

**SANITARY DISTRICT NO. 1 OF MARIN COUNTY  
REGULAR BOARD MEETING MINUTES**

Wednesday, February 17, 2010  
6:45 p.m.

School District Board Meeting Room  
750 College Avenue  
Kentfield, CA

Members Present    Patrick Guasco, President  
                              Marcia Johnson, Secretary  
                              Sue Brown  
                              Steven Vanni  
                              Peter Sullivan

Members Absent:    None

Staff Present:        Brett Richards, General Manager  
                              Bridget Wilson, Interim Business Manager  
                              Michelle Kenyon, District Counsel  
                              Eva Waskell, Recording Secretary  
                              ADSI Security Guard

Public Present:     The names reflected are those who signed in on the attendance sheet:  
                              John Carapet; Steve Johnson. However, there was one (1) additional  
                              member of the public present.

**Item #1-ORDER**    The meeting was called to order by President Guasco at 6:45 p.m.  
President Guasco then led the Pledge of Allegiance. Roll call was taken and a quorum was  
present.

**Item #2-APPROVAL OF AGENDA**    M/S Vanni/Johnson to approve the Agenda as  
submitted. The motion carried unanimously.

**Item #3-OPEN TIME FOR COMMENTS FROM THE PUBLIC**    Bruce Baum, 1165 Butterfield  
Road, San Anselmo wanted to talk about the elephant in the room, i.e. the upcoming election  
in June. Because there was typically a lot of misinformation around election time, Mr. Baum  
asked that the Board consider agendaizing two informational items that were certain to be a  
part of the public discussion—consolidation or regionalization and the sale of the property. He  
felt there was a need to educate the public prior to the election. In response to a question  
from General Manager Richards, Mr. Baum clarified that what he had in mind was that the  
Board would explain where it stands on those two specific issues by stating the facts of the  
matter, and *not* putting any political issues onto the items. For example, the Board could state  
the facts surrounding why the talks on the property sale broke down and the status of the  
hazardous material on the Larkspur Landing site. Mr. Richards said he had no problem with  
the two items if they only included facts that were on the record.

Director Sullivan said that, as a newer member of the Board, he would like to see a timeline  
of the pertinent events that happened with the sale.

Director Vanni said he didn't know what we do with that. It's not on the agenda so we can't  
discuss whether or not we're going to put it on the agenda. It's an item on the agenda so that  
Mr. Baum could put shots across the bow; this was what he's asking. Director Vanni said he

would certainly be in favor of it. He's heard this for six years and has certainly had enough of that. That's all he had to say about it.

**Item #4-CONSENT CALENDAR** The Board reviewed the Consent Calendar:

- a) Approve the Regular Meeting Minutes of December 23, 2009
- b) Accept Financial Statements – January 2010
- c) Award Contract and Authorize Board President and Secretary to Execute Contract, Fencing Project 2960 Kerner Blvd., San Rafael, Able Fence Co. Inc., \$55,955.00
- d) 2009 Kerner Roof Rehabilitation Project: Consideration of Adopting Resolution 10-1368 Approving Final Acceptance and Authorizing General Manager to File Notice of Completion
- e) Authorization for Staff to Attend CSDA's Board Secretary/Clerk Training Seminar
- f) Authorize Contract Amendment with Nute Engineering for Design Services for Site Grading and Improvements – Phase 2
- g) Authorize Board Attendance at the 2010 Special District & Local Government Institute's Governance Seminar in Huntington Beach, CA
- h) Approve Reclassification of \$90,000 of Budget for CCTV Work from Salaries to Capital Spending

Director Johnson requested that Items 4e and 4f be pulled from the Consent Calendar.

M/S Sullivan/Brown to approve the Consent Calendar minus Items 4e and 4f. The motion carried unanimously.

Regarding Item 4e, Director Johnson said she wasn't clear about the value to the District or this agency of having the person who takes minutes go to this training seminar since this person doesn't work in the District office and only does the Board minutes, as opposed to some other staffer who was actually a long-term employee.

Mr. Richards said that he didn't just have the minute taker in mind for this training. There were two other employees he would like to send. This was a foundational training the District has used over time and it covered excellent foundations, like the Brown Act, for people that were new employees and didn't work in the field, and for administrative staff.

