

A G E N D A
SPECIAL MEETING
SAN RAFAEL SANITATION DISTRICT
BOARD OF DIRECTORS
THURSDAY – JANUARY 12, 2023 - 1:00 P.M.
Join Zoom Meeting at <https://us06web.zoom.us/j/87200298979>
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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 – December 1, 2022.

5. PAYMENTS

Request approval as submitted.

6. OLD BUSINESS

a. Hearing - proposed termination of sewer service at 255 Margarita Drive.

7. NEW BUSINESS

a. Report on adoption of investment policy.

- Adopt resolution approving the Marin County Investment Policy as the investment policy for the San Rafael Sanitation District.

b. Adopt resolution authorizing the District Manager/District Engineer to execute a Professional Services Agreement with Miller Pacific Engineering Group for geotechnical observation and testing services for the 2020 Sewer Pipe Repair and Replacement Project, Phase 2.

c. Agency Report of Public Official Appointments (FPPC Form 806).

d. Report on recent storm events. (Kris Ozaki)

e. Approve Board meeting schedule for 2023.

8. INFORMATIONAL ITEMS

9. DIRECTOR REPORTS/REQUESTS FOR FUTURE AGENDA ITEMS

10. ADJOURNMENT

The next scheduled meeting is February 2, 2023.

SAN RAFAEL SANITATION DISTRICT
Agenda Item. 2.

DATE: January 12, 2023

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. However, the Governor's office has announced that the COVID State of Emergency will end on February 28, 2023. The COVID-19 will no longer be a valid basis to hold emergency teleconference meetings pursuant to AB 361. Therefore, the District will begin holding in-person meetings beginning with its March 2023 Board meeting.

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. 23-1260

**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 special meeting of the San Rafael Sanitation District Board of Directors held on the 12th day of January 2023 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
December 1, 2022**

Regular Meeting

Via Teleconferencing

The meeting was called to order at 11:00 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
Kelvin Munar, Junior Engineer
Cynthia Hernandez, District Secretary
Cynthia Fuller, Administrative Assistant Temp

Attendance Others: Kerry Laiw Gerchow, Deputy County Counsel
Dean DiGiovanni, CMSA Commissioner for SRSD

- 1. **ROLL CALL** – A roll call was taken, and Chair Kate and Director Bushey 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 Bushey, 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 Bushey, Chair Kate

NOES: None

ABSENT: Director Rice

Motion Carried

- 3. **OPEN PERIOD** – No persons were present to address the Board.

4. MINUTES OF NOVEMBER 3, 2022.

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

AYES: Director Bushey, Chair Kate

NOES: None

ABSENT: Director Rice

Motion Carried

5. PAYMENTS

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

AYES: Director Bushey, Chair Kate

NOES: None

ABSENT: Director Rice

Motion Carried

6. OLD BUSINESS

a. Discussion on termination of sewer service at 255 Margarita Drive.

District Manager Toy reported that approximately seven years ago, Mr. Thompson, the owner of 255 Margarita Drive, had a failing septic system. Because his property is within 400 feet of a public sewer, the Marin County Environmental Health Department does not allow the repair or replacement of a septic tank. Therefore, Mr. Thompson needed to connect to the District's sewer main. Because his property was not located within the District, he first needed to annex to the District through the Marin Local Agency Formation Commission (LAFCO). He then submitted an application for annexation to LAFCO, and the District approved the plans for his sewer connection. However, when the District inspected his sewer connection, staff found that the work was not done in accordance with the approved plans. In order for the District to approve his current sewer connection, Mr. Thompson will need to obtain a Grant of Easement from his neighbor at 265 Margarita Drive and submit a revised set of plans for approval by the District, or he will need to connect to the sewer in accordance with the plans that were previously approved by the District. Mr. Thompson recently reapplied to LAFCO for annexation since his original application had expired, but he has still not been able to obtain a sewer easement from his neighbor. LAFCO approved Mr. Thompson's recent application with the condition that he meet the District's requirements by December 9th. If he is unable to meet this deadline, he would be able to request an extension from LAFCO at their December 8th Commission meeting. Because LAFCO has been placing more pressure on the District to get this matter resolved, Manager Toy requested permission from the Board to begin the process for termination of Mr. Thompson's sewer service if he is unable to meet LAFCO's December 9th deadline. She then provided the Board with the requirements prescribed by the California Health and Safety Code, Section 6523.2, to begin this process, which would require a hearing, and suggested setting the hearing date for the January Board meeting and termination of service on January 31, 2023. This process would also require sending Mr. Thompson a notice stating the hearing date, the date of the proposed termination of service, and the reasons for the proposed termination at least ten (10) days prior to the hearing date. Finally, Manager Toy reported that she

had received an email message from Mr. Thompson yesterday basically stating that he was still trying to obtain an easement from his neighbor and was working diligently to meet the December 9th deadline. The Board then discussed this matter and asked Deputy County Counsel Kerry Gerchow and CMSA Commissioner Dean DiGiovanni for comments. It was also noted that this matter had begun in 2015 and was still unresolved.

MOTION by Director Bushey, seconded by Chair Kate, to set the hearing date for disconnection of service for 255 Margarita Drive to coincide with the date of the January Board meeting (tentatively scheduled for January 12, 2023, at 1:00 P.M.); send the notice of hearing and termination of service to Mr. Thompson as prescribed by the California Health and Safety Code, Section 6523.2; and set the date for termination of service for January 31, 2023, as the physical disconnection date, absent of any action taken by the Board at its January 2023 meeting, based on the failure to construct the facilities in accordance with the plans approved by the District.

AYES: Director Bushey, Chair Kate

NOES: None

ABSENT: Director Rice

Motion Carried

b. Adopt resolution rescinding Resolution No. 21-1216 and authorizing approved signatories on District checks.

District Manager Toy reported that this is a follow-up to the discussion held at the last meeting. She also reported that this item was previously approved at that meeting, and this is just the formal adoption of the subject resolution included in the Agenda Packet.

MOTION by Director Bushey, seconded by Chair Kate, to adopt the resolution rescinding Resolution No. 21-1216 and authorizing approved signatories on District checks.

AYES: Director Bushey, Chair Kate

NOES: None

ABSENT: Director Rice

Motion Carried

7. NEW BUSINES

a. Discussion on future Board meetings in relation to the ending of the COVID-19 State of Emergency on February 28, 2023.

District Manager Toy reported that Chair Kate had requested this item to be brought to this meeting. She then inquired whether the Board would like to begin having in-person meetings starting with the March 2023 meeting, since the Governor had stated that the COVID-19 State of Emergency would be ending on February 28, 2023. The Board then discussed this matter and decided that they would like to hold the March 2023 meeting in the Community Development Department's Large Conference Room and requested staff to obtain a phone number that could be used by the public to call into the meeting. The Board also requested that a statement or notification be made at the January 2023 meeting advising that the District's first in-person Board meeting would be held in March 2023. CMSA Commissioner DiGiovanni then reported that he believed the Governor had issued a directive that would allow Board members, Councilmembers, etc., to

continue to participate in meetings remotely; and Chair Kate reported that this directive may only pertain to a certain percentage of the meetings and any requirements on this matter should be clearly stated at the January 2023 meeting.

Director Rice arrived at 11:18 A.M.

8. INFORMATIONAL ITEMS

a. Bayside Acres Beach Sewer Relocation Project.

District Manager Toy reported that Phase A (installation of the sewer mains) will be completed next week; and the District's Junior Engineer, Kelvin Munar, Nute Engineering, and other consultants have been meeting with the property owners regarding the design of the sewer laterals (Phase B), which should be completed by Christmas. She also reported that the project is going well, and the property owners are being compliant.

b. New Administrative Analyst.

District Manager Toy reported that Kathryn Nelson, the District's new Administrative Analyst, will be starting work with the District in a couple of weeks. This position will replace the current District Secretary, Cindy Hernandez. Kathryn will be transferring to the District from the City's Fire Department and previously worked in the City's Public Works Department. Manager Toy then reported that Cindy will be training Kathryn for about a month before her retirement.

9. DIRECTOR REPORTS/REQUESTS FOR FUTURE AGENDA ITEMS

None.

10. ADJOURNMENT

There being no further business to come before the Board, the meeting of December 1, 2022, was adjourned at 11:24 A.M. The next regular meeting of the San Rafael Sanitation District scheduled for January 5, 2023, was canceled and a special meeting was set for Thursday, January 12, 2023, at 1:00 P.M. via teleconferencing.

Respectfully submitted,

Maribeth Bushey, Recording Secretary

ATTEST THIS 12th DAY OF JANUARY 2023

Kate Colin, Chair

Item 5

**SAN RAFAEL SANITATION DISTRICT
PAYMENT SUMMARY
December 1, 2022 - December 31, 2022**

Vendor/Payee	Memo	Class	Acct #	Account Name	Amount
ALIMAM, SAM	Claims and Deductibles - reimbursement for 5 Biscayne Court, San Rafael	100	2051	Claims and deductibles	1,701.08
ARAMARK UNIFORM SERVICES	Uniforms - weekly service ending 11/09/22	200	2021	Uniforms	207.54
ARAMARK UNIFORM SERVICES	Uniforms - weekly service ending 11/23/22	200	2021	Uniforms	207.54
ARAMARK UNIFORM SERVICES	Uniforms - weekly service ending 11/30/22	200	2021	Uniforms	207.54
ARAMARK UNIFORM SERVICES	Uniforms - weekly service ending 12/07/22	200	2021	Uniforms	203.71
AT&T *1523	Telephone Service - land lines for pump stations and dialers from 11/02/22-12/01/22	100	2534	Telephone service	541.18
AT&T MOBILITY	Telephone Service - cell phone service from 10/04/22-11/03/22	100	2534	Telephone service	635.80
AT&T MOBILITY	Telephone Service - cell phone service from 11/04/22-12/03/22	100	2534	Telephone service	679.60
BWS DISTRIBUTORS	Safety - gloves	200	2365	Safety equipment and supplies	388.48
CALCON SYSTEMS, INC.	Pump Stations - troubleshot issues at Simms lift station	200	2359	Maint- pump sta's & force mains	1,352.25
CALIFORNIA CAD SOLUTIONS INC(CALCAD)	Facilities Mapping Services - miscellaneous projects from September through November 2022	100	4188	Facilities mapping services	4,800.00
CALIFORNIA DIESEL & POWER INC. (CD&POWER)	Pump Stations - sensor replaced at Cayes Main Pump Station	200	2359	Maint- pump sta's & force mains	1,303.71
CENTRAL MARIN SANITATION AGENCY	CMSA Connection Fees - 5 unique addresses	200	2210	Connection fees payable cmsa	3,347.56
CENTRAL MARIN SANITATION AGENCY	FOG Program - FOG Control Program management from 7/01/22-9/30/22	100	4300	FOG Program	4,400.76
CENTRAL MARIN SANITATION AGENCY	Service Charges - second quarter service charges for 10/01/22-12/31/22	400	4112	Sewage treatment	1,448,370.22
CHAUDHURI, JANE & SWAPAN	Claims and Deductibles - claim for 12 Hillview Avenue to cover cost of unsuccessful repair	100	2051	Claims and deductibles	220.00
CITY OF SAN RAFAEL	Third Street (Fourth Street to Mary) - Third Street Rehab project #11315-02	300	4340	Third St (Hayes to Ritter) (80)	1,248,041.60
COLIN, KATE	Director's Fees - Kate Colin on 12/01/22	100	2282	Director's fees	100.00
COUNTY OF MARIN	Director's Fees - Katie Rice on 12/01/22	100	2282	Director's fees	100.00
COUNTY OF MARIN - CENTRAL COLLECT	Pump Stations - annual CUPA permit for Bret Harte Pump Station	200	2359	Maint- pump sta's & force mains	347.00
COUNTY OF MARIN - CENTRAL COLLECT	Pump Stations - annual CUPA permit for Cayes Main Pump Station	200	2359	Maint- pump sta's & force mains	405.00
COUNTY OF MARIN - CENTRAL COLLECT	Pump Stations - annual CUPA permit for Glenwood Pump Station	200	2359	Maint- pump sta's & force mains	405.00
COUNTY OF MARIN - CENTRAL COLLECT	Pump Stations - annual CUPA permit for Loch Lomond Pump Station	200	2359	Maint- pump sta's & force mains	405.00
COUNTY OF MARIN - CENTRAL COLLECT	Pump Stations - annual CUPA permit for North Francisco Pump Station	200	2359	Maint- pump sta's & force mains	405.00
COUNTY OF MARIN - CENTRAL COLLECT	Pump Stations - annual CUPA permit for Peacock Pump Station	200	2359	Maint- pump sta's & force mains	347.00
COUNTY OF MARIN - CENTRAL COLLECT	Pump Stations - annual CUPA permit for Riviera Pump Station	200	2359	Maint- pump sta's & force mains	405.00
COUNTY OF MARIN - CENTRAL COLLECT	Pump Stations - annual CUPA permit for San Pedro Pump Station	200	2359	Maint- pump sta's & force mains	347.00
COUNTY OF MARIN - CENTRAL COLLECT	Pump Stations - annual CUPA permit for Simms Street Pump Station	200	2359	Maint- pump sta's & force mains	347.00
COUNTY OF MARIN - CENTRAL COLLECT	Pump Stations - annual CUPA permit for South Francisco Pump Station	200	2359	Maint- pump sta's & force mains	347.00
COUNTY OF MARIN - CENTRAL COLLECT	Pump Stations - annual CUPA permit for West Railroad Pump Station	200	2359	Maint- pump sta's & force mains	405.00
DURACABLE MANUFACTURING	Collection System - chuck spindle for power rodder	200	2360	O&M - collection systems	426.77
EVOQUA WATER TECHNOLOGIES, LLC	Odor Control - odor control chemicals delivered to pump stations on 11/15/22	200	2106	Odor control chemicals	11,374.06
EVOQUA WATER TECHNOLOGIES, LLC	Odor Control - service and inspection of chemical tanks at pump stations from 11/01/22-11/30/22	200	2106	Odor control chemicals	1,624.55
EXPRESS SERVICES INC.	Consulting Services - temporary administrative assistant for the week ending on 11/13/22	100	2325	Consulting services	1,196.70
EXPRESS SERVICES INC.	Consulting Services - temporary administrative assistant for the week ending on 11/20/22	100	2325	Consulting services	1,495.88
EXPRESS SERVICES INC.	Consulting Services - temporary administrative assistant for the week ending on 12/04/22	100	2325	Consulting services	1,495.88
GRAINGER	Collection System - cable splicing kit for CCTV camera	200	2360	O&M - collection systems	177.91
GREATLAND	Office Supplies - check reorder (single signer)	100	2133	Office & shop supplies	462.46
HARDIMAN CONSTRUCTION, INC	Collection System - raise the manhole on Hillcrest Drive paved around manhole	200	2360	O&M - collection systems	4,750.00
HARDIMAN CONSTRUCTION, INC	Emergency Projects - sewer repair at 36 Deer Park on 10/21/22	300	4321	Emergency Projects	60,000.00
JACKSON'S HARDWARE	Pump Stations - GFCI screwless wallplate for Seaway Pump Station	200	2359	Maint- pump sta's & force mains	28.39
MAHER ACCOUNTANCY	Accounting Services - November 2022	100	2717	Accounting services	3,600.00
MAHER ACCOUNTANCY	Accounting Services - December 2022	100	2717	Accounting services	3,600.00

