

Catharine Benediktsson, President
William Teiser, Vice President
Roy Fedotoff, Secretary

Michael Lasky, Director
Richard Snyder, Director

**Sanitary District No. 5 of Marin County
Minutes of a Regular Board Meeting
at Tiburon Fire Protection District Meeting Room
1679 Tiburon Blvd., Tiburon, California
Tuesday, July 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 Richard Snyder Michael Lasky
Staff present:	Samantha Miller, District Manager Tony Rubio, Wastewater Facilities Manager Lynn Henriksen, Administrative Assistant
Consultants present:	Alison Neufeld, Liebert Cassidy Whitmore Doug Wing, Carollo Engineers
Others present:	Deirdre McCrohan, <i>The Ark Newspaper</i>

PUBLIC OPEN TIME: No public comments were made.

Prior to Closed Session, at the request of Mr. Rubio, Dir. Snyder stated that an agreement on employment terms for the Assistant District Manager position could not be reached; therefore, Mr. Rubio had decided to continue in the position of the District's Wastewater Facilities Manager.

CLOSED SESSION at 7:02 p.m.

PURSUANT TO GOVERNMENT CODE SECTION 54956.7: PUBLIC EMPLOYMENT
Title: Wastewater Facilities Manager

OPEN SESSION at 7:43 p.m.

Pres. Benediktsson reported that the Board takes note of Wastewater Facilities Manager Tony Rubio's voluntary withdrawal for consideration as the Assistant District Manager. The Board

directed Mgr. Miller to arrange and finalize Mr. Rubio's agreement for employment as Wastewater Facilities Manager.

DIRECTORS' COMMENTS AND/OR AGENDA REQUESTS

No comments or agenda requests were made by the Board.

CONSENT CALENDAR

1. Approval of June 19, 2012, Regular Board Meeting Minutes (Henriksen) (attached)
2. Approval of Warrants for June 2012, # 5379 through 5476, in the amount of \$349,452.58 (Miller) (attached)
3. Receipt of Preliminary Financial Reports for June 2012 (Miller) (attached)
4. Approval of Agreement for Employment as District Manager (Benediktsson) (attached)

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

Pres. Benediktsson moved Items No. 7, 8, and 12, as described in the agenda, to this time due to a delay, after the Closed Session, in the return of Mgr. Rubio and Mr. Doug Wing, Carollo Engineers, to the open session of tonight's meeting.

NEW BUSINESS

7. PUBLIC HEARING: Fiscal Year 2012-2013 Final Budget

a. Public Comment

No comments were made by any members of the public.

b. Consideration of Adoption of FY 2012-2013 Final Budget by Resolution No. 2012-07: A Resolution Approving and Adopting the Fiscal Year 2012-2013 Final Budget and Fixing the District's Tax Allocation for the Fiscal Year 2012-2013 (Miller) – Action (attached)

Motion (Snyder/Lasky) to adopt the FY 2012-2013 Final Budget by Resolution No. 2012-07: A Resolution Approving and Adopting the Fiscal Year 2012-2013 Final Budget and Fixing the District's Tax Allocation for the Fiscal Year 2012-2013.
Passed, all present.

8. Consideration of Adoption of Resolution No. 2012-08: A Resolution of the Board of Directors of Sanitary District No. 5 of Marin County Establishing an Employer-Employee Relations Policy (Miller) – Action (attached)

Mgr. Miller noted that Resolution No. 2012-08, which establishes the District's procedures for employee organization recognition and other employee relations matters, was reviewed by the Governance Committee. The Employees of the Sanitary District No. 5 received copies of the draft Resolution and were invited to respond; however, they did not respond.

Motion (Snyder/Fedotoff) to adopt Resolution No. 2012-08: A Resolution of the Board of Directors of Sanitary District No. 5 of Marin County Establishing an Employer-Employee Relations Policy. Passed, all present.

COMMITTEE REPORTS

12. Finance & Fiscal Oversight Committee (Benediktsson/Teiser) – Minutes of the June 12, 2012, Meeting (attached)

V.P. Teiser reviewed the minutes of the Finance & Fiscal Oversight Committee with the Board. He made a point of commending staff for good work staying under budget with the Operating Budget over the past fiscal year.

