

RESOLUTION NO. 2010-06

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE UKIAH VALLEY
SANITATION DISTRICT DESIGNATING THE DISTRICT MANAGER/CLERK,
RICK KENNEDY, TO ALSO BE THE DISTRICT ENGINEER**

WHEREAS, Section 111 of Article 1, "Definitions", of District Ordinance No. 1 defines "Engineer" as the Engineer appointed by and acting for the Board, may be the City Engineer, and shall be a Registered Civil Engineer; and

WHEREAS, Section 1.7 of Article 1, of District Ordinance No. 12 defines "City Engineer" as any person designated by the City Council of the City of Ukiah and assigned to the District, with District's concurrence, to perform the services required by Ordinance No. 12; and

WHEREAS, Paragraph 8 of the Participation Agreement Between the City of Ukiah and the Ukiah Valley Sanitation District, made on the 19th of July, 1995 (1995 Agreement), allows either City or District to connect the sewage collector mains and house laterals which have been or will be constructed by the other, at points mutually agreeable to the City Engineer or other representative of City and to the District Engineer or other representative of District, and the District Board believes there is a potential conflict of interest if the City Engineer continues to act as the District Engineer; and

WHEREAS, Paragraph 2 of said 1995 Agreement requires the City to obtain and maintain liability and property loss insurance coverage in the sum of \$5,000,000 to protect District and City against claims or losses, naming both District and City as insured parties and that the requirement to insure is not intended to have the effect of making either party, or its officials, agents or employees liable for the torts, contracts or other obligations or debts of the other provided that the District's insurance shall cover City employees for claims arising out of such City employees performance of services under the Agreement; and

WHEREAS, the City has obtained insurance in accordance with the requirements of said paragraph 2 with Allied World National Assurance Company through Alliant Driver Specialty Group (Alliant), Broker, and said insurance is referred to as the Special Liability Insurance Program (SLIP); and

WHEREAS, the District and City have been informed by Alliant that engineering work, decisions, or actions made on behalf of the District or City are not covered under SLIP, and the City has notified the District as to the requirement of District to insure city employees performing work on behalf of the District; and

WHEREAS, the District is in the process of obtaining liability insurance that will include coverage for engineering work, decisions or actions that are performed on behalf of the District but the District has been informed that the coverage will only apply to District employees; and

WHEREAS, the District Manager/Clerk, Rick Kennedy, is a California Registered Civil Engineer and the District Manager/Clerk has and will continue as directed by the District Board to carry out engineering work or make engineering decisions that benefit the District.

NOW, THEREFORE, BE IT RESOLVED, that the District Board designates District Manager/Clerk Rick Kennedy to also be the District Engineer and he shall receive compensation for performing duties of the District Engineer as required at the approved hourly rate he currently receives as the District Manager/Clerk. Mr. Kennedy shall maintain his California Civil Engineer Registration in active status and his title shall be changed to District Manager/Engineer/Clerk. This designation shall take effect immediately upon the adoption of this Resolution.

The foregoing Resolution was introduced by Chair Paulin followed by a motion to adopt the Resolution from Director Porter and seconded by Director Pallesen; motion carried this 18th day of November, 2010, by the following roll call vote:

AYES: Directors Ronco, Pallesen, Porter, Paulin

NOES: None

ABSTAIN: None


ABSENT: Director McNerlin

WHEREUPON, the Chair declared said Resolution **ADOPTED** and **SO ORDERED**.



CLIFFORD PAULIN, Chair
Ukiah Valley Sanitation District

ATTEST:



RICK KENNEDY, Clerk of the Board

APPROVED AS TO FORM:



DOUGLAS LOSAK, Chief Deputy County Counsel
District Legal Counsel