



Central Marin Sanitation Agency

INFORMATIONAL ITEMS

For the Board of Commissioners Regular Meeting
of November 13, 2018

- I-1** Letter dated October 11, 2018 from Traci Minamide, California Association of Sanitation Agencies
Re: CASA State Legislative Committee Re-Appointment

- I-2** Letter dated October 22, 2018 from David Gillings, California Governor's Office of Emergency Services
Re: Change in Scope—Andersen Hillside Rehabilitation Project

- I-3** Letter dated October 29, 2018 to Vince Christian, California Regional Water Quality Control Board
Re: Monthly Self-Monitoring Report (SMR) -- September 2018

- I-4** Letter dated November 1, 2018 from Betty T. Yee, California State Controller
Re: Notification Letter-Assembly Bill 2249 (Chaptered 169, Statues of 2018)

- I-5** City of Larkspur November 7, 2018 Agenda Staff Report dated October 30, 2018
Re: Consideration of Whether to Withdraw as a Member Agency of the Central Marin Sanitation Agency (CMSA)



October 11, 2018

Jason Dow
Central Marin Sanitation Agency
1301 Andersen Drive
San Rafael, CA 94901

SUBJECT: CASA State Legislative Committee Re-Appointment

Dear Jason:

On behalf of the California Association of Sanitation Agencies (CASA), it is my pleasure to re-appoint you to serve another two-year term as a member of the State Legislative Committee. The Board of Directors and I appreciate your willingness to continue participating on this committee, which establishes the association's position on proposed state legislation and ballot measures. Your two-year term on the committee will coincide with the two-year legislative session.

CASA's committees perform an important function in guiding the association's policies and assist in our efforts to inform and educate members on a range of environmental, governance, financing and technology issues. As a member of the State Legislative Committee, you will continue to play a key role in advancing CASA's mission and goals.

Our next committee meeting will be the annual strategy and planning session in Sacramento on December 14th, where we will discuss priorities for the upcoming Legislative Session.

Thank you for making this important commitment. The staff are available to assist you with any questions or needs you may have.

Sincerely,

A handwritten signature in blue ink that reads "Traci Minamide". The signature is fluid and cursive, with the first name being more prominent.

Traci Minamide
President

cc: Greg Baatrup, Chair, State Legislative Committee
Bobbi Larson, Executive Director
Adam Link, Director of Operations
Jessica Gauger, Director of Legislative Advocacy



October 22, 2018

Mr. Jason Dow
General Manager
Central Marin Sanitation Agency
1301 Andersen Drive
San Rafael, California 94901

Subject: Change in Scope – PW 136
FEMA-4308-DR-CA, February 2017 Storms
Cal OES ID: 041-91004 FEMA ID: 041-U2DHG-00
Subrecipient: Central Marin Sanitation Agency
Cal OES Log: 652682.1 FEMA Log: 390574

Dear Mr. Dow:

On October 8, 2018, the California Governor's Office of Emergency Services (Cal OES) received the enclosed letter dated October 2, 2018, from the Federal Emergency Management Agency (FEMA). This letter informs the Central Marin Sanitation Agency (Agency) that FEMA has approved a change in Scope of Work (SOW) for Project Worksheet (PW) 136.

On March 16, 2018, the Agency requested approval of a change in SOW for PW 136. The Agency provided three options for the Anderson Drive repair. Based on the submitted analysis, the soldier pile wall option appeared to be the most reasonable and cost effective and was the Agency's preferred choice. The revised total estimated funding for this project is now \$496,000.00. FEMA has prepared PW 136 Version 1 for an additional \$475,380.00. This version automatically triggers FEMA's environmental review process. The Agency must refrain from all construction activities until FEMA has reviewed and cleared the revised SOW for compliance with applicable federal environmental laws and regulations. The Agency may proceed with construction at that time. Failure to comply with all appropriate federal, state, and local laws and regulations could jeopardize all federal funding. Please refer to the enclosed letter for additional information.

A copy of the version for PW 136 will be forwarded to the Agency under separate cover by Cal OES' Grants Processing Unit (GPU) after Cal OES receives the Notification of Obligation from FEMA. Requests for payment are also processed through GPU.



Mr. Jason Dow
October 22, 2018
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If you do not agree with FEMA's determination, please be informed that in accordance with Title 44 of the Code of Federal Regulations section 206.206, you have the right to appeal this decision. This appeal must be submitted to Cal OES within 60 days from the date of this letter. Federal regulations also require that appeals contain documented justification to support your position, including the monetary figure in dispute and an explanation of how FEMA's action is in conflict with federal laws, regulations, or policy.

If you require additional information related to this correspondence, please contact Mr. Robert Larsen, Program Manager, at (916) 845-8162 or Mr. Brad Martin, Disaster Assistance Programs Specialist, at (916) 823-6633.

Sincerely,

A handwritten signature in black ink, appearing to read "David Gillings". The signature is written in a cursive style with a large initial "D" and "G".

