Nicholson and Construction Inspector Rolando Calvo retired March 31st, 2022, and the District is in the interview process for both positions. Our consultants, Nute Engineering and Rauch Communications, have been of great help on the Bay Side Acres project. District also has hired a consultant for performing inspections.
- b. District Manager Toy updated the Board on the MRG Organizational Review. Mike Bakaldin is currently on sabbatical and MRG is looking for someone with similar technical expertise to step in his place.

9. DIRECTOR REPORTS/REQUESTS FOR FUTURE AGENDA ITEMS

None.

10. CLOSED SESSION

- a. Public Employee Performance Evaluation
California Government Code Section 54957
Title: District Manager

Closed Session – Opened at 12:43 p.m.

Closed Session – Ended at 1:13 p.m.

Deputy County Counsel Gerchow reported there was no reportable action.

11. ADJOURNMENT

There being no further business to come before the Board, the meeting of May 5, 2022, was adjourned at 1:14 P.M. The next special board meeting of the San Rafael Sanitation District was scheduled for Friday, May 20, 2022, at 10:00 A.M via teleconferencing.

Respectfully submitted,

Maribeth Bushey, Recording Secretary

ATTEST THIS 5th DAY OF MAY 2022

Kate Colin, Chair

SAN RAFAEL SANITATION DISTRICT
Minutes of the Meeting
May 20, 2022

Special Meeting

Via Teleconferencing

The meeting was called to order at 10:02 A.M. by Chair Kate.

Attendance Board:	Kate Colin, Chair Maribeth Bushey, Secretary/Director Katie Rice, Director
Attendance Staff:	Doris Toy, District Manager/District Engineer Kris Ozaki, Operations and Maintenance Manager Tim Tran, Associate Civil Engineer Darlene Baten, Administrative Assistant Temp
Attendance Others:	Kerry Law Gerchow, Deputy County Counsel Martin Rauch, Pres., Rauch Communication Consultants, Inc. Mark Wilson, Nute Engineering

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1. **ROLL CALL** – A roll call was taken, and Chair Kate and Director Rice were present.
 2. **ADOPT TELECONFERENCE MEETING RESOLUTION TO COMPLY WITH ASSEMBLY BILL 361** – not applicable in today’s meeting, since a resolution was adopted at the May 5, 2022 Board meeting.
 3. **OPEN PERIOD** – No persons were present to address the Board
 4. **MINUTES OF MAY 5, 2022** – Will be presented at the next meeting.
 5. **PAYMENTS** - none
 6. **OLD BUSINESS**
 - a. **Discussion on the Bayside Acres Beach Sewer Improvement Project.**

District Manager Toy presented the staff report with a slide presentation that mainly focused on key issues that were brought up at the May 5, 2022 meeting with additional information and clarification.

Chair Kate asked the Board members if they have questions for Manager Toy.

In response to Director Bushey, Manager Toy informed the Board that staff is working on the costs for 50/51/53 Beach Drive shared pump system using the existing pump station. Manager Toy recommends that the District connect the three properties into the pump station and have these property owners pay an additional cost to the standard annual sewer fee, so that it would be fair to the other District ratepayers. The District currently does not own and maintain a shared pump system for a few homes.

In regards to generators, instead of buying and delivering a generator to each household, Director Bushey asked if staff has considered having generators on-hand for property owners to rent them. There could be an agreement that when there is a power outage, the District would make a generator available to them. Manager Toy will consider it. Board will need to decide if the District will provide power backup source.

In response to Director Rice, Manager Toy stated that the location of a shared pump station is determined by engineering constraints and topography; there may not be much allowance to relocate the pump station, such as to a neighboring property.

Director Rice asked Manager Toy about the capacity of the individual pump station in relation to a power outage. Manager Toy stated that the pump station is normally designed with a 24-hour capacity in normal usage. When power is out, residents would reduce their water usage, since electrical household appliances would not be working; thus, the pump station may be able to hold more than 24 hours.

In response to Director Rice on the sense of urgency, Manager Toy believes the project is urgent since the manholes are corroding and eroding away and the walls are getting thin; staff has also discovered exposed laterals that have corroded resulting in holes in the lateral pipes. If there is a spill, the risk to the District is high; the District can be heavily fined, i.e. up to \$10,000/day. Manager Toy confirmed that there are properties with an individual pump system in our District, since our District's topography has many hills. Thus, this is not a unique situation.

In response to Chair Kate, Manager Toy confirmed that property owners are responsible in paying for the design and construction of their sewer lateral, including those with pump systems; thus, the District is not legally obligated to pay for these costs. These costs could be passed through to the property owners. However, the District understands the difficulty of paying for the pump system, ranging from \$40,000 to \$100,000 and is offering to help these 20 property owners in this situation.

Chair Kate opens for public comments.

Phone caller stated that the user cost/year is under estimated, since the District will go out 3 times per week and power is also underestimated with PG&E rates rising. Battery costs are expensive and will be passed on to the ratepayers, which is unfair. He favors Alternative 3.

Karen Hern asked for the financial analysis of both alternatives.

Liz Bridges, SSL Law Firm, representing owners of 193 Oak Drive, believes that CEQA Categorical Exemption does not apply since the work is in or adjacent to the Bay. She also asked that the Board allow staff with lots of flexibility in creating solutions to work with property owners.

Hal wrote a letter stating that he pays \$860/year and now he's expected to pay additional cost for electricity. He was told by District staff that he will have to pay for upgrading the electrical panel. Propose the District to continue to connect his lateral to the existing pump station.

Jim wanted to comment that it's unfair to change the sewer system and shift the burden to the property owners.

Susan Matross lives in one of the 50/51/53 Beach Drive, and she's not sure how the decision being made today will impact them.

Susan Telford, Pt San Pedro homeowner, feels it is unfair to property owners to maintain and bare the cost of maintenance, and lots of things can go wrong that the homeowner would be responsible for. She is in favor of Alternative 3.

Wayne Wolfe, 50/51/53 Beach Drive, believes that putting more responsibility on property owner to maintain the pump system is unsafe in the event of a spill.

Chair Kate close the public comment and ask staff to respond to public questions.

In response to a question regarding preliminary and final costs, Manager Toy stated that preliminary costs are performed for budgeting purposes and to help board and staff to make decisions. We won't know the final estimate until the project is designed and the construction cost at the time.

In response to the environmental issue, staff introduced this project last year to the environmental committee, which comprises of representatives from various environmental agencies and sponsored by the County. They favored the shared and individual pump systems. Staff plans to bring this project back to the committee with the chosen alternative to receive their comments.

