

**Sanitary District No. 5 of Marin County  
Minutes of a Special Board Meeting  
at Sanitary District No. 5 of Marin County Meeting Room  
1120 Mar West Street, Suite E, Tiburon, California  
Friday, December 7, 2012, 4:00 p.m.**

**CALL TO ORDER** by Pres. Benediktsson at 4:02 p.m.

**ROLL CALL:**

Directors present:	Catharine Benediktsson, President Richard Snyder, Vice President Roy Fedotoff, Secretary Maureen Johnson Michael Lasky
Staff present:	Samantha Miller, District Manager Lynn Henriksen, Administrative Assistant
Others present:	Deirdre McCrohan, <i>The Ark Newspaper</i>

**PUBLIC OPEN TIME:** No public comments were made.

**NEW BUSINESS**

1. Consideration of Adopting Resolution No. 2012-12: A Resolution of the Board of Directors of Sanitary District No. 5 of Marin County Approving the Tentative Agreement Setting the Terms and Conditions of the Successor Memorandum of Understanding with the Employees of Sanitary District No. 5 of Marin County (Miller) – Action (attached)

Mgr. Miller reviewed the tentative agreement that was reached during the Memorandum of Understanding (MOU) negotiations with the Employees of Sanitary District No. 5 of Marin County. On November 29, 2012, the membership of the Employees of Sanitary District No. 5 of Marin County unanimously ratified the tentative agreement reached between their representatives and the District. The complete successor MOU will be on the agenda for consideration of adoption by the Board at the December 18, 2012, Board meeting.

Motion (Snyder/Benediktsson) to adopt Resolution No. 2012-12: A Resolution of the Board of Directors of Sanitary District No. 5 of Marin County Approving the Tentative Agreement Setting the Terms and Conditions of the Successor Memorandum of Understanding with the Employees of Sanitary District No. 5 of Marin County. Passed, all present.

2. CONSIDERATION OF AMENDMENT TO THE CONTRACT BETWEEN CALPERS AND SANITARY DISTRICT NO. 5 OF MARIN COUNTY (Miller) – Action (see attached Notes of Explanation):

Mgr. Miller reviewed the details of her staff report and analysis outlining the necessity and future benefit to the District for the Board of Directors to approve amending the contract between CalPERS and Sanitary District No. 5 in regards to retirement benefits for future employees.

Mgr. Miller publicly disclosed the future annual costs (savings, in this case) as determined by the CalPERS actuary for the change in retirement benefits. With the new “2% @ 60” retirement formula, the employer contribution rate will be 7.846% of reportable earnings for local miscellaneous members entering membership for the first time in the miscellaneous classification after the effective date of this amendment to the contract (as compared to 29.98% for the “2.7% @ 55” retirement formula for current employees). With the new “2% @ 60” retirement formula, the local miscellaneous member contribution rate will be 7% of the reportable earnings for those miscellaneous members entering membership for the first time in the miscellaneous classification after the effective date of this amendment to the contract (as compared to 8% for the “2.7% @ 55” retirement formula for current employees).

This new “2% @ 60” retirement benefit formula will only apply to individuals who are hired laterally from another public employer that contracts with CalPERS, or from another public employer with a retirement system that has “reciprocity” established with CalPERS as required by the California Public Employees’ Pension Reform Act of 2013 (PEPRA). Under PEPRA, employees who are “New Members” or “New Employees” employed on or after January 1, 2013, will receive the “2% at 62” retirement benefit formula.

- a. Consideration of Adopting Resolution No. 2012-13: Resolution of Intention to Approve an Amendment to the Contract Between the Board of Administration of the California Public Employees’ Retirement System and the Board of Directors of Sanitary District No. 5 of Marin County to Provide Section 20475 (Different Level of Benefits), Section 21353 (2% @ 60 Supplemental formula) and Section 20037 (Three-Year Final Compensation) Providing a Second Tier of Different Level of Benefits for New Miscellaneous Members

Motion (Snyder/Lasky) to adopt Resolution No. 2012-13: Resolution of Intention to Approve an Amendment to the Contract Between the Board of Administration of the California Public Employees’ Retirement System and the Board of Directors of Sanitary District No. 5 of Marin County to Provide Section 20475 (Different Level of Benefits), Section 21353 (2% @ 60 Supplemental formula) and Section 20037 (Three-Year Final Compensation) Providing a Second Tier of Different Level of Benefits for New Miscellaneous Members. Passed, all present.

- b. Consideration of Authorizing the Execution of Required CalPERS Certifications:
  - i. Certification of Governing Body's Action – PERS-CON-12
  - ii. Certification of Compliance with Government Code Section 7507 – PERS-CON-12A
  - iii. Certification of Compliance with Government Code Section 20475 – PERS-CON-30

Motion (Snyder/Lasky) to authorize the execution of the following required CalPERS Certifications: Certification of Governing Body's Action (PERS-CON-12), Certification of Compliance with Government Code Section 7507 (PERS- CON-12A), and Certification of Compliance with Government Code Section 20475 (PERS-CON-30). Passed, all present.

- 3. Consideration of Adopting Resolution No. 2012-14: A Resolution of the Board of Directors of Sanitary District No. 5 of Marin County Adopting Revised Personnel Policies and Procedures (Miller) – Action (attached)

Mgr. Miller explained that the only changes to the "Revised" Personnel Policies and Procedures are that Articles 19 and 20 were added regarding the District's right to install GPS Devices on District vehicles and to implement a biometric time clock, otherwise the document is identical to Resolution No. 2012-09, adopted September 18, 2012. Articles 19 and 20 were agreed to during MOU negotiations with the Employees.

Motion (Snyder/Lasky) to adopt Resolution No. 2012-14: A Resolution of the Board of Directors of Sanitary District No. 5 of Marin County Adopting Revised Personnel Policies and Procedures. Passed, all present.

## **ADJOURNMENT**

The Board adjourned at 4:21 p.m. to a Regular Board Meeting on December 18, 2012, at 7:00 p.m. at the Tiburon Fire Protection District Meeting Room at 1679 Tiburon Blvd., Tiburon, California.

Approved:

Attest:

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Catharine Benediktsson  
President, Board of Directors

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Roy Fedotoff  
Secretary, Board of Directors