

**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, October 16, 2012, 7:00 p.m.**

**CALL TO ORDER** by Pres. Benediktsson at 7:07 p.m.

**ROLL CALL:**

Directors present:	Catharine Benediktsson, President Roy Fedotoff, Secretary Michael Lasky Maureen Johnson (appointed during meeting)
Directors absent:	Richard Snyder
Staff present:	Samantha Miller, District Manager Tony Rubio, Wastewater Facilities Manager Lynn Henriksen, Administrative Assistant
Consultants present:	Doug Wing, Carollo Engineers

1. Consideration of Adoption of Resolution No. 2012-10: A Resolution Appointing Maureen Johnson to the Board of Directors of Sanitary District No. 5 of Marin County (Benediktsson) – Action (attached)

Motion (Lasky/Fedotoff) to adopt Resolution No. 2012-10: A Resolution Appointing Maureen Johnson to the Board of Directors of Sanitary District No. 5 of Marin County. Passed, all present.

2. Administering of Oath of Office to New Board Member (Benediktsson)

Pres. Benediktsson administered the Oath of Office to Ms. Maureen Johnson, the newly appointed member of the Board of Directors.

3. Election of Vice President of the Board (Benediktsson) – Action

Motion (Lasky/Benediktsson) to nominate Dir. Snyder as Vice President of the Board of Directors of Sanitary District No. 5 of Marin County for the term that expires December 2012. Passed, all present.

**PUBLIC OPEN TIME:** No public comments were made.

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

Sec. Fedotoff suggested having light refreshments at all future Board meetings. Pres. Benediktsson said this is not something the District budgets for, so directors could take turns bringing refreshments; the rest of the Board members agreed.

## **CONSENT CALENDAR**

4. Approval of September 18, 2012, Regular Board Meeting Minutes (Henriksen) (attached)
5. Approval of All Warrants for September 2012, #5593 through 5655, in the amount of \$402,099.89, and Main Plant Rehabilitation Project Warrants for October 2012, #5664 through 5666, in the amount of \$379,040.11 (Miller) (attached)
6. Receipt of Financial Reports for September 2012 (Miller) (attached)
7. Approval of Change Orders No. 6 and 7 for Main Plant Rehabilitation Project (Miller) (attached)

Motion (Lasky/Fedotoff) to approve the Consent Calendar. Ayes: Pres. Benediktsson, Sec. Fedotoff, and Dir. Lasky. Absent: V.P. Snyder. Abstain: Dir. Johnson. Passed, 3-1-1.

## **MANAGEMENT REPORTS**

8. Main Plant Rehabilitation Project Progress Report (Wing) (attached)

Mr. Doug Wing, Carollo Engineers project manager for the Main Plant Rehabilitation (MPR) Project, introduced himself to new Director Johnson and gave a brief history and overview of the MPR Project for her benefit. The project remains on budget and on schedule, with Auburn Constructors Inc. (ACI) in line to complete the first dry-weather period, ending on October 31, 2012, on time. To date, the District has been billed approximately 10% of the construction contract, and the contractors have completed about 10% of the work. Although the initial focus of the MPR Project was on process, the success of the MPR Project is heavily weighted toward timely procurement of replacement equipment.

Pres. Benediktsson directed Mr. Wing to make sure ACI keeps odors, noise, and dust to a minimum at all times. Sec. Fedotoff asked if ACI crews have been geared up to meet the demands of the progress that must be achieved prior to wet-weather season, which starts November 1<sup>st</sup>. Mr. Wing responded that the man power for electrical crews has doubled recently, and he noted that the electrical is the most difficult piece of the project to time appropriately.

Mr. Wing reviewed scheduled construction activities by area as they appear on his introductory September MPR Project Progress Report; a monthly report will be provided to

staff for inclusion in all future Board packets. He noted that items #6 and 12 in the September Progress Report include work on related SASM facilities, which are issues Pres. Benediktsson requested be singled out to assist her in updating SASM officials on the MPR Project.

