

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

Tuesday, November 2, 2004
6:45 p.m.

District Office
2000 Larkspur Landing Circle
Larkspur, CA

Members Present: Steve Vanni, President
Brian Oliva, Secretary
Sue MacMillan
Sue Brown

Members Absent: Donna Bjorn

Staff Present: Barry Hogue, District Manager
Fritz Schulte, Office Manager
Theresa Jungbauer, Administrative Assistant

Guests Present: John Sharp, District Counsel
Jan Tansil, Personnel Counsel

Public Present: Dan Hanley, Cynthia Whitman-Bradley, Paul Herbert, and Bruce Baum.

Item #1-ORDER The meeting was called to order by President Vanni at 6:46 p.m. President Vanni then led the Pledge of Allegiance. Roll call was taken and a quorum was present.

Item #2-OPEN TIME FOR PUBLIC Bruce Baum, 1165 Butterfield Road, San Anselmo, informed that last month he had asked a question regarding number 6 of the October 5 meeting, approval of Nute Engineering's proposal to design Landing B Pump Station Improvements, if it was necessary for the District to have three (3) bids for this proposal. He then read the California Government Code, which relates to this issue and it stated that a public agency would need to adopt a regulation or an ordinance. He stated that if the District was single-sourcing Nute Engineering's proposal without going out to bid, how would you know whether or not it was a fair price. He requested that this matter be placed on next month's agenda for discussion.

Item #3-APPROVE THE MINUTES OF OCTOBER 5, 2004 Director Brown had concerns regarding item number 8 of the October 5, 2004 meeting. She requested that the last two sentences be amended.

The Board directed staff to review the October 5 Board meeting audiotape and bring back item number 8 at the next meeting for approval.

After a brief discussion, M/S MacMillan/Brown to approve the Minutes of October 5, 2004, except for item number 8. The motion carried unanimously; abstain Oliva.

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

- a) Approve October 2004 disbursements totaling \$1,590,346.16
- b) Approve District Treasurer's Financial Report for October 2004
 - i) Accounts Summary Statement
 - ii) Income Statement
 - iii) Investment Statement
 - iv) Transfer Authorizations
 - v) LAIF Statements
 - vi) Monthly Disbursements
- c) Approve Accountant's Report for September 2004
- d) Approve Larkspur Pump Station Improvements Change Order No. 7 for Michael Paul Co. in the amount of \$42,291.59
- e) Approve Progress Payments for Capital Improvement Projects:

- i) Larkspur Pump Station Improvements, Michael Paul Co., progress billing no. 9 in the amount of \$77,333.43
- ii) 2004 Sewer Rehabilitation Project, K.J. Woods Construction, progress billing no. 2 in the amount of \$245,433.15

Director Brown requested that item (b) be removed from the Consent Calendar for discussion.

M/S Oliva/MacMillan to approve the Consent Calendar, except for item (b). The motion carried unanimously.

Director Brown wanted to know how the billing system was monitored. She had concerns regarding the legal billings.

After a brief discussion, M/S Oliva/MacMillan to approve item (b) of the Consent Calendar. The motion carried unanimously.

Item #5-DISCUSSION REGARDING PUBLIC MEETINGS BY INDIVIDUAL BOARD MEMBERS District Counsel Sharp reviewed his report.

A lengthy discussion ensued regarding District Counsel Sharp's two possible options for this issue: (i) further investigation and legal review, which will cost a substantial amount of money; or (ii) if the Board wants to explore its own policy regarding outside meetings.

Paul Herbert, 500 Cascade Drive, Fairfax and Cynthia Whitman-Bradley, 309 Kent Avenue, Kentfield, spoke during the public participation time.

Director Oliva absent from 7:14-7:19 p.m.

M/S Oliva/MacMillan to continue this matter to a future meeting when there is a full Board and for staff to bring back sample policies of local sanitary districts and/or municipal districts within the area or California within reason. The motion carried unanimously; abstain Brown.

Item #6-DISCUSSION REGARDING PUBLIC ATTACHMENTS ON DISTRICT'S WEBSITE District Manager Hogue reviewed the staff report.

Bruce Baum, 1165 Butterfield Road, San Anselmo, spoke during the public participation time.

Director Brown made a motion to allow the statements we are attaching to our Minutes (in the official Minute book) to also be publicized on the web.

The motion dies due to the lack of a second.

No action was taken.

Item #7-STAFF'S VERBAL REPORT The District Manager gave a brief report on the Sir Francis Drake Blvd./McAllister, Kentfield project, which is winding down and the contractor is now moving to the Floribel and Bridge portion of the project in San Anselmo; the Butterfield Rehabilitation Project is imminent; the Larkspur Main Pump Station project is slowing down and they are adding the meter pit; the recent attendance at the BACWA joint sponsor regional board reporting workshop in Oakland, and Eric Smith and Ana Bernardes will be attending a similar workshop in Corte Madera; the District is participating in a pilot program for reporting SSOs—BACWA has set December 1 as real time for reporting; the SHECAP study is on schedule; and the recent

attendance at the California Special Districts Associations' Finance Conference was beneficial before the District embarks on its finance study after the holidays, which should be brought back to the Board in early spring.

Item #8-BOARD OPEN TIME President Vanni asked Mr. Baum to repeat his request for an agenda item. Mr. Baum reiterated his request regarding single bidding with a service contractor to have all of the procedures in place (proper paperwork, authorization, etc.). There was no objection from the Board to have this item placed on a future agenda.

Director Oliva updated the Board on North Bay Watershed's meeting in Novato. He stated that the Friends of Corte Madera Creek received \$66,000 from North Bay Watershed.

Director Brown updated the Board on her attendance at the Las Gallinas Valley Sanitary District's Board meeting, where they discussed rejoining the North Bay Watershed.

Director Brown asked District Manager Hogue what is the status of the recycling issue.

District Manager Hogue responded that it should be on next month's agenda.

President Vanni stated that tomorrow he has a meeting at CMSA as part of the finance committee.

President Vanni also gave a brief overview to the public about what the Evergreen Clause is. He stated that there is no Evergreen Clause in the northern area of the District's franchise area; however, the District's southern area does have an Evergreen Clause with Marin Sanitary Service.

Finally, President Vanni updated the Board on a recent article in the Press Democrat regarding North Bay Corporation and the City of Petaluma.

The Board took a 5-minute break at 8:11 p.m. before adjourning to Closed Session.

Item #9-CLOSED SESSION The Board adjourned to Closed Session at 8:16 p.m. pursuant to Government Code 54956.9 (a), conference with Legal Counsel regarding pending litigation, Marin Superior Court Case No. CIV 044604.

The Board reconvened to Open Session at 8:45 p.m.

Reportable action taken during Closed Session: None.

Item #10-ADJOURNMENT The meeting was adjourned at 8:46 p.m.

BRIAN P. OLIVA
Secretary of the Board