MARIBETH BUSHEY	Director's Fees - Maribeth Bushey on 12/01/22	100	2282	Director's fees	100.00
MARIN COUNTY TAX COLLECTOR	County Counsel - first quarter July/Aug/Sept FY 2022/23	100	2713	Legal services	3,224.00
MARIN COUNTY TAX COLLECTOR	Office Supplies - business cards for Allan Lee and Hector Rodriguez	100	2133	Office & shop supplies	90.00
MARIN ROTO-ROOTER SEWER SERVICE, INC	Collection System - spot repair at 66 Seaview Avenue	200	2360	O&M - collection systems	11,350.00
MARIN ROTO-ROOTER SEWER SERVICE, INC	Collection System - spot repair at 66 Seaview Avenue and asphalt restoration balance due	200	2360	O&M - collection systems	600.00
MARIN ROTO-ROOTER SEWER SERVICE, INC	Standby - service at 79 Moncada Way	200	2363	Standby services	750.00
MARIN ROTO-ROOTER SEWER SERVICE, INC	Standby - service at 155 Pearce Road on 12/03/22	200	2363	Standby services	750.00
MUNICIPAL RESOURCE GROUP, LLC	Consulting Services - executive recruitment services for Admin Analyst & Deputy/Assistant District Manager through 10/31/22	100	2325	Consulting services	5,118.75
MUNICIPAL RESOURCE GROUP, LLC	Consulting Services - workplan implementation services through 10/31/22	100	2325	Consulting services	1,462.50
NUTE ENGINEERING INC	Bayside Acres Beach Sewer Improvements Project - engineering services from 10/01/22-10/31/22	300	4338	Rehab of Beach Swr Bayside (80)	26,200.50
NUTE ENGINEERING INC	Bayside Acres Beach Sewer Improvements Project - engineering services from 11/01/22-11/30/22	300	4338	Rehab of Beach Swr Bayside (80)	28,230.00
NUTE ENGINEERING INC	Isolation Valve Replacement Project - engineering services from 11/01/22-11/30/22	300	4345	Isolation Valve Replacement (10	375.50
NUTE ENGINEERING INC	North Francisco and West Railroad Pump Stations - engineering services from 11/01/22-11/30/22	300	4155	N. Francisco/WRR Pump St (10)	316.50
PG&E a/c 2480926202-5	Power - electric service for pump stations from 10/10/22-11/07/22	200	2535	Electric utility costs	21,013.82
RAUCH COMMUNICATIONS CONSULTANTS INC	Bayside Acres Beach Sewer Improvements Project - public relation related services through 10/31/22	300	4338	Rehab of Beach Swr Bayside (80)	4,950.00
SCHAAF & WHEELER, INC	2020 Sewer Pipe Repair and Replacement Project - design and construction related services through 10/31/22	300	4342	2020-21 Sewer Improvement (80)	8,039.50
SCHAAF & WHEELER, INC	2020 Sewer Pipe Repair and Replacement Project - design related services through 12/01/22	300	4342	2020-21 Sewer Improvement (80)	1,102.50
STATE WATER RESOURCES CONTROL BOARD	Memberships - SWRCB annual permit fee from 7/01/22 - 6/30/23	100	2131	Memberships and subscriptions	3,453.00
US BANK CORPORATE PAYMENT	2020 Sewer Pipe Repair and Replacement Project - general permit	300	4342	2020-21 Sewer Improvement (80)	667.00
US BANK CORPORATE PAYMENT	Office Supplies - tidelines calendar	100	2133	Office & shop supplies	91.80
US BANK CORPORATE PAYMENT	Pump Stations - cleaning supplies	200	2359	Maint- pump sta's & force mains	133.14
VERIZON WIRELESS(242395655)	Telephone Service - private IP addresses for the San Pedro and Peacock Pump Stations from 10/18/22-11/17/22	100	2534	Telephone service	136.01
VERIZON WIRELESS(372347623)	Telephone Service - wireless service for laptops and iPad from 11/21/22-12/20/22	100	2534	Telephone service	426.11
WATER COMPONENTS & BLDG SUPPLY	Collection System - water plug	200	2360	O&M - collection systems	160.14
WATER COMPONENTS & BLDG SUPPLY	Pump Station - spring for 4" Kennedy check valve	200	2359	Maint- pump sta's & force mains	146.40
WECO INDUSTRIES LLC	Collection System - sectional rod for power rodder	200	2360	O&M - collection systems	902.98
					\$ 2,930,996.32

SAN RAFAEL SANITATION DISTRICT
Agenda Item No. 6.a.

DATE: January 12, 2023
TO: Board of Directors, San Rafael Sanitation District
FROM: Doris Toy, District Manager/District Engineer
SUBJECT: Hearing – Termination of Sewer Service at 255 Margarita Drive

BACKGROUND:

In July 2015, the District was notified that Paul Thompson had requested the Marin Local Agency Formation Commission (LAFCo) for an outside service extension to connect his property at 255 Margarita Drive to the District's sewer main in order to address a failing septic system that posed an impending threat to public health and safety. The District agreed to serve as joint-applicant for this request under Government Code Section 56133. In August 2015, LAFCo approved the application for a one-year period, and the District also granted approval of Mr. Thompson's plans for the installation of a new sewer lateral. However, upon inspection of the sewer lateral, staff discovered that it was improperly installed and connected to the District's sewer main.

The District's approved set of plans show that the new sewer lateral runs from 255 Margarita Drive to the 10-foot public utility easement on 245 Margarita Drive, then on to Margarita Drive for approximately 100 feet where it connects to the District's sewer main. However, the new sewer lateral was not installed as shown on the plans. The lateral did not go into Margarita Drive; instead, it stopped short, turned across 265 Margarita Drive, and connected to the sewer main upstream from the proposed location. Staff requested Mr. Thompson to rectify the improper connection by submitting a revised set of sewer plans and a Grant of Easement from 265 Margarita Drive. Since Mr. Thompson needed more time to remedy the improper connection, LAFCo granted various extensions which expired in February 2018. However, Mr. Thompson has still not received a Grant of Easement from his neighbor at 265 Margarita Drive.

In summary, staff has requested the following from Mr. Thompson:

1. For the current sewer lateral alignment:
 - a. Submit a copy of a Recorded Grant of Easement from 265 Margarita Drive;
 - b. Submit a revised set of civil plans stamped by a California licensed Civil Engineer;
 - c. Once the revised set of plans are approved, Mr. Thompson's contractor shall verify that the sewer lateral has been installed per the approved plans; if it has not, then his contractor shall make the corrections.
 - d. Once Mr. Thompson's contractor is ready for inspection, he shall make an appointment with the District's Inspector to get the lateral installation approved; OR

2. If Mr. Thompson is unsuccessful in obtaining an easement from his neighbor at 265 Margarita Drive (whether he is unable to contact his neighbor or to achieve agreement), he will need to find another alternative to connect to the sewer main, as follows:
 - a. Install the sewer lateral per the approved drawings from August 28, 2015; or
 - b. If he does not want to install the lateral per the August 28, 2015, drawings, then he will need to submit new civil plans stamped by a California Licensed Civil Engineer for the District's review and approval.

In September 2022, Mr. Thompson submitted a new annexation application, which LAFCo approved at its October 13, 2022, Commission meeting with the condition that Mr. Thompson meet the District's requirements stated above by December 9, 2022. If those requirements are not met, then the applicant could request an extension at LAFCo's December 8, 2022, Commission meeting.

At the December 1, 2022, Board meeting, the Board directed staff to begin the process for termination of sewer service, in the event that Mr. Thompson was unable to meet LAFCo's deadline of December 9, 2022. Per the California Health & Safety Code, Section 6523.2, the Board set the hearing date for the January 12th Board meeting to determine the termination of service date, which is proposed to be on January 31, 2023; and the District sent a notice to Mr. Thompson on December 6, 2022, stating the date of proposed termination of service, the reasons, and the hearing date.

At the present time, Mr. Thompson was unable to meet LAFCo's deadline of December 9, 2022; and he did not request an extension for his application. On January 4, 2023, the District received a sewer permit application to install a sewer lateral at 255 Margarita Drive per the original approved drawings from August 2015. Staff is waiting for the County to issue an encroachment permit, prior to the District issuing its sewer permit, since a portion of the new sewer lateral will be installed in the County's right-of-way. Mr. Thompson is also required to file a new application with LAFCo.

Mr. Thompson and/or his legal counsel will be attending today's hearing, where they can provide an update and comments to the Board.

ACTION REQUIRED:

Board to take action on the following options:

1. Set the termination of service date to January 31, 2023, as originally proposed;
2. Set the termination of service date to a new proposed date by the Board;
3. Continue the hearing for termination of service at the February 2, 2023 Board meeting;
and/or
4. Provide other direction.

SAN RAFAEL SANITATION DISTRICT
Agenda Item 7.a.

DATE: January 12, 2023
TO: Board of Directors, San Rafael Sanitation District
FROM: Doris Toy, District Manager/District Engineer
SUBJECT: Adoption of Investment Policy

RECOMMENDATION:

Approve and adopt the *Statement of Investment Policy, FY 2022-2023* of the County of Marin as the investments policy for the San Rafael Sanitation District.

BACKGROUND/SUMMARY:

The California Government Code Section 53600 requires all California special districts to adopt an investment policy annually. The District utilizes the services of the County of Marin to collect its revenues, disburse expenses, and to invest its cash not required for immediate use. The County of Marin invests all of its cash and cash held in custody for other Marin County special districts in accordance with its Statement of Investment Policy adopted annually by the Marin County Board of Supervisors. The Marin County investment policy meets the requirements of the California Government Code and is audited annually for conformance with its stated policy and California law.

The District maintains all of its cash with the County of Marin's pooled cash and investments. Given that the District does not independently manage investments, the District's investments, therefore, conform with those of the County of Marin to the extent of its pro-rata share of the aggregate investment pool. Accordingly, the investments policy of the County of Marin effectively serves as the investments policy of the District.

FINANCIAL IMPACT:

None.

Attachments: District Resolution
County of Marin Statement of Investment Policy, FY 2022-2023

SAN RAFAEL SANITATION DISTRICT

RESOLUTION NO. 23-1261

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE SAN RAFAEL SANITATION DISTRICT
TO APPROVE THE INVESTMENT POLICY
OF THE COUNTY OF MARIN AS THE INVESTMENT POLICY
FOR THE SAN RAFAEL SANITATION DISTRICT**

WHEREAS, all California Special Districts are required by the California Government Code to adopt an investment policy annually; and

WHEREAS, the District does not independently manage investments but rather utilizes the services of the County of Marin for most of its cash management needs; and

WHEREAS, the County of Marin invests the District's cash as well as all other cash in its custody in accordance with its *Statement of Investment Policy* adopted annually by the Marin County Board of Supervisors and audited annually by the County's external auditors; and

WHEREAS, the District's investments are its pro-rata share of the aggregate Marin County pool.

NOW, THEREFORE, BE IT HEREBY RESOLVED to approve and adopt the *Statement of Investment Policy, FY 2022-23* of the County of Marin as the investment policy for the San Rafael Sanitation District.

PASSED AND ADOPTED by the Board of Directors of the San Rafael Sanitation District at a special meeting held on January 12, 2023, by the following vote:

AYES:

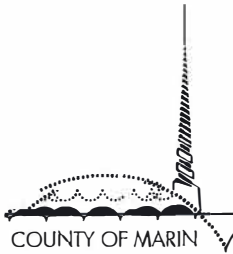
NOES:

ABSENT/ABSTAIN:

Kate Colin, Chair

ATTEST:

Maribeth Bushey, Secretary



DEPARTMENT OF FINANCE

Excellent and responsive fiscal leadership.

Mina Martinovich, CPA
DIRECTOR

December 13, 2022

Sandra Kacharos
INTERIM ASSISTANT DIRECTOR

Board of Supervisors
County of Marin
Civic Center
San Rafael, CA 94903



Marin County Civic Center
3501 Civic Center Drive
Suite 225
San Rafael, CA 94903
415 473 6154 T
415 473 3680 F
CRS Dial 711
www.marincounty.org/dof

Subject: 2022/2023 Annual Statement of Investment Policy

Dear Board Members:

Recommendation: Pursuant to Government Code Section 53646, the following are submitted for review and approval:

- 2022/2023 Annual Statement of Investment Policy for funds managed by the Treasurer's office for the County, Schools, College and Special Districts; and
- 2022/2023 Marin County Long-Term Investment Pool Policy for funds managed by the Treasurer's office for the Marin County General Fund;

Summary: There was only one minor change to the 2022/2023 Annual Statement of Investment Policy regarding withdrawals; it has been reviewed and monitored by the County Treasury Oversight Committee. The committee's membership is listed below. The authority for the committee and their responsibilities are contained in Government Codes sections 27130-27137.

Additionally, the 2022/2023 Annual Statement of Investment Policy is reviewed and monitored monthly by Fitch Ratings, an independent rating agency. Their report is attached. We continue with a rating of AAA/S1. The County's AAA rating has been maintained since 1994. The rating received is reflective of the outstanding work of the Treasury unit.

Alternative Recommendation: N/A

Reviewed by: Finance Department N/A
 County Counsel N/A
 Administrator N/A

Respectfully submitted,

Mina Martinovich
Director of Finance

CA 609

cc: Treasury Oversight Committee:

Matthew Hymel, County Administrator

Dan Eilerman, Alternate Representative, County Administrator

Mary Jane Burke, Marin County Superintendent of Schools

Alyssa Shiffman, Special Districts

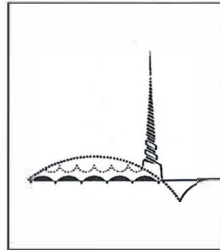
Jean Bonander, Public Member

Mina Martinovich, Director of Finance

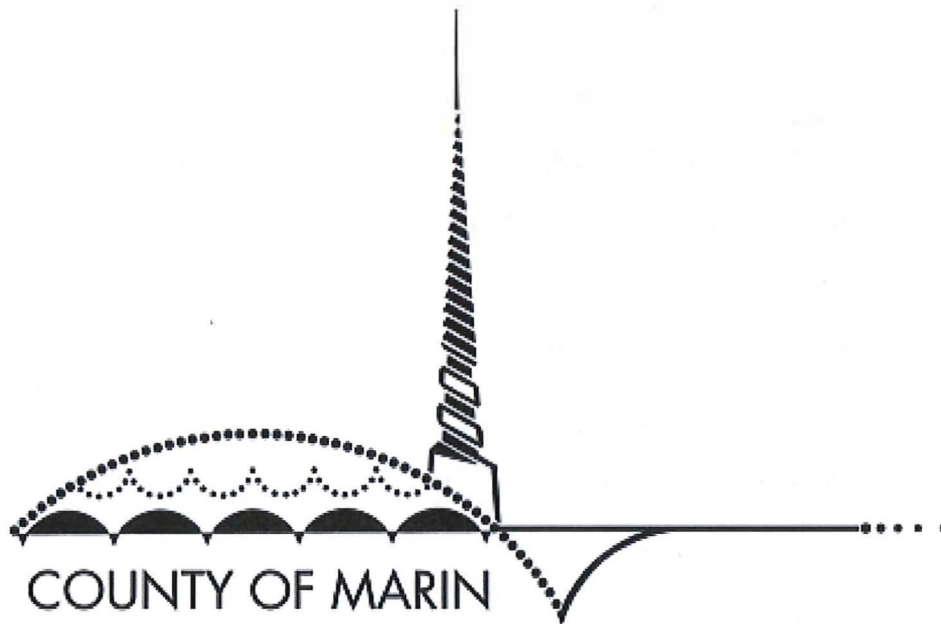
Marin County School Districts

Special Districts

MCERA

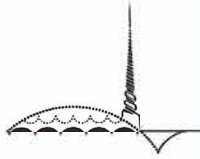


COUNTY OF MARIN
STATEMENT OF INVESTMENT POLICY



Department of Finance
Mina Martinovich, Director

Fiscal Year 2022-2023



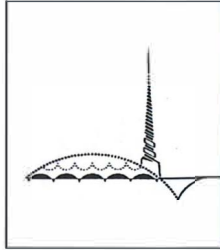
COUNTY OF MARIN

STATEMENT OF INVESTMENT POLICY



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COUNTY OF MARIN

STATEMENT OF INVESTMENT POLICY



Under the authority delegated to the Director of Finance by the Board of Supervisors and in accordance with the California Government Code, the following sets forth the investment policy of the County of Marin:

I. OBJECTIVES:

All funds on deposit in the County Treasury shall be invested in accordance with the California Government Code Sections 53600 et seq. and Sections 53639 et seq. to ensure:

- (a) **Preservation of capital** through high quality investments and by continually evaluating the credit of financial institutions approved for investment transactions, and securities considered and held in safekeeping.
- (b) Maintenance of sufficient **liquidity** to enable the participants and other depositors to meet their operating requirements.
- (c) A **rate of return** consistent with the above objectives.