Manager Toy explained that the annual \$860 sewer fee covers the staff costs, the maintenance of the sewer infrastructure, and for the wastewater treatment plant at CMSA.

In response to CEQA, Manager Toy reported that the District's environmental consultant believes that this project is exempted under CEQA; the District is rehabilitating a deteriorated pipe system and it does not state that the pipe cannot be relocated. The decommissioning of the existing pipe in the beach will be a separate project. For this Notice of Exemption, it would be for the new sewer main and infrastructure.

In response to the flexibility issue, District staff will work with the property owner within

engineering parameters and constraints on both alternatives. It is possible that a shared pump system would be located on a property where the owner may not want it and we may not have the flexibility to locate the pump system on a neighboring property.

Director Rice asked if the laterals need to be inspected prior to sale of a property. Manager Toy explained that the District does not have a lateral ordinance but will in the near future. In the meantime, staff has been informing realtors that it is highly recommended to perform the lateral inspection to know the condition of the pipe.

In response to the electrical panel upgrade for the individual pump system, Manager Toy stated that the District is offering to upgrade the electrical panel at District's costs.

In speaking to the 50/51/53 Beach Drive, Manager Toy confirmed that it is feasible in connecting them to the existing pump station, but it does need to be retrofitted to accommodate the three homes. Board will need to consider the fairness to all the ratepayers, since the District does not maintain any "shared system".

In response to Director Bushey's question regarding staff coordinating with the property owners, Manager Toy explained that staff would meet with each of the property owners with conceptual drawings at their homes and review them together and have discussions to come to an agreement of what would work for both parties.

In response to fairness to the ratepayers, Manager Toy gave an example of a prior project over 20 years ago, where there was a sewer main on a hillside and it started to fail and slide down the hill, due to large storm events. The District had to abandon the sewer main and install a new sewer main in the road, where it is higher than the homes. The District designed and installed new private individual pump system for each of the property and staff met with each of the owners to discuss location and landscape screening. We believe they are satisfied with their system since we have not heard from them.

In response to liability, Manager Toy stated that for a shared system, the District would be liable, and the environmental permitting agencies are harder on local agencies which is why District staff needs to visit each pump station three times a week to prevent system failure, similar to sewer main maintenance. For individual system, each property owner is in control of what they discharge into the sewer system; thus, it should last for a long time. The existing laterals need to be replaced as soon as possible, since staff has discovered a few laterals that are exposed to the environment and had holes which the District repaired them for the property owners.

Board will discuss the backup power source at a later date. Director Rice suggest that staff provide the following points for Board's consideration: overall costs, diesel or propane powered generators have liability concerns, and battery units are a larger expense, and bring back data from other property owners with pump systems for backup power when there's a power outage and other options.

MOTION by Director Rice, seconded by Director Bushey, to approve the private individual pump system alternative; contract with a plumbing company for one year to maintain the twenty pump stations; develop a list of contractors that inspect and service these type of systems; make a reasonable effort to screen or hide each control panel and pump-sump unit against the house, in the crawl space, under a deck, by fully or partially burying it, and/or with landscaping or fencing; and file a Categorical Exemption for the private individual pump system. If the Categorical Exemption is not accepted then move to file an EIR or EIS, depending on the determination to meet CEQA. And to direct Manager Toy to proceed with engineering design of the individual systems in consultation as appropriate with the property owners.

AYES: Director Bushey, Director Rice, Chair Kate

NOES: None

ABSENT: None

Motion Carried

7. NEW BUSINESS

None.

8. INFORMATIONAL ITEMS

None.

9. DIRECTOR REPORTS/REQUESTS FOR FUTURE AGENDA ITEMS

None.

10. ADJOURNMENT

There being no further business to come before the Board, the meeting of May 20, 2022, was adjourned at 12:35 P.M. The next regular board meeting of the San Rafael Sanitation District was scheduled for Thursday, June 2, 2022, at 11:00 A.M via teleconferencing.

