

**Sanitary District No. 5 of Marin County  
Minutes of a Special & Regular Board Meeting  
at Sanitary District No. 5 of Marin County Meeting Room  
2001 Paradise Drive, Tiburon, CA 94920  
Tuesday, August 19, 2014**

**5:00 P.M. SPECIAL BOARD MEETING – CLOSED SESSION**

**CALL TO ORDER** by President Benediktsson at 5:00 P.M.

**ROLL CALL**

Directors present: Catharine Benediktsson, President  
Michael Lasky, Vice President  
John Carapiet, Secretary  
Tod Moody, Director  
Richard Snyder, Director

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

Consultants present: Benjamin Stock, Burke, Williams, Sorensen, LLP  
Matthew Visick, Burke, Williams, Sorensen, LLP

1. 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. Initiation of litigation pursuant to Government Code Section 54956.9(d)(4)
      1. 5 potential cases

Direction given. No action taken.

**ADJOURNMENT**

The Board adjourned the Special Board Meeting Closed Session at 5:55p.m., to a Regular Board Meeting Open Sessions at 6:15 p.m., on August 19<sup>th</sup>, 2014, at the Main Plant of Sanitary District No. 5 of Marin County, located at 2001 Paradise Drive, Tiburon, California.

**6:15 P.M. REGULAR BOARD MEETING – OPEN SESSION**

**CALL TO ORDER** by President Benediktsson at 5:00P.M.

<b>ROLL CALL</b>	Directors present:	Catharine Benediktsson, President Michael Lasky, Vice President John Carapiet, Secretary Tod Moody, Director Richard Snyder, Director
	Staff present:	Tony Rubio, Interim District Manager Robin Dohrmann, Administrative/Finance Specialist
	Consultants present:	Benjamin Stock, Burke, Williams, Sorensen, LLP Kathryn Harris, Perotti & Carrade, CPAs John Farnkopf, HF & H Consultants, LLC Sima Mustafaei, HF&H Consultants, LLC
	Others Present:	Fani Hansen, Representative for 2088 Paradise Dr. Leonard Rifkind, Rifkind Law Group

**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.

Atty. Len Rifkind introduced himself and summarized the proposal he was providing on behalf of 2088 and 2078 Paradise Drive, via his correspondence to Sanitary District No. 5, in his letter dated 8.1.14, requesting the Board's consideration and response within a timely manner.

**DIRECTORS' COMMENTS AND/OR AGENDA REQUESTS**

No Director's comments or agenda requests were made at this time.

**CONSENT CALENDAR**

2. Approval of July 17, 2014, Special & Regular Board Meeting Minutes (Dohrmann)
3. Approval of August 13, 2014, Special Board Meeting Minutes (Dohrmann)
4. Approval of all Warrants for July 9 through August 11, 2014, Check No. 7208 through No. 7277, in the sum of \$750,000.87 (Dohrmann)
5. Receipt of Financial Reports for July, 2014 (Dohrmann)
6. Receipt & Approval of PG&E Contract for Tiburon Pump Station #5 Panel Relocation (Rubio)

Discussion by the Board. Motion (Snyder/Carapiet) to approve Consent Calendar Items No. 2 through No. 4. Passed unanimously. Motion (Snyder/Lasky) to accept Item No. 5, with the allowance of the 6-year report provided by Perotti & Carrade, be recognized as an “interim draft.” Passed unanimously. Motion (Lasky/Snyder) to approve Consent Calendar Item No. 6. Passed unanimously.

## **DISTRICT COUNSEL REPORT**

### **7. District Counsel Report**

No report provided.

## **MANAGEMENT REPORTS**

### **8. District Management Summary Report (Rubio)**

Interim 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**

### **9. Approval of Agreement with Burke, Williams & Sorensen, LLP, for General Counsel Services (Benediktsson) – Action**

Atty. Benjamin Stock, of Burke, Williams, Sorensen, LLP, introduced himself and provided a brief history of his firm and personal career, accepting questions from the Board, as they arose. Discussion by the Board. Motion (Snyder/Lasky) to accept and approve the Retainer Agreement for Legal Services with Burke, Williams, Sorensen, LLP, as District Counsel.

### **10. Approval of SD5 Response to FY2013-2014 Marin County Civil Grand Jury Reports: What’s The Scoop on Marin County Sewer Systems, Parts I & II – June 16, 2014 (Rubio) – Action**

Discussion by the Board. Motion (Snyder/Lasky) to approve Sanitary District No. 5 of Marin County’s response to the FY2013-2014 Marin County Civil Grand Jury Reports: What’s The Scoop on Marin County Sewer Systems? Parts I & II – June 16, 2014. Passed unanimously.

### **11. Presentation of HF&H Report: Marin County Sanitary District No. 5 Connection Fee Update (Farnkopf)**

John Farnkopf & Sima Mustafaei, of HF&H Consulting, LLC, introduced themselves. Mr. Farnkopf provided a brief history of his firm and the history of the working relationship between HF&H and SD5. A written and verbal report was provided pertaining to the potential SD5 Connection Fee Schedule(s), responding to questions from the Board. Discussion by the Board. Direction given. No action taken.

**UNFINISHED BUSINESS:** None

**COMMITTEE REPORTS**

- 12. Capital Improvement Program Committee (Lasky/Moody) – Action Item Log provided
- 13. Governance Committee (Snyder/Benediktsson)
- 14. Finance & Fiscal Oversight Committee (Benediktsson/Carapiet) – Action Item Log provided
- 15. Personnel Committee (Snyder/Carapiet)
- 16. Ad Hoc Pt. Tiburon Committee (Benediktsson/Carapiet)
- 17. Ad Hoc Tiburon Pump Station #4 Committee (Benediktsson/Carapiet)

**OTHER BUSINESS:** None

**ENVIRONMENTAL:** None

**CORRESPONDENCE:** None

**INFORMATIONAL ITEMS:**

- 18. SD5 Response to CalPERS Audit Findings

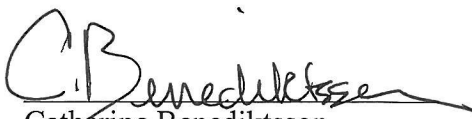
Discussion by the Board.

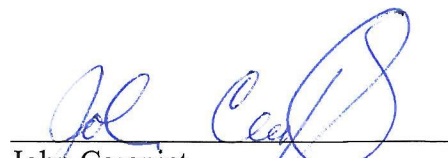
**ADJOURNMENT**

The Board adjourned at 7:42 p.m., to a Regular Board Meeting on September 16, 2014, 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:

Attest:

  
Catharine Benediktsson  
President, Board of Directors

  
John Carapiet  
Secretary, Board of Directors