

Catharine Benediktsson, President  
Michael Lasky, Vice President  
Roy Fedotoff, Secretary

John Carapiet, Director  
Richard Snyder, Director

**Sanitary District No. 5 of Marin County  
Minutes of a Special & Regular Board Meeting  
at Tiburon Fire Protection District Meeting Room  
1679 Tiburon Blvd., Tiburon, California  
Tuesday, February 18, 2013**

**Special Board Meeting**

**CALL TO ORDER** by Vice Pres. Lasky at 5:00 P.M.

**ROLL CALL:**

|                      |  |
|----------------------|--|
| Directors present:   | Catharine Benediktsson, President (arrived 5:19 p.m.)<br>Michael Lasky, Vice President<br>John Carapiet, Director<br>Richard Snyder, Director                                    |
| Directors absent:    | Roy Fedotoff, Secretary  |
| Staff present:       | Samantha Miller, District Manager (absent 5:46 p.m. – 6:38 p.m.)<br>Robert A. Simmons, Temp. Engineering Mgr (arrived 6:38 p.m.)<br>Robin Dohrmann, Administrative/Finance Asst. |
| Consultants present: | David Kahn, Renne, Sloan, Holtzman, Sakai, LLP<br>Karol Denniston, Schiff Hardin, LLP (left 5:46 p.m.)<br>Mark Wilson, Nute Engineering (arrived 6:38 p.m.)                      |
| Others present:      | Fani Hansen, AIA for 2088 Paradise Drive (left 5:02 p.m.)  |

Fani Hansen, AIA, of Danadjieva Hansen Architects, provided a bound report pertaining to the property at 2088 Paradise Drive, Tiburon, for the Board's information and consideration prior to any possible decision made during the Closed Session.

**CLOSED SESSION** at 5:02 p.m.

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 subdivision (c) of Section 54956.9: 1 potential case (Start 5:02 p.m.; end 5:46 p.m.)

Board direction given; no reportable action taken during Closed Session.

- ii. Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: 1 potential case (Start 5:46 p.m.; end 6:38 p.m.)

Board direction given; no reportable action taken during Closed Session.

- iii. Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: 1 potential case (Start 6:38 p.m.; end 6:50 p.m.)

Board direction given; no reportable action taken during Closed Session.

## **ADJOURNMENT**

The Board adjourned the Special Board Meeting Closed Session at 6:50 p.m. to a Regular Board Meeting Open Session at 7:00 p.m. on February 18, 2014, at the Tiburon Fire Protection District Meeting Room at 1679 Tiburon Blvd., Tiburon, California.

## **Regular Board Meeting**

**CALL TO ORDER** by Pres. Benediktsson at 7:00 P.M.

|                   |                      |  |
|-------------------|----------------------|--|
| <b>ROLL CALL:</b> | Directors present:   | Catharine Benediktsson, President<br>Michael Lasky, Vice President<br>John Carapiet, Director<br>Richard Snyder, Director              |
|                   | Directors absent:    | Roy Fedotoff, Secretary  |
|                   | Staff present:       | Samantha Miller, District Manager<br>Robert A. Simmons, Temp. Engineering Manager<br>Robin Dohrmann, Administrative/Finance Specialist |
|                   | Consultants present: | David Kahn, Renne, Sloan, Holtzman, Sakai, LLP<br>Rhoma Young, Rhoma Young & Associates  |
|                   | Others Present:      | Deirdre McCrohan, the <i>Ark Newspaper</i><br>Fani Hansen, AIA for 2088 Paradise Drive, Tiburon  |

## **PUBLIC COMMENTS:**

Fani Hansen asked if any decisions were made during Closed Session pertaining to 2088 Paradise Drive, Tiburon. District Counsel, David Kahn, responded that the Board gave him direction and he would be in touch with her to discuss.

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

Pres. Benediktsson inquired about the status of the professional services agreement for HF&H. District Counsel, David Kahn replied that it needed to be drafted.