Respectfully submitted,

Maribeth Bushey, Recording Secretary

ATTEST THIS 2nd DAY OF JUNE 2022

Kate Colin, Chair

SAN RAFAEL SANITATION DISTRICT
PAYMENT SUMMARY
May 1, 2022 - May 31, 2022

<i>Vendor/Payee</i>	<i>Memo</i>	<i>Class</i>	<i>Acct #</i>	<i>Account Name</i>	<i>Amount</i>
ARAMARK UNIFORM SERVICES	Uniforms - weekly service ending 4/13/22	200	2021	Uniforms	203.13
ARAMARK UNIFORM SERVICES	Uniforms - weekly service ending 4/20/22	200	2021	Uniforms	195.93
ARAMARK UNIFORM SERVICES	Uniforms - weekly service ending 4/27/22	200	2021	Uniforms	194.78
ARAMARK UNIFORM SERVICES	Uniforms - weekly service ending 5/04/22	200	2021	Uniforms	197.08
ARAMARK UNIFORM SERVICES	Uniforms - weekly service ending 5/11/22	200	2021	Uniforms	194.78
AT&T MOBILITY	Telephone Service - cell phone service from 3/04/22-4/03/22	100	2534	Telephone service	684.60
BWS DISTRIBUTORS	Safety - gas detector filters	200	2365	Safety equipment and supplies	57.71
CALCON SYSTEMS, INC.	Pump Stations - annual electric preventative maintenance for pump stations	200	2359	Maint- pump sta's & force mains	25,000.00
CALCON SYSTEMS, INC.	Pump Stations - coil replacement for Glenwood Pump Station	200	2359	Maint- pump sta's & force mains	2,000.00
CALIFORNIA DIESEL & POWER INC. (CD&POWER)	Pump Stations - annual service and load bank testing for Cayes Main Pump Station generator	200	2359	Maint- pump sta's & force mains	1,855.00
CALIFORNIA DIESEL & POWER INC. (CD&POWER)	Pump Stations - annual service and load bank testing for East Francisco Pump Station generator	200	2359	Maint- pump sta's & force mains	1,922.30
CALIFORNIA DIESEL & POWER INC. (CD&POWER)	Pump Stations - annual service and load bank testing for Riviera Pump Station	200	2359	Maint- pump sta's & force mains	2,160.00
CALIFORNIA DIESEL & POWER INC. (CD&POWER)	Pump Stations - annual service and load bank testing for Simms Pump Station	200	2359	Maint- pump sta's & force mains	1,915.00
CALIFORNIA DIESEL & POWER INC. (CD&POWER)	Pump Stations - annual service and load bank testing for Simms Pump Station portable generator	200	2359	Maint- pump sta's & force mains	2,460.00
CALIFORNIA DIESEL & POWER INC. (CD&POWER)	Pump Stations - annual service, load bank testing for portable generator	200	2359	Maint- pump sta's & force mains	1,855.00
CAL-STEAM CO INC	Pump Stations - parts for pump crew Allan and bypass suction hose parts	200	2359	Maint- pump sta's & force mains	291.19
CENTRAL MARIN SANITATION AGENCY	FOG Program - FOG Control Program management from 1/01/22-3/31/22	100	4300	FOG Program	10,876.67
CITY OF SAN RAFAEL	Pump Stations - backflow replacement by Public Works	200	2359	Maint- pump sta's & force mains	886.65
DURACABLE MANUFACTURING	Collection System - blades for power rodder	200	2360	O&M - collection systems	1,093.41
EVOQUA WATER TECHNOLOGIES, LLC	Odor Control - service and inspection of chemical tanks at pump stations from 4/01/22-4/30/22	200	2106	Odor control chemicals	1,620.83
EXPRESS SERVICES INC.	Consulting Services - temporary administrative assistant for the week ending on 4/17/22	100	2325	Consulting services	1,469.15
EXPRESS SERVICES INC.	Consulting Services - temporary administrative assistant for the week ending on 4/24/22	100	2325	Consulting services	1,047.11
EXPRESS SERVICES INC.	Consulting Services - temporary administrative assistant for the week ending on 5/01/22	100	2325	Consulting services	1,101.76
FRANK OLSEN CO	Isolation Valve Replacement Project - DeZurik valve parts	300	4345	Isolation Valve Replacement (10	14,608.19
GRAINGER	Collection System - duct tape	200	2360	O&M - collection systems	42.72
GRAINGER	Collection System - gravity-carwash brush and handle	200	2360	O&M - collection systems	37.11
GRAINGER	Collection System - green paint for USA markings	200	2360	O&M - collection systems	96.98
GRAINGER	Collection System - supplies for USA markings	200	2360	O&M - collection systems	22.08
GRAINGER	Pump Stations - wire connection for pump	200	2359	Maint- pump sta's & force mains	25.23
JACKSON'S HARDWARE	Collection System - cutting disk for rod	200	2360	O&M - collection systems	63.20
JACKSON'S HARDWARE	Pump Stations - generator charging cable connection for pump crew Allan	200	2359	Maint- pump sta's & force mains	14.80
JACKSON'S HARDWARE	Pump Stations - tools for pump truck power cord generator for block heater	200	2359	Maint- pump sta's & force mains	161.27
MARIN COUNTY TAX COLLECTOR	County Counsel - 3rd quarter Jan/Feb/Mar FY 2021/2022	100	2713	Legal services	3,596.00
MARIN MUNICIPAL WATER DIS	Water - 44 Lagoon Road from 2/17/22-4/15/22	200	2536	Water utility costs	83.29
MARIN MUNICIPAL WATER DIS	Water - 1271 Anderson Drive from 2/11/22-4/11/22	200	2536	Water utility costs	166.42
MARIN MUNICIPAL WATER DIS	Water - 3106 Kerner Boulevard 2/16/22-4/14/22	200	2536	Water utility costs	82.80
MARIN MUNICIPAL WATER DIS	Water - Anderson Drive from 2/11/22-4/11/22	200	2536	Water utility costs	166.58
MARIN MUNICIPAL WATER DIS	Water - Castro Avenue from 2/15/22-4/13/22	200	2536	Water utility costs	231.36
MARIN MUNICIPAL WATER DIS	Water - Catalina Boulevard from 2/15/22-4/13/22	200	2536	Water utility costs	96.61
MARIN MUNICIPAL WATER DIS	Water - East Francisco Boulevard from 2/15/22-4/13/22	200	2536	Water utility costs	83.29
MARIN MUNICIPAL WATER DIS	Water - East Francisco Boulevard from 2/16/22-4/14/22	200	2536	Water utility costs	79.35
MARIN MUNICIPAL WATER DIS	Water - Montecito Road from 2/16/22-4/14/22	200	2536	Water utility costs	82.47

MARIN MUNICIPAL WATER DIS	Water - North San Pedro Road from 2/17/22-4/15/22	200	2536	Water utility costs	80.99
MARIN MUNICIPAL WATER DIS	Water - Peacock Drive from 2/17/22-4/15/22	200	2536	Water utility costs	82.96
MARIN MUNICIPAL WATER DIS	Water - Point San Pedro Road from 2/16/22-4/14/22	200	2536	Water utility costs	82.96
MARIN MUNICIPAL WATER DIS	Water - Riviera Drive LT28 Sewer Pump from 2/17/22-4/15/22	200	2536	Water utility costs	82.96
MARIN MUNICIPAL WATER DIS	Water - Simms Street from 2/11/22-4/11/22	200	2536	Water utility costs	166.25
MARIN MUNICIPAL WATER DIS	Water - Woodland Avenue from 2/11/22-4/11/22	200	2536	Water utility costs	174.64
NUTE ENGINEERING INC	Bayside Acres Beach Sewer Improvements Project - engineering services from 4/01/22-4/30/22	300	4338	Rehab of Beach Swr Bayside (80)	22,383.00
NUTE ENGINEERING INC	Isolation Valve Replacement Project - engineering services from 4/01/22-4/30/22	300	4345	Isolation Valve Replacement (10	527.50
NUTE ENGINEERING INC	Third Street PS and Beach Fiberglass PS Improvement Project - engineering services from 4/01/22-4/30/22	300	4149	Third St / Fiberglass PS (10)	15,494.25
PERIN - BATTERIES PLUS	Pump Stations - batteries for Seaway Pump Station	200	2359	Maint- pump sta's & force mains	18.89
PG&E a/c 2480926202-5	Power - electric service for pump stations from 3/10/22-4/10/22	200	2535	Electric utility costs	16,624.91
RAUCH COMMUNICATIONS CONSULTANTS INC	Bayside Acres Beach Sewer Improvements Project - PR for Bayside Acres Sewer Rehabilitation through 2/28/22	300	4338	Rehab of Beach Swr Bayside (80)	8,890.00
SmartCover Systems, Inc.	Collection System - SmartCover antenna kit	200	2360	O&M - collection systems	285.35
UNITED TEXTILE	Collection System - rags for cleanup	200	2360	O&M - collection systems	204.51
US BANK CORPORATE PAYMENT	Bayside Acres Beach Sewer Improvements Project - advertise for bids, Bayside Sewer Phase A	300	4338	Rehab of Beach Swr Bayside (80)	219.38
US BANK CORPORATE PAYMENT	Pump Station - absorbent pads for pump crew	200	2359	Maint- pump sta's & force mains	69.27
US BANK CORPORATE PAYMENT	Pump Station - relays for pump stations	200	2359	Maint- pump sta's & force mains	170.22
US BANK CORPORATE PAYMENT	Pump Station - shipping iNet radio to applied tech	200	2359	Maint- pump sta's & force mains	12.50
US BANK CORPORATE PAYMENT	Training and Education - training for sewer spills	100	2388	Training and education	185.00
VERIZON WIRELESS(242395655)	Telephone Service - private IP addresses for the San Pedro and Peacock Pump Stations from 3/18/22-4/17/22	100	2534	Telephone service	134.15
VERIZON WIRELESS(372347623)	Telephone Service - wireless service for laptops from 3/21/22-4/20/22	100	2534	Telephone service	386.10
WATER COMPONENTS & BLDG SUPPLY	Collection Systems - camera van	200	2360	O&M - collection systems	31.13
WATER COMPONENTS & BLDG SUPPLY	Pump Stations - bypass station hose clamps	200	2359	Maint- pump sta's & force mains	139.35
WATER COMPONENTS & BLDG SUPPLY	Pump Stations - wire wheel for Allan's pump truck	200	2359	Maint- pump sta's & force mains	26.23
WECO INDUSTRIES LLC	Collection System - rods for rodder	200	2360	O&M - collection systems	684.88
					\$ 146,179.21