M/S Johnson/Brown to approve Item 4e of the Consent Calendar. The motion carried unanimously.

Regarding Item 4f, Director Johnson noted that the language in the contract amendment included some things that Larkspur was asking for that were never required before on other applicants' projects and were above and beyond what the normal applicant was required to provide. She wanted to know if that's what was happening here and if the District was therefore incurring costs it shouldn't have.

Mr. Richards said that Director Johnson was not wrong but she was not spot on either. The issue was that staff had approval from the Board to do a certain amount of work in Larkspur and because of the stipulated agreement entered into with the City of Larkspur and what Larkspur was asking us to do per that agreement, we needed to spend some of that money

to meet their expectations. He would not characterize it by saying that it's more than they've asked anybody to do, but it was a complete regimen of things that they requested, including full size maps rather than the smaller ones, for example. He clarified that the agreement was peaceful.

Directors Sullivan and Brown agreed that the use of "always" and "never" was a dangerous flag and these words should be stricken from any staff reports or contracts regarding this item. Mr. Richards said that staff would be happy to do this.

M/S Sullivan/Brown to approve Item 4f as amended. The motion carried unanimously.

**Item #5-AUTHORIZE THE BOARD PRESIDENT AND SECRETARY TO EXECUTE CONTRACT FOR CONSULTING SERVICES WITH GOVERNMENT AFFAIRS**

**CONSULTING** General Manager Richards reviewed the staff report and noted that this item was the next extension with the consultants in the state capital. Staff would like to run the contract until the end of the year, which was what was budgeted, and then this summer reevaluate whether or not we want to continue with them going forward.

Director Vanni wondered who was making the assumption, as seen in the staff report, that consolidation "undermines the tremendous efforts that the District has embarked on to improve its system and provide exceptional service to its ratepayers." He said that we're making a statement that consolidation undermines that. He didn't remember the Board ever making that statement so he wondered where it came from. Director Vanni also reported that he was talking at length to Mike Dillon, the lobbyist for CASA, who assured him that there was nothing in the forecast that would be anything near what was on the table last year.

Director Johnson wanted to know if this was about alerting us or working on the District's behalf. Mr. Richards said that it's a compilation of services and benefits. Government Affairs Consulting alerts, which CASA also does, and CASA's person was very respected in the industry. He also pointed out that we had been alerted that there may be a concern. Mr. Holland stood at the podium and publicly announced to everybody that another bill was coming out and it would be coming out soon enough. Mr. Richards didn't know how Mr. Holland knew that but it was on the record, on the video and in the minutes. Thus, this was somewhat of a concern since Mr. Holland was connected with the type of people who seemed to know that stuff.

In response to Director Vanni's question about the statement in the staff report, Mr. Richards said that the point made there was pretty concrete. Furthermore, the bill in its original form included taking voting rights away from people; it was very clear about intentionally short-circuiting the public's right to protest. This was the District's point of contention. Whatever the future of consolidation was or was not, in his opinion it must include the people's buy-in and support. He does not agree with any bill that subverts people's right to vote because it's damaging to the democratic process.

Director Johnson said that this was also her main issue with the original bill, i.e. that it took power away from the electorate and gave it to a non-local authority. She also pointed out that CSDA was a *sanitation* district organization and we were a sanitary district, and they're different. If other members of CSDA wanted a bill passed and we didn't, she wasn't sure how

CSDA would then help us or not. On whose behalf would they advocate? She wasn't sure of the answer.

Directors Sullivan and Johnson asked that this be agendaized for April or May so staff can report back regarding exactly what GAC has done for the District. Mr. Richards agreed to do so.

Director Brown said she would appreciate it if we could look into whether or not the Board was anticipating monthly reports from GAC. She would like to receive them if they were, in fact, supposed to be provided. President Guasco requested staff to confirm that what Director stated about the GAC monthly reports was what the Board had asked for.

Rick Holland of Fairfax said that Brett was referring to him about a bill when he said that Mr. Holland came to the podium and talked about a bill that he had no memory of talking about. Mr. Richards observed that Mr. Holland's comments were on video. As Director Vanni had stated, the firm was hired a few months before it had been approved by the Board who brought out, and retroactively approved, and it was approved, I believe, through December. So as I'm getting ready to lead a three-month campaign for consolidation here in Marin, and not just this district, but southern Marin and others.