DAVID GILLINGS
State Public Assistance Officer

Enclosure

cc: Mr. Mark Wingate, Acting Recovery Division Director, FEMA Region IX
File Copy

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FEMA

OCT 02 2018

Mr. David Gillings
State Public Assistance Officer
California Governor's Office of Emergency Services
Recovery Branch, Public Assistance Section
3650 Schriever Avenue
Mather, CA 95655

RECEIVED

OCT 08 2018

652682.1
PUBLIC ASSISTANCE

Reference: Change in Scope – Project Worksheet 136
FEMA-4308-DR-CA, P.A. ID: 041-U2DHG-00
Subrecipient: Central Marin Sanitary Agency
Cal OES Log: 652682; FEMA Log: 390574

Dear Mr. Gillings:

This responds to your letter dated April 10, 2018, which forwarded and supported a request for a change in scope of work from the Central Marin Sanitary Agency (Subrecipient) for Project Worksheet (PW) 136. On March 16, 2018, the Subrecipient requested approval from the U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) to change the approved scope of work (SOW) for PW 136. The Subrecipient has provided three options for the Anderson Drive repair. Based on the submitted analysis, the soldier pile wall option appears to be the most reasonable and cost effective and is the Subrecipient's preferred choice. FEMA has reviewed the submitted preliminary engineer's estimate for the installation of soldier piles walls and has made the following changes: (1) FEMA has substituted the estimated soft costs with CEF generated estimates; (2) FEMA has deleted the change order allowance. FEMA approves the soldier pile wall option as the most cost-effective and reasonable repair method. Actual costs will be reconciled at project closeout.

FEMA has determined the Subrecipient's request for a change in scope of work is eligible in accordance with Title 44 Code of Federal Regulations (CFR) § 206.204 (e). The revised total estimated funding for this project is now \$496,000.00. FEMA has prepared PW 136 Version 1 for an additional \$475,380.00. This version reflects the revised scope of work and automatically triggers FEMA's environmental review process. The Subrecipient must refrain from construction activities until FEMA has reviewed and cleared the revised scope of work for compliance with applicable federal environmental laws and regulations. This clearance will be noted in the PW along with any stipulations when you receive the notification of obligation. The Subrecipient may proceed with

Mr. David Gillings
Change in SOW – PW 136
FEMA-4308-DR-CA, P.A. ID:041-U2DHG-00
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construction at that time. If the Subrecipient fails to obtain and comply with all appropriate federal, state, and local environmental laws, regulations, and/or permits prior to the start of construction, FEMA funding will be jeopardized.

If you have any questions regarding this matter, please contact me at (510) 627-7250.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Gayrard", written in a cursive style.

Michael Gayrard
Infrastructure Branch Chief
Recovery Division
FEMA Region IX

cc: Brian Thomas, P.E.
Central Marin Sanitation District
1301 Andersen Drive
San Rafael, CA 94901

**CENTRAL MARIN
SANITATION AGENCY**

1301 Andersen Drive, San Rafael, CA 94901-5339

Phone (415) 459-1455

Fax (415) 459-3971

www.cmsa.us

October 29, 2018

California Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, CA 94612

Attention: Vince Christian

Subject: **Monthly Self-Monitoring Report (SMR) – September 2018**

The September 2018 monthly self-monitoring report for the Central Marin Sanitation Agency (CMSA) treatment plant has been submitted using the eSMR /California Integrated Water Quality System (CIWQS). This SMR conforms to CMSA's NPDES Permit, Order #R2-2018-003.

Violations

There are no reportable NPDES Permit violations for this reporting period.

Blending Events

The CMSA treatment facility did not exceed the maximum secondary capacity of 30 MGD. No blend events occurred during this monitoring period.

Data Validation

All regulatory daily, weekly, and monthly quality control calibrations/checks conducted during the month of September met established quality assurance acceptance criteria. During this monitoring period, quarterly and permit sampling was conducted for influent and effluent sampling locations. Reports for these sampling events have been included for influent and effluent sampling locations.

If there are any questions please contact me at (415) 459-1455, extension 101. Quality assurance data are available for all test results cited in this report. Values reported are measured values and each are subject to analytical variability. CMSA reserves the right to question data in an enforcement proceeding.

I certify under penalty of law that this document and all attachments are prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who managed the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for known violations (40 CFR 122.22(d)).



Chris Finton
Treatment Plant Manager



BETTY T. YEE

California State Controller

November 1, 2018

Board Members
Central Marin Sanitation Agency
1301 Andersen Drive
San Rafael, CA 94901-5339

SUBJECT: Notification Letter-Assembly Bill 2249 (Chaptered 169, Statutes of 2018)

To Whom It May Concern:

The California Uniform Construction Cost Accounting Commission (CUCCAC) in agreement with the State Controller's Office (SCO) recommended an increase to the bid limit threshold prescribed in Public Contract Code (PCC) 22032, which was signed into law. Pursuant to PCC 22020, and on behalf of the State Controller Betty T. Yee, the SCO would like to inform on the following changes effective as of **January 1, 2019**:

- a) The change would allow projects costing \$60,000 or less to be performed by employees of a public agency by force account, by negotiated contract, or by purchase order;
- b) The change would allow projects costing up to \$200,000 to be contracted by informal bidding procedures; and projects costing over \$200,000 are subject to the formal bidding process.