2. PARTICIPANTS

Participants in the Marin County Pool are defined as Marin County, Marin Public School Agencies, Marin Community College, Marin County Office of Education, districts under the control of the County Board of Supervisors, autonomous/independent districts whose treasurer is the Director of Finance and any other district or agency approved by the Board of Supervisors and the Director of Finance using the County of Marin as their fiscal agent.

- (a) **Statutory participants** are those government agencies within the County of Marin for which the Marin County Treasurer is statutorily designated as the Custodian of Funds.
- (b) **Voluntary participants** are other local agencies that may participate in the Pooled Investment Fund, such as special districts and cities for which the Marin County Treasurer is not statutorily designated as the Custodian of Funds. Participation is subject to approval by the Director of Finance, and in accordance with California Government Code Section 53684.



3. AUTHORIZED PERSONS

Authorized persons for investment purposes include principal staff as designated by the Director of Finance on the Authorized Investor List. Designated Principal Staff shall make all investment decisions. To minimize the risk of disrupting the day-to-day business activities, Principal Staff shall use separate means of travel to attend training and conferences.

All investment decisions shall be made with the care, skill, prudence, and diligence, under the circumstances then prevailing, that a prudent person acting, as a trustee, in a like capacity and familiarity would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the participants.

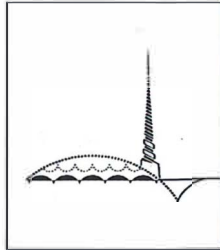
4. BIDS & PURCHASE OF SECURITIES

Prior to the purchase of an investment pursuant to this policy the persons authorized to make investments shall assess the market and market prices using information obtained from available sources including investment services, broker/dealers, and the media. Bids for various investments shall be evaluated considering preservation of capital as the most important factor, liquidity as the second most important factor and thirdly, yield. Investments in commercial paper, banker's acceptances, and certificates of deposit for each issuer shall be limited to five percent (5%) of Treasury assets, determined using the Treasury balance at the time of purchase, with the exception being investments in overnight commercial paper shall be limited to seven percent (7%) of Treasury assets for any one issuer. The investment selected for purchase shall be that investment which in the opinion of the purchaser most clearly meets these objectives. All security transactions shall be documented at the time the transaction is consummated.

5. TERM

Maturities of investments in the Marin County Treasury Pool shall be selected based upon liquidity requirements. The maximum remaining term to maturity for an investment shall be three (3) years; except that, subject to the limitations set forth in Sections 53601 et seq. and 53635 et seq. of the California Government Code, the Director of Finance may authorize investments in U.S. Treasury obligations and/or U.S. and local agency obligations with a maximum remaining term to maturity that shall not exceed five (5) years. The weighted average maturity of the investment pool, to be determined at the time of purchase, shall not exceed 540 days to final maturity/call.

Capital Funds, Construction Funds, or money obtained through the sale of agency surplus property, may be invested by the Director of Finance in specific investments outside of the Pool provided the Director of Finance obtains written approval from the governing board of the County, School District or Special District. No investment shall have a remaining maturity in excess of five (5) years.



COUNTY OF MARIN

STATEMENT OF INVESTMENT POLICY

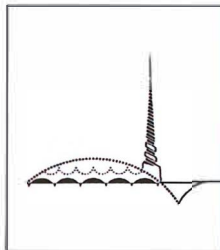


Proceeds of Debt Issues set aside for repayment of any County, School District, or Special District financings shall not be invested for a term that exceeds the term set forth in the financing documents.

6. **ALLOWED INVESTMENTS**

Pursuant to California Government Code Sections 53601 et seq. and 53635 et seq., the County Director of Finance may invest in the following subject to the limitations as set forth:

- (a) **United States Treasury obligations.**
- (b) **United States Agency obligations.**
- (c) **Securities of U.S. Government Agencies & Instrumentalities**
- (d) **State of California Bonds and Registered Warrants.**
- (e) **Bonds, Notes, Warrants** or other evidence of indebtedness of a **local agency** within the State of California.
- (f) **Bankers' acceptances** not to exceed one hundred eighty (180) days to maturity or at the time of purchase thirty percent (30%) of the treasury fund balance.
- (g) **Commercial paper** of "prime" quality of the highest letter and numerical rating as provided for by Moody's Investors Service, Inc., or Standard and Poor's Corporation, to be chosen from among corporations organized and operating within the United States with assets in excess of \$500,000,000.00 and having an "A" or higher rating for the issuer's debt, other than commercial paper, as provided for by Moody's Investors Service or Standard and Poor's Corporation. Purchases of eligible commercial paper may not exceed two hundred seventy (270) days in maturity and may not exceed forty percent (40%) of the treasury fund balance.
- (h) **Negotiable certificates of deposit** issued by a nationally or state-chartered bank, a state or federal association or by a state-licensed branch of a foreign bank selected on the basis of financial stability and credit rating criteria employed by the County Director of Finance. Negotiable certificates of deposit may not exceed thirty percent (30%) of the treasury fund balance.
- i) **Non-negotiable certificates of deposit (Time Deposits)** with a nationally or state-chartered bank or a state or federal association selected on the basis of financial stability, credit rating and reputation using criteria employed by the County Director of Finance fully collateralized at one hundred ten percent (110%) of market value with U.S. Government Securities, high-grade Municipal Bonds, instruments of federal agencies, including mortgage backed securities at one hundred fifty percent (150%) of



COUNTY OF MARIN

STATEMENT OF INVESTMENT POLICY



market value with promissory notes secured by first deeds of trust upon improved residential real property as provided by the Government Code.

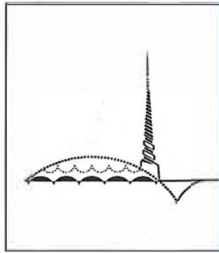
(j) **Medium-term Notes** rated "A" or better, to be chosen from among corporations with assets in excess of \$500,000,000.00 with a maturity not to exceed two years from the date of purchase. Purchase of eligible medium-term notes may not exceed thirty percent (30%) of the treasury fund balance.

(k) **Shares of beneficial interest issued by diversified management companies**, which are money market funds investing in securities and obligations as authorized by this investment policy. To be eligible for investment these companies shall attain the highest ranking, or the highest letter and numerical rating provided by no less than two nationally recognized statistical rating organizations and have assets under management in excess of \$500,000,000.00. The purchase price may not include any commissions that these companies may charge, and the purchase of shares in any one mutual fund may not exceed ten percent (10%) of the treasury balance and the total invested may not exceed twenty percent (20%) of the treasury balance. Shares of beneficial interest issued by diversified management companies may include shares in investment trusts established under provisions of the California Joint Exercise of Powers Act.

(l) **Repurchase agreements** on any investment authorized by this investment policy where the term of the agreement does not exceed one year. The market value of securities that underlay a repurchase agreement shall be valued at one hundred two percent (102%) or greater of the funds borrowed against those securities, and the value shall be adjusted daily. The County Director of Finance or designee must approve any collateral substitution by the seller, and any new collateral should be reasonably identical to the original collateral in terms of maturity, yield, quality, and liquidity.

(m) **California State Local Agency Investment Pool (LAIF)** operated by the State Treasurer's office.

(n) **Financial Institution Investment Accounts** All funds on deposit with the County shall be managed by the Director of Finance. The Director of Finance may, at his option, at the time of placement, place not more than five percent (5%) of the Treasury assets at the time of investment with a financial institution for the purpose of managing such funds. Securities eligible for purchase by the financial institution are limited to United States Treasury and Agency obligations with a "AAA" credit quality rating, must be held in the County's name in a third-party custody account, may not have a remaining maturity in excess of three (3) years, and the account shall have an average maturity of 1.5 years or less. All security transactions shall be supervised and approved by designated staff on the Authorized Investor List.



COUNTY OF MARIN

STATEMENT OF INVESTMENT POLICY



Where a percentage limitation is specified for a particular category of investments, that percentage is applicable only at the time of purchase.

7. **PROHIBITED INVESTMENTS**

(a) The County Director of Finance **shall not invest** in any **Derivatives** such as inverse floaters, range notes, or interest only strips that are derived from a pool of mortgages or any security bearing a rate of interest which is not known at the time of purchase.

(b) The County Director of Finance shall not invest any funds in any security that could result in **zero interest accrual** if held to maturity or where there is a risk of loss of principal when held to maturity.

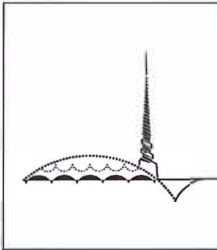
(c) **Reverse repurchase agreements**, securities lending agreements and all other investments that are not specifically allowed by this investment policy are prohibited.

(d) In accordance with Marin County's Nuclear Freeze Ordinance Measure "A" (Exhibit 1) as approved by the voters on November 4, 1986, the County is prohibited from investing in securities or other obligations of any corporation or business entity which is a **nuclear weapons contractor**.

Furthermore, said corporations or business entities that the County Director of Finance does invest in must file an affidavit as required by Measure "A" Section VI. B certifying that neither it, nor its parent company, affiliates or subsidiaries are nuclear weapons contractors. A copy of each affidavit received shall be sent to the Peace Commission.

8. **BROKERS**

Broker/dealers shall be selected by the Director of Finance upon recommendation by the Investment Officer or designated principal staff on the Authorized Investor List. Selection of broker/dealers shall be based upon the following criteria: the reputation and financial strength of the company or financial institution and the reputation and expertise of the individuals employed. The Director of Finance shall be prohibited from selecting any broker, brokerage firm, dealer, or securities firm that has, within any 48 consecutive month period following January 1, 1996, made a political contribution in an amount exceeding the limitations contained in Rule G-37 of the Municipal Securities Rulemaking Board, any member of the Board of Supervisors, any member of the governing board of a local agency having funds held in the County Treasury, or any candidate for those offices. The broker/dealers shall be provided with and acknowledge receipt of the County Investment Policy.



COUNTY OF MARIN

STATEMENT OF INVESTMENT POLICY



9. WITHDRAWALS

No withdrawals from the Marin County Pool shall be made for the purpose of investing and or depositing those funds outside the pool without the prior approval of the Marin County Director of Finance. The Director of Finance shall evaluate each proposed withdrawal to assess the effect the withdrawal will have upon the stability and predictability of the investments in the County Treasury. Approval shall be given unless the withdrawal will adversely affect the interests of the other depositors.

Notice in writing of at least five (5) business days shall be required for withdrawals in excess of \$250,000.00 for loan repayments, capital expenditures and any expenditure not in the ordinary course of operations.

Requests for withdrawals for the purpose of investing or depositing funds outside the pool shall be made in writing at least ten (10) business days in advance of the proposed withdrawal date. The value of participants' equity withdrawn shall be based on the book value of the participants' percentage of participation as of the most recent asset valuation as reported by the Treasurer.

10. SWAPS

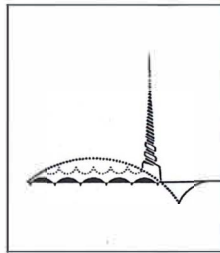
Securities can be swapped for other approved securities with similar maturity schedules to gain higher rates of return. When a swap involves a change in liquidity, future cash needs shall be conservatively estimated.

11. LOSSES

Losses are acceptable on a sale before maturity and may be taken if the reinvestment proceeds will earn an income flow with a present value higher than the present value of the income flow that would have been generated by the original investment, considering any investment loss or foregoing interest on the original investment.

12. DELIVERY & SAFEKEEPING

Delivery of all securities shall be through a third-party custodian. Non-negotiable certificates of deposit and notes of local agencies may be held in the Director of Finance's safe. The County's safekeeping agent shall hold all other securities. No security shall be held in safekeeping by the broker/dealer from whom it was purchased. Settlement payment in a securities transaction will be against delivery only, and a Due Bill or other substitution will not be acceptable. Persons authorized under section three (3) who did not originate the investment transaction shall review all confirmations for conformity with the original transaction. Confirmations resulting from securities purchased under a repurchase agreement shall state the exact and complete nomenclature of the underlying securities purchased.



COUNTY OF MARIN

STATEMENT OF INVESTMENT POLICY



13. APPORTIONMENT OF INTEREST & COSTS

Interest shall be apportioned to all pool participants quarterly based upon the ratio of the average daily balance of each individual fund to the average daily balance of all funds in the investment pool. The amount of interest apportioned shall be determined using the cash method of accounting whereby interest will be apportioned for the quarter in which it was actually received. The Director of Finance shall deduct from the gross interest received those actual administrative costs relating to the management of the treasury including salaries and other compensation, banking costs, equipment purchased, supplies, costs of information services, audits and any other costs as provided by Section 27013 of the Government Code.

14. CONFLICT OF INTEREST

A member of the county treasury oversight committee, the County Director of Finance or County employees working in the Treasurer's office shall not accept honoraria, gifts, and gratuities from advisors, brokers, dealers, bankers, or other persons with whom the county treasury conducts business, consistent with state law.

15. AUDITS

The County of Marin investment portfolio shall be subject to a process of independent review by the County's external auditors. The County's external auditors shall review the investment portfolio in connection with the annual county audit for compliance with the statement of investment policy pursuant to Government Code Section 27134. The results of the audit shall be reported annually to the Director of Finance and the Marin County Treasury Oversight Committee.

15.1 Compliance Audit: Government Code Section 27134

The Treasury Oversight Committee shall cause an annual audit to be conducted to determine the County Treasury's compliance with Article 6 of the Government Code. This audit may include issues relating to the structure of the investment portfolio and risk

16. REVIEW

The Director of Finance and designated staff will perform a monthly review of the investment function.



17. REPORTS

The Director of Finance shall prepare a monthly report listing all investments in the County Pool as of the last day of the month and a report of the average days to maturity and yield of investments in the County Pool. The Director of Finance shall also prepare a monthly report for all non-pooled investments. These reports shall be distributed to the Marin County Board of Supervisors, Superintendent of Schools, Marin Public School Agencies, Special Districts, non-pooled investors, the County's investment oversight committee, and any other participant upon request.

