

**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, May 21, 2013, 6:30 p.m.**

**CALL TO ORDER** by Pres. Benediktsson at 6:31p.m.

**ROLL CALL:**

|                      |  |
|----------------------|--|
| Directors present:   | Catharine Benediktsson, President<br>Richard Snyder, Vice President<br>Roy Fedotoff, Secretary<br>Maureen Johnson  |
| Directors absent:    | Michael Lasky  |
| Staff present:       | Robert Simmons, Temp Asst District Mgr<br>Tony Rubio, Wastewater Facilities Mgr<br>Lynn Henriksen, Executive Assistant<br>Robin Dohrmann, Adm/Finance Specialist |
| Consultants present: | Riley Hurd, District Legal Counsel<br>Doug Wing, Carollo Engineers<br>Denise Conners, Larry Walker Assoc   |

**PUBLIC OPEN TIME**

No public comments were made.

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

No comments or agenda requests were made by the Board.

**CONSENT CALENDAR**

1. Approval of April 16, 2013, Regular Board Meeting Minutes (Henriksen) (attached)
2. Approval of All Warrants for April 2013, #6072 through #6159, in the amount of \$1,028,113.04, and Main Plant Rehabilitation Project Warrants for May 1-20, 2013, #6187, #6189, and #6190 in the amount of \$920,805.43 (Dohrmann) (attached)
3. Receipt of Financial Reports for April 2013 (Dohrmann) (attached)

Pres. Benediktsson asked for the minutes of the April 16, 2013, Board Meeting to be amended: strike the word 'donation' and replace it with 'booth rental' in the sentence, "The Board okayed the District's usual annual booth rental of \$200.00 to the Tiburon Salmon Institute."

Motion (Johnson/Snyder) to approve the Consent Calendar with the amendment. Passed, all present.

## MANAGEMENT REPORTS

4. Presentation/Report by Denise Conners, Larry Walker Associates, on the Main Plant NPDES Permit Renewal from application process through the issuance of the Tentative Order (attached)

Ms. Denise Conners, Larry Walker Associates, managed the 2013 reissuance, including negotiation, of the District's National Pollutant Discharge Elimination System, NPDES, permit, as she has in past years. Ms. Conners provided a slide presentation covering the significance of the permitting and application process through to the Regional Water Board Hearing, the entity issuing the District's NPDES permit for another five years. Larry Walker Associates will also prepare a 5-year compliance schedule to keep the District on track with permit requirements and deadlines, which will be kept with the permit.

The Board and Ms. Conners discussed areas of concern, including wet weather flow management and toxicity limitations. (The state has announced a new policy on toxicity levels that will be implemented later this year.) The Board will consider an ordinance requiring Tiburon property owners' to photograph their laterals at point-of-sale, a policy Belvedere has required of sellers for many years.

5. Main Plant Rehabilitation Project Progress Report and Presentation of Proposed Administration Space Improvements by BurksToma Architects (Wing) (attached)

Mr. Doug Wing reported on the progress of the Main Plant Rehabilitation (MPR) Project, discussing with the Board the salient points of the report, most notably that he will closely monitor the labor aspect. In evaluating the critical path, Mr. Wing sees that Auburn Constructors Inc (ACI) will need to step up labor to finish construction on time. Although ACI is still on the same trajectory to beat the wet weather period, the schedule is somewhat skewed due to the fact that most of the equipment has been purchased.

Mr. Wing noted that he will coordinate fixing the pipe the Sprint contractors broke when they dropped a 50 pound cellular-site battery on it. The break in the pipe precipitated a spill that sent 3,300 non-chlorinated treated wastewater into Raccoon Straits on May 15, 2013.