The noted increases are pursuant to the provisions and benefits found in the Uniform Public Construction Cost Accounting Act (Act), which provides public agencies economic benefits and greater freedom to expedite public works projects. Agencies which elect to follow the cost accounting procedures set forth by the CUCCAC in its *Cost Accounting Policies and Procedures Manual*, will benefit from these increased limits by expediting delivery of public work projects and reduced bid processing costs. A new resolution adopting the change in legislation is not required if your agency is currently subject to the Act.

We encourage participating agencies to sign up on the SCO website for CUCCAC's email subscription service to receive important information concerning CUCCAC updates and legislative changes via e-mail. For more details or to sign up for the email subscription services, please contact the Local Government Programs Services Division at LocalGovPolicy@sco.ca.gov or visit our website at https://www.sco.ca.gov/ard_cuccac.html.

Sincerely,

Sandeep Singh
Manager, Local Government Policy



CITY OF LARKSPUR
Staff Report

November 7, 2018 Council Meeting

DATE: October 30, 2018

TO: Honorable Mayor Hillmer and the Larkspur City Council

FROM: Dan Schwarz, City Manager

SUBJECT: CONSIDERATION OF WHETHER TO WITHDRAW AS A MEMBER AGENCY OF THE CENTRAL MARIN SANITATION AGENCY (CMSA)

ACTION REQUESTED

Provide direction to staff.

SUMMARY AND BACKGROUND

At its May 3, 2017 meeting, the City Council reviewed the attached report from the Local Agency Formation Commission (LAFCO) titled the "Central Marin Wastewater Study". Among its recommendations, the report states:

CMSA should reorganize its governing board structure to limit and or remove the City of Larkspur's presence within the joint powers authority to better align and weight governance with vested participation among member agencies.

The City of Larkspur is a founding member agency of the Central Marin Sanitation Agency (CMSA) and has held one seat on the CMSA board since its inception. However, since 1993, Larkspur has not provided sewer collection services, having allowed its service territory to be annexed into the jurisdiction of the Ross Valley Sanitary District (RVSD).

At the conclusion of the May 3 meeting, the Council authorized the Mayor to submit the letter included in the agenda item to LAFCO. The letter states that the Council would like the CMSA board to define what the governance structure of CMSA would be without Larkspur so that the Council could be fully informed before making a decision about CMSA membership. To date, the CMSA board has not decided what its structure would be if Larkspur departed.

Recent issues concerning pension liability have prompted staff to ask the Council to revisit the matter of CMSA membership. This year, the Legislature passed Assembly Bill 1912 (Rodriguez). The bill

(attached) was signed by the governor at the end of September. AB 1912 was drafted in response to a situation in Southern California where the termination of a joint powers authority (JPA) ultimately led to the reduction of pension benefits for that agency's past employees. The intent of the bill is to protect current and former employees of JPAs by requiring member agencies to be liable for the pension obligations of that JPA.

ANALYSIS

AB 1912 speaks specifically to JPAs that offers its employees a pension through the California Public Employees' Retirement System (CalPERS). CMSA is a JPA that offers a CalPERS pension. Early versions of AB 1912 would have immediately forced member agencies of a JPA to assume a portion of the pension liability of the JPA. The final version of the bill does not require member agencies to take on this debt unless and until the member agencies elect to terminate the JPA. At the time of termination, the member agencies can enter into an agreement about the proportional allocation of the JPA's pension liability. If the member agencies do not reach an allocation agreement, CalPERS can impose one.

Since 1993, Larkspur's only relationship with CMSA has been to participate in its governance. Larkspur does not contribute to CMSA's budget and is not responsible for any of its liabilities, such as debt for capital investment. Though arguably somewhat remote, AB 1912 creates a possibility that Larkspur could be made responsible for a portion of CMSA's pension obligations at some future date.

The Council could eliminate this possibility by leaving CMSA. Alternatively, the Council could seek an agreement with the other member agencies that expressly states that Larkspur has no liability for CMSA's pension obligations. However, there have been indications that at least some of the CMSA board members prefer that the LAFCO recommendation be followed, raising the possibility that such an agreement would not be approved by one or more CMSA member agencies.

FISCAL IMPACT

No immediate fiscal impact exists.

STAFF RECOMMENDATIONS

Staff recommends that the Council revisit the recommendation in LAFCO's report titled "Central Marin Wastewater Study" that suggests Larkspur step down from membership on CMSA's Board in conjunction with considering the implications of AB 1912 on Larkspur's future participation. The Council should direct staff to take steps to leave the CMSA Board or to solicit an agreement with the other member agencies that stipulates that Larkspur has no responsibility with respect to CMSA's pension obligations.

Respectfully submitted,

Dan Schwarz, City Manager

Attachments

1. May 2017 agenda item
2. AB 1912