

**Minutes of a Regular Board Meeting
Sanitary District No. 5 of Marin County
Thursday, February 18, 2021**

5:00 P.M. REGULAR BOARD MEETING

CORONA VIRUS (COVID-19) ADVISORY NOTICE

Consistent with Executive Orders No. N-25-20 and No. N-29-20 from the Executive Department of the State of California, the Meeting will not be physically open to the public and all Board Members and Staff will be teleconferencing into the meeting.

How to Submit Public Comments:

Comments submitted prior to the commencement of the meeting will be presented to the Board and included in the public record for the meeting.

Public Comments are to be submitted via email to rdohrmann@sani5.org.

In addition, members of the public who are calling in, will have the opportunity to provide public comments by following the steps below:

How to Participate in the Meeting:

Join Zoom Meeting by clicking on the following link:

<https://us02web.zoom.us/j/6230620778>

Meeting ID: 623 062 0778

or join by phone:

Call in number: (669) 900-9128 Participant Code: 623 062 0778

CALL TO ORDER by President Richard Snyder at 5:00 P.M.

ROLL CALL

Directors present: Richard Snyder, President
John Carapiet, Vice President
Omar Arias-Montez, Secretary
Catharine Benediktsson, Director (5:08p.m.)
Tod Moody, Director

Staff present: Tony Rubio, District Manager
Robin Dohrmann, Office Manager

Others in attendance: Benjamin Stock, Burke, Williams, & Sorensen, LLC
Mark Wilson, Nute Engineering, Inc.
Steve "O" – TBD

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.

There were no public comments at this time.

DIRECTORS' COMMENTS AND/OR AGENDA REQUESTS:

- Director Moody requested Finance Committee review & discuss SD5's CalPERS' Ca. Employers' Retiree Benefit Trust (CERBT) (retiree health benefits) strategy
- Director Benediktsson requested SD5 Standard Operating Procedures (SOP) be reviewed and updated re protocol for SD5-hired General Contractors working for multiple employers at once
- Director Moody inquired into video recording SD5 Board Meetings (via Zoom options) in lieu of creating written minutes, requiring signatures
- Secretary Arias-Montez inquired into possible changes re SD5's upcoming submission to Ca. State Water Resources Control Board (SWRCB) reporting

CONSENT CALENDAR:

1. Approval of January 25, 2021 Regular Board Meeting Minutes (Dohrmann)
2. Review and Receive all Electronic Fund Transfers (EFT) and Approve Warrants for January 8 through February 9, 2021; JP Morgan Chase Bank Check No. 8018 through Check No. 8079, all transactions totaling in the amount of \$376,987.70; and Receive January 2021 Payroll, in the amount of \$120,615.99 (Dohrmann)
3. Receipt of Financial Reports for January 2020 (Dohrmann)

Discussion by the Board. Motion (Moody/Carapiet) to approve Items No. 1 through No. 3 on the Consent Calendar. Passed unanimously.

President Snyder moved to New Business, Item #6 (5:03 p.m.), for consideration, as described on the agenda to this time.

NEW BUSINESS:

6. Review and discuss the status of Cove Rd. Force Main Project, and approve change order No. 10 re additional excavation and placement of 12" reinforced cement pipe (RCP), in the amount of \$12,500 (twelve thousand, five hundred dollars only), change order No. 11 re multiple miscellaneous items in the amount of \$38,813.00 (thirty-eight thousand, eight hundred thirteen dollars only), and progress payment No. 9., in the amount of \$331,315.20 (three hundred thirty thousand, three hundred fifteen dollars and twenty cents - Action (Rubio)

District Manager, Tony Rubio, and Mark Wilson of Nute Engineering, provided verbal reports on the progress of the project, reviewing change orders No. 10 and No. 11, and responding to questions from the Board.

Discussion by the Board. Motion (Arias-Montez/Moody) to approve Cove Rd. Force Main Project, and approve change order No. 10 re additional excavation and placement of 12" reinforced cement pipe (RCP), in the amount of \$12,500 (twelve thousand, five hundred dollars only), change order No. 11 re multiple miscellaneous items in the amount of \$38,813.00 (thirty-eight thousand, eight hundred thirteen dollars only), and progress payment No. 9., in the amount of \$331,315.20 (three hundred thirty thousand, three hundred fifteen dollars and twenty cents. Passed (4-0-1-0).