The story boards depicting colors and office configuration, drawn by BurksToma Architects, showing office and ADA renovation were passed among Board members, whereupon a lively discussion took place. V.P. Snyder wants no doors for the District Manager's and the

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Wastewater Facilities Manager's offices, since those offices can use the board room for private meetings. He would like to see all of the file cabinets arranged in one central location, making their contents easily accessible to everyone. Attorney Hurd said it is necessary for Mgr. Miller to have an office where confidential and sensitive District business can be conducted with privacy, and where her files are also immediately accessible. He has spoken on the phone with Mgr. Miller on many, many occasions regarding sensitive issues, and knows this to be true. Mgr. Miller and Mgr. Rubio also need quiet offices to complete their work without interruption, when necessary. On another note, V.P. Snyder wants white tile in the public restroom with one wall mirrored, or else it would seem claustrophobic. Mr. Wing noted if the Board chooses an add-on to original design by placing a window in the exterior wall of the front office, a rectangular window is preferable to a "port-hole" type window to better suit the architecture of the existing building as well as the new entryway. Polished concrete on the office floors, as suggested by Dir. Lasky, received general agreement. Pres. Benediktsson would like to see a manhole cover embedded in the entry way, which was met with enthusiasm. V.P. Snyder asked Mr. Wing what the a "drop-dead date" was for the office design; Mr. Wing said within the next 30 days, and added that the District has already spent \$30,000 on the entryway and office modification design above the original Carollo design. Pres. Benediktsson is assigning the office design to VP Snyder and Dir. Johnson. It was agreed to hold a workshop on this issue at Mr. Wing's suggestion. Mr. Wing will coordinate date and time for V.P. Snyder, Dir. Johnson, the District managers, executive assistant, architect Burks, and himself to meet in the very near future.

Dir. Johnson said Town of Tiburon will care only about the exterior renovation plan for the entryway, not the interior office. Attorney Hurd noted there is agreement with the Town of Tiburon for building permits for the entryway and ADA access improvements.

### 6. District Management Summary Report and Operations/Maintenance Report (Simmons/Rubio) (attached)

Pres. Benediktsson asked Board members to make comments or ask questions pertaining to the District Management Summary Report and the Operations/Maintenance Report rather than have the managers go over the item details line-by-line, since they read the reports prior to tonight's Board meeting and many items have been discussed in committee.

In regards to "Fiscal Status," Pres. Benediktsson would like Mgr. Simmons to get back to her with a recommendation on "Percent of Budgeted Income to Date" and "Percent of Budgeted Expenditures to Date." V.P. Snyder inquired about progress with the new agreement being drafted between SD5 and SASM pertaining to the shared use of the outfall pipe. Mgr. Simmons discussed with the Board the April 4, 2013, meeting between SASM and SD5 representatives and legal Counsel. Attorney Hurd noted it was agreed at the meeting that costs would be split 50-50. Mgr. Simmons has a copy of the outfall diver's report that the District paid for at the 50-50 split. Mgr. Simmons, Mgr. Rubio, two representatives from SASM, and Carollo Engineers met today to get closer to agreement on issues of "time spent" and "scope of services" SD5 expends for the benefit of SASM.

Mgr. Simmons discussed the report on the water samples taken after the May 15, 2013, spill caused by Sprint employees, that sent 3,300 gallons of non-chlorinated treated wastewater into Raccoon Straits. In two days, by May 17, 2013, all bacteria returned to ambient levels. Pres. Benediktsson wanted to know why the City of Belvedere and the Town of Tiburon were not alerted to the spill. Mgr. Rubio said the spill was handled exactly in accordance with NPDES reporting requirements/procedures. Pres. Benediktsson personally called state and county officials and was told a threshold of 5,000 gallons triggers additional notifications; this spill was 3,300 gallons. V.P. Snyder said, in addition to state requirements, the District should set a policy about notifications in regards to sewage spills; the Wastewater Facilities Manager should alert City and Town officials or other appropriate entities. It was noted that Mgr. Miller previously raised concern regarding well-meaning citizens emailing unofficial information about overflows or spills to groups of people, resulting in confusion on the part of area residents. Attorney Hurd was in agreement with Mgr. Miller's concerns, and added that doing so is a liability.

