

Catharine Benediktsson, President
Richard Snyder, Vice President
Roy Fedotoff, Secretary

Maureen Johnson, Director
Michael Lasky, Director

**Sanitary District No. 5 of Marin County
Minutes of a Regular Board Meeting
at Tiburon Fire Protection District Meeting Room
1679 Tiburon Blvd., Tiburon, California
Tuesday, March 19, 2013, 6:30 p.m.**

CALL TO ORDER by Pres. Benediktsson at 6:31 p.m.

ROLL CALL:

Directors present:	Catharine Benediktsson, President Richard Snyder, Vice President Roy Fedotoff, Secretary Maureen Johnson Michael Lasky
Staff present:	Tony Rubio, Wastewater Facilities Manager Lynn Henriksen, Executive Assistant
Consultants present:	Riley Hurd, District Legal Counsel Alison Neufeld, Liebert Cassidy Whitmore Doug Wing, Carollo Engineers
Others present:	Robert Simmons Deirdre McCrohan, <i>The Ark Newspaper</i>

PUBLIC OPEN TIME: No public comments were made.

CLOSED SESSION at 6:32 p.m.

PUBLIC EMPLOYMENT
Title: Temporary Assistant District Manager

OPEN SESSION at 7:37 p.m.

Pres. Benediktsson announced that no reportable action was taken during Closed Session.

DIRECTORS' COMMENTS AND/OR AGENDA REQUESTS

No comments or agenda requests were made by the Board.

CONSENT CALENDAR

1. Approval of February 19, 2013, Regular Board Meeting Minutes (Henriksen) (attached)
2. Approval of All Warrants for February 2013, #5929 through #5983, in the amount of \$1,161,609.48, and Main Plant Rehabilitation Project Warrants for March 1-15, 2013, #5984, through #5987 in the amount of \$961,602.40 (Miller) (attached)
3. Receipt of Financial Reports for February 2013 (Miller) (attached)
4. Approval of Change Order No. 19 for Main Plant Rehabilitation Project (Miller)

Motion (Snyder/Lasky) to approve the Consent Calendar. Passed, all present.

MANAGEMENT REPORTS

Pres. Benediktsson moved Item No. 6, as described on the agenda, to this time.

6. Main Plant Rehabilitation Project Progress Report (Wing) (attached)

Mr. Doug Wing, Carollo Engineers' Project Manager for the District, presented a slide show of the reconstruction progress made within the main plant during the past nine months of the Main Plant Rehabilitation (MPR) Project. The slides, detailing replacement of dated equipment with new, more robust, streamlined models, were well received by the Board. They requested Mr. Wing email the PowerPoint files to Exec. Asst. Henriksen for distribution to Board members, and for archival purposes.

Sec. Fedotoff noted good progress has been made in all critical areas on the MPR Project schedule. Especially impressive were the new diffusers and turbo blowers, which are known to be 30% more efficient than the outdated models. He asked how the District stood in regards to the PG&E CalPOP energy rebates. Although the blowers are the biggest items up for rebate, Mr. Wing said he would be touring the plant with officials from PG&E next week to see if there were even more items installed that would capture rebates.

5. District Management Summary Report and Operations/Maintenance Report (Miller/Rubio) (attached)

Pres. Benediktsson asked Mgr. Rubio, in light of Mgr. Miller's absence this evening, to report on the collection/maintenance items. Also, since Board members review the management reports prior to the Board meetings and many items have been discussed in committee, it would make sense for members to ask questions they may have in relation to items in particular categories, rather than have the managers read through the reports line-by-line.

Pres. Benediktsson, in reviewing highlights of the financial and business administration section of the summary report, commented on several key issues. She will contact Mr. Terry Krieg, CPA, to put the FY 2011-2012 annual audit on hold until later in the year when Mgr.

Miller will be available to complete it in conjunction with Mr. Krieg. She also noted that updating the 10-year CIP Plan will be tasked to Sec. Fedotoff and Dir. Lasky, members of the CIP Committee. Pres. Benediktsson directed the FY 2012-2013 budget be updated in the areas designated for capital improvements, leaving most other areas as is for now, and adopt it as the FY 2013-2014 budget, with the intent to amend it early next fiscal year when Mgr. Miller will return from leave. Attorney Riley Hurd noted the budget will be adopted at a noticed public hearing. Pres. Benediktsson will direct Attorney Paul Smith to continue working with staff on the Point Tiburon sewer line/pump station issue. Pres. Benediktsson was pleased the Romberg Center is expressing interest in connecting to the District's sewer line.

Sec. Fedotoff asked how the District goes about supplying the information that goes into the NPDES permit application. While the information for the permit application comes from several sources, including, the 10-year CIP Plan, findings from the 2005 and 2006 Harris Reports, and the E2 Smoke Testing Program of 2011 (checking for infiltration), Larry Walker Associates was hired to do the engineering analysis of the data, prepare the application, and negotiate with the Water Board on behalf of the District. Mgr. Rubio handed out a 10-year CIP update summary. The Board thanked him for putting the summary together. Mgr. Rubio said the permit data is reviewed by the Regional Water Quality Control Board; they then make recommendations to the District regarding certain things to be done in the collections system. Pres. Benediktsson directed the CIP Committee to delve deeply into this issue.

