

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

Tuesday, December 5, 2006
5:45 p.m.

District Office
2000 Larkspur Landing Circle
Larkspur, CA

Members Present: Sue Brown, President
Patty Burke, Secretary
Patrick Guasco
Brian Oliva
Steve Vanni

Members Absent: None

Staff Present: Paul H. Causey, Interim District Manager
Heidi Lang, Business Manager
Ben Stock, Assistant District Counsel
Eva Waskell, Recording Secretary

Public Present: The names reflected are those who sign in on the attendance sheet; Marcia Johnson; Keith Lester; Vic Canby; Janus Orr; however, there were eight (8) additional members of the public present.

Item #1-ORDER The meeting was called to order by President Brown at 5:48 p.m. President Brown then led the Pledge of Allegiance. Roll call was taken and a quorum was present.

Item #2-APPROVAL OF AGENDA Stan Schriebman, 51 Hickory Road, Fairfax, said there was no statement on the agenda indicating that the public can pull an item from the Consent Calendar if that item hasn't been fully discussed before.

Director Oliva arrived at 5:50 p.m.

M/S Vanni/Burke to approve the Agenda, as submitted. The motion carried unanimously.

Item #3-OPEN TIME FOR PUBLIC Stan Schriebman, 51 Hickory Road, Fairfax, noted that because of health concerns some members of the public should be allowed to speak from their chairs rather than at the lectern. He asked what the IRS approved travel expenses are for meals, tips, etc.

Bruce Baum, 1165 Butterfield Road, San Anselmo, listed the outstanding items that still need to be addressed by the Board, including directors' reimbursement to the county, changes to the garbage contract, and the status of the search for a new auditor. He requested item 5-h be pulled from the Consent Calendar.

Marcia Johnson, 153 Meernaa Avenue, Fairfax, reminded the Board that the District's website still needs to be updated.

President Brown introduced Interim District Manager Paul Causey and Assistant District Counsel Ben Stock and Board members welcomed them.

Item #4-APPROVE THE MINUTES OF NOVEMBER 7, 2006 President Brown requested that the following change be made in Item No. 6 on page 2 of the November 7, 2006 Minutes in Nidhi Rice's comments. Delete the second sentence and insert the text, "Nidhi Rice said that residents were told they weren't allowed to go to the CMSA meeting. President Brown replied that residents were in fact allowed to go to the meeting and she would be happy to discuss this with Rice."

President Brown also requested that Item No. 10 on page 4 of the November 7, 2006 minutes reflect that Dr. Sidney Lowney (not Carole d'Alessio) gave the slide presentation and that the names of all three people from Friends be listed as present (Carole d'Alessio, Dr. Sidney Lowney, Sandy Guldman).

President Brown clarified to Janus Orr, Nidhi Rice's neighbor, that the questions in Rice's letter would be included in the November 21 (not the November 7) Minutes.

Director Guaso arrived at 6:10 p.m.

After a brief discussion, M/S Oliva/Vanni to approve the Minutes of November 7, 2006, as amended. The motion carried unanimously.

Item #5-CONSENT CALENDAR The Board reviewed the Consent Calendar:

- a) Approve November 2006 disbursements totaling \$2,649,858.06
- b) Approve District Treasurer's Financial Report for November 2006
 - i) Bank and Investment Accounts Summary Statement
 - ii) Income Statement
 - iii) LAIF Investment Statement
 - iv) Transfer Authorizations
 - v) LAIF Statement for October 2006
 - vi) Monthly Disbursements
 - vii) Board Fees Paid (Monthly & YTD Summary)
- c) Approve Accountant's Report for October 2006
- d) Approve Progress Payments for Capital Improvement Projects:
 - i) Larkspur Landing B (PS10), Anderson Pacific, Inc., progress billing no. 5 in the amount of 277,800.21 and progress billing no. 6 in the amount of \$270,838.80
 - ii) Slide Repair and Sewer Protection-Ellsworth, Fairfax, Tioga, Greenbrae, Sewer Relocation Vista, Ross, Bay Pacific Pipelines, progress billing no. 1 in the amount of \$89,707.50
- e) Authorize attendance at CASA's 2007 Mid-Year Conference
- f) Rejection of Claims from 12/31/05 Flood -Claim nos. 1432360, 1439372, 1400012, and 1431481

- g) Approve variance request for 300 Bothin Road, Fairfax
- h) Acceptance of Quitclaim of Lincoln Properties Right of First Refusal
 - i) Adoption of Resolution No. 1271

Bruce Baum, 1165 Butterfield Road, San Anselmo, stated that Item 5-h should have been discussed when the Board was talking about the sale and asked why it was hidden in the Consent Calendar.

Assistant District Counsel Ben Stock gave a brief background of the quitclaim and explained that the District is just trying to clean up the title so it will increase the value of the property. President Brown and Interim District Manager Causey agreed that 5-h was on the Consent Calendar because it's just a technicality, a procedural step to move things along. It wasn't "hidden."

