

Catharine Benediktsson, President
William Teiser, Vice President
Roy Fedotoff, Secretary

Michael Lasky, Director
Richard Snyder, Director

Item #1

**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, August 28, 2012, 7:00 p.m.**

CALL TO ORDER by Pres. Benediktsson at 7:00 p.m.

ROLL CALL:

Directors present:	Catharine Benediktsson, President William Teiser, Vice President Roy Fedotoff, Secretary (arrived 9:10 p.m.) Richard Snyder Michael Lasky
Staff present:	Samantha Miller, District Manager Lynn Henriksen, Administrative Assistant
Consultants present:	Riley Hurd, District Legal Counsel Doug Wing, Carollo Engineers
Others present:	Deirdre McCrohan, <i>The Ark Newspaper</i>

PUBLIC OPEN TIME: No public comments were made.

Mr. Riley Hurd, District legal counsel, stated that the Board would be going into Closed Session to discuss anticipated litigation arising from the fact that, despite a clear exemption in the Health and Safety Code, the Town of Tiburon was asserting that the District needed to obtain building permits for the Main Plant Rehabilitation Project, and, that if the District did not seek such permits, the Town would initiate an action against the District.

CLOSED SESSION at 7:02 p.m.

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: 1 case

OPEN SESSION at 8:24 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 July 17, 2012, Regular Board Meeting Minutes (Henriksen) (attached)
2. Approval of July 26, 2012, Special Board Meeting Minutes (Henriksen) (attached)
3. Approval of July 27, 2012, Special Board Meeting Minutes (Henriksen) (attached)
4. Approval of All Warrants for July 2012, #5477 through 5530, in the amount of \$254,128.07, and Main Plant Rehabilitation Project Warrants for August 2012, #5534, 5535, 5556, and 5564 through 5566, in the amount of \$291,173.50 (Miller) (attached)
5. Receipt of Financial Reports for July 2012 (Miller) (attached)

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

MANAGEMENT REPORTS

6. Main Plant Rehabilitation Project Progress Report (Wing)

Mr. Doug Wing, Carollo Engineers project manager for the Main Plant Rehabilitation (MPR) Project, provided the Board with an update on progress to date. He said Auburn Constructors Inc (ACI) is on schedule, and they have begun ramping-up construction activity mainly in the areas of the secondary digester and clarifier and the aeration basins. Cleaning the 500 gallon secondary digester basin to remove 15 years of grit and debris and sandblasting, priming, and recoating the digester cover have been completed. The outside technical firm, CSI (Coating Specialists and Inspections) Services, was hired to inspect the coating work as it progressed to completion, while Mr. Wing inspected the concrete work. Beginning in August, Carollo Engineers was asked by the Board of Directors to spend more time on the MPR Project, mainly in the areas of construction management and inspections, the cover the interim between Mr. Robert Lynch's resignation as MPR Project Special Consultant and the Board's upcoming decision regarding the permanent replacement for additional construction management and inspection services. V.P. Teiser appreciates Mr. Wing's professional involvement in both these areas, at this point in time. It was noted that all contract warranties will be in the name of Sanitary District No. 5 of Marin County.

ACI and Carollo are almost halfway through the submittal process, with 86 out of 200 submittals having been completed. Equipment has started to arrive on site for October installation, and electrical planning is underway. The details of Value Engineering proposals are forthcoming in several areas; the proposals will be provided to the MPR Committee for recommendation prior to being presented to the Board.

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Pres. Benediktsson moved Item No. 14, as described in the agenda, to this time so that Mr. Doug Wing, Carollo Engineers project manager, would feel free to leave the Board meeting after the MPR Committee review was concluded.

COMMITTEE REPORTS

14. Main Plant Rehabilitation Oversight Committee (Teiser/Fedotoff) (attached)

V. P. Teiser reviewed the first monthly schedule update review submitted to Carollo Engineers by Construction Scheduling Experts, as well as the MPR Action Item Log. Pres. Benediktsson asked if there is clarity as to whom (Mr. Tony Rubio or Mr. Doug Wing) is responsible for inspecting the work for the MPR Project. Mr. Wing said he is overseeing and is responsible for all of the work. So that there is a written record, Auburn Constructors provides documents to Mr. Wing as to which areas they are working on that need inspection and when. Mr. Wing and Mgr. Rubio each fill out construction progress reports on a daily basis, which are kept in a physical binder in the office at the main plant, as well as scanned for electronic safekeeping by Admin. Asst. Henriksen into the Main Plant Rehabilitation e-folders.