SAN RAFAEL SANITATION DISTRICT
Agenda Item No. 7.a.

DATE: June 2, 2022

TO: Board of Directors, San Rafael Sanitation District

FROM: Doris Toy, District Manager/District Engineer

SUBJECT: Report on Bid Opening for the Bayside Acres Beach Sewer Relocation Project, Phase A and Adopt Resolution to Award Contract

RECOMMENDATION:

Adopt resolution awarding contract to W.R. Forde Associates, Inc. for the Bayside Acres Beach Sewer Relocation Project, Phase A in the amount of \$1,244,155.00.

BACKGROUND:

Within the Bayside Acres Beach neighborhood, there are approximately twenty homes located along the beach with addresses on Beach Drive, Oak Drive, Marine Drive and Point San Pedro Road, where the homes sit between the road and the beach, and the road is at a higher elevation. Their laterals run down to the beach where the sewer main is located. The sewer was installed in 1972, and at that time, the high tides and sea-level rise were not an issue. At present, our sewer infrastructure is in the tidal zone; and the moderate to high tides cover the manholes, which have lids that have corroded shut. Due to this situation, our staff cannot access the sewer main to perform maintenance.

The Bayside Acres Beach Sewer Relocation Project, Phase A, is the first phase of replacing the sewer system for these twenty properties. The project consists of installing approximately 1,800 feet of new 8-inch sewer main in the street on Oak Drive, Marine Drive, and Point San Pedro Road, where the future laterals will make their connections. After the new sewer main is installed, the next phase is to install new laterals for each of the twenty properties, and then once they are connected, the District will abandon the 50-year old sewer main in the beach.

The County and City will perform pavement restoration on Point San Pedro Road, possibly in the Spring of 2022.

The Notice of Exemption, per the California Environmental Quality Act, was filed at the Main County Clerk's Office on May 25, 2022.

On May 6, 2021 and May 17, 2021, the District published a notice inviting bids for the Bayside Acres Beach Sewer Relocation Project, Phase A, and bids were opened on May 27, 2022.

The following is the Engineer's Estimate and a list of the bids received:

Engineer's Estimate	\$1,114,816
W.R. Ford Associates, Inc.	\$1,244,155
Maggiore & Ghilotti	\$1,284,410
Michael Paul Company	\$1,291,625
Cratus Engineering	\$1,309,095

Please see the attached bid summary for an itemized breakdown of the items.

ANALYSIS:

The Engineer's Estimate for the bid was \$1,114,816. W.R. Forde Associates, Inc. with a bid of \$1,244,155 was the lowest responsible bidder for this project.

The District's engineering consultant, Nute Engineering, has reviewed their submitted bid package and recommend that this project be awarded to W.R. Forde Associates.

FISCAL IMPACT:

W.R. Forde's total bid amount is \$1,244,155. This construction project will be funded under the 80-Year Life Cycle Sewer Replacement Program from the FY 2022-23 Budget.

OPTIONS:

- 1) Staff recommends that the Board award the contract to W.R. Forde Associates, Inc.
- 2) The Board may reject all bids and rebid the project. Staff does not recommend this option since this will delay construction of the sewer main and construction costs may increase due to the bidding and cost climate.

ACTION REQUIRED:

Staff recommends that the Board adopt the resolution awarding contract to W.R. Forde Associates, Inc., for the Bayside Acres Beach Sewer Relocation Project, Phase A, in the amount of \$1,244,155.

Attachments:

1. Nute Engineering Recommendation Letter
2. Bid Summary
3. Resolution



Civil and Sanitary Consultants

May 31, 2022

Ms. Doris Toy, District Manager/District Engineer
San Rafael Sanitation District
111 Morpew Street
San Rafael, CA 94901

Re: Bayside Acres Beach Sewer Relocation Project – Phase A
Award Recommendation

Dear Doris:

On May 27, 2022 four (4) bids were received for the above-referenced project. A spreadsheet comparing these bids is enclosed.

The lowest apparent bid of \$1,244,155 was submitted by W. R. Forde Associates of San Rafael. Enclosed are the license details obtained from the Contractor's License Board which shows that W. R. Forde Associates has a valid Contractor's License and are registered with the California Department of Industrial Relations (DIR). The subcontractor also has a valid Contractor's License and is registered with the DIR.

We reviewed their submitted bid package and recommend the bid be awarded to W. R. Forde Associates..

Very truly yours,

NUTE ENGINEERING

By:

A handwritten signature in blue ink, appearing to read "Mark T. Wilson", is written over a horizontal line. Below the line, the name "Mark T. Wilson, PE" is printed in a black sans-serif font.