Pres. Benediktsson moved Item No. 14, as it appears on the agenda, to this time.

## **COMMITTEE REPORTS**

### 14. Main Plant Rehabilitation Oversight Committee (Fedotoff/Lasky) (attached)

Sec. Fedotoff reviewed items on the MPR Decision/Action Item Log with the Board. As of now, no date has been set for the Wrench Turning event to celebrate the Main Plant Rehabilitation Project. Although mid-November was mentioned as a possible time for the event, the Board concurred that November and December are months when people are heavily scheduled, so spring may be a better time. Mr. Doug Wing of Carollo Engineers circulated a mock-up brochure he was asked to develop for the event, the draft of which was well received by the Committee, and tonight by the Board, who provided suggestions to enhance it.

## **MANAGEMENT REPORTS**

### 9. District Management Summary Report (Miller/Rubio) (attached)

Mgr. Miller reviewed the significant events of the past 30 days with the Board, including fiscal status, regulatory compliance, and financial, personnel, and administration issues, as well as updates on capital improvement projects.

Mgr. Miller noted that the first semi-annual Main Plant Rehabilitation Project Bond debt service payment was submitted by the District in the amount of \$802,027.20. The District is currently preparing for MOU negotiations, which will be impacted by PEPRRA, Public Employees' Pension Reform Act of 2012 that takes effect January 1, 2013. She is still awaiting response from the District's CalPERS actuary regarding the District's inordinately high employer contribution rate. Mr. Riley Hurd, District legal counsel, is working on a new agreement for services with SASM (Sewerage Agency of Southern Marin). She noted that since becoming District Manager in May of this year, she has continued to fulfill the role of Finance Manager for the District as well. With the Board's continual encouragement to hire a part-time assistant to lift some of the weight from this dual burden from her shoulders, Mgr. Miller is working to create a position description for the support role she envisions.

Mgr. Rubio stated he is working with Mgr. Miller to begin the process for the NPDES five-year permit renewal, due March 1, 2013. He reviewed the collection system and treatment

plant performance, noting staff has nearly completed the rodding work in the Belvedere Zone, and pump station maintenance has been carried out in both the Tiburon and Belvedere Zones. Staff rodded Main Street due to an odor complaint and had adjacent lines hydro flushed, which cleared large amounts of grease, specifically in the Juanita Lane line. Mgr. Miller brought it to the Board's attention that District Ordinance 70-01 does not address grease traps; therefore, the need for an ordinance addressing the issue of grease traps should be considered.

In regards to capital improvement projects, with the Main Plant Rehabilitation (MPR) Project being the District's primary project this year, Mgr. Miller thanked Mr. Wing, Carollo Engineers, for an enlightening, thorough status and progress report tonight. On the administrative side of the MPR Project, Mgr. Miller stated she is continuing to work with the Town of Tiburon in response to their demand the District apply for a building permit for the update of the main plant's administrative office. Although the District is lawfully correct that no part of the MPR Project is in the Town's purview, to avoid continued legal costs and copious waste of time and energy, the District is considering acquiescing to minimal building inspection by the Town of Tiburon provided any and all fees in connection to a building permit will be waived by the Town.

Mgr. Rubio reviewed the operations and maintenance report with the Board. The August NPDES permit testing showed the District in compliance with all permit limits, and SD5 successfully passed this period's 96 hour flow through bioassay. Two sanitary sewer overflows (SSOs) were reported and responded to in the Belvedere Zone only, with the culprits causing the overflows being tree roots.

Pres. Benediktsson asked Mgr. Rubio which lab tests he is waiting on each month that makes it difficult to report to the Board without lagging a month and a half behind. Mgr. Rubio responded saying that some of the lab sample testing takes quite a bit of time, and that is why the Regional Board gives districts up to 30 days to report their findings. He will see what he can do to get testing results back earlier for more timely Board reporting, as requested by Pres. Benediktsson.