Mr. Wing is photographing changes as they occur during rehabilitation to document progress and process. Mr. Wing appreciates having good rapport with District staff, and V.P. Teiser said the District is fortunate to have Mr. Wing step in to fulfill project management demands.

MANAGEMENT REPORTS

7. District Management Summary Report (Miller) (attached)

Mgr. Miller reviewed the significant events of the past 30 days with the Board, including fiscal status, operating and capital expenses, personnel, business administration, education and safety training, collection system and treatment plant performance, as well as updates on capital improvement projects.

She noted that Mr. Robert Lynch's second resignation as MPR Project Special Consultant was accepted, and that Mr. Tony Rubio withdrew from consideration as Assistant District Manager to remain as the Wastewater Facilities Manager.

A draft copy of the Personnel Policies and Procedures was provided to the employees for their review and comments. Mgr. Miller is pleased that the District's new intern is working in both operations and maintenance.

Mgr. Miller set October as the tentative time for Mr. Brent Ives to begin work on the District's strategic/tactical plan. She also discussed being asked to attend a meeting recently

held at the Belvedere City Hall regarding Farley Place; she addressed sewer service charge questions, details of which were reported in *The Ark Newspaper*.

In Mgr. Rubio's absence, Mgr. Miller reviewed the operations and maintenance report with the Board, noting that Mgr. Rubio will work with staff, starting tomorrow, to plan the follow through on suggested remedies to address the results from the Inflow and Infiltration (I&I) Study completed in 2011. (The majority of the problems discovered through the I&I study deal with private laterals, which, of course, are the responsibility of property owners. Therefore, staff will advise property owners on how to best achieve results that will decrease inflow and infiltration of run-off and ground water seepage into the sanitary sewer system. The cost to the District to process excess water from inflow and infiltration in the sewage treatment plant is ultimately borne collectively by all District ratepayers.)

Sec. Fedotoff arrived at the Board meeting at 9:10 p.m.

NEW BUSINESS

8. Consideration of Granting District Manager Authority to Approve Main Plant Rehabilitation Project Construction Contract Change Orders up to a Maximum of \$15,000.00 per Change Order, for an Aggregate up to a Maximum of \$50,000.00 (Teiser) – Action

V.P. Teiser reviewed the current change order process with the Board, which is similar to this proposed consideration up for approval, with the exception that the previous maximum of \$10,000 (granted to Mr. Robert Lynch) will be increased to \$15,000 for the District Manager, with the aggregate to remain at a maximum of \$50,000. He noted that a Change Order Log will be included in all future Main Plant Rehabilitation (MPR) Committee packets and Board packets.

Motion (Snyder/Fedotoff) to grant the District Manager authority to approve Main Plant Rehabilitation Project construction contract change orders up to a maximum of \$15,000.00 per change order, for an aggregate up to a maximum of \$50,000.00. Passed, all present.

9. Consideration of Approval of Agreement for Employment as Wastewater Facilities Manager between Sanitary District No. 5 of Marin County and Antonio Rubio, and Adoption of Updated Position Description (Miller) – Action (attached)

Mgr. Miller explained that Ms. Alison Neufeld, Liebert Cassidy Whitmore, prepared the Wastewater Facilities Manager agreement for employment. Minor updates were made to the job description, as well, to clarify and document duties that have always been the responsibility of the Wastewater Facilities Manager. Mr. Rubio has agreed to and executed the agreement; Mgr. Miller has also executed the agreement on behalf of the District.

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Motion (Snyder/Teiser) to ratify the Agreement for Employment as Wastewater Facilities Manager between Sanitary District No. 5 of Marin County and Antonio Rubio, and to adopt the updated position description. Passed, all present.