18. INVESTMENT POLICY

The County Director of Finance shall prepare and submit an annual statement of investment policy to the Board of Supervisors.

19. TREASURY OVERSIGHT COMMITTEE

Consistent with State law the County has established a Treasury Oversight Committee. The Committee includes representatives from the County of Marin, Superintendent of Schools' Office, School Districts and Special Districts. The Committee shall review and monitor the Investment Policy as contained in California Government Code Sections 27130 – 27137.

20. DISASTER /BUSINESS CONTINUITY PLAN

The County of Marin's banking and investment functions are mission critical and as such, the office must have a business continuity plan.

The goal of a disaster/business recovery plan is to protect and account for all funds on deposit with the county treasury and to be able to continue our banking and investment functions for all participants in the event of an occurrence (Earthquake, Fire, Pandemic, or other event) which disrupt normal operations. Our plan provides for the ability to perform our banking and investment function at an off-site location under less-than-optimal conditions and, if needed, even outside our county.

In the event of an occurrence which precludes staff from being able to operate from our office, the attached plan (exhibit 2) will be activated. The plan includes:

- Scope
- Chain of Command
- Continuity Procedure
- Functions and Tasks to be performed
- Equipment and Emergency Packets
- Disaster Assignment
- Off-site locations



Normal processes may be modified in response to an occurrence. However, the county's investment policy shall be strictly followed.

Dated: July 1, 2022


Mina Martinovich
Director of Finance

Approved by Marin County Board of Supervisors on
December 13, 2022.

Reviewed and monitored by Marin Treasury Oversight Committee on
November 29, 2022.

Attachments:

Exhibit 1 Marin County Nuclear Freeze Ordinance

Exhibit 2 Disaster/Business Continuity Plan

Exhibit 3 Authorized Investor List

EXHIBIT 1

MARIN COUNTY NUCLEAR FREEZE ORDINANCE

23.12.030 Prohibition against nuclear weapons, materials, and county contracts and investments.

The county of Marin is declared to be a nuclear-free zone.

(a) No person shall knowingly engage in any activity within the county, the purpose of which is the applied research, development, production, transport, deployment, launching, testing, maintenance or storage of nuclear weapons or components of nuclear weapons. Nor shall any person store, use, transport, or dispose of special nuclear material or nuclear waste within the jurisdiction of the county.

(b) The transportation of nuclear weapons, their fissionable components, and weapons-related nuclear material and wastes through the county on roadways, waterways, or in airspace regulated by preemptive state or federal law, in the interest of public health and safety, is subject to the following restriction:

(1) As to roadways which are within the exclusive jurisdiction of the county, transportation of such materials is prohibited,

(2) As to roadways which are demonstrably within the jurisdiction of the state or federal government, the county board of supervisors shall post as a regular monthly notice, once each month, in a newspaper of general circulation within the county the fullest description possible of any shipment of such material that has occurred that previous month, transported through or across the county by any means of transportation whatsoever.

(c) The county, nor any agent thereof, shall not make any contract with, or investments in, any nuclear weapons contractor.

(d) The county board of supervisors shall adopt a "peace conversion plan," and shall, within ninety days of the enactment of this chapter, establish a county peace conversion commission of not less than three or more than five members, which shall be comprised of volunteers from the community. The purpose of said commission shall be to divest the county, as a government entity, within two years of the adoption of the ordinance codified in this chapter, of all such existing prohibited investments or contracts held by it. Said commission shall:

(1) Conduct studies of existing county contracts and public fund investments with nuclear weapons contractors, and determine in which cases any reasonable alternative contract or investment exists, in a manner consistent with prudent investment policy, and mindful of the intent and purpose of this chapter. The commission shall further make regular reports to the county board of supervisors concerning the progress of said divestiture, listing the book value of remaining investments in nuclear weapons contractors.

(2) Identify those businesses presently existing and operating in the county, and those who have made application to the county, who are nuclear weapons contractors. The commission will be responsible for conducting a timely phase-out of nuclear weapons contractors from the county, and for insuring the smooth conversion of Marin County businesses to alternative work that is more consistent with the public welfare. For this purpose the commission shall solicit testimony from the public.

(Ord. 2924 § 4, 1986)

23.12.040 Exclusions.

Nothing in this chapter shall be construed to prohibit:

(a) Any activity not specifically described in this chapter;

(b) Research in and application of nuclear medicine or other pure research unrelated to nuclear weapons;

(c) Beneficial or peaceful uses of the technology such as smoke detectors, light-emitting watches and clocks, and other consumer products; or

(d) Activities of the federal and state governments that are preempted by existing law.

(Ord. 2924 § 5, 1986)

23.12.050 Notice and enforcement.

(a) The county is directed to install and maintain appropriate signs to be displayed at each ferry terminal, at Gness Field Airport, and on all the major roads leading into the county, at or near the county line, including, but not limited to, the following:

- (1) U. S. Highway 101 (both ends);
- (2) State Highway 1 (both ends);
- (3) State Highway 17;
- (4) State Highway 37;
- (5) Fallon-Two Rock Road;
- (6) Tomales-Petaluma Road;
- (7) Chileno Valley Road;
- (8) Marshall-Petaluma Road;
- (9) Point Reyes-Petaluma Road; identifying Marin as a nuclear-free zone and making reference to this chapter. Further, the county must notify the federal government and other appropriate authorities that this law has been enacted.

(b) Before any further public funds shall be invested by the county in the stock, securities or other obligations of any corporation or business entity, the county board of supervisors shall require that said corporation or business submit to the peace conversion commission an affidavit certifying that neither it, nor its parent company, affiliates or subsidiaries are nuclear weapons contractors.

(c) The county is directed to require of each city incorporated within Marin County that, in addition to any other information deemed necessary by its business license officer, that any application for a business license within a city in the county shall state whether or not said business is a nuclear weapons contractor.

(d) Each violation of this chapter shall be punishable by up to one-year imprisonment and/or a fine of up to five thousand dollars. Each day of violation shall be deemed a separate violation. Residents of Marin shall also have the right to enforce this chapter by appropriate civil actions for declaratory or injunctive relief. Reasonable attorneys' fees in enforcing this chapter shall be awarded as is appropriate.

(Ord. 2924 § 6, 1986)

Chapter 23.13 PEACE CONVERSION COMMISSION

Sections:

[23.13.010 Findings.](#)

[23.13.030 Review of purchases and investments.](#)

[23.13.040 Affidavit required.](#)

[23.13.050 Alternative products and exceptions.](#)

[23.13.060 Designation of nuclear weapons contractors.](#)

[23.13.070 Hearing.](#)

[23.13.080 Emergencies.](#)

23.13.010 Findings.

Chapter 23.12 of this Code was enacted by the voters of the County of Marin by the initiative process. The County of Marin desires to establish procedures for hearings to be conducted by the peace conversion commission, in order to promote and enhance the purpose of chapter 23.12 while safeguarding the constitutional rights of individuals and organizations affected thereby.

(Ord. 2979 § 1, 1988; Ord. 2963 § 1 (part), 1987)

23.13.030 Review of purchases and investments.

The names of any company with which the county contracts, or in which the county treasurer invests, shall be provided to the peace conversion commission. If the commission, on the basis of its review of the names of such companies, determines by majority vote of the commissioners present that any of the companies may be deemed to be a nuclear weapons contractor, the commission shall send any such company a preliminary affidavit. The preliminary

affidavit shall request information adequate for the peace conversion commission to determine whether the company is, at the time it completes the affidavit, per the criteria in Marin County's Nuclear Free Zone Law, a nuclear weapons contractor.

If the company does not provide a reply within forty-five days of the affidavit having been sent to it, or if the company does provide a reply which contains information that the commission determines, by majority vote of the commissioners, that the company is, pursuant to the criteria in Marin County's Nuclear Free Zone Law, a nuclear weapons contractor, then the commission shall provide all county departments which arrange contracts and investments with the name of that company. Thereafter, the county shall refrain from entering into any contracts with, or investments in, the companies deemed to be nuclear weapons contractors, except as otherwise provided in this chapter.

(Ord. 3368 § 1, 2003; Ord. 3205 § 1, 1994; Ord. 3194 § 1, 1994; Ord. 2979 § 3, 1988; Ord. 2963 § 1 (part), 1987)
(Ord. No. 3502, § I, 2008)

23.13.040 Affidavit required.

If county departments have been notified by the peace conversion commission to refrain from contracting with, or investing in, a company, in accordance with section 23.13.030 of this chapter, the county departments shall not thereafter do so without first procuring an affidavit from such company. The affidavit shall request information adequate for the peace conversion commission to determine whether the company is, pursuant to the criteria in Marin County's Nuclear Free Zone Law, at the time it completes the affidavit, a nuclear weapons contractor.

If the company does not provide a reply within forty-five days of the affidavit having been sent to it, or if the company does provide a reply which contains information that the commission determines, by majority vote of the commissioners, shows that the company is, pursuant to the criteria in Marin County's Nuclear Free Zone Law, a nuclear weapons contractor, the county shall not, except as provided for in this chapter arrange to contract with, or invest in that company. (Ord. 3368 § 2, 2003; Ord. 3290 § 1, 1999; Ord. 3194 § 2, 1994; Ord. 2979 § 4, 1988; Ord. 2963 § 1 (part), 1987)
(Ord. No. 3502, § II, 2008)

23.13.050 Alternative products and exceptions.

(a) Alternative products. If the commission finds that a company is a nuclear weapons contractor, or if the company does not return the prescribed affidavit, but the county desires to proceed with the contract or investment, the county shall request the peace conversion commission to determine whether a reasonable alternative to the proposed product, service or investment is available from a company that has not been deemed to be a nuclear weapons contractor. If the commission determines that no reasonable alternative is available, it will, within twenty days notify the county that it may enter into the contract or investment requested. If the commission does not, within twenty days, act on a department's request, the transaction may be completed. If the commission identifies what it considers to be a reasonable alternative product, service or investment, which is available from a nonnuclear weapons entity, and if such an alternative is also considered reasonable by the county involved, the county shall carry out the transaction with the entity not deemed to be a nuclear weapons contractor. If the county department involved does not consider the product, service or investment provided by the commission-recommended, nonnuclear weapons entity to be a reasonable alternative to that provided by the company deemed to be a nuclear weapons contractor, the county may appeal to the board of supervisors. The decision of the board of supervisors shall be final.

(b) Urgency situations. In the event that a county department considers the need to arrange a transaction to be too urgent to wait for a regularly scheduled meeting of the peace conversion commission, the department may contact the chair or vice chair of the peace conversion commission to request immediate permission to complete a transaction. Under appropriate circumstances of urgency, the chair or vice chair may grant such permission. All such urgency grantings will be reported to the commission at its next regular meeting.

(c) If a contract is required by state or federal law to be let by competitive bidding to the lowest responsive bidder, such contract shall be deemed to have no reasonable alternative without the necessity of applying to the commission for permission to enter into the contract.
(Ord. 3368 § 3, 2003: Ord. 3290 § 2, 1999: Ord. 2963 § 1 (part), 1987)

23.13.060 Designation of nuclear weapons contractors.

All affidavits shall be filed with the peace conversion commission immediately upon receipt, along with a complete description of the transaction. If the commission, or its designated representative, believes that, notwithstanding execution of the affidavit, a contractor, vendor, corporation or business entity is a nuclear weapons contractor, the commission shall, within fifteen working days following receipt of the affidavit or affidavits, notify the director of purchasing or the county treasurer that it challenges the affidavit or affidavits. The notice shall specify the facts and evidence upon which the commission's challenge is premised. The director of purchasing, the county treasurer or the contractor, vendor, corporation or business entity may, within ten days of the notification, request in writing, a hearing before the commission. If a hearing is not requested, the commission's challenge shall be deemed justified and the transaction may not be completed or continued. Failure to request a hearing for any particular transaction shall not be deemed a waiver of the right to request a hearing with respect to any other transaction.
(Ord. 3194 § 3, 1994: Ord. 2979 § 5, 1988: Ord. 2963 § 1 (part), 1987)

23.13.070 Hearing.

The commission shall, upon receipt of a request for hearing, schedule the hearing not later than ten working days thereafter. The party who requests the hearing shall be entitled, as a matter of right, to a continuance of not more than ten working days to allow the party to investigate the commission's data and procure witnesses.

The hearing shall be public and shall be conducted before the commission or a committee thereof, as determined by the commission.

The presiding officer of the commission shall conduct the hearing and determine all questions of evidence and procedure. The hearing shall be conducted and evidence received and considered in accordance with the provisions of Government Code, Sections 11513 and 11514, insofar as they are applicable. The commission shall have the burden of proof and the burden of going forward with evidence.

Within three days following the conclusion of the hearing, the commission shall render a decision and set forth the basis for its decision in writing.

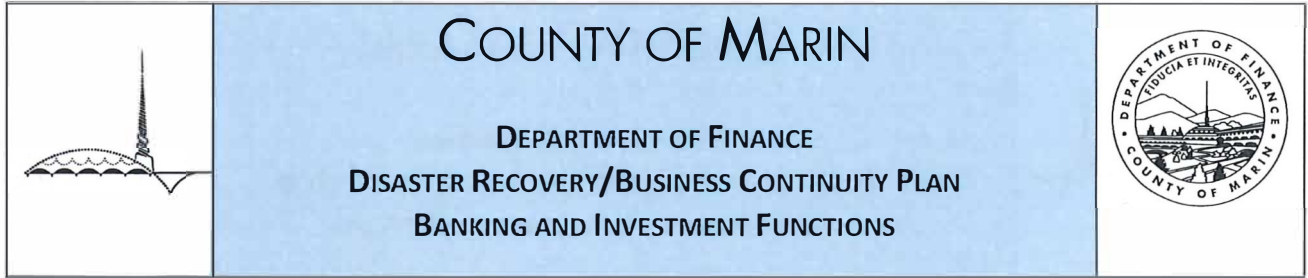
Any person aggrieved by a decision of the commission may appeal its decision to the board of supervisors by filing a written appeal with the clerk of the board within ten working days from the date of rendition of the commission's decision. The board of supervisors shall consider the matter de novo, and its decision shall be final.

(Ord. 2963 § 1 (part), 1987)

23.13.080 Emergencies.

The provisions of this chapter shall not apply to contracts which involve essential products during an emergency which poses an immediate threat to life, public safety or property.

(Ord. 2979 § 6, 1988: Ord. 2963 § 1 (part), 1987)



Scope

The County of Marin’s banking and investment functions are mission critical. As such, the Treasurer’s office must have a Disaster/Business Continuity Plan in place. In the event we are unable to operate from our office, the plan shall be activated. Periodically, the plan shall be tested.

The plan’s goal is to protect and account for all funds on deposit with the county and to be able to continue our banking and investment functions for all participants in the event of occurrence (earthquake, fire, pandemic, or other event) which disrupts normal operations.

Chain of Command

The chain of command shall be in the order of “authorized persons” as identified in the Statement of Investment Policy, item 3.

Continuity Procedure

In the event we are unable to conduct normal business operations, the authorized persons shall interact with one another by home phone, email or cell to decide on the alternate location. If unable to contact one another, the authorized persons shall through the county’s office of emergency services establish contact with one another.

Functions & Tasks to be Performed

Recognizing we may be operating in less than optimal conditions, the primary functions are to protect and continue to account for all funds on deposit with the county. While normal processes may be modified, the investment policy shall be strictly followed.