Mgr. Rubio reported on operations and maintenance; operations are at normal standards, with preventative maintenance tasks having been performed in all zones. The District successfully passed this month's 96-hour flow through bioassay. No sanitary sewer overflows (SSOs) occurred in March, and no odor complaints were reported during this time period.

## **NEW BUSINESS**

### **7. Consideration of Draft FY 2013-2014 Budget (Dohrmann) – Action (attached)**

The FY 2013-2014 Draft Budget, previously modified and revised by the Finance and CIP Committees, was discussed by the Board, and it was noted and agreed upon that certain, specified changes would be made now and amended later, after Mgr. Miller returns from leave. Adm/Fin Spec. Dohrmann pointed out that items highlighted in green on the draft budget were made by Mgr. Simmons and Mgr. Rubio. Sec. Fedotoff believes more money should be allocated to the collection system and additional money specified in the Capital Budget for consultants. Attorney Hurd, after noting five law firms on the warrant list detail, said the District is facing significant legal expenses next year, including issues regarding Point Tiburon, Paradise Cove, and CalPERS so the legal amounts in the budget needed to be increased. Adm/Fin Spec. Dohrmann explained what Mgr. Miller told her regarding problems with changing sections, other than those made in CIP, of the budget now, as they shall be amended after Mgr. Miller returns from leave. Attorney Hurd noted that the original plan agreed upon by Board and staff was to adopt the identical budget as was adopted for FY 2012-13 and amend it when Mgr. Miller returned.

Additional changes to the preliminary budget made this evening are as follows: Pres. Benediktsson added \$60,000 to Retiree Health for payments the District makes to retirees via Mid-America, and added \$7,000 for elections; V.P. Snyder said to double legal, raising it to \$140,000/yr and raise consulting to \$75,000/yr. All changes are to be included in the FY 2013-14 Budget and considered for adoption at the June 18, 2013, Board meeting.

No motion was made.

8. Consideration of Approving Purchase of Flygt Pumps and Waive Competitive Bidding (Simmons) – Action

Motion (Fedotoff/Johnson) to approve purchase of Flygt pumps and waive competitive bidding, because there is only one Marin County representative for Flygt pumps. Passed, all present.

**UNFINISHED BUSINESS:** None

### **COMMITTEE REPORTS**

10. Capital Improvement Program Committee (Fedotoff/Lasky)
11. Governance Committee (Benediktsson/Snyder)
12. Main Plant Rehabilitation Oversight Committee (Fedotoff/Lasky) (Attached)
13. Finance & Fiscal Oversight Committee (Benediktsson/Snyder) (Attached)
14. Communication Committee (Lasky/Snyder)
15. Personnel Committee (Snyder/Lasky)
16. Ad Hoc Point Tiburon Committee (Benediktsson/Snyder)

The Capital Improvement Program (CIP) Committee met on May 7, 2013.

The Governance Committee did not meet.

The reports of the Main Plant Rehabilitation (MPR) Committee meeting of May 14, 2013, were reviewed.

The minutes of the May 14, 2013, Finance & Fiscal Oversight Committee were reviewed.

The Communications Committee did not meet.

The Personnel Committee met on June 13, 2013.

The Ad Hoc Point Tiburon Committee did meet on April 23, 2013.

**OTHER BUSINESS:** None

**ENVIRONMENTAL:** None

**CORRESPONDENCE:** None

**INFORMATIONAL ITEMS**

News Release: Non-Chlorinated Treated Wastewater Release from Sanitary District No. 5's Main Wastewater Treatment Plant at Paradise Dr. and Mar West St. on May 15, 2013.

Due to the time Closed Session will begin, Pres. Benediktsson dismissed staff, with direction not to return this evening.

**CLOSED SESSION** at 9:10 p.m.

**PUBLIC EMPLOYMENT**  
Public Employment - Section 54957(b)  
Title: Interim District Manager

**OPEN SESSION** at 9:45 p.m.

Pres. Benediktsson announced that no reportable action was taken during Closed Session.

**ADJOURNMENT**

The Board adjourned at 9:50 p.m. to a Regular Board Meeting at 6:30 p.m. on June 18, 2013, 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