COVE ROAD FORCE MAIN REPLACEMENT PROJECT*

Total original contract price:	<u>\$1,971,971.00</u>
Change orders (thru C.O. #11):	<u>\$ 377,280.17</u>
Over/under budget to date:	<u>19.13%</u>

* Construction is to continue thru February 2021

President Snyder returned to Management Reports, Item #4 (5:20 p.m.), for consideration, as described on the agenda to this time.

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:

5. Review & discuss “Town of Tiburon Mutual Cooperation Agreement between the Town of Tiburon and Marin Sanitary District No. 5” of 2014 (“Agreement”), and possible renegotiation of that Agreement with regard (a) to the District’s employee recruitment efforts, (b) the lack of a specified term for the Agreement and failure to state a “termination date,” as referenced in Paragraph 2.a. of the Agreement, and (c) the priority afforded Sanitary District No. 5 of Marin County for housing under the Agreement – Action (Rubio)

D.A. Stock recused himself from this actionable item. Discussion by the Board. Direction given. Motion (Benediktsson/Carapiet) to renegotiate the Town of Tiburon Mutual Cooperation Agreement between the Town of Tiburon and Marin Sanitary District No. 5 with regard (a) to the District’s employee recruitment efforts, (b) the lack of a specified term for the Agreement and failure to state a “termination date,” as referenced in Paragraph 2.a. of the Agreement, and (c) the priority afforded Sanitary District No. 5 of Marin County for housing under the Agreement. Passed unanimously.

7. Discussion of having a 3rd party audit of our current IT (information technology) security re article, “The Risks of DDoS Attacks for the public sector” – Action (Rubio)

Discussion by the Board. Direction given. Motion to (Benediktsson/Arias-Montez) have Capital Improvement Project (CIP) Committee review proposals for 3rd party audit of SD5 current IT security system for a second opinion. Passed unanimously.

8. Review, discuss and nominate a California Special District Association (CSDA) Board Director for Seat A – Action (Rubio)

Discussion by the Board. Motion (Arias-Montez/Benediktsson) to table Item #8 to the March 18th, regular Board Meeting. Passed unanimously.

UNFINISHED BUSINESS: None

COMMITTEE REPORTS:

9. Capital Improvement Program Committee (Moody/Arias-Montez) – brief verbal report + action item log provided
10. Finance & Fiscal Oversight Committee (Benediktsson/Arias-Montez) – brief verbal report
11. Governance Committee (Moody/Carapiet) – none
12. Personnel Committee (Benediktsson/Snyder) – brief verbal report

OTHER BUSINESS: None

ENVIRONMENTAL:

13. “Bay Area Sewage Systems at Risk as Seas Rise,” published on February 2, 2021, by Stephen Stock, Robert Campos, Mark Villarreal, Michael Horn and Sean Myers; (<https://www.nbcbayarea.com/news/local/climate-in-crisis/bay-area-sewage-systems-at-risk-as-seas-rise/2456669/>)

CORRESPONDENCE: None

INFORMATIONAL ITEMS:

14. The audited GASB 75 Schedule of Changes in Fiduciary Net Position by Employer for Fiscal Year Ending (FYE) June 30, 2020. The audited GASB 75 Schedule of Changes in Fiduciary Net Position (FNP) by Employer Report supports our organization’s compliance with Governmental Accounting Standards Board (GASB) Statement No. 75, as it provides audited assets to be used in the calculation of Net Other Postemployment Benefits (OPEB) Liability

CONVENE TO CLOSED SESSION

15. 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
Initiation of litigation pursuant to Government Code section 54956.9(d)(4): (1 potential case)

16. Report out of Closed Session (6:07 p.m.)

No action taken, direction given.

ADJOURNMENT


The Board adjourned at 6:15 p.m. to a Regular Board Meeting on March 18th 2021, at 5:00 p.m.

Approved:

Attest:



Richard Snyder
President, Board of Directors



Omar Arias-Montez
Secretary, Board of Directors