## **NEW BUSINESS**

10. Consideration of Adoption of Resolution No. 2012-11: Updating District Officers Authorized to Order the Deposit or Withdrawal of Monies in the Local Agency Investment Fund (Miller) – Action (attached)

Mgr. Miller explained, for the benefit of new Board member Maureen Johnson, the procedure used for the District to transfer money between our LAIF account and the transfer account at Bank of America. Admin. Asst. Henriksen was directed to arrange for new signature cards at Bank of America.

Motion (Fedotoff/Johnson) to adopt Resolution No. 2012-11: Updating District Officers Authorized to Order the Deposit or Withdrawal of Monies in the Local Agency Investment Fund. Passed, all present.

11. Consideration of Authorizing District Manager to Negotiate and Execute Professional Services Agreement with a Consultant to Provide Additional Construction Management and Resident Inspection Services During Construction for the Main Plant Rehabilitation Project (Miller) – Action (see attached Notes of Explanation)

Mr. Wing spoke on behalf of Carollo Engineers stating that they have worked with Mgr. Miller to offer the District a rate lower than they customarily charge for Construction Management (CM) and Resident Inspection (RI) Services in an effort to be most competitive. Mgr. Miller summarized the background regarding Construction Management since the MPR Project began, explaining the District's need now to hire a permanent replacement for Robert Lynch, who resigned as the District's MPR Project Special Consultant (which included the CM responsibilities) in July 2012. Mgr. Miller noted that she conducted a considerable search and several interviews to determine whether to hire an individual CM and RI consultant, an independent third party CM firm, or to expand the contract with Carollo Engineers to encompass CM and additional RI as well as being the Design Engineer for the MPR Project. She brought her findings to the MPR Committee for consideration and recommendation, as well as laying out the financial consequences of the three ways to go. Pres. Benediktsson said she feels very confident with the abilities and professionalism of Mike de Luna, who has been Carollo's interim RI for the MPR Project over the past couple of months. Sec. Fedotoff provided a final explanation of how continuing on with Carollo Engineers in this capacity will enable the MPR Project to maintain continuity in a project that is well underway. The MPR Committee recommends expanding the contract with Carollo Engineers to provide the CM and additional RI services for the MPR Project.

Motion (Lasky/Johnson) to authorize the District Manager to negotiate and execute an amended professional services agreement with Carollo Engineers, Inc. for Main Plant Rehabilitation Project Engineering Services During Construction and Resident Inspector in order to add construction management and additional resident inspection services during construction for an amount not to exceed \$241,318.00, and that the Board authorize the District Manager to approve each phase of said services. Passed, all present.

**UNFINISHED BUSINESS:** None

#### **COMMITTEE REPORTS**

12. Capital Improvement Program Committee (Fedotoff/Lasky)
13. Governance Committee (Benediktsson/Snyder)

15. Finance & Fiscal Oversight Committee (Benediktsson/Snyder) – Minutes of the October 10, 2012, meeting (attached)
16. Communication Committee (Lasky/Snyder)
17. Personnel Committee (Snyder/Lasky)
18. Ad Hoc Point Tiburon Committee (Benediktsson/Snyder)
19. Ad Hoc Labor Advisory Committee (Snyder/Lasky)

Sec. Fedotoff briefly reviewed the Capital Improvement Program (CIP) Committee meeting held on October 4, 2012.

The Governance Committee did not meet.

Minutes of the Finance Committee of October 10, 2012, are attached. Pres. Benediktsson noted in particular that health insurance costs paid by the District have tripled since 2004.

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:** None

**INFORMATIONAL ITEMS:** None

## **ADJOURNMENT**

The Board adjourned at 9:04 p.m. to a Regular Board Meeting on November 20, 2012, at the Tiburon Fire Protection District Meeting Room at 1679 Tiburon, Blvd., Tiburon, California.

Approved:

Attest:

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Catharine Benediktsson  
President, Board of Directors

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Roy Fedotoff  
Secretary, Board of Directors