Mark T. Wilson, PE

SAN RAFAEL SANITATION DISTRICT
BAYSIDE ACRES BEACH SEWER RELOCATION PROJECT - PHASE A
Bid Results Summary

Bid Opening: 2:00 Pm
 Date: May 31, 2022
 Job No: 8299
 Engineer's Est - \$1,114,816

			WR Forde Associates Richmond		Micheal Paul Company Petaluma		Cratus Engineering San Francisco		Maggiara & Ghilotti San Rafael	
			1		2		3		4	
			BASE BID		BASE BID		BASE BID		BASE BID	
No.	Description	Total Quantity	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount
1.	Mobilization, Demobilization, SWPPP, Permits & Licenses (Less Than 5% Of Total Cost)	1 LS	\$50,000.00	\$50,000.00	\$63,000.00	\$63,000.00	\$65,000.00	\$65,000.00	\$65,000.00	\$65,000.00
2.	Point San Pedro Road – Install New 8" PVC C-900 Sewer - Sta 0+00 to Sta 13+01	1301 LF	\$300.00	\$390,300.00	\$250.00	\$325,250.00	\$400.00	\$520,400.00	\$290.00	\$377,290.00
3.	A Line, Oak Drive – Pipeburst New 8.63" OD HDPE Sewer – Sta 0+00 to Sta 1+29	129 LF	\$300.00	\$38,700.00	\$450.00	\$58,050.00	\$250.00	\$32,250.00	\$290.00	\$37,410.00
4.	A Line, Oak Drive – Install New 8.63" OD HDPE Sewer Open Cut – Sta 1+29 to Sta 2+79	150 LF	\$300.00	\$45,000.00	\$375.00	\$56,250.00	\$400.00	\$60,000.00	\$290.00	\$43,500.00
5.	B Line, Oak Drive – Install New 8" PVC C-900 Sewer – Sta 0+00 to Sta 1+05	105 LF	\$300.00	\$31,500.00	\$250.00	\$26,250.00	\$400.00	\$42,000.00	\$290.00	\$30,450.00
6.	Marine Drive – Install New 8" PVC C-900 Sewer – Sta 0+00 to Sta 1+80	180 LF	\$300.00	\$54,000.00	\$350.00	\$63,000.00	\$400.00	\$72,000.00	\$290.00	\$52,200.00
7.	5 Foot Diameter Standard Manhole	2 EA	\$11,000.00	\$22,000.00	\$35,000.00	\$70,000.00	\$10,000.00	\$20,000.00	\$10,000.00	\$20,000.00
8.	4 Foot Diameter Standard Manhole	6 EA	\$8,000.00	\$48,000.00	\$25,000.00	\$150,000.00	\$9,000.00	\$54,000.00	\$10,000.00	\$60,000.00
9.	Connect To Existing Manhole Rebuild Channels	3 EA	\$1,500.00	\$4,500.00	\$1,000.00	\$3,000.00	\$4,000.00	\$12,000.00	\$2,500.00	\$7,500.00
10.	Remove Existing Manhole	2 EA	\$2,000.00	\$4,000.00	\$1,000.00	\$2,000.00	\$2,000.00	\$4,000.00	\$3,000.00	\$6,000.00
11.	Remove Existing Rodholes	2 EA	\$2,500.00	\$5,000.00	\$1,000.00	\$2,000.00	\$2,000.00	\$4,000.00	\$2,000.00	\$4,000.00
12.	Internal Drop Connection	2 EA	\$2,500.00	\$5,000.00	\$1,500.00	\$3,000.00	\$2,000.00	\$4,000.00	\$2,000.00	\$4,000.00
13.	Type 1 - Gravity Lower Lateral, Pressure Cleanout and Cleanout Box	13 EA	\$3,000.00	\$39,000.00	\$1,000.00	\$13,000.00	\$2,500.00	\$32,500.00	\$2,000.00	\$26,000.00
14.	Type 2 – 4" Gravity Lower Lateral, Gravity Two-Way Cleanout, Relief Valve and Cleanout Boxes	4 EA	\$2,200.00	\$8,800.00	\$2,000.00	\$8,000.00	\$2,500.00	\$10,000.00	\$3,000.00	\$12,000.00
15.	Install 4" Lower Laterals, Fittings & Connections	210 LF	\$300.00	\$63,000.00	\$200.00	\$42,000.00	\$200.00	\$42,000.00	\$400.00	\$84,000.00
16.	Curb And Gutter Replacement	48 LF	\$80.00	\$3,840.00	\$55.00	\$2,640.00	\$65.00	\$3,120.00	\$120.00	\$5,760.00
17.	Concrete Sidewalk and Driveway Approach Replacement	192 SF	\$15.00	\$2,880.00	\$30.00	\$5,760.00	\$20.00	\$3,840.00	\$40.00	\$7,680.00
18.	Hard Rock and/or Buried Concrete Excavation	25 CY	\$400.00	\$10,000.00	\$200.00	\$5,000.00	\$15.00	\$375.00	\$420.00	\$10,500.00
19.	Asphalt Concrete Trench Repair	765 TONS	\$295.00	\$225,675.00	\$250.00	\$191,250.00	\$140.00	\$107,100.00	\$290.00	\$221,850.00
20.	2" Grind and Overlay	5,600 SF	\$4.00	\$22,400.00	\$8.00	\$44,800.00	\$10.00	\$56,000.00	\$7.50	\$42,000.00
21.	Replace Pavement Markings and Striping	1 LS	\$8,000.00	\$8,000.00	\$8,000.00	\$8,000.00	\$50,000.00	\$50,000.00	\$21,500.00	\$21,500.00
22.	Shoring For All Excavations	1 LS	\$94,000.00	\$94,000.00	\$10,000.00	\$10,000.00	\$40,000.00	\$40,000.00	\$15,500.00	\$15,500.00
23.	Pothole Utility Mains	16 EA	\$800.00	\$12,800.00	\$1,500.00	\$24,000.00	\$1,000.00	\$16,000.00	\$565.00	\$9,040.00
24.	Traffic Control and Notifications	1 LS	\$10.00	\$10.00	\$70,000.00	\$70,000.00	\$15,000.00	\$15,000.00	\$70,000.00	\$70,000.00
25.	Internal Televising of Sewer Mains	1865 LF	\$10.00	\$18,650.00	\$5.00	\$9,325.00	\$4.00	\$7,460.00	\$6.00	\$11,190.00
26.	Internal Televising of Completed Sewer Laterals	210 LF	\$10.00	\$2,100.00	\$5.00	\$1,050.00	\$5.00	\$1,050.00	\$24.00	\$5,040.00
27.	As-Built Drawings	1 LS	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00
28.	Changed Conditions Allowance	1 LS	\$30,000.00	\$30,000.00	\$30,000.00	\$30,000.00	\$30,000.00	\$30,000.00	\$30,000.00	\$30,000.00
TOTAL ALTERNATE BID				\$1,244,155.00		\$1,291,625.00		\$1,309,095.00	*math error	\$1,284,410.00