Tasks to be performed include:

- ◆ Daily cash work up

- ◆ Investment of maturing securities and any daily deposits after making an allowance for checks/wires expected to clear

- ◆ Daily cash and bank reconciliation

- ◆ For deposits, the treasurer’s office will notify county departments, special districts and schools of any changes to their deposit location. Deposits to any account other than those established by the treasurer’s office are prohibited.

- ◆ Disbursement activity will be coordinated with the County Director of Finance

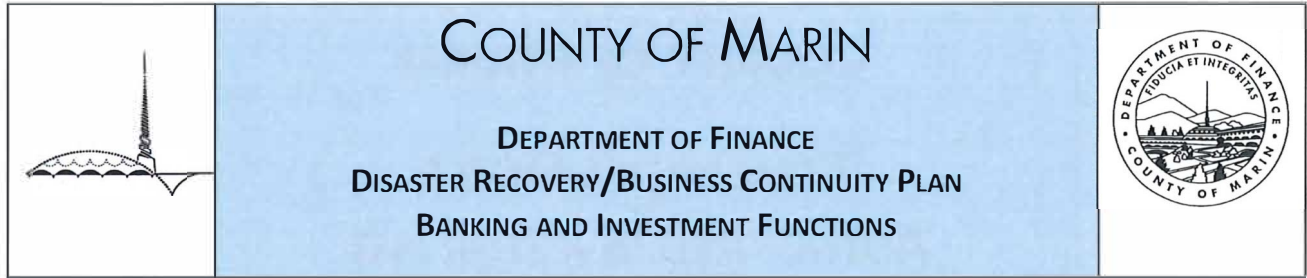


Equipment and Emergency Access

The Authorized Investor List shall designate authorized staff to have the following equipment and online access (through the County server) such that either of them may carry out the plan. In the event that none of the authorized persons are able to respond, the county's office of Emergency Services shall have a copy of this plan in a secured location within their office. All policies and procedures of this plan shall be provided to the County Administrator and County Director of Finance.

The following equipment and access to items for the emergency packets are:

- ◆ Laptop with wi-fi connectivity
- ◆ All software that is currently in use shall be loaded on each laptop and be set up for remote access
- ◆ Online access to the Investment Policy and the Disaster/Continuity Recovery Plan
- ◆ Online access to current monthly report of investments
- ◆ Online access to the county's financial accounting system, online banking and securities safekeeping
- ◆ Online Listing of the home phones and addresses, cell, email addresses of the "authorized persons" and treasury staff. Listings shall also include the County Administrator, County Director of Finance, County Counsel and the Office of Emergency Services.
- ◆ Online access to bank, custodian and authorized broker/dealers names and contact information including phone numbers and email addresses
- ◆ Online access to district, County and school bank signature cards
- ◆ Online access to contact names, numbers, email and addresses of each agency whose funds are held within the county.
- ◆ Emergency check stock will be housed in the Office of Emergency Services located at 1600 Los Gamos Drive (50 checks).*



Disaster Assignment

The “authorized persons” in the treasurer’s office including support staff are to be considered official Disaster workers and are assigned to support our Disaster/Business Recovery Plan. Each shall have on their possession their County of Marin Identification Card.

The level of disruption and assigned work location will be determined by the Director of Finance, or those individuals indicated on the Authorized Investor List. All related costs shall be absorbed by the Treasurer’s office and reimbursed pursuant to Government section 27013.

In all cases, the safety of treasury personnel is paramount. In no event should our alternate location or alternate procedure be employed if doing such would put an individual in danger.

* Emergency checks are issued from a separate account which is linked to the County’s main account. These checks are to be used only if this plan is activated and the county is unable to issue payments. Authorized signers for these checks are designated on the Deposit Account Documentation Signature Card and include the Director of Finance, those individuals authorized under the Authorized Investor List and the County Administrator. In the event that check stock cannot be accessed, electronic payments through the County’s banking services can be originated.

Failing the ability to operate from our office, our operations will move to a location determined by the County Office of Emergency Services, Director of Finance or County Administrator.

Origination: Nov 7, 2007
Revised: Oct. 12, 2020

Exhibit 3

	COUNTY OF MARIN TREASURER'S OFFICE AUTHORIZED INVESTOR LIST FY2022-2023	
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Effective: July 1, 2022

Investment Purposes:

1. To make investment decisions
2. To recommend brokers
3. To perform a review of the investment function

Authorized Persons:

Authorized to make investment decisions for with a maturity of up to five years:

- Mina Martinovich * Interim Director of Finance

Authorized to make investment decisions for with a maturity of up to three years:

- Karen Shaw * Division Chief, Finance
- Sandra Kacharos Interim Assistant Director of Finance

Authorized to make investment decisions for short term investments with a maturity of up to one year:

- Lisa De Carlo Chief of Administrative Services
- Bevin Gardner Accountant II –Treasury

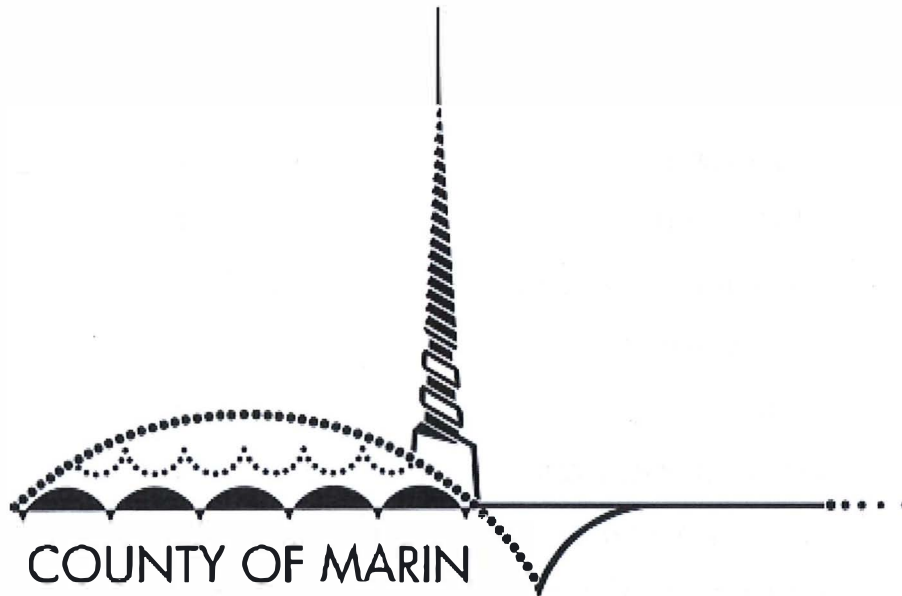
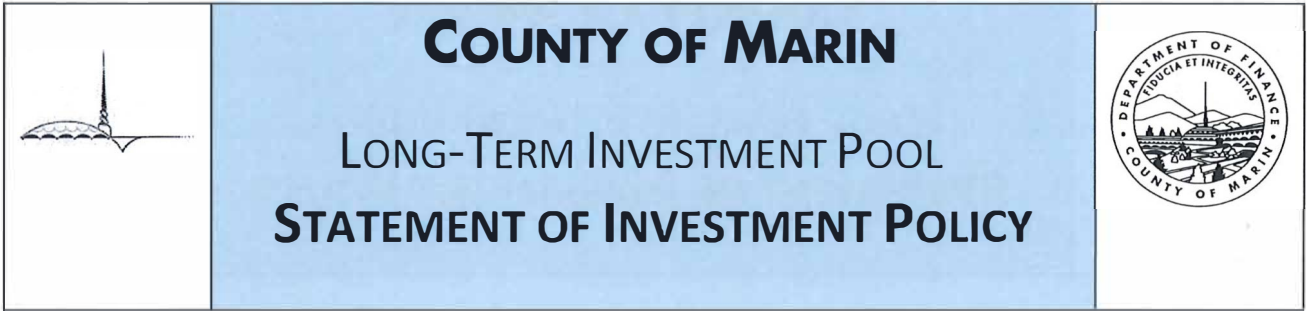
**Authorized for equipment and emergency packets as defined under the Disaster/Business Continuity Plan*

Approved:



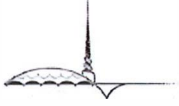
Mina Martinovich
Interim Director of Finance

5/31/22
Date



***Department of Finance
Mina Martinovich, Director***

Fiscal Year 2022-2023



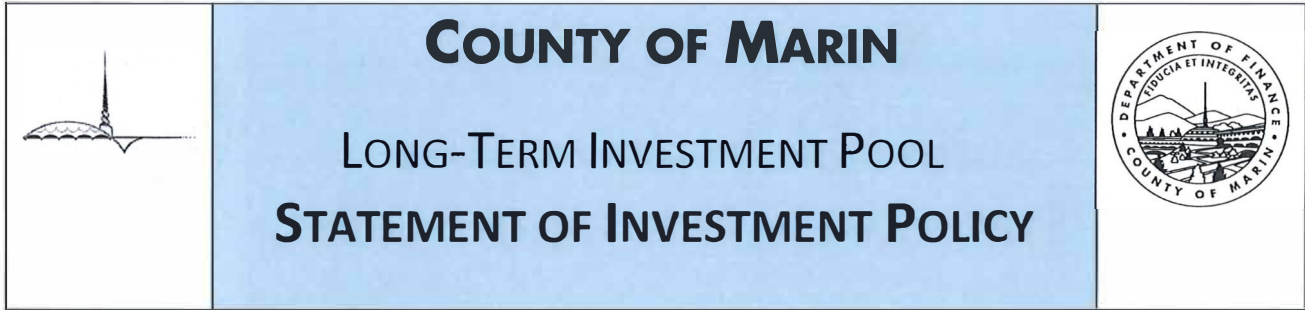
COUNTY OF MARIN

LONG-TERM INVESTMENT POOL STATEMENT OF INVESTMENT POLICY



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Under the authority delegated to the Director of Finance by the Board of Supervisors and in accordance with the California Government Code, the following sets forth the investment policy of the County of Marin Long-Term Investment Pool:

I. OBJECTIVES:

All funds on deposit in the Marin County Long-Term Investment Pool shall be invested in accordance with the California Government Code Sections 53600 et seq. and Sections 53639 et seq. to ensure:

- (a) **Preservation of capital** through high quality investments and by continually evaluating the credit of financial institutions approved for investment transactions, and securities considered and held in safekeeping;
- (b) Maintenance of sufficient **liquidity** to enable the participants and other depositors to meet their operating requirements that may be reasonably anticipated; and
- (c) Attaining a market **rate of return** throughout budgetary and economic cycles, consistent with the above objectives.

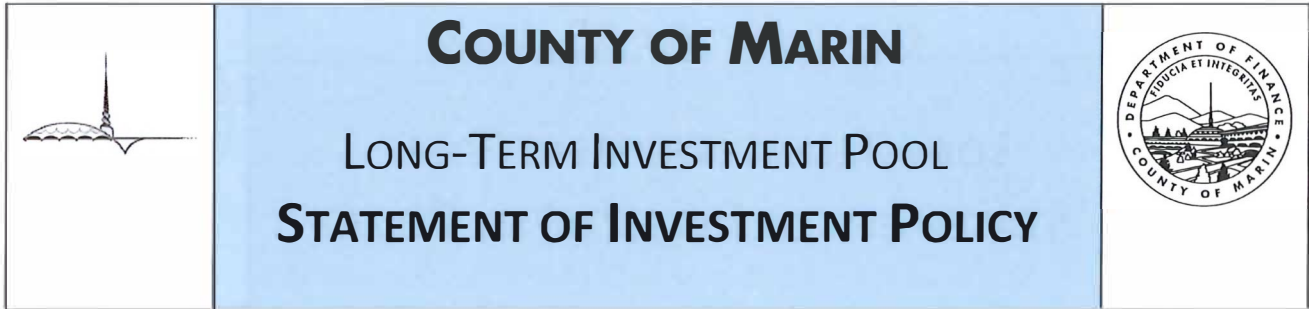
2. PARTICIPANT

The participant in the Marin County Long-Term Investment Pool is the Marin County General Fund.

3. AUTHORIZED PERSONS

Authorized persons for investment purposes include principal staff as designated by the Director of Finance on the Authorized Investor List. Designated Principal Staff shall make all investment decisions. To minimize the risk of disrupting the day-to-day business activities, Principal Staff shall use separate means of travel to attend training and conferences.

All investment decisions shall be made with the care, skill, prudence and diligence, under the circumstances then prevailing, that a prudent person acting, as a trustee, in a like capacity and familiarity would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the participant.



4. INVESTMENTS

Prior to investing pursuant to this policy the persons authorized to make investments shall assess the market and market pricing information obtained from available sources and the media. Investments shall be evaluated considering preservation of capital as the most important factor, liquidity as the second most important factor, and thirdly, yield. Any investment selected shall be that investment which in the opinion of the purchaser most clearly meets these objectives. All transactions shall be documented at the time the transaction is consummated.

5. TERM

Pursuant to California Government Code Section 53601, where this section does not specify a limitation on the term or remaining maturity at the time of the investment, no investment shall be made in any security that at the time of the investment has a term remaining to maturity in excess of five years, unless the legislative body has granted express authority to make that investment either specifically or as a part of an investment program approved by the legislative body no less than three months prior to the investment. The approval of this Long Term Investment Policy on an annual basis by the Legislative Board (Marin County Board of Supervisors) authorizes investments of no more than 10 years for bonds, notes, warrants, or other evidences of indebtedness of a local agency within the County of Marin, including bonds or notes payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by the County, or by a department, board, agency, or authority of the County.

6. ALLOWED INVESTMENTS

Pursuant to California Government Code Sections 53601 et seq. and 53635 et seq., the County Director of Finance may directly purchase the following, subject to the limitations as set forth:

Bonds, Notes, Warrants or other evidence of indebtedness of a **local agency** within the County of Marin, California.

The **interest rate** of any indebtedness pursuant to the preceding paragraph shall be based on the **key rate of Prime plus 1 percent** as determined by Bloomberg on the date the Department of Finance approves the purchase of the indebtedness.



7. APPORTIONMENT OF INTEREST & COSTS

Interest shall be apportioned to the General Fund annually based upon the ratio of the average daily balance of each individual fund, to the average daily balance of all funds in the investment pool. The amount of interest apportioned shall be determined using the cash method of accounting, whereby interest will be apportioned for the year in which it was actually received. The Director of Finance shall deduct from the gross interest received those actual administrative costs relating to the management of the treasury including salaries and other compensation, banking costs, equipment purchased, supplies, costs of information services, audits and any other costs as provided by Section 27013 of the Government Code.

8. CONFLICT OF INTEREST

The Director of Finance and County employees working in the Treasurer's office shall not accept honoraria, gifts, and gratuities from advisors, brokers, dealers, bankers, or other person with whom the County Treasury conducts business, that are in violation of state law.

9. AUDITS

The County of Marin investment portfolio, which includes both the County of Marin investment pool and the Long-Term investment pool, shall be subject to a process of independent review by the County's external auditors. Such audit will include tests deemed appropriate by the auditor pursuant to Government Code Section 27134. The results of the audit shall be reported annually to the Director of Finance and the Board of Supervisors.

