

**Minutes of a Regular Board Meeting
at Sanitary District No. 5 of Marin County Meeting Room
2001 Paradise Drive, Tiburon, CA 94920
Thursday, April 21, 2016**

5:00 P.M. REGULAR BOARD MEETING

CALL TO ORDER by Vice President Benediktsson at 5:06 P.M.

ROLL CALL

Directors present: Catharine Benediktsson, Vice President
John Carapiet, Secretary (5:24 p.m.)
Michael Lasky, Director
Tod Moody, Director

Directors absent: Richard Snyder, President

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

Consultants present: Benjamin Stock, District Counsel

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 were made at this time.

DIRECTORS' COMMENTS AND/OR AGENDA REQUESTS:

- Vice President Benediktsson asked DM Rubio to check the spot repairs in Belvedere (mentioned in his monthly DM Report) against the 2006 Harris Report, to confirm if these locations were recognized as needing repair or ever mentioned as problem areas.

CONSENT CALENDAR:

1. Approval of March 17, 2016, Regular Board Meeting Minutes (Dohrmann)
2. Approval of all Electronic Fund Transfers (EFT) and Warrants for March 11th through April 14th, 2016; Bank of America Check No. 8353 through Check No. 8356, and JP Morgan Chase Bank Check No. 5000 through Check No. 5053, all totaling in the amount of \$147,443.77 (Dohrmann)
3. Receipt of Financial Reports for March, 2016 (Dohrmann)
4. Senate Bill 885 Opposition Letter (Rubio)

Discussion by the Board. Motion (Lasky/Moody) to approve Item No. 1 through No. 3 on the Consent Calendar, contingent upon correction of the adjournment date listed on the March 17, 2016 Minutes and correction to the Chase account title at the March Cash Flow Chart. Passed (3-0-0-2). Subsequent discussion by the Board on Item No. 4, as requested by Dir. Moody. Motion (Moody/Lasky) to approve Item No. 4 on the Consent Calendar. Passed (3-0-0-2).

MANAGEMENT REPORTS:

5. 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:

6. Response to County of Marin Civil Grand Jury Report 2015-16 Web Transparency Report Card: Bringing Marin County's Local Governments to Light (Dohrmann/Rubio)

Discussion by the Board. Motion (Lasky/Carapiet) to approve DM Rubio's response letter to the County of Marin Civil Grand Jury pertaining to the report *2015-16 Web Transparency Report Card: Bringing Marin County's Local Governments to Light*. Passed (4-0-0-1).

7. Review Protocol for Committee Recommendations for Board Consensus, and Board Communication to Staff (Benediktsson)

Vice President Benediktsson reminded Board Members of the protocol for communication between Committees and the Board, as well as Board Directors with Staff members. Discussion by the Board. Direction given, no action taken.

8. Consideration of the Fiscal Year 2016-2017 Proposed Budget in Preparation for Public Notice (Dohrmann) – Action

Discussion by the Board. Motion (Lasky/Carapiet) to approve the new budget line item, "PERS Retirement Gains/Loss Trust" for 4.5% (\$40,195) of the budgeted gross salaries (\$893,191) for FY2016-2017 Budget. Passed (4-0-0-1). Subsequent discussion by the Board on Item No. 8. Motion (Lasky/Moody) to approve the Fiscal Year 2016-2017 Proposed Budget, upon removal of UAL verbiage at the Operations Assumptions page and appropriate revisions made to "Estimated to Close" figures, in preparation for Public Notice. Passed (4-0-0-1).

UNFINISHED BUSINESS:

9. Review and Nomination of California Special Districts Association (CSDA) Bay Area Network, Seat B (Dohrmann) – Action

Discussion by the Board. Direction provided to Staff.

COMMITTEE REPORTS:

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

11. Governance Committee (Benediktsson/Snyder) – See Item No. 7

12. Finance & Fiscal Oversight Committee (Moody/Carapiet) – Action Item Log provided
13. Personnel Committee (Benediktsson/Lasky) – None
14. Paradise Cove WWTP Reclaimed Water Ad Hoc Committee (Moody/Carapiet) – None
15. Tiburon Pump Station #4 Ad Hoc Committee (Carapiet/Benediktsson) – None

OTHER BUSINESS: None

ENVIRONMENTAL: None

CORRESPONDENCE: None

INFORMATIONAL ITEMS: None

CLOSED SESSION (5:47 P.M.)

16. 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 paragraph (2) of subdivision (d) of Section 54956.9: One Potential Case
- b. Conference with Legal Counsel – Existing Litigation
 - i. Paragraph (1) of subdivision (d) of Section 54956.9: Name of Case: Tiburon 21 Marinero LLC vs. Sanitary District No. 5 of Marin County, Marin County Superior Court Case No. CIV 1601046

Direction provided, no action taken.

17. Report out of Closed Session at 6:04 P.M.

ADJOURNMENT

The Board adjourned at 6:07 p.m. to a Regular Board Meeting on May 19th, 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:



Richard Snyder
President, Board of Directors

Attest:



John Carapiet
Secretary, Board of Directors