MANAGEMENT REPORTS

5. Main Plant Rehabilitation Project Progress Report (Carollo)

Mr. Doug Wing, Carollo Engineers project manager for the Main Plant Rehabilitation (MPR) Project, provided the Board with an update on the progress since construction began on June 11, 2012. He noted that 66 submittals out of 200 have been received, along with 12 requests for information (RFIs), design clarifications, and cost proposals. Carollo Engineers will receive the submittals and RFIs first, after which they will be sent to Mr. Robert Lynch, MPR Project Special Consultant, who has authorization from the Board to approve change orders up to \$10,000 each, and up to an aggregate of \$50,000.

Dir. Snyder inquired as to the District's negotiating leverage regarding the construction contractor, Auburn Constructors Inc. (ACI). Mr. Wing replied that the District may hire other contractors to do work not completed by ACI, if they do not perform in accordance with the MPR Project contract, and that the construction schedule also impacts leverage. ACI's baseline schedule, man hours, cash flow chart, with and without equipment, has been thoroughly reviewed and accepted, and construction is currently on schedule. Although we are in the "honeymoon" phase, he anticipates a good working relationship with ACI.

6. District Management Summary Report (Miller/Rubio) (attached)

Mgr. Miller reviewed the significant events of the past 30 days with the Board, including fiscal status, operating and capital expenses, personnel, and regulatory compliance. She

noted that the FY 2011-2012 financial figures are preliminary until the year-end reconciliation and cash to accrual basis conversion takes place in the fall. Regarding the proposed Employer-Employee Relations Policy notification sent to employees last month, Mgr. Miller noted that the employees did not request to meet and confer.

Mgr. Miller said attending the CSDA (California Special Districts Association) General Manager Leadership Summit in Napa on July 16 and 17, 2012, was a valuable experience. Timely topics on pension reform, reducing special district liability exposure, policy handbooks, labor relations, and legal updates, to name a few issues, were the primary focus of the CSDA conference, since these matters are currently of great state and national concern.

Mgr. Rubio reviewed this month's capital improvement projects and safety training, as well as the treatment plant operations and maintenance system performance activities over the past month. He reported on the District's Paradise Cove and Main Plant emergency generators regarding fuel type requirements, generator run time, and storage capacity, the results of which the Board directed be taken up with the Capital Improvement Program Committee.

UNFINISHED BUSINESS: None

COMMITTEE REPORTS

9. Capital Improvement Program Committee (Fedotoff/Lasky)
10. Governance Committee (Benediktsson/Snyder)
11. Main Plant Rehabilitation Oversight Committee (Teiser/Fedotoff) (attached)
13. Communication Committee (Lasky/Snyder)
14. Personnel Committee (Snyder/Lasky)
15. Ad Hoc Point Tiburon Committee (Benediktsson/Snyder)
16. Ad Hoc Labor Advisory Committee (Snyder/Lasky)

The Capital Improvement Program (CIP) Committee did not meet.

The Governance Committee met on June 28, 2012, and gave a brief verbal report.

The Main Plant Rehabilitation Oversight (MPR) Committee reviewed the meeting log to include the MPR meetings of June 29 and July 12, 2012. The next MPR Committee meeting is scheduled for July 26, 2012.

The Communications Committee, Personnel Committee, Ad Hoc Point Tiburon Committee, and Ad Hoc Labor Advisory Committee did not meet.

OTHER BUSINESS: None

ENVIRONMENTAL: None

CORRESPONDENCE

17. Letter to Sanitary District No. 5 from John Stewart Company Dated June 18, 2012, Regarding Sewer Service Charges for Hilarita Apartments (attached)

This item was included for informational purposes.

INFORMATIONAL ITEMS

18. Letter to Paradise Cove Residents Dated July 12, 2012, Regarding Resolution No. 2011-01 (attached)

This item was included for informational purposes.

ADJOURNMENT

The Board adjourned at 8:52 p.m. to a Regular Board Meeting on August 21, 2012, 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