10. REVIEW

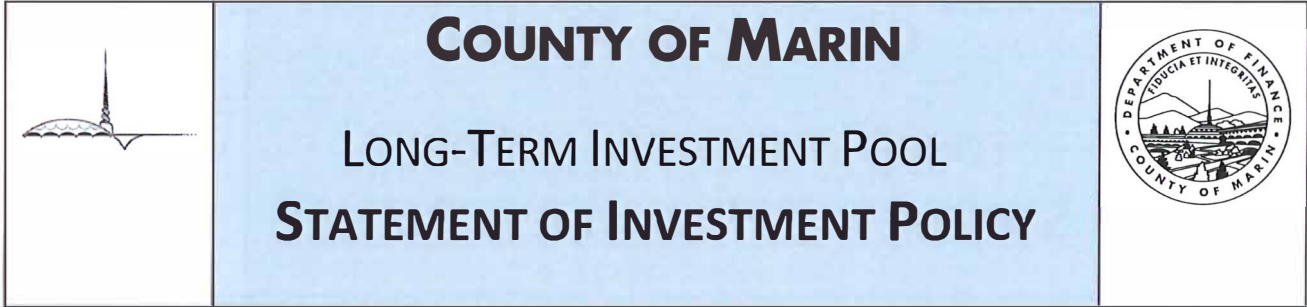
The Director of Finance and designated staff will perform a monthly review of the investment function.

11. REPORTS

The Director of Finance shall prepare an annual report, listing all investments in the County Pool as of the last day of the fiscal year and a report of the average days to maturity and yield of investments in the County of Marin Long Term Investment Pool.

12. INVESTMENT POLICY

The Director of Finance shall prepare and submit an annual statement of investment policy to the Board of Supervisors.



Dated: July 1, 2022

Mina Martinovich
Director of Finance

Approved by Marin County Board of Supervisors on
December 13, 2022.

Reviewed and monitored by Marin Treasury Oversight Committee
on November 29, 2022.

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

DATE: January 12, 2023

TO: Board of Directors, San Rafael Sanitation District

FROM: Doris Toy, District Manager/District Engineer

SUBJECT: Adopt Resolution Authorizing the District Manager/District Engineer to Execute a Professional Services Agreement with Miller Pacific Engineering Group for Geotechnical Observation and Testing Services for the 2020 Sewer Pipe Repair and Replacement Project, Phase 2

RECOMMENDATION:

Adopt resolution authorizing the District Manager/District Engineer to execute a Professional Services Agreement with Miller Pacific Engineering Group for Geotechnical Observation and Testing Services for the 2020 Sewer Pipe Repair and Replacement Project, Phase 2, for an amount not to exceed \$112,000.

BACKGROUND:

As part of the 80-Year Gravity Main Lifecycle Replacement Program, it is the District's goal to replace 1.6 miles of pipe per year. The District has completed its 10-year list of Capital Improvement Projects. In order for the District to develop future projects, the District plans to televise and assess more than 10 miles of sewer main, including its manholes, every one to two years. The pipes and manholes are assessed using a North American standard rating system, Pipeline Assessment Certification Program (PACP), supported by the National Association of Sewer Services Companies.

In 2019, the District televised and assessed approximately 10 miles of sewer main and manholes throughout central and southern San Rafael, using the PACP rating system. In 2020, the District signed a Professional Services Agreement with Schaaf & Wheeler to perform the analysis for the 2019 Pipeline Condition Assessment Report and compile a list of sewers recommended for replacement. During their analysis, Schaaf & Wheeler identified five locations that needed urgent repairs. Therefore, District staff decided to break the 2020 Sewer Pipe Repair and Replacement Project into two phases. Phase 1 was the five urgent repairs that were completed in the fall of 2021.

Phase 2 consists of repairing and replacing short segments of pipe and pipes between manholes, which total approximately 2.3 miles of sewer main. The pipe sizes range from 6 inches to 21 inches in diameter, and they are located in the Dominican, Gerstle Park, Downtown, and Francisco Boulevard West neighborhoods. The pipes will be replaced by either open trench or pipe bursting methods. This project will also include the replacement of 210 lower laterals and will rehabilitate 27 manholes, which will take approximately ten months to complete.

At the August 2022 Board meeting, the Board awarded the Phase 2 construction contract to W.R. Forde Associates, Inc. in the amount of \$6,142,198.00. W.R. Forde is also the contractor who installed the sewer main on the Bayside Acres Beach Sewer Relocation Project, Phase A, which was substantially completed last month, and their same crew has began working on the 2020 Sewer Pipe Repair and Replacement Project, Phase 2.

As part of the construction inspection process, the District requested a proposal from Miller Pacific Engineering Group to perform the geotechnical observation and testing to ensure that the contractor's work is in contract compliance during the project.

ANALYSIS:

Miller Pacific Engineering Group has submitted a proposal for the following services:

- Review of submittals regarding trench backfill materials;
- Laboratory testing of proposed backfill materials;
- Onsite compaction testing of trench backfill for the new sewer lines;
- Sampling and strength testing of structural concrete;
- Compaction testing of aggregate base and asphalt concrete in new pavement areas;
- Daily field reports with documentation of field/laboratory test results; and
- Preparation of a final letter report summarizing its observations, field, and laboratory test results, offering its opinion of the contractor's compliance with the project plans and specifications.

Miller Pacific proposes to perform the geotechnical observation and testing services for the District on a time-and-material basis for an amount not to exceed \$112,000 for the 2020 Sewer Pipe Repair and Replacement Project, Phase 2.

FISCAL IMPACT:

Miller Pacific's proposed not-to-exceed amount is \$112,000.00 for the 2020 Sewer Pipe Repair and Replacement Project, Phase 2, which will be funded under the 80-Year Life Cycle Sewer Replacement Program from the FY 2022-23 and 2023-24 Budgets.

ACTION REQUIRED:

Staff recommends that the Board adopt the resolution authorizing the District Manager/District Engineer to execute a Professional Services Agreement with Miller Pacific Engineering Group for geotechnical observation and testing for the 2020 Sewer Pipe Repair and Replacement Project, Phase 2, for an amount not to exceed \$112,000.00.

Attachments:

1. Resolution
2. Professional Services Agreement
3. Proposal from Consultant, Exhibit "A"

SAN RAFAEL SANITATION DISTRICT

RESOLUTION NO. 23-1262

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE SAN RAFAEL SANITATION DISTRICT
AUTHORIZING THE DISTRICT MANAGER/DISTRICT ENGINEER
TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH
MILLER PACIFIC ENGINEERING GROUP
FOR GEOTECHNICAL RELATED SERVICES FOR THE
2020 SEWER PIPE REPAIR AND REPLACEMENT PROJECT, PHASE 2
FOR AN AMOUNT NOT TO EXCEED \$112,000.00**

**THE BOARD OF DIRECTORS OF THE SAN RAFAEL SANITATION DISTRICT,
COUNTY OF MARIN**, hereby resolves as follows:

The District Manager/District Engineer is hereby authorized to execute, on behalf of the San Rafael Sanitation District, a Professional Services Agreement with Miller Pacific Engineering Group for geotechnical observation and testing for the 2020 Sewer Pipe Repair and Replacement Project, Phase 2, for an amount not to exceed \$112,000.00, a copy of which is hereby attached and by this reference made a part hereof.

PASSED AND ADOPTED at a special meeting of the San Rafael Sanitation District Board of Directors held on the 12th day of January 2023 by the following vote, to wit:

AYES:

NOES:

ABSENT/ABSTAIN:

SAN RAFAEL SANITATION DISTRICT

Kate Colin, Chair

ATTEST:

Maribeth Bushey, Secretary

**PROFESSIONAL SERVICES AGREEMENT
FOR GEOTECHNICAL CONSTRUCTION OBSERVATION
AND TESTING SERVICES FOR THE
2020 SEWER PIPE REPAIR AND REPLACEMENT PROJECT, PHASE 2
IN AN AMOUNT NOT TO EXCEED \$112,000**

This Agreement is made and entered into this 12th day of January 2023, by and between the SAN RAFAEL SANITATION DISTRICT (hereinafter “DISTRICT”), and MILLER PACIFIC ENGINEERING GROUP (hereinafter “CONSULTANT”).

RECITALS

WHEREAS, the DISTRICT has selected a *CONSULTANT* to perform the required geotechnical construction observation and testing services for the “**2020 Sewer Pipe Repair and Replacement Project, Phase 2**” (hereinafter “PROJECT”); and

WHEREAS, the CONSULTANT has offered to render certain specialized professional services in connection with this Project.

AGREEMENT

NOW, THEREFORE, the parties hereby agree as follows:

1. SCOPE OF SERVICES

DISTRICT and CONSULTANT have outlined the scope of services to be provided, and related expenses as described in Exhibit “A” attached and incorporated herein.

2. PROJECT COORDINATION

A. DISTRICT. The District Manager/District Engineer shall be the representative of the DISTRICT for all purposes under this Agreement. The District Manager/District Engineer is hereby designated as the PROJECT MANAGER for the DISTRICT and said PROJECT MANAGER shall supervise all aspects of the progress and execution of this Agreement.

B. CONSULTANT. CONSULTANT shall assign a single PROJECT DIRECTOR to have overall responsibility for the progress and execution of this Agreement for CONSULTANT. SCOTT A. STEPHENS is hereby designated as the PROJECT DIRECTOR for CONSULTANT. Should circumstances or conditions subsequent to the execution of this Agreement require a substitute PROJECT DIRECTOR for any reason, the CONSULTANT shall notify the DISTRICT within ten (10) business days of the substitution.

3. DUTIES OF CONSULTANT

CONSULTANT shall perform the duties and/or provide services as follows; the CONSULTANT agrees to provide professional services as an Engineering Consultant to prepare work outlined in the Proposal from CONSULTANT dated December 20, 2022, marked Exhibit "A", attached hereto, and incorporated herein by this reference. The CONSULTANT agrees to be available and perform the work specified in this agreement in the time frame as specified and as shown in Exhibit "A".

4. DUTIES OF THE DISTRICT

DISTRICT shall perform the duties as described and incorporated herein.

5. COMPENSATION

For the full performance of the services described herein by CONSULTANT, DISTRICT shall pay CONSULTANT on a time-and-materials basis for services rendered in accordance with the rates shown on the current fee schedule as described in Exhibit "A" attached and incorporated herein. The total payment will not exceed \$ 112,000.00.

Payment will be made monthly upon receipt by PROJECT MANAGER of itemized invoices submitted by CONSULTANT.

6. TERM OF AGREEMENT

The term of this Agreement shall be from the date of execution until the Project is complete.

7. TERMINATION

A. Discretionary. Either party may terminate this Agreement without cause upon thirty (30) days written notice mailed or personally delivered to the other party.

B. Cause. Either party may terminate this Agreement for cause upon ten (10) days written notice mailed or personally delivered to the other party, and the notified party's failure to cure or correct the cause of the termination notice, to the reasonable satisfaction of the party giving such notice, within thirty (30) days of the receipt of said notice.

C. Effect of Termination. Upon receipt of notice of termination, neither party shall incur additional obligations under any provision of this Agreement without the prior written consent of the other. However, CONSULTANT'S duties and obligation in Sections 11 and 12 hereunder shall survive the expiration or termination of this Agreement.

D. Return of Documents. Upon termination, any and all DISTRICT documents or materials provided to CONSULTANT and any and all of CONSULTANT's documents and materials prepared for or relating to the performance of its duties under this Agreement, shall be delivered to DISTRICT as soon as possible, but not later than thirty (30) days after termination.

8. OWNERSHIP OF DOCUMENTS

The written documents and materials prepared by the CONSULTANT in connection with the performance of its duties under this Agreement shall be the sole property of DISTRICT. DISTRICT may use said property for any purpose, including projects not contemplated by this Agreement.

9. INSPECTION AND AUDIT

Upon reasonable notice, CONSULTANT shall make available to DISTRICT, or its agent, for inspection and audit, all documents and materials maintained by CONSULTANT in connection with its performance of its duties under this Agreement. CONSULTANT shall fully cooperate with DISTRICT or its agent in any such audit or inspection.

10. ASSIGNABILITY

The parties agree that they shall not assign or transfer any interest in this Agreement nor the performance of any of their respective obligations hereunder, without the prior written consent of the other party, and any attempt to so assign this Agreement or any rights, duties or obligations arising hereunder shall be void and of no effect.

11. INSURANCE

A. During the term of this Agreement, CONSULTANT shall maintain, at no expense to DISTRICT, the following insurance policies:

1. A commercial general liability insurance policy in the minimum amount of one million (\$1,000,000) dollars per occurrence and \$2,000,000 aggregate for death, bodily injury, personal injury, or property damage;

2. If any performance of services under this Agreement requires use of an automobile, CONSULTANT must maintain an automobile liability (owned, non-owned, and hired vehicles) insurance policy in the minimum amount of one million (\$1,000,000) dollars per occurrence;

3. If any licensed professional performs any of the services required to be performed under this Agreement, a professional liability insurance policy in the minimum amount of one million (\$1,000,000) dollars to cover any claims arising out of the CONSULTANT's performance of services under this Agreement.

B. The insurance coverage required of the CONSULTANT by Section 11. A., shall also meet the following requirements:

1. The insurance shall be primary with respect to any insurance or coverage maintained by DISTRICT and shall not call upon DISTRICT's insurance or coverage for any contribution;

2. Except for professional liability insurance, the insurance policies shall be endorsed for contractual liability and personal injury;

3. Except for professional liability insurance, the insurance policies shall be specifically endorsed to include the DISTRICT, its officers, agents, and employees as additionally named insureds under the policies;

4. CONSULTANT shall provide to PROJECT MANAGER, (a) Certificates of Insurance evidencing the insurance coverage required herein, and (b) specific endorsements naming DISTRICT, its officers, agents and employees, as additional insureds under the policies;

5. The insurance policies shall provide that the insurance carrier shall not cancel or terminate said insurance policies except upon thirty (30) days written notice to DISTRICT's PROJECT MANAGER;

6. If the insurance is written on a Claims Made Form, then, following termination of this Agreement, said insurance coverage shall survive for a period of not less than five years as long as the insurance is reasonably affordable and available;

7. The insurance policies shall provide for a retroactive date of placement coinciding with the effective date of this Agreement;

8. The insurance shall be approved as to form and sufficiency by PROJECT MANAGER and the County Counsel.

C. If it employs any person, CONSULTANT shall maintain Workers' Compensation and Employer's Liability Insurance, as required by the State Labor Code and other applicable laws and regulations, and as necessary to protect both CONSULTANT and DISTRICT against all liability for injuries to CONSULTANT's officers and employees.

D. Any deductibles or self-insured retentions exceeding \$20,000 in CONSULTANT's insurance policies must be declared to and approved by the PROJECT MANAGER and the County Counsel. At DISTRICT's option, the deductibles, or self-insured retentions with respect to DISTRICT shall be reduced or eliminated to DISTRICT's satisfaction, or CONSULTANT shall procure a bond guaranteeing payment of losses and related investigations, claims administration, attorney's fees, and defense expenses.

12. INDEMNIFICATION

CONSULTANT shall indemnify, release, and hold harmless DISTRICT, its officers, and employees against any claim, demand, suit, judgment, loss, liability, or expense of any kind, including attorney's fees, arising out of or resulting in any way from any acts or omissions, negligent or otherwise, of CONSULTANT or CONSULTANT's officers, agents, and employees in the performance of their duties and obligations under this Agreement.

13. NONDISCRIMINATION

CONSULTANT shall not discriminate, in any way, against any person on the basis of age, sex, race, color, religion, ancestry, national origin or disability in connection with or related to the performance of its duties and obligations under this Agreement.