## **CONSENT CALENDAR**

1. Approval of January 21, 2014, Special & Regular Board Meeting Minutes (Dohrmann)
2. Approval of February 4, 2014, Special Board Meeting Minutes (Dohrmann)
3. Approval of all Warrants for January 22, 2014, through February 18, 2014, Check #6791 through check #6857, in the amount of \$530,606.27 (Dohrmann)
4. Receipt of Financial Reports for January, 2014 (Dohrmann)
5. Acceptance of Project and Approval of Auburn Application for Payment #20, in the amount of \$301,208.69, including Release of 50% Retention (\$238,783.76), for the Main Plant Rehabilitation Project (Miller)
6. Appointment of Committee Members (Benediktsson)

Motion (Snyder/Carapiet) to approve Consent Calendar Items 1 through 6, with the exception of Carollo Engineers' check #6851, in the amount of \$51,608.99; their distribution is to be held until further notice. Passed, (4-0-1-0).

## **DISTRICT COUNSEL REPORT**

District Counsel David Kahn presented a report on the status of pending legal issues and responded to questions from the Board.

Pres. Benediktsson moved Item No. 11, as described on the agenda, to this time.

## **NEW BUSINESS**

11. Consideration and Approval of Professional Services Agreement with Rhoma Young & Associates, as a Human Resources Consultant (Benediktsson) - Action

Rhoma Young introduced herself, providing a verbal curriculum vitae. Discussion by the Board. Motion (Snyder/Lasky) to authorize Directors Snyder and Carapiet to work with District Counsel, David Kahn, to draft a satisfactory Professional Services Agreement for Rhoma Young & Associates, in time for the next Special Board Meeting on Monday, February 24, 2014, and for Directors Snyder and Carapiet to prepare a task list for Ms. Young. Passed (4-0-1-0).

Pres. Benediktsson moved Management Reports, as described on the agenda, to this time.

## **MANAGEMENT REPORTS**

7. Main Plant Rehabilitation Project Progress Report (Carollo/Rubio)

Doug Wing, of Carollo Engineers, and Mgr. Rubio, were absent. Discussion by the Board. Item No. 7 was continued to the March 18, 2014, Regular Board Meeting.

8. District Management Summary Report and Operations/Maintenance Report (Miller/Rubio)

Mgr. Miller provided a verbal and written report on the status of current operational activities, responding to questions from the Board. Discussion by the Board. Direction given to District Counsel, David Kahn, to contact Russell Shaw regarding the Shaw Line 2 Reimbursement Agreement.

**NEW BUSINESS**

9. Review of New State Water Resources Control Board Requirements for Sanitary Sewer Overflow Reporting (Rubio)

Due to Mgr. Rubio's absence, Item No. 9 was deferred until March 18, 2014, Regular Board Meeting.

10. Consideration of Authorizing and Approval of Contract Finalization for SASM Agreement (Kahn/Simmons) - Action

Discussion by the Board. Motion (Snyder/Carapiet) to authorize and approve execution of the SASM-SD5 Agreement, subject to the revision of inclusive language pertaining to SD5's perpetual rights, , and the disclosure of current approximation of costs for de-chlorination used for SASM during Main Plant Rehabilitation project. Passed (4-0-1-0).

12. Consideration of Adoption of Resolution No. 2014-01: Updating District Officers Authorized to Order the Deposit or Withdrawal of Monies in the Local Agency Investment Fund (Miller) – Action

Discussion by the Board. Motion (Snyder/Lasky) to adopt Resolution No. 2014-01: updating District Officers authorized to order the deposit or withdrawal of monies in the Local Agency Investment Fund. Passed (4-0-1-0).

13. Consideration to Waive Bid Irregularity, Reject Protest from W.R. Forde Associates and Award Construction Contract to Low Bidder, D'Arcy & Harty of San Francisco, for the 2013/14 Sewer Rehabilitation Project, at a Cost Not to Exceed of \$481,334.00 (Simmons) – Action

Discussion by the Board. Motion (Snyder/Lasky) to reject protest from W.R. Forde Associates and award construction contract to low bidder, D'Arcy & Harty of San Francisco, for the 2013/14 Sewer Rehabilitation Project, at a cost not to exceed of \$481,334.00; and to put the City of Belvedere on notice that they need to share the costs for fixing the combined sanitary sewer and storm drain manhole in Belvedere. Passed (4-0-1-0).

