

Catharine Benediktsson, President
Michael Lasky, Vice President
John Carapiet, Secretary

Tod Moody, Director
Richard Snyder, Director

**Sanitary District No. 5 of Marin County
Special Board Meeting
at Sanitary District No. 5 of Marin County Meeting Room
2001 Paradise Drive, Tiburon, CA 94920
Thursday, November 20, 2014**

4:00 P.M. SPECIAL BOARD MEETING – CLOSED SESSION

CALL TO ORDER by President Benediktsson at 4:00 P.M.

ROLL CALL

Directors present: Catharine Benediktsson, President
Michael Lasky, Vice President
John Carapiet, Secretary
Tod Moody, Director
Richard Snyder, Director

Staff present: Tony Rubio, Interim District Manager

Consultants present: Benjamin Stock, Burke, Williams, Sorensen, LLP

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. Significant Exposure to Litigation Pursuant to Government Code Section 54956.9(b)
 1. 1 potential case
 - b. Public Employee Appointment
 - i. Title: District Manager
 - c. Conference with Legal Counsel – Anticipated Litigation
 - i. Initiation of litigation pursuant to Government Code Section 54956.9(d)(4)
 1. 1 potential case
2. Report out of Closed Session at 5:01P.M.: There were no reportable actions for items 1(a) or 1(c). For item 1(b), the Board voted 5-0 to appoint Tony Rubio as District Manager.

5:00 P.M. REGULAR BOARD MEETING – OPEN SESSION

CALL TO ORDER by President Benediktsson at 5:02 P.M.

ROLL CALL

Directors present: Catharine Benediktsson, President
Michael Lasky, Vice President
John Carapiet, Secretary
Tod Moody, Director
Richard Snyder, Director

Staff present: Tony Rubio, Interim District Manager
Robin Dohrmann, Administrative/Finance Specialist

Consultants present: Benjamin Stock, Burke, Williams, Sorensen, LLP
Kathryn Harris, Perotti & Carrade, CPA

PUBLIC COMMENTS: The public is invited to address the Board on items that do not appear on the agenda and that are within the subject matter jurisdiction of the Board. The Brown Act does not allow the Board to take action on any public comment. Please limit public comments to no more than three minutes.

No public comments at this time.

DIRECTORS' COMMENTS AND/OR AGENDA REQUESTS

None.

CONSENT CALENDAR

1. Approval of October 21, 2014, Regular Board Meeting Minutes (Dohrmann)
2. Approval of all Warrants for October 16, through November 12, 2014, Check No. 7390 through No. 7437, in the sum of \$143,887.55 (Dohrmann)
3. Receipt of Financial Reports for October, 2014 (Dohrmann)
4. Waste Handling Contract (Rubio)

Discussion by the Board. Motion (Snyder/Carapiet) to approve Consent Calendar Items No. 1 through No. 4. Passed unanimously, all present.

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

9. Review and Consideration of Lump-Sum Payment of CalPERS Side Fund for Sanitary District No. 5 of Marin County (K. Harris/ Benediktsson/ Rubio) – Action

Presentation of financial reports from Kathryn Harris, of Perotti & Carrade, to review CalPERS Side Fund payment options, responding to questions from the Board. Discussion by the Board. Motion (Carapiet/Snyder) to consider lump sum payment, not to exceed \$1.4 million, for CalPERS Side Fund for Sanitary District No. 5 of Marin County, and revisiting payment of any remaining CalPERS liabilities at a later time. Passed unanimously.

Pres. Benediktsson moved to Agenda Item No. 5, as described on the agenda, to this time.

MANAGEMENT REPORTS

5. District Management Summary Report (Rubio)

Interim District Manager, Tony Rubio presented a written and verbal report on current District issues, responding to questions from the Board. Discussion by the Board.

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

NEW BUSINESS

6. Consideration and Approval of District Manager Employment Agreement – Action

Discussion by the Board. Motion (Snyder/Carapiet) to approve District Manager Employment Agreement with Tony Rubio, with the exception of an amendment to the contract to include that the District will not be required to contribute anything in excess of what CalPERS is required to pay as limited by the Internal Revenue Service revenue cap. Passed unanimously.

7. Consideration and Approval of Board President to Enter into Mutual Fee Waiver Agreements with Town of Tiburon and City of Belvedere (Rubio) – Action

Discussion by the Board. Motion (Lasky/Snyder) to authorize Board President to enter into Mutual Fee Waiver Agreements with Town of Tiburon and City of Belvedere. Passed unanimously.

