

**Sanitary District No. 5 of Marin County
Minutes of a Regular Board Meeting
at Sanitary District No. 5 of Marin County Meeting Room
2001 Paradise Drive, Tiburon, California
Tuesday, April 17, 2012, 7:00 p.m.**

CALL TO ORDER by Pres. Benediktsson at 7:00 p.m.

ROLL CALL: Directors present:

Catharine Benediktsson, President
William Teiser, Vice President
Roy Fedotoff, Secretary
Michael Lasky
Richard Snyder

Staff present:

Samantha Miller, Office/Finance Manager
Tony Rubio, Wastewater Facilities Manager
Lynn Henriksen, Administrative Assistant

Consultants present:

Robert Lynch, Special MPR Project Consultant
Doug Wing, Carollo Engineers

Others present:

Andrew Granner, Auburn Constructors

PUBLIC OPEN TIME: No public comments were made.

DIRECTORS' COMMENTS AND/OR AGENDA REQUESTS

Dir. Lasky inquired as to the requirement levied on property owners to pay more than one sewer service charge on their property, i.e., for a guest house. Mgr. Miller replied that if the second unit is registered as a residential unit the property owner is legally required to pay sewer fees on both units.

CONSENT CALENDAR

1. Approval of March 20, 2012, Regular Board Meeting Minutes (Henriksen) (attached)
2. Approval of April 6, 2012, Special Board Meeting Minutes (Henriksen) (attached)
3. Approval of Warrants for March 2012, #5199 through 5252, in the amount of \$142,795.42 (Miller) (attached)
4. Receipt of Financial Reports for March 2012 (Miller) (attached)

The Board discussed the warrants and financial reports with Mgr. Miller to their satisfaction.

Motion (Teiser/Lasky) to approve the Consent Calendar. Passed, all present.

MANAGEMENT REPORTS

5. Main Plant Rehabilitation Project Progress Report (Carollo Engineers)

Mr. Doug Wing of Carollo Engineers reviewed the general contractors' bids that were received by the District on April 4, 2012, for the Main Plant Rehabilitation (MPR) Project. He recommended awarding the bid to the low bidder, Auburn Constructors, Inc. The three lowest bids were close as a result of a very competitive bidding climate. Auburn Constructors was noted as having the electrical component in-house, which was reflected in the bid and bodes well for getting the work done efficiently. Going forward, Mr. Wing believes that Carollo Engineers and District staff will be in a position to manage change orders and risk to the District effectively, since there were no major changes in the specs and plans during the bidding process.

Pres. Benediktsson asked how long it took the bidders to prepare their bids. Mr. Wing answered saying that the pre-qualification process the bidders were required to undergo helped considerably. Dir. Lasky inquired as to the number of workers expected to be on Auburn Constructors' crew; Mr. Wing said that was difficult to determine due to dry and wet weather seasons.

6. Operations Report (Rubio) (attached)
a. Tiburon/Belvedere Compliance Report & Public Complaint Report February 2012

Mgr. Rubio reviewed the Operations Report for February 2012 with the Board. He reported the District was in compliance with all NPDES permit requirements. The District passed the 96 hour flow through bioassay during February, and there were no sanitary sewer overflows (SSOs) or odor complaints.

7. District Manager's Summary Report of March 2012 (Lynch) (attached)

Mr. Lynch reviewed with the Board the District Manager's Report of March 2012.

Upon Mr. Lynch's retirement as District Manager of Sanitary District No. 5 on April 15, 2012, he is now employed by the District as the Special Consultant to the Board of Directors Regarding the Main Plant Rehabilitation (MPR) Project. Speaking to this new endeavor, Mr. Lynch said he will provide the Board a full report on a monthly basis, and his daily reports will be attached to his semi-monthly time sheets and given to the MPR Committee for review. On the days when Mr. Lynch is not working, Mgr. Rubio will prepare the daily reports.

NEW BUSINESS

8. Consideration of Authorization and Approval for Board President to Issue Notice of Award to Apparent Successful Bidder, Auburn Constructors, for the Main Plant Rehabilitation

Project for a Bid Amount of \$8,922,300.00; for Board President to Execute Agreement with Auburn Constructors upon Receipt of Required Documents; and for Board President to Issue Notice to Proceed upon Receipt of Fully Executed Agreement, Bond Documents, and Insurance Documents (Lynch) (attached) – Action

The Board reviewed the background and the recommendations being considered prior to issuance of the award for the Main Plant Rehabilitation (MPR) Project construction contract to the apparent successful bidder, Auburn Constructors. The Board discussed with Mr. Andy Granner, president of Auburn Constructors, various questions regarding sequencing of the rehabilitation process and timing of the overall construction process. Pres. Benediktsson noted that the Tiburon peninsula is unique regarding limited traffic alternatives, and that Sanitary District No. 5 has a responsibility to the community to keep construction disturbance to a minimum throughout this 18 month process. Mr. Granner replied that Auburn is very cognizant of noise, dust, and odors and is sensitive toward the needs of the community and the environment. Mr. Riley Hurd, District legal counsel, will clarify what has been spelled out in the contract.