Marcia Johnson, 153 Meernaa Avenue, Fairfax, had questions about any filing and/or attorney fees involved.

Robert Upton from Campus Properties said they found the quitclaim in 1998 and the title needs to be cleared ASAP.

Assistant District Counsel Ben Stock requested that "district counsel" be deleted from the list of paid parties in Item 5-e because the District does not pay for District Counsel Michelle Kenyon to attend that conference.

After a brief discussion, M/S Vanni/Oliva to approve Consent Calendar, as amended. The motion carried unanimously.

The Board took a recess from 6:27 p.m. to 6:40 p.m. so the quitclaim could be signed and notarized.

Item #6-CONSIDERATION OF DISTRICT'S RESPONSE TO AGENDIZING RESPONSES TO THE GRAND JURY REPORT Interim District Manager Causey reviewed the staff report and gave an overview of the proposed response to the Grand Jury, including the need for responses to be on the Open Agenda and not the Consent Calendar. He noted that the response needs to go to the Grand Jury no later than Friday, December 8, 2006.

After a brief discussion, M/S Vanni/Oliva to approve a District response and direct the Interim District Manager to execute and submit the response prior to the extended deadline from the Grand Jury. The motion carried unanimously.

Item #7-PROVIDE DIRECTION REGARDING CMSA RELOCATION PROJECT Interim District Manager Causey reviewed the staff report and gave the Board an update on the progress being made on the relocation project. The first phase of the demolition will begin shortly and there have been amicable relations among all of the parties. The District is working

to develop permit application requirements for the City of San Rafael for the trailers. CMSA will be the lead agency and District/CMSA responsibilities will be clearly outlined.

Director Vanni asked for clarification of the April 15 or May 15 dates. Interim District Manager Causey replied that May 15 is the date when rent starts. He continued to say that while legal counsel has not seen this month's revised draft, comments are expected from them soon.

Marcia Johnson, 153 Meernaa Avenue, Fairfax, asked questions regarding equipment sharing, insurance, and payment of utilities.

Bruce Baum, 1165 Butterfield Road, San Anselmo, asked how much the District has budgeted for the relocation. President Brown directed staff to include this information for the next meeting and to research two-way sharing of equipment and facilities between the District and CMSA.

It was the consensus of the Board that there were no objections to CMSA as the lead agency.

The Board had a lengthy discussion; no action was taken.

Item #8-CONSIDERATION OF CHANGE TO JANUARY BOARD MEETING DATE (MONDAY, JANUARY 8, 2007--PROPOSED) President Brown said that the date change was due to the holidays.

After a brief discussion, M/S Vanni/Burke to approve Monday, January 8, 2007 for its regular meeting in January. The motion carried unanimously.

Item #9-STAFF'S VERBAL REPORT Interim District Manager Causey gave a brief update on Nidhi's Rice letter and a citizen's letter complimenting Mark Molinari and Buz Brown for excellent work. He said there would be an information meeting on December 12, 2006 at 5:45 p.m. in the Board meeting room to educate the public about the improvements that will be made in the 2007 Pipeline Rehabilitation Project and to get their feedback. President Brown recommended that all affected citizens be notified by mail. Director Burke suggested notifying the planning departments of the affected towns (Fairfax, Larkspur, San Anselmo).

Interim District Manager Causey said that the District is about to issue a contract for phase one demolition. Indian bones will be moved into a storage location.

Business Manager Heidi Lang requested a change in the November 2006 disbursement amount in Item 5-a of the Consent Agenda. M/S Vanni/Oliva to revise the November 2006 disbursement total amount in Item 5-a of the Consent Agenda from \$2,649,858.06 to \$426,158.57. The motion carried unanimously.

Item #10-BOARD OPEN TIME Bruce Baum, 1165 Butterfield Road, San Anselmo, suggested contacting local newspapers and the Marin IJ re: the public meeting on December 12, 2006.

Marsha Johnson, 153 Meernna Avenue, Fairfax, asked about District Manager Hogue's compensation while he's away.

Stan Schriebman, 51 Hickory Road, Fairfax, asked whom he should go to with complaints about dust abatement. Interim District Manager Causey said that Schriebman should contact the District or write a letter to the contractor. Director Oliva suggested that filing a nuisance item would be a legal option.

Director Guasco asked to agendize consideration of the Board meeting time to start at 6:30 p.m. President Brown agreed to do this.

President Brown went to a North Bay Watershed Association meeting and said that the Association submitted a grant application for millions of dollars to do stream remediation, water quality improvement, and build a desalination plant. The grant was declined because it lacked a special plan to do this. The Association will resubmit its application with such a plan.

Item #11-CLOSED SESSION The Board adjourned to Closed Session at 7:32 p.m. pursuant to Government Code Section 54957.6 regarding Labor Negotiations – Agency Negotiator: Paul H. Causey, Employee Organization: A.F.S.C.M.E.

The Board reconvened to Open Session at 8:11 p.m. No reportable action taken.

Item #13-ADJOURNMENT The Board adjourned at 8:12 p.m.

Patty Burke
Secretary of the Board