

Catharine Benediktsson, President
Michael Lasky, Vice President
Roy Fedotoff, Secretary

John Carapiet, Director
Richard Snyder, Director

**Sanitary District No. 5 of Marin County
Minutes of a Special & Regular Board Meeting
at Tiburon Fire Protection District Meeting Room
1679 Tiburon Blvd., Tiburon, California
Tuesday, January 21, 2014**

Special Board Meeting

CALL TO ORDER by Pres. Benediktsson at 5:30 P.M.

ROLL CALL:

Directors present: Catharine Benediktsson, President
Richard Snyder, Vice President (via teleconference
from 10 Pomander Way, Tiburon, CA 94920)
Roy Fedotoff, Secretary (arrived 6:25 P.M.)
John Carapiet, Director
Michael Lasky, Director

Staff present: Samantha Miller, District Manager
Robert Simmons, Engineering Manager (arrived 6:25 P.M.)
Robin Dohrmann, Administrative & Finance Specialist

Consultants present: David Kahn, Renne, Sloan, Holtzman, Sakai, LLP
Matthew Visick, Burke, Williams & Sorensen, LLP
Mark Wilson, Nute Engineering (arrived 6:25 P.M.)

CLOSED SESSION at 5:31 P.M.

1. Convene to Closed Session (the public may provide comments regarding the closed session item(s) just prior to the Board beginning the Closed Session. Closed Sessions are not open to the public).

- a. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION
 - i. Initiation of litigation pursuant to Government Code Section 54956.9(c)
 1. 5 potential cases.

Direction given, no reportable action taken.

- b. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION
 - i. Significant exposure to litigation (Government Code Section 54956.9(b))
 1. 1 potential case.

Direction given, no reportable action taken.

ADJOURNMENT

The Board adjourned the Special Board Meeting Closed Session at 6:52 p.m. to a Regular Board Meeting Open Session at 6:55 p.m. on January 21, 2014, at the Tiburon Fire Protection District Meeting Room at 1679 Tiburon Blvd., Tiburon, California.

Regular Board Meeting

CALL TO ORDER by Pres. Benediktsson at 6:55 P.M.

ROLL CALL:

Directors present:	Catharine Benediktsson, President Richard Snyder, Vice President (via teleconference) Roy Fedotoff, Secretary John Carapiet, Director Michael Lasky, Director
Staff present:	Samantha Miller, District Manager Robert Simmons, Engineering Manager Tony Rubio, Wastewater Facilities Manager Robin Dohrmann, Administrative & Finance Specialist
Consultants present:	David Kahn, Renne, Sloan, Holtzman, Sakai, LLP Doug Wing, Carollo Engineers Mark Wilson, Nute Engineering
Others present:	Qi Huang, 2088 Paradise Drive, Tiburon Yujie Ma, 2088 Paradise Drive, Tiburon Fani Hansen, AIA for 2088 Paradise Drive, Tiburon Bill Monnet, Citizens for Sustainable Pension Plans Bob Benbow, Tiburon, CA

1. Election of Officers of the Board – Action

Motion (Snyder/Fedotoff) to nominate Pres. Benediktsson as the incumbent President of the Board of Directors of Sanitary District No. 5 of Marin County for January – June, 2014. Board President nomination to be revisited in July, 2014. Passed unanimously, all present.

Motion (Fedotoff/Carapiet) to nominate Dir. Lasky as the Vice President of the Board of Directors of Sanitary District No. 5 of Marin County for the 2014 term. Passed (4-0-1), 1 Abstain (Snyder).

Motion (Carapiet/Lasky) to nominate Sec. Fedotoff as the incumbent Secretary of the Board of Directors of Sanitary District No. 5 of Marin County for the 2014 term. Passed unanimously, all present.

Pres. Benediktsson moved Public Comments and Directors' Comments and/or Agenda Requests, as described on the agenda, to this time.

PUBLIC COMMENTS

Yujie Ma provided a 12-page written proposal and report on her findings pertaining to the history and legal status of 2088 Paradise Drive and the adjoining property (APN #059-181-07), in Tiburon, CA, for the Board's review and edification.