Motion (Fedotoff/Snyder) to authorize and approve the Board President to issue a Notice of Award to the apparent successful bidder, Auburn Constructors, for the Main Plant Rehabilitation Project for a bid amount of \$8,922,300.00; for the Board President to execute an agreement with Auburn Constructors upon receipt of required documents; and for the Board President to issue a Notice to Proceed upon receipt of the fully executed agreement, bond documents, and insurance documents. Passed, all present.

9. Consideration of Authorization and Approval for Board President to Execute Professional Services Agreement with Carollo Engineers, Inc. for Main Plant Rehabilitation Project Engineering Services During Construction and Resident Inspector for an Amount Not to Exceed \$992,740.00 (Lynch) (attached) – Action

Mr. Lynch, Special MPR Project Consultant, explained to the Board that the engineering services of Carollo Engineers during the Main Plant Rehabilitation (MPR) Project will be done on a time and materials (T&M) basis, with a not to exceed amount of \$992,740 in place. Therefore, the time Carollo staff devotes to the MPR Project can be regulated by Mr. Lynch as to what will best serve the needs of the District. The MPR Committee will develop an email authorization form for Carollo Engineers to use to document the work they have completed, how much time was involved, and which of their staff worked on various items, in a timely manner and report, using this authorization form, to Mr. Lynch. The Board thoroughly discussed various parts of the contract and the importance of linking invoices to progress.

Dir. Snyder requested that the word “will” must be changed to “shall” throughout the contract, as “will” is a statement of intent, and “shall” means an action is mandatory. Pres. Benediktsson said that she would see that the contract is changed as directed prior to signing the Agreement for Professional Services, pending the approval of Mr. Hurd, District legal counsel.

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Motion (Fedotoff/Teiser) to authorize and approve the Board President to execute a Professional Services Agreement with Carollo Engineers, Inc. for the Main Plant Rehabilitation Project engineering services during construction and resident inspector for an amount not to exceed \$992,740.00, provided that Mr. Hurd, District legal counsel, works with Pres. Benediktsson to change "will" to "shall" in the agreement. Passed, all present.

10. Consideration of Authorization and Approval for Special Consultant to the Board of Directors Regarding Main Plant Rehabilitation (MPR) Project to Approve MPR Project Change Orders up to a Maximum of \$10,000.00 per Change Order, for an Aggregate up to a Maximum of \$50,000.00 (Teiser) – Action

V.P. Teiser discussed the Main Plant Rehabilitation (MPR) Committee's recommendation that the Board approve Item No. 10 on tonight's agenda. The Board discussed the change order percentages customarily ranging from 5-10% of costs for rehab construction projects of comparable size and scope. Mr. Wing, Carollo Engineers, said their company is historically below 5% on change order items. Pres. Benediktsson directed that all change orders be immediately reflected on Mr. Lynch's daily log, which will then be reviewed by the MPR Committee prior to going to the full Board of Directors.

Motion (Snyder/Lasky) to authorize and approve the Special Consultant to the Board of Directors Regarding the Main Plant Rehabilitation (MPR) Project to approve MPR Project change orders up to a maximum of \$10,000.00 per change order, for an aggregate up to a maximum of \$50,000.00 Passed, all present.

11. Consideration of Setting Date, Time, and Location of Board Workshop for FY 2012-2013 Budget for May 10, 2012, at 9:00 a.m. at the Servino Restaurant Upstairs Meeting Room at 9 Main Street, Tiburon, California (Miller) – Action

Motion (Fedotoff/Teiser) to set the date, time, and location of the Board Budget Workshop for FY 2012-2013 for May 10, 2012, at 9 a.m. at the Servino Restaurant upstairs meeting room located at 9 Main Street, Tiburon, California. Passed, all present.

12. Consideration of Setting Date, Time, and Location of Next Regular Board Meeting for May 14, 2012, at 7:00 p.m. at the Tiburon Fire Protection District Meeting Room at 1679 Tiburon Blvd., Tiburon, California (Miller) – Action

Motion (Teiser/Snyder) to set the date, time, and location of the next regular Board meeting for May 14, 2012, at 7:00 p.m. at the Tiburon Fire Protection District Meeting Room at 1679 Tiburon Blvd., Tiburon, CA. Passed, all present.