Check Percentage Bid Item 1 to Total Project (5% max)	4.0%		4.9%		5.0%		5.1%
Addendum Acknowledged	Yes (4)		Yes (4)		Yes (4)		Only 3 ack'd
Bid Bond	Yes		Yes		Yes		Yes
Contract Signed	Yes		Yes		Yes		Yes
License Number	Yes		Yes		Yes		Yes
Non-Collusion Affidavit	Yes		Yes		Yes		Yes
Contractors License Number	1025853		386001		987888		226767
SUBCONTRACTORS	Bayside Stripe & Seal, 883985		Roy's Sewer Service, 491815		NONE		Moncon, 56735
	Northern Directional Drilling, 915332				Striping Graphics, 576756		
			P&F Distributors, ??				
			Striping Graphics, 576756				
Site Visit Affidavit	Yes		Yes		Yes		Yes
Drug-Free Certification	Yes		Yes		Yes		Yes
Bidder's Statement Financial Responsibility & Experience	Yes		Yes		Yes		Yes
Three Year EMR ≤ 1.0	0.72		84		0.88		89
RIR ≤ 5.5	4.27		2.8		0		1.53
LTIR ≤ 2.0	0		0.33		0		0
Financial Statement Submitted	Yes		Yes		Yes		Yes
Safety Compliance Affidavit	Yes		Yes		Yes		Yes

▼ Contractor's License Detail for License # 1025853

DISCLAIMER: A license status check provides information taken from the CSLB license database. Before relying on this information, you should be aware of the following limitations.

- ▶ CSLB complaint disclosure is restricted by law (B&P 7124.6) If this entity is subject to public complaint disclosure click on link that will appear below for more information. Click [here](#) for a definition of disclosable actions.
- ▶ Only construction related civil judgments reported to CSLB are disclosed (B&P 7071.17).
- ▶ Arbitrations are not listed unless the contractor fails to comply with the terms.
- ▶ Due to workload, there may be relevant information that has not yet been entered into the board's license database.

Data current as of 5/20/2022 1:59:16 PM

Business Information

W R FORDE ASSOCIATES INC
984 HENSLEY ST
RICHMOND, CA 94801
Business Phone Number:(510) 215-9338

Entity Corporation
Issue Date 04/17/2017
Expire Date 04/30/2023

License Status

This license is current and active.

All information below should be reviewed.

Classifications

- ▶ A - GENERAL ENGINEERING
- ▶ B - GENERAL BUILDING
- ▶ C21 - BUILDING MOVING, DEMOLITION

Certifications

- ▶ HAZ - HAZARDOUS SUBSTANCES REMOVAL

Bonding Information

Contractor's Bond

This license filed a Contractor's Bond with FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

Bond Number: 9234264

Bond Amount: \$15,000

Effective Date: 03/23/2017

Bond of Qualifying Individual

The qualifying individual DONALD JAMES RUSSELL certified that he/she owns 10 percent or more of the voting stock/membership interest of this company; therefore, the Bond of Qualifying Individual is not required.

Effective Date: 04/17/2017

Workers' Compensation

This license has workers compensation insurance with the TRAVELERS PROPERTY CASUALTY COMPANY OF AMERICA

Policy Number: UB3R02399A

Effective Date: 10/01/2020

Expire Date: 10/01/2022

[Workers' Compensation History](#)

Other

▶ Personnel listed on this license (current or disassociated) are listed on other licenses.

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[Accessibility Certification](#)

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Contractor Information

Registration History

Legal Entity Name
W.R. FORDE ASSOCIATES INC.

Legal Entity Type
Corporation

Status
Active

Registration Number
1000048412

Registration effective date
7/1/2022

Registration expiration date
6/30/2025

Mailing Address
984 HENSLEY ST. RICHMOND 94801 CA United ...

Physical Address
984 HENSLEY ST. RICHMOND 94801 CA United ...

Email Address

Trade Name/DBA

License Number(s)
CSLB:1025853

Effective Date	Expiration Date
6/20/2018	6/30/2019
6/1/2017	6/30/2018
4/17/2017	6/30/2017
7/1/2019	6/30/2022
7/1/2022	6/30/2025

Legal Entity Information

Corporation Number:

Federal Employment Identification Number:

President Name:
Donald Russell

Vice President Name:

Treasurer Name:
Candace Clapp

Secretary Name:
Donald Russell

CEO Name:
Donald Russell

Agent of Service Name:
Donald Russell

Agent of Service Mailing Address:
984 Hensley St Richmond 94801 CA United States of America

Workers Compensation

Do you lease employees through Professional No

**Employer Organization
(PEO)?:**

**Please provide your
current workers**

**compensation insurance
information below:**

	PEO	PEO	PEO
PEO InformationName	Phone	Email	

Insured by Carrier

Policy Holder Name:W.R.FORDE ASSOCIATES INC.**Insurance Carrier:**

TRAVELERS PROPERTY CASUALTY COMPANY OF AMERICAP**Policy Number:**UB-3R02399A

Inception date:10/1/2021**Expiration Date:**10/1/2022

Contractor Information

Registration History

Legal Entity Name

BAYSIDE STRIPE & SEAL, INC.

Legal Entity Type

Corporation

Status

Active

Registration Number

1000001757

Registration effective date

7/1/2021

Registration expiration date

6/30/2022

Mailing Address

P.O. BOX 703 PETALUMA 94953 CA United State...

Physical Address

335 BLODGETT ST. COTATI 94931 CA United Sta...

Email Address

Trade Name/DBA

License Number(s)

CSLB:883985

CSLB:883985

Effective Date	Expiration Date
6/21/2018	6/30/2019
6/12/2017	6/30/2018
6/13/2016	6/30/2017
6/18/2015	6/30/2016
10/30/2014	6/30/2015
7/1/2019	6/30/2020
7/1/2020	6/30/2021
7/1/2021	6/30/2022

Legal Entity Information

Corporation Number:

3265795

Federal Employment Identification Number:

President Name:

RAMY MUGHANNAM

Vice President Name:

KATHLEEN MUGHANNAM

Secretary Name:

CEO Name:

Agent of Service Name:

RAMY MUGHANNAM

Agent of Service Mailing Address:

P.O. BOX 703 PETALUMA 94953 CA United States of America

Workers Compensation

Do you lease employees through Professional No

Employer Organization

(PEO)?:

**Please provide your
current workers**

**compensation insurance
information below:**

	PEO	PEO	PEO
PEO InformationName	Phone	Email	

Insured by Carrier

Policy Holder Name:BAYSIDE STRIPE & SEAL, INC.**Insurance Carrier:**

State Compensation Insurance Fund**Policy Number:**925351721**Inception date:**5/4/2021

Expiration Date:5/4/2022

▼ Contractor's License Detail for License # 883985

DISCLAIMER: A license status check provides information taken from the CSLB license database. Before relying on this information, you should be aware of the following limitations.