Bruce Baum, 1165 Butterfield Road, San Anselmo said that Mr. Holland, as usual, throws out information that was incorrect, as in using words like negligence and lack of transparency. Mr. Baum asked for clarification that the District has discretionary funds that the General Manager can spend up to \$10,000 or \$20,000 without the Board's approval. He also noted that he was at the meeting when this came up and his recollection was that the amount was \$6,000 and not \$70,000.

Director Johnson noted that Mr. Holland threw out \$70,000 and yet the amount involved in the item on the agenda was \$18,000. She also recalled that the original discretionary amount in this matter was within the discretionary powers of the General Manager, as Mr. Baum stated. And when that amount exceeded the discretionary power, Mr. Richards immediately brought it before the Board for approval. She asked Mr. Richards to expand on this.

Mr. Richards stated that GAC was paid \$3,000 a month on a month-to-month contract that could be ended next month or tomorrow. The District really had the best of all worlds because the District was in control and was managing the situation for the effectiveness of the District. And yes, the General Manager does have the authority to make certain decisions and spend money. Mr. Richards said he will continue to do this until the Board tells him to stop.

Mr. Richards was also concerned about the total disregard for the factual record on consolidation. He noted that the District was the only sanitary agency in the region that was seriously looking at consolidation. San Rafael sanitation pulled out and was bold enough to admit that they did it because we (RVSD) didn't have enough money. Now that we have money, they appear to be funneling comments through the public and other politicians suggesting that now they'd like to consolidate with us—now that we're doing well financially. But they're officially on the record as withdrawing from consolidation. Corte Madera made the same decision and went so far as to say that if we all consolidated sometime in the future, they'd be happy to pay a contract service for treatment services. There was no other sanitary

district within LAFCO's stated sphere of influence for the Ross Valley that the District *could* consolidate with. In conclusion, Mr. Richards stated it's important to note that the District has an ongoing consolidation study happening right now that the Board approved. He didn't know of any other agency doing that. If Mr. Holland was the community activist who thinks it was important for him to make that an important issue, he can come down and sit in a room with us, talk about it and look at it with us. We'd love to have him on the team.

After Mr. Holland called out from his seat in the audience to ask when that meeting was going to take place, President Guasco reminded Mr. Holland that open time for the public had passed and it was now open time for Board members. Director Johnson said that Mr. Holland could arrange a meeting time. President Guasco suggested that if Mr. Holland wanted to attend that meeting, he should contact Mr. Richards or office staff directly to make those arrangements. Mr. Holland thanked President Guasco.

After a brief discussion, M/S Johnson/Sullivan to authorize Government Affairs Consulting to perform services for a cost not to exceed \$18,000. Director Vanni voted no. The motion carried.

**Item #6-CONSIDERATION OF FORMATION OF AD HOC COMMITTEE TO SERVE AS THE APPEALS PANEL FOR THE SOIL REMEDIATION RFQ/RFP AT 2000 LARKSPUR LANDING CIRCLE** General Manager Richards reviewed the staff report and noted that this was a very, very short length, fixed length ad hoc committee for a specific reason. The committee would only have to meet if one of the nine candidates who submitted an application was rejected by the qualification process and felt that they were rejected for incorrect reasons. This ad hoc committee would then review what happened during the qualification process and report their findings to the Board. This committee may not even have to meet, and if they do, it will be for one meeting only.

M/S Sullivan/Brown to appoint President Guasco and Director Johnson to serve as an ad hoc subcommittee to serve with the General Manager as the Appeals Panel. The motion carried unanimously.

**Item #7-AUTHORIZATION FOR GENERAL MANAGER TO EXTEND TEMPORARY OFFICE HELP UNTIL AUGUST 31, 2010** General Manager Richards reviewed the staff report and said that this was important to staff because we've slowed down on our hiring of the original positions that staff came to the Board and asked for. This person has been a temporary employee for the better part of a year and fills a really important role. Many of this person's duties would have been absorbed by several of the positions that we hope we'll be adding next year.

Director Brown wanted to know if this staff person would be able to assist those committees. Mr. Richards said no. Director Brown then asked what specific work this staff person would do. Mr. Richards listed the work this person does, and noted that she has no confidential or HR responsibilities and therefore would have no duties involving the behind the scenes work of an ad hoc committee, for example.

