

Richard Snyder, President
Catharine Benediktsson, Vice President
John Carapiet, Secretary

Michael Lasky, Director
Tod Moody, Director

**Minutes of a Regular Board Meeting
at Sanitary District No. 5 of Marin County Meeting Room
2001 Paradise Drive, Tiburon, CA 94920
Thursday, March 17, 2016**

5:00 P.M. REGULAR BOARD MEETING

CALL TO ORDER by President Snyder at 5:07 P.M.

ROLL CALL

Directors present: Richard Snyder, President
Catharine Benediktsson, Vice President (5:15 p.m.)
John Carapiet, Secretary
Michael Lasky, Director
Tod Moody, Director

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

Consultants present: Benjamin Stock, District Counsel

Others present: Rick & Wendy Barbaria, SD5 customer
Raymond & Sandra L'Heureux, SD5 customers
P.A. Kaiser, SD5 customer
Leonard A. Rifkind, Esq. (5:47 p.m.)

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.

Please see Agenda Item #6 for Public Comments.

DIRECTORS' COMMENTS AND/OR AGENDA REQUESTS:

- Secretary Carapiet reported he had sat in on a Richardson Bay Board Meeting – it was good to see how other Sanitary Districts run their meetings
- Secretary Carapiet applauded the tour, led by District Manager Rubio, of the SD5 Collection System. It was very informative and he was pleased with the status updates with each of the Pump Stations they inspected

CONSENT CALENDAR:

1. Approval of February 18, 2016, Regular Board Meeting Minutes (Dohrmann)
2. Approval of all Electronic Fund Transfers (EFT) and Warrants for February 13th through March 10th, 2016; Check No. 8302 through Check No. 8352, in the amount of \$313,567.48 (Dohrmann)
3. Receipt of Financial Reports for February, 2016 (Dohrmann)

Discussion by the Board. Motion (Carapiet/Lasky) to approve Consent Calendar Items No. 1 through No. 3. Passed (4-0-0-1).

MANAGEMENT REPORTS:

4. District Management Summary Report (Rubio)

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

NEW BUSINESS:

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

6. Review Correspondence from Property Owners Serviced by Tiburon Pump Station #4, and Discuss Ownership of the Tributary Collection System Connected to Tiburon Pump Station #4 (Rubio)

Pres. Snyder opened the matter for public comment.

On behalf of other SD5 customers living near Tiburon Pump Station #4 (also present), Tiburon resident, Rick Barbaria, opined that Sanitary District No. 5 of Marin County is responsible for the maintenance of the tributary collection system, as well as some sections of the shared private laterals, connected to Tiburon Pump Station #4.

Mr. Barbaria presented a letter, sent previously to Sanitary District No. 5 of Marin County, dated March 4th, 2016, with a recently discovered copy of an SD5 Resolution (reso. number was illegible) from a Special Board Meeting held on September 22nd in 1955. Said resolution was found by Tiburon resident, Mr. Jerry Bloom (2090 Paradise Drive), in his late mother's records.

Discussion by the Board. For the benefit of Mr. Barbaria and others present, District General Counsel suggested the group of residents stay, if the Board moved to Item No. 5, for possible additional Public Comments contingent upon information presented, as it also related to Tiburon Pump Station #4.

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

5. Review Correspondence from Property Owner of 2088 Paradise Drive, Adjacent to Tiburon Pump Station #4, and Discuss Property Development/Pump Station Improvements (Rubio)

Leonard Rifkind, Esq., appeared to inquire of any movement or decisions made regarding the five proposed plans presented in the letter sent to SD5, dated February 8, 2016, on behalf of the Owners of 2088 Paradise Drive.

Options for Board direction were provided by District General Counsel, while also responding to questions from the residents in attendance, guiding Board discourse to uphold the Brown Act laws.

The Board of Directors thanked Mr. Rifkind for his inquiry, and all whom came and provided input on the subject of Tiburon Pump Station #4.

