

Catharine Benediktsson, President  
Richard Snyder, Vice President  
Roy Fedotoff, Secretary

Maureen Johnson, Director  
Michael Lasky, Director

**Sanitary District No. 5 of Marin County  
Minutes of a Special Board Meeting  
at Tiburon Fire Protection District Meeting Room  
1679 Tiburon Blvd., Tiburon, California  
Monday, July 1, 2013, 3:00 p.m.**

**CALL TO ORDER** by Pres. Benediktsson at 3:05 p.m.

**ROLL CALL:**

Directors present:	Catharine Benediktsson, President Richard Snyder, Vice President Roy Fedotoff, Secretary Maureen Johnson Michael Lasky
Staff present:	Robert Simmons, Temp Asst District Manager Tony Rubio, Wastewater Facilities Manager Lynn Henriksen, Executive Assistant
Consultants present:	Riley Hurd, District Legal Counsel Matthew Nakano, Liebert, Cassidy, Whitmore

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

**CLOSED SESSION** at 3:08 p.m.

- A. PUBLIC EMPLOYEE LEAVE CONSIDERATION  
Government Code Section 54957  
Consideration of leave request from District Manager: Miller
- B. Government Code Section 54956.7 PUBLIC EMPLOYMENT  
Consideration of changes to Wastewater Facility Manager Contract

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

**OPEN SESSION** at 4:47 p.m.

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

No comments or agenda requests were made by the Board.

## **NEW BUSINESS**

1. Consideration of amendment/extension of Wastewater Facilities Manager contract (Simmons) – Action

Mgr. Simmons reviewed what had taken place at the June 26, 2013, Personnel Committee meeting. Mgr. Rubio's contract was accepted as amended and as reviewed by Attorney Jesse Lad, Meyers, Nave, Riback, Silver & Wilson, with minor clarifications.

Motion (Snyder/Johnson) to amend Wastewater Facilities Manager contract and increase the salary steps to give Mgr. Rubio a one step increase to Step 34 (\$9,946.54 per month) as of July 1, 2013. Passed, all present.

2. Consideration of Amendment of District Pay Scale (Snyder) – Action

The Board discussed the necessity to amend the District Pay Scale in order to give Mgr. Rubio a one step increase in salary.

Motion (Snyder/Johnson) to amend the District Pay Scale Salary Step Range for Wastewater Facilities Manager. Passed, all present.

3. Consideration of Amendment of District Organization Chart (Snyder) – Action

Mgr. Simmons was asked to get the job description for Engineering Services from Sausalito-Marin City Sanitary. Sec. Fedotoff wants all sub-consultants to be identified by type. Mgr. Simmons will consolidate the District Organization Chart.

No action took place. Consideration of Amendment of District Organization Chart will be agendaized at a future Board meeting.

4. Consideration of Adopting Resolution No. 2013-13: A Resolution Concerning the Board's Evaluation of Confidential Employee Job Performance (Snyder) – Action

The Board discussed pending Resolution No. 2013-13 and reviewed the Job Performance Evaluation Form Exempt Positions included as part of the resolution.

Motion (Fedotoff/Snyder) to adopt Resolution No. 2013-13: A Resolution Concerning the Board's Evaluation of Confidential Employee Job Performance. Passed, all present.

5. Consideration of the Town of Tiburon's Request Regarding Reciprocal Fees and Charges Between Sanitary District No. 5 of Marin County and the Town of Tiburon (Benediktsson) – Action

Attorney Hurd provided the backstory regarding reciprocal permit fees and charges between the District and the Town of Tiburon dating back to the 1950s. Although the District has been charged permits fees, charged to and paid for by District subcontractors, the District has not charged local government agencies, including the Town of Tiburon, fees for sewer service. Attorney Hurd also noted on April 16, 2013, the Board rescinded Resolution No. 95-1: A Resolution of Sanitary District No. 5 of Marin County Confirming and Memorializing an Understanding of Many Years that Sewer Service Charges Would Not be charged to the Town of Tiburon nor the Tiburon Fire Protection District in Exchange for the Waiver of Inspection and Permit Fees by the Town and Fire District and Determining to Continue Such Practice. Town of Tiburon officials apparently have no documentation or recollection of a resolution(s) pertaining to this issue. The Board discussed and reviewed a list (attached) of previously issued building permits for work performed by the District as provided by Ann Danforth, Town of Tiburon Attorney. In addition, the Board requested Mgr. Miller provide a list (attached) of Sewer Service Charges the District could access on local government agencies, which was reviewed and sent to the Town. No response was received by the District from Tiburon.

Subsequently, Attorney Hurd received an email from the Town of Tiburon suggesting an “informal tolling” agreement, not to charge each other, for the remainder of the year. Pres. Benediktsson said such an agreement would be out of proportion with the Town monetarily benefitting much more than the District.

Motion (Snyder/Lasky) to abide by an “informal tolling” agreement with the understanding that the Town of Tiburon will not the charge the District any fees whatsoever, directly or indirectly through subcontractors, and the District will continue not to charge the Town of Tiburon sewer service charges. Passed, all present.

Attorney Hurd directed Ms. Peggy Curran, Tiburon Town Manager, be informed that the Town's request for an “informal tolling” agreement has been granted by the District Board. Ms. Curran is to instruct Town staff that the District and all District vendors are not to be charged one red cent for permits.

## **ADJOURNMENT**

The Board adjourned at 5:40 p.m. to a Regular Board Meeting at 6:30 p.m. on July 16, 2013, at the Tiburon Fire Protection District Meeting Room at 1679 Tiburon, Blvd., Tiburon, California.

Minutes  
Regular Meeting of the Board of Directors  
July 1, 2013  
Page 4 of 4

Approved:

Attest:

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Catharine Benediktsson  
President, Board of Directors

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Roy Fedotoff  
Secretary, Board of Directors