Rick Holland of Fairfax called out from his seat in the audience and said this was an assistant to the assistant: "She blows", he said, but go ahead and do it. President Guasco requested

that Mr. Holland come to the lectern and state his name and address if he wanted to speak. Mr. Holland said he would do that next time.

After a brief discussion, M/S Johnson/Brown to approve the use of a temporary office employee as detailed above, which is through the period of August 31, 2010. Director Vanni voted no. The motion carried.

**Item #8-CONSIDERATION OF TITLE CHANGE FOR INSPECTION SUPERVISOR TO BE INSPECTION SUPERINTENDENT** General Manager Richards reviewed the staff report and made clear that this was not a performance review and not a promotion. It was something that needed to be done from an organizational development perspective and it was the right way to build a healthy organization. This particular person was at a level in the organization that was monetarily lower than other people he was working along side as a peer, so this item would correct this situation by indexing similar positions at the same level. Mr. Richards clarified that doing this was solely his idea; it was *not* brought to his attention by any employee. He simply thought it was inequitable to have two people doing very similar work on the same level with similar responsibilities and not have them indexed accordingly.

In response to a question from Director Johnson, Mr. Richards explained that this issue was totally different and separate from the earlier Board discussions about the original organization chart, and that's why he brought it to the Board tonight as a separate item. This was not a new position, not a new service, and not an evaluation of this person's job performance. It was simply indexing two positions to the same level on an org chart.

In response to a question from Director Vanni, Mr. Richards acknowledged that this was a step up from Range 32 to Range 34 with an increase of 5%.

M/S Johnson/Sullivan to authorize a title change from Inspection Supervisor to Inspection Superintendent and a Salary Range change from 32 to 34 (an increase of 5%). The motion carried unanimously.

**Item #9-CONSIDERATION TO HIRE TEMPORARY HELP TO ASSIST WITH DISTRICT PUBLIC OUTREACH EVENTS** General Manager Richards reviewed the staff report and said that the District had quite a successful community outreach program in progress. He briefly mentioned all of the events, including those involving the Kentfield Forcemain Project, the Woodland/College/Goodhill Project, and the lateral grant program. Staff was already working many many hours and it would be helpful if they could obtain temporary help whenever a public outreach event was scheduled. Mr. Richards described the work that the temporary help would assist with on the day of the event, i.e. work that would allow RVSD employees time to interact with the public, and noted that the temp workers would essentially be on-call. Director Brown said she appreciated the clarification of the work that would be done by the two temporary helpers and it made sense to her.

President Guasco thanked staff for helping not only with the community outreach events during their time off, but for the time they spent setting up and breaking down for the Board meetings.

Director Sullivan said that the staff report, and Resolution No. 10-1370, should say “to assist *during* the District’s various public outreach events” and not “for” the District’s events. There was Board consensus to make this change. District Counsel Kenyon suggested that the Resolution be amended tonight to include this change.

Bruce Baum, 1165 Butterfield Road, San Anselmo wanted to know why this Resolution was even necessary since the General Manager had discretionary spending authority. He also wanted to know what the limit of that discretionary spending was on any one item.

Mr. Richards said that the question of what to bring or not to bring to the Board’s attention was a constant conundrum for a general manager. And the heart of the matter was the issue of transparency. He observed that over the last several months there were probably six to seven issues that he brought before the Board that really didn’t need to come to the Board technically. But they were brought to the Board for the sake of transparency. In addition, Mr. Richards noted that while this item was well within his spending authority, there was plenty of time to deal with it and what he wanted was the Board’s feedback and to let the Board know what staff wanted to do.

Director Brown said she appreciated this being brought to the Board’s attention and the more the Board knew the better.

District Counsel Kenyon made suggestions on how to revise Resolution No. 10-1370 to reflect Director Sullivan’s suggestion. The amended Resolution shall read as follows in the title, in the WHEREAS sections and in the No. 1 section under NOW, THEREFORE BE IT RESOLVED. The amended words are italicized and underlined.