Mgr. Rubio reported on treatment plant performance; operations are at normal standards, with preventative maintenance tasks having been performed in all zones. The District successfully passed this month's 96-hour flow through bioassay. Four, category 2 sanitary sewer overflows (SSOs) occurred, two in Tiburon, two in Belvedere; all were caused by roots. No odor complaints were reported during this time period.

NEW BUSINESS

7. Consideration of Rescinding the Board Action Taken at the May 17, 2011, Regular Board Meeting, Which Allowed the Use of Private Water Meters for Commercial Facilities to Demonstrate the Volume of Discharge That Does Not Enter into the District's Collection System (Benediktsson) – Action

Attorney Riley Hurd reviewed the background of this commercial sewer issue, including that it began with the rate Ordinance No. 2010-04 and that very specific public notices sent to the San Francisco Yacht Club and St. Stephen's Church about this meeting were met with no response from either commercial user. After discussion, the Board came to the conclusion that Dir. Johnson's wish to roundup more background information was acceptable. Attorney Hurd suggested bringing this item back, with Dir. Johnson's investigative report, for Board consideration at the April 16, 2013, Board meeting.

Motion (Fedotoff/Johnson) to continue consideration of rescinding the Board action taken at the May 17, 2011, regular Board meeting, which allowed the use of private water meters for

Minutes

Regular Meeting of the Board of Directors

March 19, 2013

Page 4 of 5

commercial facilities to demonstrate the volume of discharge that does not enter into the District's collection system to the April 16, 2013, regular Board meeting. Passed, all present.

8. Consideration of Connection Fee Waiver Request from Town of Tiburon for 600 Ned's Way, Tiburon (Benediktsson) – Action (attached)

Attorney Riley Hurd clarified this issue saying Dairy Knoll, the name given the Town of Tiburon's new recreation building under construction at 600 Ned's Way, is owned by the Town of Tiburon; however, the Town intends to rent the Dairy Knoll space to a JPA, Belvedere-Tiburon Joint Recreation. Although one government agency could waive fees for another government agency, the District has repeatedly been charged fees by the Town of Tiburon. It seems to be that prior District Manager, Robert Lynch, indicated he might waive sewer fees for this commercial building. His indication, however, was not binding on the District, since such a waiver would require Board approval. Attorney Hurd discussed with the Board the pros and cons of connection fee waivers. He noted this is a policy decision to be made by the Board.

Motion (Lasky/Snyder) to deny the request of a connection fee waiver for the Town of Tiburon for 600 Ned's Way, Tiburon. Passed, all present.

9. Consideration of Determining District's Vote in Mail Ballot Election to Select Local Agency Formation Commission Alternate Special District Member (Benediktsson) – Action (attached)

Motion (Benediktsson/Johnson) to vote for Mr. Richard Snyder on the District's mail ballot election to select Local Agency Formation Commission alternate special district member. Passed, all present.

UNFINISHED BUSINESS: None

COMMITTEE REPORTS

10. Capital Improvement Program Committee (Fedotoff/Lasky)
11. Governance Committee (Benediktsson/Snyder)
12. Main Plant Rehabilitation Oversight Committee (Fedotoff/Lasky) (attached)
13. Finance & Fiscal Oversight Committee (Benediktsson/Snyder) – Minutes of the March 12, 2013, meetings (attached)
14. Communication Committee (Lasky/Snyder)
15. Personnel Committee (Snyder/Lasky)
16. Ad Hoc Point Tiburon Committee (Benediktsson/Snyder)

The Capital Improvement Program (CIP) and the Governance Committees did not meet.

The reports of the Main Plant Rehabilitation (MPR) Committee meeting of March 12, 2013, were reviewed and discussed.

The minutes of the March 12, 2013, Finance & Fiscal Oversight Committee meeting were reviewed and discussed.

The Communications Committee, the Personnel Committee, and the Ad Hoc Point Tiburon Committee did not meet.

OTHER BUSINESS: None

ENVIRONMENTAL: None

CORRESPONDENCE: None

INFORMATIONAL ITEMS:

17. Oral Report Regarding February 20, 2013, California Special District Association Webinar – Understanding Board Member & District Liability Issues (Fedotoff)

This item was tabled to the April 16, 2013, Board meeting.

ADJOURNMENT

The Board adjourned at 9:03 p.m. to a Regular Board Meeting at 6:30 p.m. on April 16, 2013, at the Tiburon Fire Protection District Meeting Room at 1679 Tiburon, Blvd., Tiburon, California.

Approved:

Attest:

Catharine Benediktsson
President, Board of Directors

Roy Fedotoff
Secretary, Board of Directors