14. COMPLIANCE WITH ALL LAWS

CONSULTANT shall use due professional care to observe and comply with all applicable Federal, State and local laws, ordinances, codes, and regulations in the performance of its duties and obligations under this Agreement. CONSULTANT shall perform all services under this Agreement in accordance with these laws, ordinances, codes, and regulations.

15. NO THIRD-PARTY BENEFICIARIES

DISTRICT and CONSULTANT do not intend, by any provision of this Agreement, to create in any third party any benefit or right owed by one party, under the terms and conditions of this Agreement, to the other party.

16. NOTICES

All notices and other communications required or permitted to be given under this Agreement, including any notice of change of address, shall be in writing and given by personal delivery or deposited with the United States Postal Service, postage prepaid, addressed to the parties intended to be notified. Notice shall be deemed given as of the date of personal delivery or, if mailed, upon the date of deposit with the United States Postal Service. Notice shall be given as follows:

TO DISTRICT: Ms. Doris Toy
San Rafael Sanitation District
111 Morphew Street
San Rafael, CA 94901

TO CONSULTANT: Mr. Scott A. Stephens
Miller Pacific Engineering Group
504 Redwood Blvd., Suite 220
Novato, CA 94947

17. INDEPENDENT CONSULTANT

For the purposes and for the duration of this Agreement, CONSULTANT, its officers, agents, and employees shall act in the capacity of an Independent Contractor, and not as employees of the DISTRICT. CONSULTANT and DISTRICT expressly intend and agree that the status of CONSULTANT, its officers, agents, and employees be that of an Independent Contractor and not that of an employee of DISTRICT.

18. ENTIRE AGREEMENT -- AMENDMENTS

A. The terms and conditions of this Agreement, all exhibits attached, and all documents expressly incorporated by reference represent the entire Agreement of the parties with respect to the subject matter of this Agreement.

B. This written Agreement shall supersede any and all prior agreements, oral or written, regarding the subject matter between the CONSULTANT and the DISTRICT.

C. No other agreement, promise, or statement, written or oral, relating to the subject matter of this Agreement shall be valid or binding except by way of a written amendment to this Agreement.

D. The terms and conditions of this Agreement shall not be altered or modified except by a written amendment to this Agreement signed by the CONSULTANT and the DISTRICT.

E. If any conflicts arise between the terms and conditions of this Agreement and the terms and conditions of the attached exhibits or the documents expressly incorporated by reference, the terms and conditions of this Agreement shall control.

19. SET-OFF AGAINST DEBTS

CONSULTANT agrees that DISTRICT may deduct from any payment due to CONSULTANT under this Agreement any monies which CONSULTANT owes DISTRICT under any ordinance, agreement, contract, or resolution for any unpaid taxes, fees, licenses, assessments, unpaid checks, or other amounts.

20. WAIVERS

The waiver by either party of any breach or violation of any term, covenant, or condition of this Agreement or of any ordinance, law, or regulation, shall not be deemed to be a waiver of any other term, covenant, condition, ordinance, law, or regulation or of any subsequent breach or violation of the same or other term, covenant, condition, ordinance, law or regulation. The subsequent acceptance by either party of any fee, performance, or other consideration which may become due or owing under this Agreement, shall not be deemed to be a waiver of any preceding breach or violation by the other party of any term, condition, or covenant of this Agreement or any applicable law, ordinance, or regulation.

21. CITY BUSINESS LICENSE/OTHER TAXES

CONSULTANT shall obtain and maintain during the duration of this Agreement a CITY business license as required by the San Rafael Municipal Code. CONSULTANT shall pay any and all State and Federal taxes and any other applicable taxes. CONSULTANT's taxpayer identification number is 68-0174990, and CONSULTANT certifies under penalty of perjury that said taxpayer identification number is correct.

22. APPLICABLE LAW

The laws of the State of California shall govern this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day, month and year first above written.

SAN RAFAEL SANITATION DISTRICT

CONSULTANT

Doris Toy, P.E.
District Manager/District Engineer

MILLER PACIFIC ENGINEERING GROUP

APPROVED AS TO FORM:

By: _____
Scott A. Stephens

Kerry Laiw Gerchow
Deputy County Counsel

Title: President



December 20, 2022
File: 22-12588pro.doc

San Rafael Sanitation District
111 Morphew Street
San Rafael, CA 94901

Attn: Ms. Doris Toy

Re: Proposal for Construction Inspection and Testing Services
2020 Sewer Pipe Repair and Replacement Phase 2
San Rafael, California

Introduction and Project Description

As requested by San Rafael Sanitary District, we are pleased to submit our proposal to provide Geotechnical Inspection and Testing services during construction of Phase 2 of the 2020 Sewer Pipe Repair and Replacement Project in San Rafael, California. The purpose of our proposed services is to observe and test the geotechnical portions of the work in order to form an opinion regarding the Contractor's compliance with the project plans and specifications.

The project generally includes constructing about 8,500-feet of new sewer replacement, spot repairs, pipe bursting and manhole replacements at various locations throughout the City. We understand that W.R. Forde will be the General Contractor for the project and construction will occur over a roughly 300 day period.

Scope of Services

Geotechnical Inspection and Testing

During construction, we will provide geotechnical consultation on an as-needed basis and perform intermittent site visits, as notified by San Rafael Sanitary District personnel or the project Construction Manager, for observation and testing of the geotechnical portions of the work. Based on our understanding of the project and experience with similar projects, we anticipate our Phase 3 services will include the following tasks:

- Review of submittals regarding trench backfill materials;
- Laboratory testing of proposed backfill materials;
- Onsite compaction testing of trench backfill for the new sewer lines;
- Sampling and strength testing of structural concrete;
- Compaction testing of aggregate base & asphalt concrete in new pavement areas;
- Daily field reports with documentation of field / laboratory test results, and
- Preparation of a final letter report summarizing our observations, field, and laboratory test results, offering our opinion of the Contractor's compliance with the project plans and specifications.

Contractual Arrangements

We have assumed we will be working with onsite representatives from San Rafael Sanitary District to schedule the inspection services. Our actual charges will depend on many factors, including Contractor efficiency and workmanship, construction delays due to unanticipated subsurface conditions, weather, and other factors.

Mailing Address:
P.O. Box 2802
Novato, California 94948-2802

■ Phone Number: (415) 382-3444
■ Fax Number: (415) 382-3450

■ Physical Address:
504 Redwood Blvd., Suite 220
Novato, California 94947

Doris Toy
Page 2

December 20, 2022

Our services will be provided on a time and expense basis in accordance with the attached Agreement, Schedule of Charges, and Cost Estimate Worksheet. For the purpose of estimating our fees, we have assumed the project is subject to California Prevailing Wage regulations. Based on the scope of services and assumptions outlined above, we propose the following fee arrangements:

Construction Inspection and Testing..... Time and Expense, Estimate \$112,000

We will keep you informed of our actual charges by issuing periodic progress invoices and will advise you of any changed conditions that might affect our scope of services or fees.

We are pleased to have the opportunity to work with you on this project. If you have any questions concerning this proposal, please call us.

Very truly yours,
MILLER PACIFIC ENGINEERING GROUP



Scott Stephens
Geotechnical Engineer No. 2398
(Expires 6/30/23)

Attachment: Agreement, Schedule of Charges, Cost Estimate Worksheet

MILLER PACIFIC ENGINEERING GROUP

a California corporation

**SCHEDULE OF CHARGES
PROFESSIONAL ENGINEERING AND TESTING SERVICES**

<u>Professional and Technical Personnel</u>	<u>Hourly Rate</u>
Project Assistant/Word Processor	\$85
Engineering Technician.....	\$120
Senior Technician.....	\$130
Prevailing Wage	\$150
Staff Engineer/Geologist	\$150
Project Engineer/Geologist.....	\$170
Senior Engineer/Geologist.....	\$200
Associate Engineer/Geologist	\$230
Principal Engineer/Geologist	\$260

In-house Laboratory Testing

(Will be charged at the hourly rate above unless otherwise noted in the Agreement and Proposal)

Modified 4 in. Compaction Curve/Checkpoint	ASTM D 1557	\$300/\$125
California Impact	Cal. 216	\$350
Sieve Analysis	ASTM D 422	\$150
Sieve Analysis (w-200 wash)	ASTM D 1140	\$150
Atterberg Limits	ASTM D 4318.....	\$250
Moisture Content/Density	ASTM D 2937	\$40
Unconfined Compression	ASTM D 2166.....	\$80
Hydrometer	ASTM D4829.....	\$250
Rush Testing	Add 50% to the Total of all Laboratory Testing	

Other Inside Charges

Mileage.....	\$0.80 per mile
Vehicle (Field)	\$9 per hour
Nuclear Density Gauge	\$8 per test
Inclinometer	\$160 per day / \$90 per half day
Laser Level/Floor Level	\$25 per day
Sampling Equipment	\$50 per day / \$30 half day

Outside ServicesCost + 20%

Includes exploration equipment, instrumentation, in-situ monitoring, outside/specialized laboratory testing, per diem, shipping, courier/delivery services, outside reproduction, and other services and supplies not normally provided.

*NOTES:

- Field site visits and travel time are normal hourly rates, portal to portal.
- Overtime – Weekday add \$35
Overtime – Weekend/Holiday/Night add \$45*
*(4- and 8-hour minimums)
- Rates are for normal Geotechnical Engineering and Geological services. Rates for depositions and testimony are \$520 per hour for Principal; \$460 per hour for Associate; and \$410 per hour for Senior. All other personnel are \$305 per hour. These fees are due and payable at the time of service.
- Schedule of charges is effective as of March 2022. It is subject to revision annually and at other times without notice.

MILLER PACIFIC ENGINEERING GROUP

Field Observation & Testing Budget Estimate Worksheet
 SRSD 2020 Sewer Pipe Repair and Replacement Project
 San Rafael, California

Date: 12/20/22
 Project Number: 22-12588
 By: SAS

FIELD COSTS					
	PER UNIT	PER HOUR	SITE VISIT	HALF DAY	FULL DAY
Staff Engineer/Geologist	\$ 150.00	0.5	0.5	0.5	0.5
Senior Technician	\$ 130.00				
Staff Technician	\$ 120.00				
Prevailing Wage Group 3	\$ 150.00	0.5	1.5	3.5	7.5
Overtime - Standard	\$ 35.00				
Overtime - Weekend/Holiday/Night (4 & 8 hr mins apply)	\$ 45.00				
Field Vehicle/Equipment	\$ 9.00	0.5	1.5	3.5	7.5
Nuclear Density Tests	\$ 8.00	1	2	4	8
Miles	\$ 0.80	30	30	30	30
		\$ 186.50	\$ 353.50	\$ 687.50	\$ 1,355.50

Task Description	Estimated Days	HOURS	SITE VISIT	HALF DAY	FULL DAY
1.0 Trench Backfill Intermediate Zone - 8500'	85		50	35	
2.0 Trench Backfill Top of Trench - 8500'	40		25	15	
3.0 Spot Repairs & Pipe Bursting	20		20		
4.0 Pavement Sections AB	20		15	5	
5.0 Pavement Sections AC	15		5	15	
6.0 Concrete Sampling	5			5	
Totals		0	115	75	0
DOLLARS \$	-	#####	#####	#####	\$ -
Total Field Costs:					\$ 92,215.00

LABORATORY TESTING				
Task Description	Quantity	Unit \$	Amount \$	
1.0 Compaction Curve ASTM 1557	3	\$280	\$	840.00
2.0 Compaction Curve CalTrans 216		\$350	\$	-
3.0 Asphalt Concrete - S-value, Gradation, M.C., Unit Wt. & % Oil		\$850	\$	-
4.0 Concrete Compression (per Cylinder)	20	\$45	\$	900.00
5.0 Shotcrete Panel Testing (per Panel) 3"		\$500	\$	-
6.0 R-value		\$390	\$	-
7.0 Sand Equivalent		\$145	\$	-
8.0 Durability		\$205	\$	-
9.0 Gradation/Sieve		\$150	\$	-
10.0 Corrosivity (Cal Trans)		\$250	\$	-
11.0 Class II AB Suite (Rvalue,Sieve, Durability & Sand Equiv)		\$980	\$	-
Total Lab Costs:				\$ 1,740.00

ENGINEERING/GEOLOGICAL CONSULT & REPORT				
Title	Personnel	Hours	\$/Hour	Amount \$
Principal Eng/Geol	SAS, MPM, DSC, EAD	15	\$ 260.00	\$ 3,900.00
Associate Eng/Geol	BSP, MFJ		\$ 230.00	\$ -
Senior Eng/Geol	RCA, NGK		\$ 200.00	\$ -
Project Eng/Geol	MMT, ZMS		\$ 170.00	\$ -
Staff Eng/Geol	EIC, RGB, MNT, YHS, CMS, JMB	25	\$ 150.00	\$ 3,750.00
Senior Technician	JTO, AJM, ZTM		\$ 130.00	\$ -
Engineering Technician	NAR, TWM, BPC, JMO, BDH, RJA		\$ 120.00	\$ -
Project Asst./Word Processor	KRB / MLT	1	\$ 85.00	\$ 85.00
Total Engineering Costs:				\$ 7,735.00

Subtotal: \$ 101,690.00
Contingency: 10% \$ 10,169.00
Total: \$ 111,859.00

Use for Budget: \$ 112,000

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

DATE: January 12, 2023
TO: Board of Directors, San Rafael Sanitation District
FROM: Doris Toy, District Manager/District Engineer
SUBJECT: Agency Report of Public Official Appointments (FPPC Form 806)

Recommendation

Staff recommends that the Board of Directors of the San Rafael Sanitation District adopt the attached Form 806.

Summary

In late 2012 staff was notified by the City of San Rafael that the District is required to comply with the Fair Political Practices Commission (FPPC) amended Regulation 18705.5. Earlier that year, the FPPC amended the regulation to state that a public official may participate in a decision to appoint himself/herself to a position on a public agency board, commission, or JPA that will result in additional compensation to him/her, subject to conditions stated in the regulation. One of those conditions is that the District Board must first have adopted and posted on the District's website a Form 806, which identifies each board or commission its member(s) have been appointed to for which compensation will be paid, the salary or stipend for each appointment, and the name of each official who has been appointed as the agency's representative or alternate.

If the District does not participate in the filing of Form 806, future appointees to compensated positions will need to be scrupulous about not participating in, or attempting to influence the appointment decision.

Analysis

The District Board appoints two Commissioners and two Alternate Commissioners to the Board of Commissioners for Central Marin Sanitation Agency (CMSA). The Commissioners may be a member of the District Board or a public member that resides in the San Rafael Sanitation District. The Form 806 only lists the Board members that are Commissioners or Alternate Commissioners on the CMSA Board. At the present, the Board members that are on the CMSA Board of Commissioners are Maribeth Bushey (Commissioner) and Katie Rice (Alternate Commissioner) and, therefore, are listed on the attached Form 806. Although Dean DiGiovanni (Commissioner), Alan Zahradnik (Alternate Commissioner), and Marc Solomon (Alternate Commissioner) were also appointed by the District, they are all residents in the San Rafael Sanitation District and are not required to be listed. Each Commissioner receives a stipend of \$225 for each of the 12 meetings that they attend each year and \$225 for any special meetings they may attend.

The District must amend and repost an updated Form 806 on the District's webpage whenever there are any changes in compensation or a new appointment is made in order to reflect those changes.