A RESOLUTION BY THE BOARD OF DIRECTORS OF SANITARY DISTRICT NO. 1 OF MARIN COUNTY APPROVING HIRING OF TEMPORARY HELP TO ASSIST DISTRICT STAFF DURING PUBLIC OUTREACH EVENTS

WHEREAS, Sanitary District No. 1 of Marin County (“District”) wishes to approve the hiring of two (2) temporary employees for limited purposes; and

WHEREAS, this position would be to assist during public outreach events; and

WHEREAS, the District has determined that these services would serve the best interests of its ratepayers.

NOW, THEREFORE BE IT RESOLVED by the ...

1. It hereby approves the hiring of 2 temporary employees to assist District staff during public outreach events for a term not to exceed 6 months.

After a brief discussion, M/S Johnson/Brown to adopt Resolution No. 10-1370, as amended.

Vote: Ayes: Brown, Guasco, Johnson, Sullivan, Vanni; Noes: None; Absent: None; Abstain: None. The motion carried unanimously.

**Item #10-ADOPTION OF RESOLUTION APPROVING FIRST AMENDMENT TO AGREEMENT FOR DISTRICT COUNSEL SERVICES**

District Counsel Kenyon began by saying that General Manager Richards had come to her and asked if something could be done about the Agreement for District Counsel Services. Mr. Richards had been made aware of the fact that a lot of districts had gone to a retainer system, and he wanted to know if anything could be done to assist the District with taking better advantage of being able to *budget* for District counsel services, as well as doing something in an attempt to perhaps reduce costs. Thus, after reviewing months and months of District services, Ms. Kenyon proposed a retainer system that was \$17,000 a month for 60 hours of work. This retainer system would, in fact, be capped at an hourly rate of \$295 an hour. Right now the rate was up to Ms. Kenyon's standard rate, which was \$325 an hour. She wanted to make clear that if during a particular month there was *not* 60 hours worth of work that MHA performed, then the District would *not* be paying \$17,000; the District would then only pay whatever the hourly rate was for the hours and for the person who performed the work. From our perspective, she said, this was actually a cost reduction and a benefit to the District in terms of the District's being better able to budget what District counsel services would be through the year.

In response to detailed questions from Director Johnson and President Guasco about what would happen if MHA worked *less than* 60 hours a month, Ms. Kenyon clarified that the District would *never* pay more than \$17,000 for 60 hours of work, and noted that there were associates at MHA who bill out at \$195 an hour. She also clarified that the 60 hours did include one regular Board meeting a month.

Director Vanni read from the second paragraph of the staff report where it said, "...but in no event shall the hourly rate for any attorney exceed \$295 per hour." But right after this statement the staff report said, "For all other additional services MHA and the District would retain the existing arrangement, and the District would be billed at the standard hourly rate," which is \$325 an hour. Ms. Kenyon pointed out that this was for litigation or personnel matters. But the staff report said that "in no event shall the hourly rate for any attorney exceed \$295 an hour," replied Director Vanni. It's \$295 an hour for district counsel services, said Ms. Kenyon, and what those services entail was highlighted in the Agreement.

Director Vanni acknowledged the \$17,000 for 60 hours of work and that after that we go to \$295 an hour. He asked if Ms. Kenyon would work more than 60 hours a month. Ms. Kenyon said that if the work goes over 60 hours a month, then the District would be billed whatever the hourly rate was for the attorney doing the work. Right now this ranged from \$195 an hour to her rate of \$325 an hour, but in no event will the rate be higher than \$295 an hour. So this was a discount for the District. Director Vanni clarified that there was no cap. In other words, the District was paying \$17,000 but there was no cap on the hours. That was correct, said Ms. Kenyon. So it really didn't change anything, said Director Vanni.

In response to a question from Director Sullivan about how this compares to the District's old agreement with MHA, Mr. Richards said that he attended a CSDA training that spent a lot of time on this issue and where the speakers *highly recommended using a retainer system for basic District services*. He said that although the Larkspur Landing issue has been with the

District for about 12 years, it was *not* part of our core business of being a sewer district. He gave several examples of core business activities. Mr. Richards also pointed out that the retainer system may or may not lower the overall legal expenses, but what it *did do* was say that District legal services cost X. That's it.

Director Johnson and Ms. Kenyon discussed the numeric details of how the District was actually getting a cost savings with the retainer system. Ms. Kenyon said that another benefit to the District was that it now had a figure representing what the average number of hours should be in a month. This was a good barometer and a benchmark that both she and the General Manager will find useful.