DIRECTORS' COMMENTS AND/OR AGENDA REQUESTS

Director's Comments:

- Temporary Engineering Manager, Bob Simmons, is to notify the Board of his current work schedule, via email to President Benediktsson, prior to the next Regular Board Meeting and on a continual basis subsequently (Secr. Fedotoff)
- Changes to the status (e.g., open, closed, action, informational, etc.) of Agenda Items after the deadline for submission (the 2nd Tuesday of the month, 1 week prior to the Board Meeting) are not to be made without notifying the Board President of such changes; no exceptions (Secr. Fedotoff)
- Temporary Engineering Manager, Bob Simmons, is to provide a list of current projects he is working on, will be working on, or of importance for SD5 to be working on in the next twelve months, via email to President Benediktsson, prior to the next Regular Board Meeting (Secr. Fedotoff)
- Temporary Engineering Manager, Bob Simmons, and Wastewater Facilities Manager, Tony Rubio, are to work together to provide a one-page summary for each current and upcoming Capital Improvement Project, as listed in the budget and CIP Plan, for Board Members' reference and public information. Project information and details are to be provided in a single reference guide (Secr. Fedotoff)
- Doug Wing, of Carollo Engineers, Temporary Engineering Manager, Bob Simmons, and Wastewater Facilities Manager, Tony Rubio, are to work together to compile an executive summary to the Board of the entire Main Plant Rehabilitation

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Project, prior to the next Regular Board Meeting (Secr. Fedotoff)

- Temporary Engineering Manager, Bob Simmons, is to provide an Executive Summary of Auburn Construction and Carollo Engineers' performance throughout the Main Plant Rehabilitation Project, via email to President Benediktsson, prior to the next Regular Board Meeting (Secr. Fedotoff)

Agenda Requests:

- What effect will the draught have on SD5? (V.P. Snyder)

Pres. Benediktsson moved Item No. 10, as described on the agenda, to this time.

NEW BUSINESS

10. Presentation on Future CalPERS Liabilities and Discussion of Pension Reform Options (Monnett)

Bill Monnett, Citizens for Sustainable Pensions, provided a written and verbal presentation regarding alternative pension plans versus SD5's current CalPERS retirement plan and responded to questions from the Board.

Pres. Benediktsson moved the Consent Calendar and Items No.7 and No. 8, as described on the agenda, to this time.

CONSENT CALENDAR

3. Approval of December 17, 2013, Regular Board Meeting Minutes (Dohrmann)
4. Approval of all Warrants for December 1, 2013 – January 14, 2014, #6666 through #6790, in the amount of \$1,101,427.52 (Dohrmann) (attached)
5. Receipt of Financial Reports for December, 2013 (Dohrmann)
6. Approval of Change Orders No. 39, 40, 41 & 42 for Main Plant Rehabilitation Project (Simmons)

Motion (Snyder/Lasky) to approve Consent Calendar Items 3 through 6. Passed unanimously, all present.

DISTRICT COUNSEL REPORT

7. District Counsel Report (Kahn)

District Counsel, David Kahn, presented a verbal report and responded to questions from the Board. Discussion by the Board.

MANAGEMENT REPORTS

8. Main Plant Rehabilitation Project Progress Report (Carollo/Rubio)

Doug Wing, Carollo Engineers, provided a written, verbal and visual presentation on the MPR Project progress and responded to questions from the Board. Discussion by the Board.

Pres. Benediktsson moved Item No. 11, as described on the agenda, to this time.

NEW BUSINESS

11. Consideration of Authorization and Approval of Cost Reduction Alternatives for ADA Office Remodel (Carollo/Simmons) – Action

Discussion by the Board. Motion (Snyder/Carapiet) to authorize and approve cost reduction alternatives for the ADA Office Remodel by contract change order for a revised contract cost not to exceed \$341,434.00. Passed unanimously, all present.

Pres. Benediktsson moved Item No. 9, as described on the agenda, to this time.

MANAGEMENT REPORTS

9. District Management Summary Report and Operations/Maintenance Report (Miller/Rubio/Simmons)

Mgr. Miller presented a written and verbal report, responding to questions from the Board. The Board directed General Counsel to set up a meeting with Mgr. Miller, Pres. Benediktsson, Atty. Karol Denniston, and himself, to strategize/prepare for upcoming CalPERS Audit. The Board directed Mgr. Rubio to provide an explanation for the recent exorbitant MMWD bill and collaborate with Admin. Finance Specialist Dohrmann on letter of consideration for adjustment to MMWD. Mgr. Rubio presented a written report and answered questions from the Board. Discussion by the Board.

Pres. Benediktsson moved Item No. 12, as described on the Agenda, to this time.

NEW BUSINESS

12. Consideration of Awarding Contract to Lowest Qualified Bidder for 2013/2014 Sewer Rehab Project (Simmons) – Action

Discussion by the Board. Item #12 tabled until February 18, 2014, Regular Board Meeting.

13. Consideration of Approval of Professional Services Proposal from John Farnkopf, HF&H

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Consultants, for Connection Fee update, for an Amount Not to Exceed \$25,000 (Benediktsson/Miller) – Action

Discussion by the Board. Motion (Fedotoff/Lasky) to approve Professional Services Proposal from John Farnkopf, HF&H Consultants, for Connection Fee Update, for an amount not to exceed \$25,000.00. Passed unanimously, all present.

