

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

Tuesday, December 7, 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
Donna Bjorn

Members Absent: None

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

Guests Present: John Sharp, District Counsel

Public Present: Patty Garbarino, Steve Rosa, George Larson, George Buckle, Dan Hanley, Wallace Brooks, Patty Moore, Delyn Kies, Carole D'Alessio, Nadine Davida, Roger Stoll, Jon d'Alessio, Patty Burke, D. Burke, D. Owen, Alan Pallie, John Reynolds, Mark Squire, Patricia Gallagher, Mayme Hubert, Jay Hubert, Alan Blau, Buff Whitman-Bradley, Cynthia Whitman-Bradley, Pat Guasco, Garril Page and Bruce Baum.

Item #1-ORDER The meeting was called to order by President Vanni at 6:45 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, thanked the Board for rapidly repairing the sewer main in Butterfield Road. He also read a prepared statement in response to Director Vanni's comment at the November 2, 2004 Board meeting regarding the Evergreen Clause. He requested that his statement be included in its entirety in the Minutes and on the District's website.

Item #3-APPROVE THE MINUTES OF NOVEMBER 2, 2004 AND THE AMENDED MINUTES OF OCTOBER 5, 2004 M/S Oliva/MacMillan to approve the Minutes of November 2, 2004, as submitted, and the Minutes of October 5, 2004, as amended. The motion carried unanimously; abstain Bjorn.

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

- a) Approve November 2004 disbursements totaling \$592,864.73
- b) Approve District Treasurer's Financial Report for November 2004
 - i) Accounts Summary Statement
 - ii) Income Statement
 - iii) Investment Statement
 - iv) Transfer Authorizations
 - v) LAIF Statement
 - vi) Monthly Disbursements
 - vii) Petty Cash Disbursements
- c) Approve Accountant's Report for October 2004
- d) Approve Progress Payments for Capital Improvement Projects:
 - i) Larkspur Pump Station Improvements, Michael Paul Co., progress billing no. 10 in the amount of \$59,681.43
 - ii) 2004 Sewer Rehabilitation Project, K.J. Woods Construction, progress billing no. 3 in the amount of \$299,207.70

- iii) Butterfield Trunk Sewer Project, K.J. Woods Construction, progress billing no. 1 in the amount of \$21,792.60
- e) Authorize disposal of surplus equipment

Director Brown requested, per a resident, that item (d-iii) be removed from the Consent Calendar for discussion.

M/S Bjorn/Oliva to approve the Consent Calendar, except for item (d-iii). The motion carried unanimously.

Garril Page, 70 Fawn Drive, San Anselmo, was concerned about the sewer pipes that were delivered on Butterfield Road, as they sat there unsecured and a week later children discovered it as a place to play. She suggested that the District make payment to K.J. Woods only if they corrected the problem.

After a brief discussion, M/S Oliva/Brown to approve item (d-iii) with the caveat to alert K.J. Woods Construction that they will receive their check once the pipes have been secured. The motion carried unanimously.

Item #5-DISCUSSION REGARDING RECYCLING OF PLASTICS NOS. 3-7

District Manager Hogue reviewed the staff report.

Patty Garbarino, President of Marin Sanitary Service (MSS), gave a lengthy presentation regarding the recycling of plastics nos. 3-7; there are no viable markets for these plastics. She read several testimonials regarding how plastics 3-7 are either landfilled or shipped off to third-world countries. Ms. Garbarino then introduced Mr. George Larson of Plastics Energy, LLC.

George Larson, Plastic Energy, LLC, gave a lengthy presentation of how his company has a new project to recycle plastics (a technology that targets plastics nos. 2, 4, 5 and 6) by converting it into ultra low sulfur diesel fuel. This project could become operational by 2006. He stated that this project was not a total solution to the recycling of plastics, but a positive solution.

Director Brown stated that, as part of her presentation, she had two speakers in the industry to discuss where we are in the recycling industry: Patty Moore of Moore Recycling Associates and Delyn Kies.