Options:

1. Adopt the attached Form 806.
2. Do not adopt the attached Form 806. Please note that if Form 806 is not adopted, the SRSD Board would need to have two members who are not being nominated to the CMSA Board of Commissioners to vote for the ones that are being nominated (since the Board members being nominated would have to recuse themselves from the discussion and the vote).

Action Required

Staff recommends that the Board of Directors of the San Rafael Sanitation District adopt the attached Form 806.

Attachment: FPPC Form 806

**Agency Report of:
Public Official Appointments**

A Public Document

1. Agency Name San Rafael Sanitation District Division, Department, or Region (If Applicable)		California Form 806 For Official Use Only	
Designated Agency Contact (Name, Title) Doris Toy, District Manager/District Engineer			
Area Code/Phone Number 415-485-3484	E-mail doris.toy@cityofsanrafael.org		

2. Appointments

Agency Boards and Commissions	Name of Appointed Person	Appt Date and Length of Term	Per Meeting/Annual Salary/Stipend
Central Marin Sanitation Agency	▶ Name <u>Maribeth Bushey</u> <small>(Last, First)</small> Alternate, if any <u>Katie Rice</u> <small>(Last, First)</small>	▶ <u>12 / 19 / 22</u> <small>Appt Date</small> ▶ <u>4 Years</u> <small>Length of Term</small>	▶ Per Meeting: \$ <u>225.00</u> ▶ Estimated Annual: <input type="checkbox"/> \$0-\$1,000 <input checked="" type="checkbox"/> \$2,001-\$3,000 <input type="checkbox"/> \$1,001-\$2,000 <input type="checkbox"/> <u> </u> Other
	▶ Name _____ <small>(Last, First)</small> Alternate, if any _____ <small>(Last, First)</small>	▶ <u> / / </u> <small>Appt Date</small> ▶ _____ <small>Length of Term</small>	▶ Per Meeting: \$ _____ ▶ Estimated Annual: <input type="checkbox"/> \$0-\$1,000 <input type="checkbox"/> \$2,001-\$3,000 <input type="checkbox"/> \$1,001-\$2,000 <input type="checkbox"/> <u> </u> Other
	▶ Name _____ <small>(Last, First)</small> Alternate, if any _____ <small>(Last, First)</small>	▶ <u> / / </u> <small>Appt Date</small> ▶ _____ <small>Length of Term</small>	▶ Per Meeting: \$ _____ ▶ Estimated Annual: <input type="checkbox"/> \$0-\$1,000 <input type="checkbox"/> \$2,001-\$3,000 <input type="checkbox"/> \$1,001-\$2,000 <input type="checkbox"/> <u> </u> Other
	▶ Name _____ <small>(Last, First)</small> Alternate, if any _____ <small>(Last, First)</small>	▶ <u> / / </u> <small>Appt Date</small> ▶ _____ <small>Length of Term</small>	▶ Per Meeting: \$ _____ ▶ Estimated Annual: <input type="checkbox"/> \$0-\$1,000 <input type="checkbox"/> \$2,001-\$3,000 <input type="checkbox"/> \$1,001-\$2,000 <input type="checkbox"/> <u> </u> Other

3. Verification

I have read and understand FPPC Regulation 18702.5. I have verified that the appointment and information identified above is true to the best of my information and belief.

_____ <small>Signature of Agency Head or Designee</small>	Doris Toy <small>Print Name</small>	District Manager/Engineer <small>Title</small>	01-12-23 <small>(Month, Day, Year)</small>
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Comment: _____

Print

Clear

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

DATE: January 12, 2023

TO: Board of Directors, San Rafael Sanitation District

PREPARED BY: Kris Ozaki, Operations and Maintenance Manager

APPROVED BY: Doris Toy, District Manager/District Engineer

SUBJECT: **Report on Recent Storm Events**
Eucalyptus Tree vs. San Pedro Pump Station

On January 2, 2023, shortly after 4:00 P.M., a large eucalyptus tree located at the southeast corner of 157 Marina Boulevard fell over in the direction of the San Pedro Pump Station (located at 160 Marina Boulevard, on the corner of Point San Pedro Road, Marina Boulevard and Montecito Road). The tree crushed the resident's Dodge Durango SUV, which was in its path, crossed Marina Boulevard and nestled into our property and the neighbor's side yard at 44 Loma Linda Road.

Brendan Mitchell, the City's Parks Supervisor, was initially notified of the downed tree and was told that the tree appeared to have damaged either the Public Works or the District's pump station. Brendan texted me shortly after 5:00 P.M. I then notified the District's standby personnel, Allan Lee, and asked him to check out our pump station and the status. Allan said he and Chris Robarge were already in route to check out a power outage that had affected eastern San Rafael. During the call, I logged onto our Supervisory Control and Data Acquisition (SCADA) software to check the status of the pump station and saw that the pump station was working as it should but running under emergency backup power.

Allan texted me a picture at 5:54 P.M. showing the top of the eucalyptus tree inside our pump station and what appeared to be significant damage to the generator. PG&E was on site and blocked us from accessing the pump station due to the downed power lines, so we photographed the site from a distance and monitored it on SCADA.

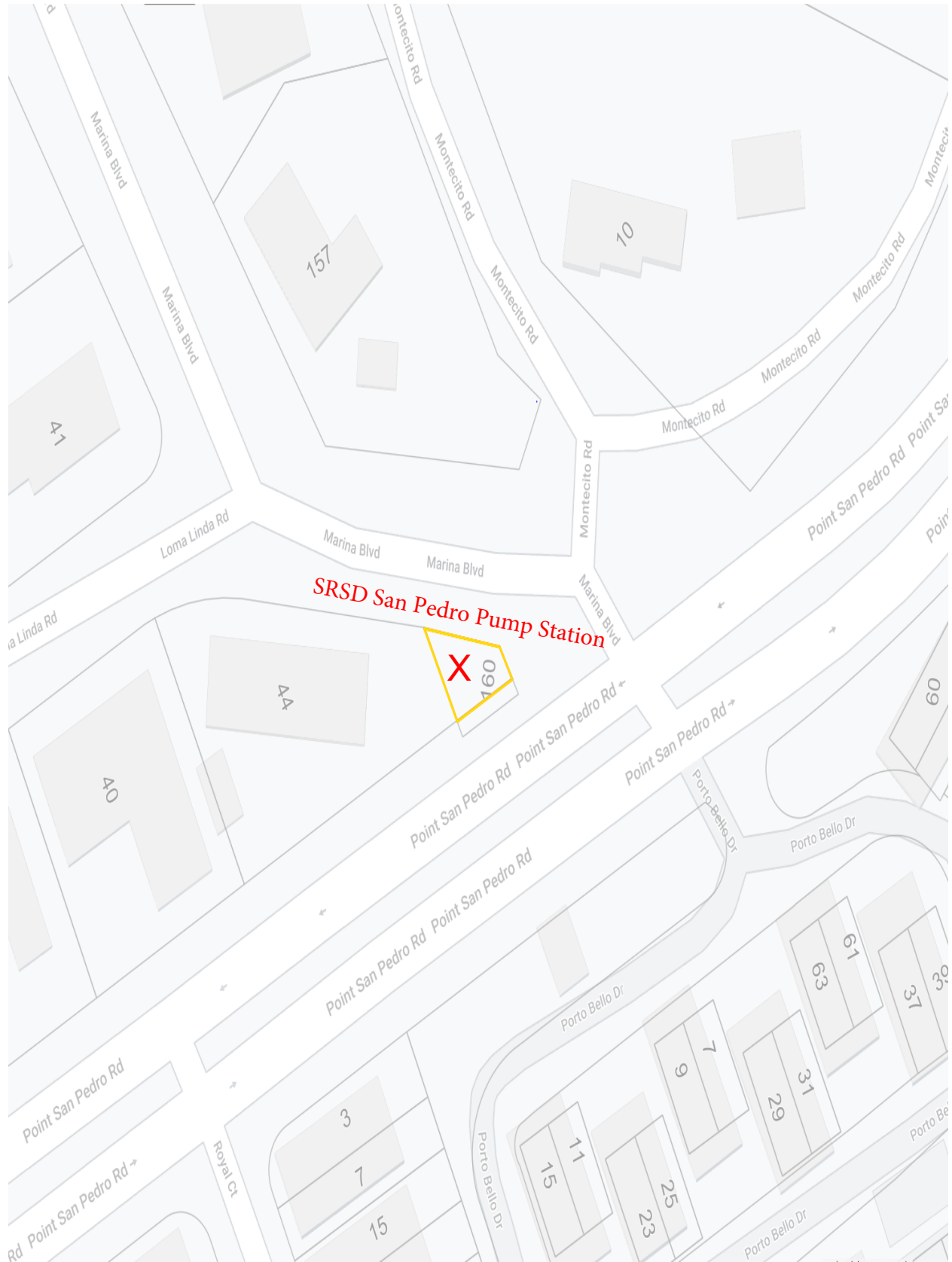
I arrived at the site shortly after 8:00 P.M. Allan and Chris said once PG&E ensured them that the site was safe, they were able to climb through the downed tree and thoroughly check the pump station. The generator's sound-attenuated enclosure took significant damage but prevented any damage to the genset. The manual transfer switch did not escape damage, and that enclosure and the conduits were crushed. A 25-foot section of fence parallel to Marina Boulevard was flattened and another 8-foot section between our property and the neighbors at 44 Loma Linda had been knocked over. That property owner's home was spared but their RV was not. The motor control cabinet (MCC) houses the brains of the pump station. The top of it is fitted with a sun/rain shade. This shade structure suffered damage but likely protected the MCC.

We kept Allan on throughout the night to monitor the tree removal, and Chris and I left to get some rest before the start of what appeared to be a busy week the next day.

The following day the tree was nearly all removed from the roadway and our pump station, and tree crews were working on the removal of another tree nearby. I contacted CD & Power, our generator preventative maintenance contractor, to inspect the generator for any major damage. Fortunately, the sound-attenuated enclosure absorbed the impact. The radiator has a scratch, and the exhaust pipe has a dent; but, otherwise, it is fully operational. CD & Power also looked at the crushed manual transfer switch. Despite it being crushed, it too is operational if needed. Marin Fence came by and will be giving me a quote to replace the damaged areas, and Tesco will be stopping by to see what is needed to repair the transfer switch enclosure and sun/rain shade.

Monday, January 9, 2023, I met with Robin from Alliant Insurance so he could document the damage to begin our claim for repair.

Attachments: Photos





This section of fence was crushed by the tree.

Google



San Rafael, California

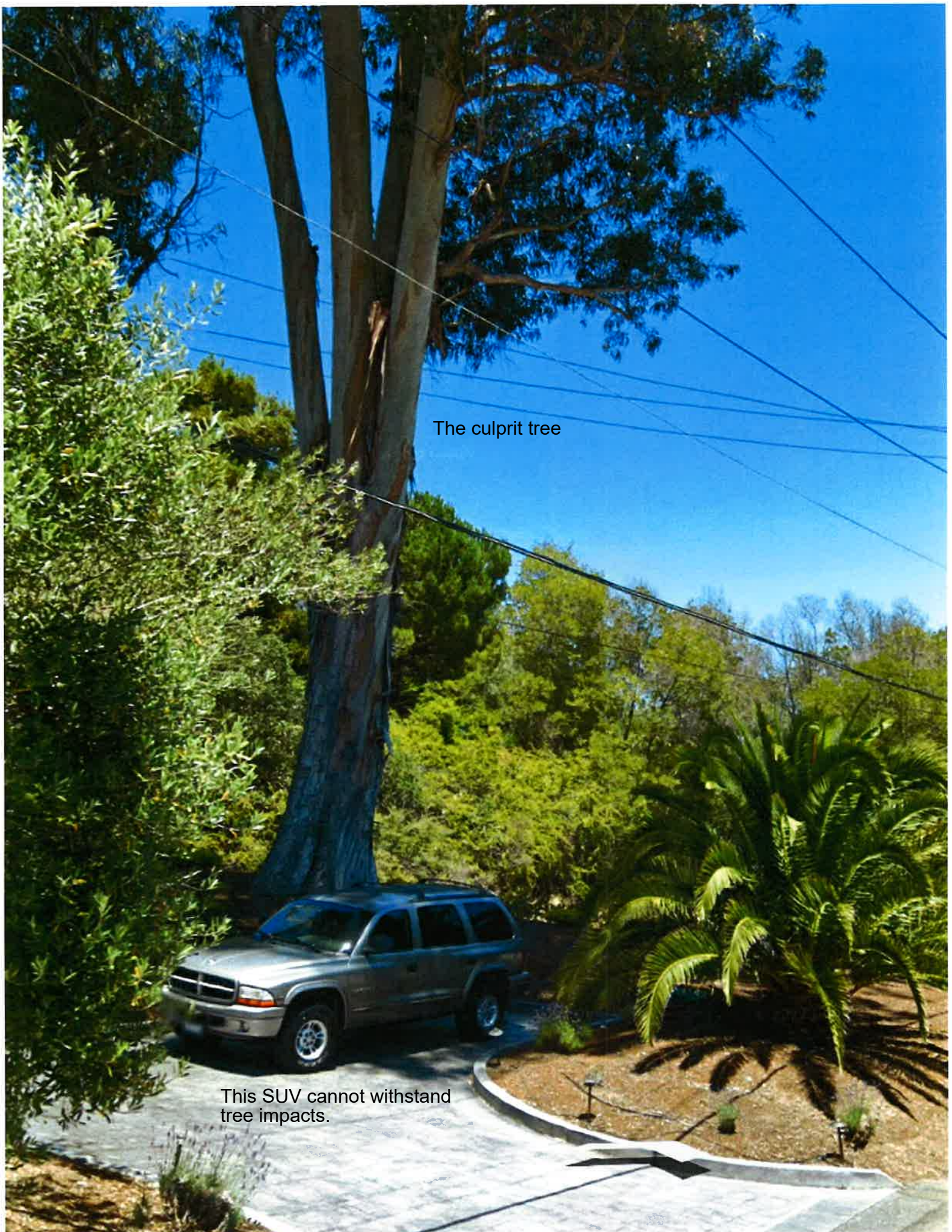
Google

Street View - Jul 2022



Image capture: Jul 2022 © 2023 Google





The culprit tree

This SUV cannot withstand tree impacts.



Thank god nobody was in this SUV



Sun shade

Generator

Manual Transfer Switch &
Portable Generator Connection
Cabinet



Light Pole

Generator

Sun Shade







Light Pole

Generator

Portable
Generator
Connection
Cabinet

Motor Control Cabinet

Sun Shade

Generator





RV Belonging to
44 Loma Linda
The fence has
also been crushed

Manual
Transfer
Switch

Portable
Generator
Connection
Cabinet



**SAN RAFAEL SANITATION DISTRICT
SCHEDULED BOARD MEETINGS
First (1st) Thursday of each Month – 11:00 A.M.
Unless Otherwise Stated on the Agenda or
Rescheduled by the Board
Calendar Year 2023**

JANUARY 12, 2023	Teleconference
FEBRUARY 2, 2023	Teleconference
MARCH 2, 2023	In Person
APRIL 6, 2023	In Person
MAY 4, 2023	In Person
JUNE 1, 2023	In Person
JULY 6, 2023	In Person
AUGUST 3, 2023	In Person
SEPTEMBER 7, 2023	In Person
OCTOBER 5, 2023	In Person
NOVEMBER 2, 2023	In Person
DECEMBER 7, 2023	In Person