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- ▶ Only construction related civil judgments reported to CSLB are disclosed (B&P 7071.17).
- ▶ Arbitrations are not listed unless the contractor fails to comply with the terms.
- ▶ Due to workload, there may be relevant information that has not yet been entered into the board's license database.

Data current as of 5/31/2022 10:33:30 AM

Business Information

BAYSIDE STRIPE & SEAL INC
P O BOX 703
PETALUMA, CA 94953
Business Phone Number:(707) 765-2871

Entity Corporation
Issue Date 09/12/2006
Reissue Date 05/11/2010
Expire Date **05/31/2024**

License Status

This license is current and active.

All information below should be reviewed.

Classifications

- ▶ C32 - PARKING AND HIGHWAY IMPROVEMENT
- ▶ C27 - LANDSCAPING

Bonding Information

Contractor's Bond

This license filed a Contractor's Bond with OLD REPUBLIC SURETY COMPANY.

Bond Number: W150056851

Bond Amount: \$15,000

Effective Date: 01/01/2016

[Contractor's Bond History](#)

Bond of Qualifying Individual

The qualifying individual RAMY ANTHONY MUGHANNAM certified that he/she owns 10 percent or more of the voting stock/membership interest of this company; therefore, the Bond of Qualifying Individual is not required.

Effective Date: 05/11/2010

Workers' Compensation

This license has workers compensation insurance with the STATE COMPENSATION INSURANCE FUND

Policy Number: 9253517

Effective Date: 05/04/2019

Expire Date: 05/04/2022

[Workers' Compensation History](#)

Miscellaneous Information

- ▶ 05/11/2010 - LICENSE REISSUED TO ANOTHER ENTITY

SAN RAFAEL SANITATION DISTRICT

RESOLUTION NO. 22-1247

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE SAN RAFAEL SANITATION DISTRICT
AWARDING CONTRACT TO W.R. FORDE ASSOCIATES, INC.
FOR THE BAYSIDE ACRES BEACH SEWER
RELOCATION PROJECT, PHASE A**

WHEREAS, sealed bids or proposals were received by the San Rafael Sanitation District for the Bayside Acres Beach Sewer Relocation Project, Phase A, and all such bids were publicly opened, examined, and declared; and

WHEREAS, the bid or proposal of W.R. Forde Associates, Inc., at the quotation stated in their bid, was and is the lowest responsible bid or proposal; and

WHEREAS, the District's consulting engineer, Nute Engineering, after review and evaluation, has recommended award of the contract to W.R. Forde Associates, Inc.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Chair and Secretary are authorized to execute a contract on behalf of the San Rafael Sanitation District with W.R. Forde Associates, Inc., for construction of the Bayside Acres Beach Sewer Relocation Project, Phase A, in accordance with the terms, specifications, and general provisions of said bid or proposal.

BE IT FURTHER RESOLVED that all other bids or proposals are hereby rejected, and the District Manager/District Engineer is directed to return all accompanying certified checks, cash, and bonds of said unsuccessful bidders.

PASSED AND ADOPTED at a regular meeting of the San Rafael Sanitation District Board of Directors held on the 2nd day of June 2022 by the following vote, to wit:

AYES:

NOES:

ABSENT:

Kate Colin, Chair

ATTEST:

Maribeth Bushey, Secretary

SAN RAFAEL SANITATION DISTRICT
Agenda Item No. 7.b.

DATE: June 2, 2022

TO: San Rafael Sanitation District Board of Directors

FROM: Doris Toy, District Manager/District Engineer

SUBJECT: **2022-23 Appropriations Limit (Proposition 4)**

Recommendation:

Adopt resolution establishing the Fiscal Year 2022-23 Appropriations Limit.

Background/Summary:

Article XIII B of the California Constitution specifies that appropriations made by State and local governments may increase annually by a factor comprised of the change in population combined with either the change in California per capita personal income or of the change in the local assessment roll due to local non-residential construction.

The Department of Finance is mandated to provide the population and California per capita personal income change data for local jurisdictions to calculate their appropriations limits. District staff has been provided with the new price and population factors for setting the Fiscal Year 2022-23 Appropriations Limit. Using the factors provided, the calculated maximum limit applicable to the Fiscal Year 2022-23 appropriations of tax proceeds is \$1,452,640.

The District receives proceeds of taxes from property taxes and ERAF revenues that may be excluded from the limit as qualified capital outlay under the rules for appropriations subject to limitation. For the Fiscal Year 2022-23, the District anticipates its proceeds of taxes to be excluded from the limit in their entirety or excluded below the limit and the amount subject to refund to be \$0. The calculation of actual proceeds of taxes received and the extent of proceeds of taxes excluded from the limit is included as part of the annual audit.

Attachments: Resolution
2022-23 Appropriation Limit Calculation
Department of Finance Price and Population Information

SAN RAFAEL SANITATION DISTRICT

RESOLUTION NO. 22-1247

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE SAN RAFAEL SANITATION DISTRICT
ESTABLISHING THE 2022-23 APPROPRIATIONS LIMIT
(PROPOSITION 4)**

BE IT RESOLVED by the Board of Directors of the San Rafael Sanitation District, County of Marin, State of California, that the calculated maximum limit applicable to the 2022-23 appropriation of tax proceeds is \$1,452,640 in accordance with Article XIII B of the Constitution of the State of California.