Mr. Richards remarked that he was thinking about all of this from a business management and not an accounting perspective. He was thinking operationally and Director Johnson was thinking linearly and mathematically.

Director Vanni said Mr. Richards was dicing up Larkspur but Larkspur was still our business. You can say it's not the *core* District business but Larkspur Landing and Larkspur were still our business. At the end of the day, we still had a certain amount that we're paying. However, you dice it up, it's still a certain amount. And \$30 an hour less for Michelle *was a savings*. Director Vanni said he was all in favor of saving money so the reduction in Michelle's rate was a good thing. He had no problem with that. He also didn't have any problems with the way Mr. Richards was dicing it up but in reality at the end of the day if you add it all up, we're still paying *that amount* to do District business because that *is our property*.

Mr. Richards said that the truth was that we're *all correct* and Larkspur *was* real. He wasn't trying to dice it up and pretend it's not real. But when the issue was resolved it's going to go away and it will be gone, and he will still need District counsel services. He said that there was absolutely a difference operationally between his running the business seven days a week and the projects that the Board chose to give to legal staff to work on. But the District's main purpose was to maintain and rebuild the sewer system with some of the best staff in the region.

Director Sullivan noted that the Amendment to the Agreement didn't say anything about maintaining the unaffected provisions, like an annual review of the contract. Second, he was hearing that \$200,000 a year was *almost* what the District wanted to pay a year for legal services for our basic, core day-to-day District business so the General Manager can budget accordingly. How did this compare to the last two or three years for basic, core legal services for the District? Mr. Richards said it looked like the District was going to realize possibly a double-digit percentage savings. We needed to trend it, he said. Director Sullivan asked that we calendar for the June meeting that the Board review where we are and how this new retainer system was working. Ms. Kenyon agreed.

Ms. Kenyon noted that paragraph two on page two of the First Amendment said, "Except as specifically modified by the First Amendment, all other terms and obligations of the Agreement shall remain in full force and effect." Director Sullivan took back his first comment.

Director Brown said she appreciated having that baseline we can use for budgeting. It was a great idea. She was also grateful to Ms. Kenyon for reducing her rate.

Bruce Baum, 1165 Butterfield Road, San Anselmo said we should put this in perspective and analyze and track it the way financial people would as one of their standard operating procedures. That meant looking at legal expenses based on revenues. Thus, in 2004 legal expenses were 2.44% of revenues and in the budgeted 2009-10, legal expenses were 2.46%. Mr. Baum said that he backed out the legal fees of the property deal, based on the financial statements, for the budgeted 2009-10 figure. Secondly, the going rate for attorneys was over \$350 an hour and big name attorneys charge as much as \$500 an hour. So the hourly fee of \$283.33 an hour was really a good value when you stop to consider the depth and breadth of what MHA and Michelle Kenyon's expertise bring to this agency. Mr. Baum suggested that the Board approve this resolution.

Director Johnson said she had talked to a local attorney in Marin who worked in a small two-man law firm, *not* a large law firm, and he charged \$400 an hour. So the \$283-295 an hour was actually super!

Director Vanni said that Mr. Baum was playing a shell game as he tracked legal fees in 2004 because those legal fees *included* the Larkspur property. So if you're going to back out the fees involving the Larkspur property in 2009-10, as Mr. Baum did, then you also have to back out the Larkspur fees in 2004 if you want to make a valid comparison. That's reality. Mr. Baum said he disagreed.

Director Brown stated that she would be happy to look into this because she didn't believe that what Director Vanni said was actually accurate. She would be happy to bring this back to the Board.

After a lengthy discussion, M/S Johnson/Brown to approve Resolution No. 10-1369 approving the First Amendment to Agreement for District Counsel services. Vote: Ayes: Brown, Guasco, Johnson, Sullivan, Vanni; Noes: None; Absent: None; Abstain: None. The motion carried unanimously.

**Item #11-GENERAL MANAGER'S VERBAL REPORT** Rather than give a lengthy verbal report, General Manager Richards showed a brief public service announcement (PSA) that was part of the community outreach program and would be seen on the District's website, FaceBook, YouTube, and two local public TV stations. The PSA, an introduction to the District's lateral grant program, was made by State Senator Mark Leno who volunteered to help with the outreach effort. There was Board consensus that a resolution of appreciation and a letter of thanks and appreciation signed by all Board members should be sent to Senator Leno. Mr. Richards remarked that so far, this PSA was the crown jewel of customer outreach.