14. Consideration and Approval of Proposal for Bid Assistance and Construction Related Services, at a Cost Not to Exceed \$19,900, with Nute Engineering for the 2013/14 Sewer Rehabilitation Project, and Authorization for District Manager to Execute Professional Services Agreement (Simmons) – Action

Discussion by the Board. Direction given for Mgr. Rubio to send letters to affected homeowners prior to the start of the project. Motion (Snyder/Lasky) to approve proposal for bid assistance and construction related services, at a cost not to exceed \$19,900, with Nute Engineering for the 2013/14 Sewer Rehabilitation Project, and authorization for District Manager to execute Professional Services Agreement. Passed (4-0-1-0).

15. Consideration of Approving Professional Services Agreement with West Yost Associates for Preparation of Collection System Assessment Report and the Development of a Rehabilitation and Replacement Program Using Data for the Tiburon Peninsula and City of Belvedere Collection System Zones Using Data Collected and Compiled by Harris Associates in 2005 and 2006, at a Cost Not to Exceed \$48,352.00 (Simmons) - Action

Discussion by the Board. Motion (Snyder/Carapiet) to defer Item No. 15 to next fiscal year, and to revisit the consideration of this item at the Board Budget Workshop for next fiscal year's budget. Passed, 3-1-1-0 (Ayes: Lasky, Carapiet, Snyder; Noes: Benediktsson; Absent: Fedotoff, Abstain: None).

16. Consideration of Postponing Wet Weather Flow Monitoring I&I Study to Next Fiscal Year (Simmons) – Action

Discussion by the Board. Motion (Lasky/Snyder) to postpone Wet Weather Flow Monitoring I&I Study to next fiscal year. Passed (4-0-1-0).

17. Consideration of Adopting Updated Supplemental Financial Management Policies and Procedures Regarding Zone Allocation Percentages and Depreciation Allocation (Miller) – Action

Discussion by the Board. Motion (Lasky/Carapiet) to adopt updated Supplemental Financial Management Policies and Procedures regarding zone allocation percentages and depreciation allocation. Passed (4-0-1-0).

**UNFINISHED BUSINESS:** None

## **COMMITTEE REPORTS**

18. Capital Improvement Program Committee (Fedotoff/Lasky) – Action Log Provided

19. Governance Committee (Benediktsson/Snyder) – None

20. Main Plant Rehabilitation Oversight Committee (Fedotoff/Lasky) – Action Log Provided

21. Finance & Fiscal Oversight Committee (Benediktsson/Snyder) – Action Log Provided

22. Communication Committee (Lasky/Snyder) - None

- 23. Personnel Committee (Snyder/Lasky) - None
- 24. Ad Hoc Point Tiburon Committee (Benediktsson/Snyder) – None
- 25. Ad Hoc Tiburon Pump Station #4 Committee (Benediktsson/Carapiet) – None

**OTHER BUSINESS:** None

**ENVIRONMENTAL:** None

**CORRESPONDENCE:** None

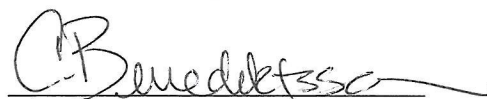
**INFORMATIONAL ITEMS:** None


**ADJOURNMENT**

The Board adjourned the meeting at 8:58 p.m. to a Special Board Meeting on February 24, 2014, at 2:00 p.m. at the Tiburon Fire Protection District Meeting Room at 1679 Tiburon Blvd., Tiburon, California.

Approved:

Attest:

  
Catharine Benediktsson  
President, Board of Directors

  
Roy Fedotoff  
Secretary, Board of Directors