10. Consideration of Approval of Agreement for Employment as Confidential Administrative Assistant between Sanitary District No. 5 of Marin County and Lynn Henriksen, and Adoption of Updated Salary Step Range (Benediktsson) – Action (attached)

Pres. Benediktsson reviewed the Confidential Administrative Assistant position and salary step range increase, proposed to account for the considerable increase in duties assigned to this position, to be more in line with the industry standard, and to create parity with the salary step ranges of the other positions at the District.

Motion (Benediktsson/Snyder) to approve the Agreement for Employment as Confidential Administrative Assistant between Sanitary District No. 5 of Marin County and Lynn Henriksen, and to adopt an updated salary step range from Steps 10 through 17. Passed, all present.

11. Consideration of Appointment of Sec. Fedotoff as Chair of Main Plant Rehabilitation Oversight Committee (Benediktsson) – Action

Pres. Benediktsson appointed Sec. Fedotoff as Chair of the Main Plant Rehabilitation (MPR) Oversight Committee, to replace V.P. Teiser who has announced he will be resigning from the Board of Sanitary District No. 5 of Marin County, as his residency status will change in the near future. She asked V.P. Teiser to continue his excellent oversight regarding the MPR Project, in an unpaid advisory capacity, for the MPR Oversight Committee. V.P. Teiser agreed to do so.

UNFINISHED BUSINESS: None

COMMITTEE REPORTS

12. Capital Improvement Program Committee (Fedotoff/Lasky)
13. Governance Committee (Benediktsson/Snyder)
15. Finance & Fiscal Oversight Committee (Benediktsson/Teiser) – Minutes of the August 6 and 14, 2012, Meetings (attached)
16. Communication Committee (Lasky/Snyder)
17. Personnel Committee (Snyder/Lasky)
18. Ad Hoc Point Tiburon Committee (Benediktsson/Snyder)
19. Ad Hoc Labor Advisory Committee (Snyder/Lasky)

The Capital Improvement Program (CIP) Committee did not meet, but will be meeting next month.

The Governance Committee met on August 16, 2012. A brief verbal report was given.

Pres. Benediktsson reviewed the minutes of the August 6th and 14th Finance Committee meetings. She discussed the predicament the Finance Committee finds the District to be in because the San Francisco Yacht Club (SFYC) neither read nor provided the District with monthly private boat wash meter readings over a calendar year basis as they agreed to do. The specified meter readings are a requirement so that the District can accurately deduct the water usage of the boat wash, which goes into San Francisco Bay, rather than the sanitary sewer. The Board is uncomfortable that the SFYC has made their problem the District's problem. To solve the problem, the Committee recommends the SFYC install a meter provided to them by MMWD. V.P. Teiser directed Mgr. Miller to write a letter to the SFYC informing them of the Finance Committee's recommendation, endorsed by the Board this evening, to install a MMWD meter so the water usage for the boat wash will not be comingled with other water usage.

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

OTHER BUSINESS: None

ENVIRONMENTAL: None

CORRESPONDENCE

21. Letter to Sanitary District No. 5 from Point Tiburon Marsh Home Owners Association Dated August 9, 2012, Regarding Proposed Acceptance of Sewer Line by Sanitary District No. 5 (attached)

The Board reviewed the letter from Point Tiburon Marsh Home Owners Association dated August 9, 2012, regarding proposed acceptance of the sewer line by Sanitary District No. 5; Marsh HOA stated that they intend to follow the steps required of them by SD5.

22. Letter to Sanitary District No. 5 from Marin Association of Realtors Dated August 10, 2012, Regarding Continued Compliance with the Brown Act (attached)

The Board reaffirmed the District's commitment to continuing compliance with the Brown Act.

23. Letter to State Water Resources Control Board from Sanitary District No. 5 Dated August 13, 2012, Regarding Draft Policy for Toxicity Assessment and Control (attached)

The Board reviewed the comment letter from SD5 regarding the SWRCB Draft Policy for Toxicity Assessment and Control.

INFORMATIONAL ITEMS

24. SD5 Summer 2012 Newsletter: In the Flow (Henriksen) (attached)

Pres. Benediktsson commended Adm. Asst. Henriksen for producing an attractive, informative newsletter that was mailed out to members of the community served by Sanitary District No. 5 of Marin County.

ADJOURNMENT

The Board adjourned at 9:32 p.m. to a Regular Board Meeting on September 18, 2012, 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