14. Status Report on Code Publishing Finalization (Dohrmann)

Admin. Finance Specialist Dohrmann presented a staff report and verbal update on codification status with Code Publishing, Inc. Discussion by the Board. Item to be revisited at February 18, 2014, Regular Board Meeting.

15. Consideration of Office Hours (Benediktsson)

Discussion by the Board. Motion (Snyder/Carapiet) to restructure weekly administrative office hours to Monday through Friday, 9AM to 5PM. Passed (3-1-1), 3 ayes (Snyder, Carapiet, Benediktsson); 1 nay (Lasky); 1 abstain (Fedotoff).

16. Review of New State Water Resources Control Board Requirements for Sanitary Sewer Overflow Reporting (Rubio)

Item #16 tabled until February 18, 2014, Regular Board Meeting.

Pres. Benediktsson moved Item No. 2, as described on the agenda, to this time.

2. Appointment of Committee Members – Action

Item #2 tabled until February 18, 2014, Regular Board Meeting.

UNFINISHED BUSINESS: None

COMMITTEE REPORTS

17. Capital Improvement Program Committee (Fedotoff/Lasky) – Action Log provided

18. Governance Committee (Benediktsson/Snyder) – None

19. Main Plant Rehabilitation Oversight Committee (Fedotoff/Lasky) – Action Log provided

20. Finance & Fiscal Oversight Committee (Benediktsson/Snyder) – Action Log provided

21. Communication Committee (Lasky/Snyder) – None

22. Personnel Committee (Snyder/Lasky) – None

23. Ad Hoc Point Tiburon Committee (Benediktsson/Snyder) – None

24. Ad Hoc Tiburon Pump Station #4 Committee (Benediktsson/Carapiet) – None

OTHER BUSINESS: None

ENVIRONMENTAL: None

CORRESPONDENCE: None

INFORMATIONAL ITEMS: None

ADJOURNMENT

The Board adjourned the Regular Board Meeting Open Session at 8:57 p.m. to a Special Board Meeting Closed Session at 8:57 p.m. on January 21, 2014, at the Tiburon Fire Protection District Meeting Room at 1679 Tiburon Blvd., Tiburon, California.

Special Board Meeting

CALL TO ORDER by Pres. Benediktsson at 8:57 P.M.

ROLL CALL:

Directors present:	Catharine Benediktsson, President Michael Lasky, Vice President Roy Fedotoff, Secretary John Carapiet, Director Richard Snyder, Director (via teleconference)
Staff present:	None
Consultants present:	David Kahn, Renne, Sloan, Holtzman, Sakai, LLP Paul Gaspari, Weintraub Tobin

CLOSED SESSION at 8:57 P.M.

1. Convene to Closed Session (the public may provide comments regarding the closed session item(s) just prior to the Board beginning the Closed Session. Closed Sessions are not open to the public).

a. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION
(Government Code Section 54956.9(a))

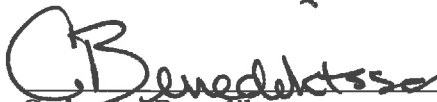
- i. Case name unspecified: Disclosure would jeopardize existing settlement negotiations.

Direction given, no reportable action taken.

ADJOURNMENT

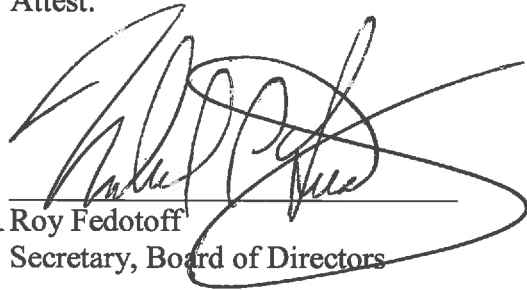
The Board adjourned at 10:04p.m., to a Regular Board Meeting on February 18, 2014, at 6:30 p.m. at the Tiburon Fire Protection District Meeting Room at 1679 Tiburon Blvd., Tiburon, California.

Approved:



Catharine Benediktsson
President, Board of Directors

Attest:



FOR Roy Fedotoff
Secretary, Board of Directors

The Board of Directors may at its discretion consider agenda items out of the order in which they appear above.

Accessible public meetings: *Upon request, the District will provide written agenda materials in appropriate alternate formats, or disability-related modification or accommodation, including auxiliary aids or services to enable individual with disabilities to participate in public meetings. Requests are to be submitted in writing to the District at P.O. Box 227, Tiburon, CA 94920 or rdohrmann@sani5.org at least two days prior to the meeting.*