7. Consideration of Establishing an Ad Hoc Committee regarding Tiburon Pump Station #4, to address – Action (Rubio):

- a) Real Property Negotiations/Pump Station Improvements
- b) Procedures for formal dedication of Tributary Collection System

Discussion by the Board. Motion (Benediktsson/Lasky) to establish an Ad Hoc Committee regarding Tiburon Pump Station #4. Passed unanimously. President Snyder appointed John Carapiet and Catharine Benediktsson to lead both areas of discussion/deliberation (a & b), with Tod Moody as the Alternate ad hoc committee member, to assist District General Counsel in addressing current issues pertaining to Tiburon Pump Station #4.

8. Review and Consideration of Strategy Change Options and Procedures for SD5 CalPERS California Employers' Retiree Benefit Trust (CERBT) Investments (Moody)

Discussion by the Board. Direction provided to staff and motion (Moody/Benediktsson) to change SD5 strategy to Option No. 2, regarding CalPERS CERBT Investments for Sanitary District No. 5 of Marin County. Passed unanimously (5-0-0-0).

UNFINISHED BUSINESS: None.

COMMITTEE REPORTS:

9. Capital Improvement Program Committee (Carapiet/Moody) – Action Item Log provided

10. Governance Committee (Benediktsson/Snyder)

11. Finance & Fiscal Oversight Committee (Moody/Carapiet) – Action Item Log provided

12. Personnel Committee (Benediktsson/Lasky) – Discussion Regarding Timeline for Negotiation of Memorandum of Understanding

13. Paradise Cove WWTP Reclaimed Water Ad Hoc Committee (Moody/Carapiet)

OTHER BUSINESS: None.

ENVIRONMENTAL: None.

CORRESPONDENCE:

14. California Special Districts Association (CSDA) Call for Nominations – Board of Directors, Seat B

Discussion by the Board. Direction provided to staff and nomination tabled until Regular Board Meeting in April.

INFORMATIONAL ITEMS:

15. Marin IJ Article: “Ross Valley Sanitary District Scores Court Win, Sets Precedent,” published February 20, 2016

16. Marin County 2015-2016 Civil Grand Jury Report: “Web Transparency Report Card”

CLOSED SESSION

CALL TO ORDER by President Snyder at 6:27 P.M.

ROLL CALL

Directors present: Richard Snyder, President
Catharine Benediktsson, Vice President (5:15 p.m.)
John Carapiet, Secretary
Michael Lasky, Director
Tod Moody, Director

Staff present: Tony Rubio, District Manager

Consultants present: Benjamin Stock, District Counsel

17. 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 Real Property Negotiators
 - i. Government Code Section 54956.8
 - 1. Property: (APN 059-181-07)
 - 2. District Negotiator: Tony Rubio, District Manager
 - 3. Negotiating Parties: Sanitary District No. 5, Yujie Ma, Jay Behmke and Kathleen Clancy
 - 4. Under Negotiation: Price and Terms

- b. Conference with Legal Counsel – Anticipated Litigation
 - i. Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: One Potential Case

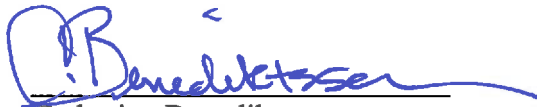
Direction given, no action taken.

18. Report out of Closed Session at 6:50 P.M.

ADJOURNMENT

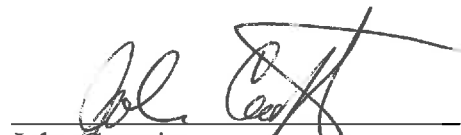
The Board adjourned at 6:50 p.m. to a Regular Board Meeting on April 21st, 2016, at 5:00 p.m. at the Main Plant of Sanitary District No. 5 of Marin County, located at 2001 Paradise Drive, Tiburon, California.

Approved:



Catharine Benediktsson
Vice President, Board of Directors

Attest:



John Carapiet
Secretary, Board of Directors