8. Consideration and Adoption of Resolution No. 2014-14, A Resolution Accepting the Amended Memorandum of Understanding and Updated Job Descriptions, as Approved by Represented Employees of Sanitary District No. 5 of Marin County, in Response to CalPERS Audit No. P13-058, Findings #2B, #2C and #3C – Action (Rubio)

Discussion by the Board. Motion (Snyder/Lasky) to adopt Resolution No. 2014-14: A Resolution Accepting the Amended Memorandum of Understanding and Updated Job Descriptions, as Approved by Represented Employees of Sanitary District No. 5 of Marin County. Passed unanimously.

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

10. Review and Consideration of Regularly Scheduled Date and Time of Monthly Board Meetings per Sanitary District No. 5 of Marin County's Rules of Procedure (Stock/Benediktsson)

– Action

Public comment by Deirdre McChrohan, of the Ark Newspaper, suggested avoidance of scheduling Regular Board Meetings on Mondays; they are “messy,” as holidays often fall on Mondays and people (staff, Board Members, public) often use Mondays to extend personal time off (vacations, etc.). She also stated advertising in the Ark Newspaper would be timelier if SD5 Regular Board Meetings were held on Thursdays instead of Tuesdays, as they currently are.

Discussion by the Board. Motion (Snyder/Carapiet) to introduce an amendment to the Sanitary District No. 5 of Marin County’s Rules of Procedures to reflect a Regular Board Meeting date of the third (3rd) Thursday of every month, with a start-time of 5:00 p.m. Passed unanimously.

11. Consideration and Adoption of Resolution No. 2014-15, A Resolution by Sanitary District No. 5 of Marin County Establishing the Value of Employer Paid Member Contributions (EPMC) Payment and Reporting by the District to CalPERS for the Represented and Non-Represented Employees of Sanitary District No. 5 of Marin County, in Response to CalPERS Audit No. P13-058, Finding #2A (Rubio) – Action

Discussion by the Board. Motion (Lasky/Moody) to adopt Resolution No. 2014-15: A Resolution by Sanitary District No. 5 of Marin County Establishing the Value of Employer Paid Member Contributions (EPMC) Payment and Reporting by the District to CalPERS for the Represented and Non-Represented Employees of Sanitary District No. 5 of Marin County. Passed unanimously.

12. Consideration and Adoption of Resolution No. 2014-16, a Resolution Amending Sanitary District No. 5 of Marin County’s Salary Range Chart to Properly Reflect Existing State of District Salaries & Operations with Accurate Job Titles and Current Salary Ranges, in Response to CalPERS Audit No. P13-058, Finding #1 (Rubio) – Action

Discussion by the Board. Motion (Lasky/Snyder) to adopt Resolution No. 2014-16: a Resolution Amending Sanitary District No. 5 of Marin County’s Salary Range Chart to Properly Reflect Existing State of District Salaries & Operations with Accurate Job Titles and Current Salary Ranges. Passed unanimously.

13. Consideration and Adoption of Resolution No. 2014-17, a Resolution Amending the SD5 Organizational Chart (Rubio) – Action

Discussion by the Board. Motion (Snyder/Lasky) to adopt Resolution No. 2014-17: A Resolution Amending the SD5 Organizational Chart. Passed unanimously.

UNFINISHED BUSINESS: None.

COMMITTEE REPORTS:

14. Capital Improvement Program Committee (Lasky/Moody)

15. Governance Committee (Snyder/Benediktsson)

16. Finance & Fiscal Oversight Committee (Benediktsson/Carapiet) - Action Item Log provided

17. Personnel Committee (Snyder/Carapiet)

18. Ad Hoc Pt. Tiburon Committee (Benediktsson/Carapiet)

OTHER BUSINESS: None

ENVIRONMENTAL: None

CORRESPONDENCE:

- CalPERS Miscellaneous, Miscellaneous Second Tier, and PEPRA Miscellaneous Plans of the Sanitary District No. 5 of Marin County Annual Valuation Reports, as of June 30, 2013, are available for viewing in SD5 Office

INFORMATIONAL ITEMS: None

ADJOURNMENT

The Board adjourned at 6:17 p.m., to a Special Board Meeting on December 18th, 2014, at 5:00 p.m. at the Sanitary District No. 5 of Marin County Meeting Room at 2001 Paradise Drive, in Tiburon, California.

Approved:

Attest:



Catharine Benediktsson
President, Board of Directors



John Carapiet
Secretary, Board of Directors