PASSED AND ADOPTED at a regular meeting of the San Rafael Sanitation District Board of Directors on the 2nd day of June 2022 by the following vote:

AYES:

NOES:

ABSENT/ABSTAIN:

SAN RAFAEL SANITATION DISTRICT

Kate Colin, Chair

ATTEST:

Maribeth Bushey, Secretary

SAN RAFAEL SANITATION DISTRICT
2022-23 APPROPRIATION LIMIT CALCULATION

Per Capita Personal Income Change For FY 2022-23		7.55%
<u>PCPI Ratio:</u>	$\frac{7.55+100}{100}$	<u>1.0755</u>
Population Change For FY 2020-21		
San Rafael	(1.01)	
Unincorporated	(1.21)	
Population Change Weighted Average:	(a)	(b)
San Rafael	(1.01)	0.90
Unincorporated	(1.21)	0.10
	<u>1.00</u>	<u>(1.0300)</u>
<u>Population Ratio:</u>	$\frac{(1.03)+100}{100}$	<u>0.9897</u>
	(a)	(b)
Factor for FY 2022-23	1.0755	0.9897
FY 2021-22 Appropriation Limit		1,364,721
	(a)	(b)
Calculated FY 2022-23 Appropriation Limit	1.0644	1,364,721
		<u>1,452,640</u>



May 2022

Dear Fiscal Officer:

Subject: Price Factor and Population Information

Appropriations Limit

California Revenue and Taxation Code section 2227 requires the Department of Finance to transmit an estimate of the percentage change in population to local governments. Each local jurisdiction must use their percentage change in population factor for January 1, 2022, in conjunction with a change in the cost of living, or price factor, to calculate their appropriations limit for fiscal year 2022-23. Attachment A provides the change in California's per capita personal income and an example for utilizing the price factor and population percentage change factor to calculate the 2022-23 appropriations limit. Attachment B provides the city and unincorporated county population percentage change. Attachment C provides the population percentage change for counties and their summed incorporated areas. The population percentage change data excludes federal and state institutionalized populations and military populations.

Population Percent Change for Special Districts

Some special districts must establish an annual appropriations limit. California Revenue and Taxation Code section 2228 provides additional information regarding the appropriations limit. Article XIII B, section 9(C) of the California Constitution exempts certain special districts from the appropriations limit calculation mandate. The code section and the California Constitution can be accessed at the following website: <http://leginfo.legislature.ca.gov/faces/codes.xhtml>.

Special districts required by law to calculate their appropriations limit must present the calculation as part of their annual audit. Any questions special districts have on this requirement should be directed to their county, district legal counsel, or the law itself. No state agency reviews the local appropriations limits.

Population Certification

The population certification program applies only to cities and counties. California Revenue and Taxation Code section 11005.6 mandates Finance to automatically certify any population estimate that exceeds the current certified population with the State Controller's Office. **Finance will certify the higher estimate to the State Controller by June 1, 2022.**

Please Note: The prior year's city population estimates may be revised. The per capita personal income change is based on historical data.

If you have any questions regarding this data, please contact the Demographic Research Unit at (916) 323-4086.

KEELY MARTIN BOSLER
Director
By:

ERIKA LI
Chief Deputy Director

Attachment

- A. **Price Factor:** Article XIII B specifies that local jurisdictions select their cost of living factor to compute their appropriation limit by a vote of their governing body. The cost of living factor provided here is per capita personal income. If the percentage change in per capita personal income is selected, the percentage change to be used in setting the fiscal year 2022-23 appropriation limit is:

Per Capita Personal Income

Fiscal Year (FY)	Percentage change over prior year
2022-23	7.55

- B. Following is an example using sample population change and the change in California per capita personal income as growth factors in computing a 2022-23 appropriation limit.

2022-23:

Per Capita Cost of Living Change = 7.55 percent
Population Change = -0.30 percent

Per Capita Cost of Living converted to a ratio: $\frac{7.55 + 100}{100} = 1.0755$

Population converted to a ratio: $\frac{-0.30 + 100}{100} = 0.997$

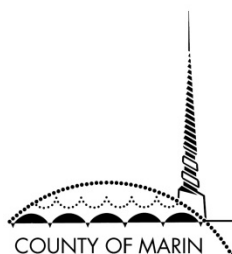
Calculation of factor for FY 2022-23: $1.0755 \times 0.997 = 1.0723$

Fiscal Year 2022-23

Attachment B
Annual Percent Change in Population Minus Exclusions*
January 1, 2021 to January 1, 2022 and Total Population, January 1, 2022

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2021-2022	1-1-21	1-1-22	1-1-2022
Marin				
Belvedere	-1.09	2,103	2,080	2,080
Corte Madera	-1.17	10,147	10,028	10,028
Fairfax	-1.04	7,496	7,418	7,418
Larkspur	-1.28	12,963	12,797	12,797
Mill Valley	-1.09	14,002	13,850	13,850
Novato	-1.06	52,720	52,162	52,441
Ross	-1.24	2,330	2,301	2,301
San Anselmo	-0.99	12,772	12,645	12,645
San Rafael	-1.01	61,179	60,560	60,560
Sausalito	-1.22	7,159	7,072	7,072
Tiburon	-1.20	9,065	8,956	8,956
Unincorporated	-1.21	64,601	63,817	66,987
County Total	-1.11	256,537	253,686	257,135

*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.



June 2, 2022

Brian E. Washington
COUNTY COUNSEL**CONFIDENTIAL**Renee Giacomini Brewer
ASSISTANT COUNTY COUNSELBoard of Directors
San Rafael Sanitation District (SRSD)
111 Morphew St.
San Rafael, CA 94901Jenna J. Brady
CHIEF DEPUTY COUNTY COUNSELPatrick M. K. Richardson
Stephen R. Raab
Steven M. Perl
Kerry L. Gerchow
Tarisha K. Bal
Deidre K. Smith
Brandon W. Halter
Sarah B. Anker
Kate K. Stanford
Scott Drexel**Re: Closed Session – Public Employee Performance Evaluation**

Dear Directors:

I request that you conduct a closed session during your regular meeting on June 2, 2022, to discuss the following matter: public employee performance evaluation of the District Manager. In my opinion, public discussion of this matter would prejudice your position.

DEPUTIES

The specific reason and the legal authority for the closed session are:

Colleen McGrath
ADMINISTRATIVE SERVICES
OFFICER

Government Code section 54957: A legislative body of a local agency may hold closed sessions to consider the evaluation of performance of a public employee.

Marin County Civic Center
3501 Civic Center Drive
Suite 275
San Rafael, CA 94903
415 473 6117 T
415 473 3796 F
415 473 2226 TTY
www.marincounty.org/cl

It should be noted that Government Code section 54954.5 requires the Board to post a Closed Session item on the Board Agenda. With respect to the above referenced matter, you should include the fact that you are conducting a public employee performance evaluation, the code section involved, and the title of the employee involved as set forth below.

PUBLIC EMPLOYEE PERFORMANCE EVALUATION
California Government Code Section 54957
Title: District Manager

Should you have any further questions, please contact me.

Respectfully submitted,
BRIAN E. WASHINGTON
Marin County CounselBy: 
Kerry Gerchow
Deputy County Counsel