Patty Moore, Moore Recycling Associates, gave a lengthy slide show presentation regarding the recycling of plastics. She stated that if you want to recycle more than plastic nos. 1 and 2 you can. She further stated that the way you sort plastics is essential for finding a market.

Director Oliva absent 7:35-7:46 p.m.

Delyn Kies stated that she has 26 years experience in solid waste management and recycling; she does not work with the plastics industry. She gave a lengthy presentation regarding markets available for the recycling of plastic containers nos. 1-7.

President Vanni then opened the discussion to the public. He stated that the Board would be taking no action tonight.

Bruce Baum, 1165 Butterfield Rd., San Anselmo; Jay Hubert, 21 Convent Ct., San Rafael; Mayme Hubert, 21 Convent Ct., San Rafael; Wallace Brooks, 2615 Nicole, Oakland; Patricia Gallagher of Fairfax; Mark Squire who runs the Good Earth Natural Foods in Fairfax; and Allan Blau of Mill Valley; spoke during the public participation time.

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

The Board took a 10-minute break at 8:35 p.m.

Item #6-CANYON ROAD ASSESSMENT DISTRICT District Counsel Sharp reviewed the staff report.

After a brief discussion, M/S Oliva/Bjorn to authorize staff to enter an agreement with Ms. Amy Skewes-Cox for provision of environmental review services as required under CEQA, with an initial cost not to exceed \$10,000. The motion carried unanimously.

Item #7-SANITARY SEWER OVERFLOW RESPONSE MANUAL District Manager Hogue reviewed the staff report.

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

Item #8-MARIN LAFCO NOMINATIONS FOR SPECIAL DISTRICT MEMBER District Manager Hogue reviewed the staff report.

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

Item #9-AUTHORIZE ATTENDANCE AND APPROVE EXPENSE ITEM SCHEDULE FOR CASA'S 2005 MID-YEAR CONFERENCE DISTRICT District Manager Hogue reviewed the staff report.

After a brief discussion, M/S Bjorn/Brown to approve the Expense Item Schedule and authorize the attendance of CASA's 2005 Mid-Year Conference for all Directors, the District Manager and District Counsel. The motion carried unanimously.

Item #10-DISCUSSION REGARDING DIRECTOR PROTOCOL SAMPLES District Manager Hogue reviewed the staff report.

Alan Blau of Mill Valley, Buff Whitman-Bradley, 309 Kent Ave., Kentfield and Garril Page, 70 Fawn Drive, San Anselmo, spoke during the public participation time.

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

Item #11-STAFF'S VERBAL REPORT The District Counsel gave a brief report on last month's request regarding sole sourcing of professional service contracts. After further review, the law would default to the past practice of the District, as the District and Board have a long and exemplary history with Nute Engineering. It is District Counsel's opinion that the District is acting in authority of its professional service contracts. However, it would not hurt to have a resolution, ordinance or contract for the District's records.

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

The Board directed staff to bring back, at a future meeting, a resolution or ordinance for a professional service contract with Nute Engineering.

Item #12-BOARD OPEN TIME Director Bjorn updated the Board on a recent article in the Pacific Sun regarding Marin Municipal Water District's desalination project.

President Vanni stated that for the past three to four months, he has been reporting about articles in the Santa Rosa Press Democrat regarding North Bay Corporation. He then read another article about North Bay Corporation regarding the safety of their

garbage trucks. One incident involved an 87-year old woman who was run over by one of North Bay's garbage trucks because of a faulty back-up warning device ("beeps"). The woman had to have her lower right leg amputated. President Vanni also stated that the president of North Bay Corporation, Rick Powell, has resigned from the company.

Item #13-CLOSED SESSION The Board adjourned to Closed Session at 9:30 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 9:50 p.m.

Reportable action taken during Closed Session: None.

Item #14-ADJOURNMENT The meeting was adjourned at 9:51 p.m.

BRIAN P. OLIVA
Secretary of the Board