**Item #12- BOARD OPEN TIME** President Guasco said that he had a detailed letter he wrote in response to a letter from Mr. David Weinsoff, a councilmember of the Town of Fairfax, who had concerns and comments. President Guasco passed out copies of his detailed response, along with supporting documentation, to Board members and he also had copies for the public. This was for informational purposes only.

President Guasco asked Director Vanni if he had an opportunity to attend the CSRMA meeting when he was down at CASA in January. Director Vanni said that he did not. He added that he called ahead of time and was unable to get down there on the day that it was being held. Director Vanni called Theresa Donovan who in turn called down there and cancelled for him. He pointed out that there was no fee for that because the District was a member of CSRMA, and because he didn't attend, there were no hotel fees and such charged to the District.

President Guasco concluded by suggesting that the District join CSDA because this organization was specific to sanitary districts. He acknowledged that CASA was a great organization and had great information for the Ross Valley Sanitary District, but he would also like the District to start looking into CSDA who was *the leader in the sanitary district agency business*.

President Guasco and Director Vanni briefly discussed the topics covered at CASA conferences. Director Vanni listed the topics that directly had to do with collection systems. The bottom line for President Guasco was that there was a little more rigor and a lot of value in attending CSDA functions. He was *not* saying that CASA didn't have relevant information.

Director Brown said she would like to see a light outside, or perhaps a sandwich board, to identify the Kentfield School District Office as the Board's meeting place. She observed that it was a challenge to find the right driveway and the right building. Mr. Richards agreed to do something by the next meeting.

Director Johnson gave a brief update on what happened at the last CMSA board meeting. Bob Sinnott, the fire chief from Larkspur, not a member of the city council but their appointed Larkspur commissioner to the CMSA Board, had resigned from the Commission, and the Larkspur city council by themselves unilaterally appointed Kathy Hartzell to be the CMSA representative from Larkspur. And they were going to vote on who would be the next chair of the Board and who would sit on their subcommittees. Director Johnson pointed out to the CMSA Commissioners via written correspondence that they did not follow the correct procedures according to the Annexation Agreement Ross Valley Sanitary District *has* with the City of Larkspur about how this Larkspur commissioner is appointed. She quoted sections of the Annexation Agreement in the letter, which can basically be summed up by saying that there's supposed to be a committee of which there's two people from our District on it and two people from the City of Larkspur. And they're supposed to advertise for applicants, interview applicants, and make a decision. And then that decision is blessed by the City of Larkspur's city council. So that public outreach process, to allow anyone to apply and to open it up to everybody and to include us in the process, *was not done*. She brought this to their attention. They were not really thrilled to hear that. They said it wasn't *their* issue and we should bring it up with the City of Larkspur. But they *did* delay putting anybody on any of the subcommittees until at least the next meeting. She thinks they were worried about having somebody be appointed to a subcommittee who wasn't a legally appointed person to the commission. That's where it's sitting right now.

**Item #13-CLOSED SESSION** The Board adjourned to Closed Session at 8:35 p.m. for (i) LABOR NEGOTIATIONS pursuant to Government Code Section 54957.6. Agency Negotiator: Brett N. Richards; Employee Organizations: A.F.S.C.M.E., Felix Huerta;

Unrepresented Employees: Mid-Management Group; (ii) .CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION. Subdivision (a) of California Government Code Section 54956.9. Name of Case: CITY OF LARKSPUR, a public entity, Plaintiff, v. ROSS VALLEY SANITARY DISTRICT, a public entity, and DOES 1 through 100, Inclusive, Defendants, Superior Court of California, County of Alameda, Case No. RG09477828; and (iii) CONFERENCE WITH LEGAL COUNSEL -- ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to Subdivision (b)(3)(C) of California Government Code Section 54956.9: One potential case. Copies of related claims or communications are available for public inspection pursuant to California Government Code Section 54957.5

The Board reconvened to Open Session at 9:20 p.m.

There was no reportable action taken during Closed Session.

**Item #12-ADJOURN** The Board adjourned at 9:30 p.m.

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Marcia Johnson  
Secretary of the Board