13. Consideration of Setting Location of Regular Board Meetings to be at the Tiburon Fire Protection District Meeting Room at 1679 Tiburon Blvd., Tiburon, California, for the Duration of the Main Plant Rehabilitation Project (Miller) – Action

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Motion (Teiser/Snyder) to set the location of regular Board meetings to be at the Tiburon Fire Protection District meeting room at 1679 Tiburon Blvd., Tiburon, CA, for the duration of the Main Plant Rehabilitation Project.

14. Consideration of Adoption of Resolution No. 2012-02: Updating District Officers Authorized to Order the Deposit or Withdrawal of Monies in the Local Agency Investment Fund (Miller) – Action

Mgr. Miller reviewed the transfer authorization process that is in place for the deposit and withdrawal of monies from the Local Agency Investment Fund (LAIF) and the District's account with the local branch of Bank of America.

Motion (Teiser/Snyder) to adopt Resolution No. 2012-02: Updating District Officers Authorized to Order the Deposit or Withdrawal of Monies in the Local Agency Investment Fund. Passed, all present.

UNFINISHED BUSINESS: None

COMMITTEE REPORTS

15. Capital Improvement Program Committee (Fedotoff/Lasky)
16. Governance Committee (Benediktsson/Snyder)
17. Main Plant Rehabilitation Oversight Committee (Teiser/Fedotoff) (attached)
18. Finance & Fiscal Oversight Committee (Benediktsson/Teiser) – Minutes of the April 10, 2012, Meeting (attached)
19. Communication Committee (Lasky/Snyder)
20. Personnel Committee (Snyder/Lasky)
21. Ad Hoc Point Tiburon Committee (Benediktsson/Snyder)
22. Ad Hoc Labor Advisory Committee (Snyder/Lasky)

Mr. Lynch reported that the Capital Improvement Program Committee discussed putting together a long term Capital Improvement Program to include which sewer lines throughout the District need to be repaired and replaced, as well as the replacement of pumps at selected pump stations. Dir. Lasky directed Mr. Lynch to write down relevant information based on his institutional knowledge of what needs to be scheduled now and in the long term regarding pumps and lines specifically, as well as other CIP projects that he, in his awareness, require attention. Mr. Lynch responded that he has already done this. Dir. Snyder suggested going after grant money for specific CIP projects.

The Governance Committee reviewed their discussion of adopting an Employer-Employee Relations Policy. Dir. Snyder recommended using a mechanism to smooth the lines of communication between Mgr. Miller and Mgr. Rubio, which would comprise not only of daily meetings between the two managers, but also occasional meetings with them and

members of the Governance Committee. Dir. Snyder suggested that the design of the Administrative Office remodel during the MPR Project be reviewed for maximum functionality.

V. P. Teiser reviewed the updated open items on the Decision/Action Item Log of the Main Plain Rehabilitation (MPR) Oversight Committee. Sec. Fedotoff's idea for the District to have a "Wrench Turning" event to kick-off the beginning of construction for the MPR Project was met with enthusiasm by both Carollo Engineers and Auburn Constructors, with each noting they would be happy to contribute to the event. The Wrench Turning was scheduled for June, exact date to be determined.

The Finance & Fiscal Oversight Committee reviewed the minutes from the April 10, 2012, meeting.

The Communication Committee and the Personnel Committee did not meet. The Ad Hoc Point Tiburon Committee and the Ad Hoc Labor Advisory Committee did not formally meet.

OTHER BUSINESS: None

ENVIRONMENTAL: None

CORRESPONDENCE: None

INFORMATIONAL ITEMS

23. SD5 Winter/Spring 2012 Newsletter: In the Flow (Henriksen) (attached)

Pres. Benediktsson commended Dir. Lasky for coming up with the title, "In The Flow," for the District newsletter. Mgr. Miller reported that past Board member, Claire McAuliffe, called, after receiving her copy of the newsletter, to say what great work Admin. Asst. Henriksen is doing with the newsletter, to which the Board voiced their agreement.

ADJOURNMENT

The Board adjourned at 8:37 p.m. to a Regular Board Meeting on May 14, 2012, at the Tiburon Fire Protection District Conference Room at 1679 Tiburon, Blvd., Tiburon, California. Passed, all present.

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Approved:

Attest:

Catharine Benediktsson
President, Board of Directors

Roy Fedotoff
Secretary, Board of Directors