

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

Tuesday, March 4, 2003
6:45 p.m.

Drakes Landing Community Room
300-A Drakes Landing
Greenbrae, CA

Members Present: George Buckle, President
Sue MacMillan, Secretary (sworn in at 6:52 p.m.)
Brian Oliva
Steven Vanni

Members Absent: Donna Bjorn

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

Guests Present: John Sharp, District Counsel
Matthew Guthrie, Consultant

Public Present: Sue Brown, Bruce Baum, and Garril Page

Item #1-ORDER The meeting was called to order by President Buckle at 6:50 p.m. Roll call was taken and a quorum was present.

Item #2-SWEAR IN MS. SUE MACMILLAN, NEWLY APPOINTED DIRECTOR OF SANITARY DISTRICT NO. 1 President Buckle administered the official Oath of Office to newly appointed Director, Ms. Sue MacMillan. Director MacMillan then took her seat with the Board of Directors.

Item #3-FILL BOARD OFFICER VACANCY District Manager Hogue reviewed the staff report.

After a brief discussion, M/S Oliva/Vanni to appoint Director MacMillan to the office of Board Secretary. So moved.

Item #4-OPEN TIME FOR PUBLIC Sue Brown, Butterfield Road, San Anselmo, had a question regarding Board minutes. She wanted to know if mistakes were found in past-approved minutes, could they be amended. District Counsel Sharp stated that if the Board wanted to act, to do so, they could take action by a majority vote.

Bruce Baum, Butterfield Road, San Anselmo, stated that there was a court reporter and a video taken at the September 12, 2002 Board meeting. Mr. Baum read a portion of Director Bjorn's closing statements from the court reporter's transcript. He stated that the wording in the minutes did not reflect the wording in the transcript. Director Oliva absent from 7:05 to 7:08 p.m.

Garril Page, Fawn Drive, San Anselmo, made comments relating to the recordings of Board meetings.

Item #5-APPROVE THE MINUTES OF FEBRUARY 4, 2003 M/S Vanni/Oliva to approve the Minutes of February 6, 2003 as submitted; abstain MacMillan. So moved.

Item #6-CONSENT CALENDAR The Board reviewed the Consent Calendar:

- a) Approve February 2003 disbursements totaling \$937,525.95
- b) Approve District Treasurer's Financial Report for February 2003
 - 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 January 2003
- d) Approve Progress Payments for Capital Improvements Projects:
 - i) Kentfield Pump Station Improvements, Phase 3, Maggiora & Ghilotti, progress billing no. 4, \$488,970.69, per February 27, 2003 letter from Nute Engineering
- e) CalPERS Contract Amendment

M/S Vanni/Oliva to approve the Consent Calendar as submitted. Vote: Ayes: Oliva, Vanni, MacMillan, Buckle; Noes: None; Absent: Bjorn; Abstain: None. So moved.

Item #7-APPOINT JOHN SHARP AS PERMANENT DISTRICT COUNSEL District Manager Hogue reviewed the staff report. He stated that John Sharp has done an excellent job as District Counsel during the past fourteen (14) months.

John Sharp expressed his appreciation to the District Manager and the Board. He stated that the experience has been rewarding and he renewed his interest in the appointment of District Counsel.

Director Oliva stated that Mr. Sharp had some large shoes to fill.

Director Vanni was glad to see Mr. Sharp will continue as the District's Counsel. He felt that the District is in very good hands with John Sharp as its counsel.

President Buckle stated that he agreed with all of the comments made.

M/S Oliva/Vanni to appoint John Sharp as District Counsel. So moved.

Item #8-DISCUSSION REGARDING CASA'S 2003 SPRING CONFERENCE AT YOSEMITE District Manager Hogue reviewed the staff report.

M/S Vanni/Oliva to approve the Expense Item Schedule and authorize the attendance of CASA's 2003 Spring Conference for all Directors and the District Manager. So moved.

Item #9-DISCUSSION REGARDING LAFCO NOMINATIONS District Manager Hogue reviewed the staff report.

No action was taken.

Item #10-STAFF'S VERBAL REPORT The District Manager gave a brief report on the current status of the District and the District's construction projects. **Board/Manager Workshop/Retreat:** This discussion item will be developed more and be brought back to a future meeting. **Oak Manor Slide:** There was an easement slide between Ellsworth and Oak Manor in Fairfax this past December. The District has winterized the problem areas and has hired a soils engineer to determine a permanent fix. The cause of the slide could have been by the way the bench was graded years ago (10-15 years). More information will follow. **Staffing Status:** There has been a good response on the Maintenance Trainee recruitment. About two hundred (200) applications have been received; Koff & Associates is screening the applications.

Larkspur Seat: The District Manager met with Jean Bonander, City Manager for Larkspur, to discuss the removal of the Larkspur seat at CMSA. The District has sent a letter to the City regarding the removal of the seat and Jean Bonander will present it to the Council at their meeting next month. In the interim, the City Council will appoint Bob Sinnott to fill the vacancy left by Jean Mariani's resignation.

Item #11-BOARD OPEN TIME Director MacMillan commented on the enclosure at the Kentfield Pump Station. She stated that it was quite a structure and the project was coming along well.

District Manager Hogue then updated the Board on Phase 3 of the Kentfield Pump Station Improvement project.

Director Oliva requested to attend the North Bay Watershed's conference at Viansa Winery on April 4, 2003. He also suggested that the other Board members should attend. There were no objections from the Board.

Item #12-REAL PROPERTY: IDENTIFICATION OF NEGOTIATOR AND PROPERTY PURSUANT TO GOVERNMENT CODE SECTION 54956.8 (DISTRICT SITE) District Counsel Sharp identified the real property negotiators: District Manager Hogue, Consultant Matt Guthrie and himself; and the real property as 2000 Larkspur Landing Circle, Larkspur (District site). No action was taken.

Item #13-CLOSED SESSION The Board adjourned to Closed Session at 7:31 p.m. pursuant to Government Code Section 54956.8 regarding conference with Real Property Negotiator and pursuant to Government Code Section 54956.9(b)(c) regarding conference with legal counsel for an anticipated litigation of one (1) potential case.

The Board reconvened to Open Session at 8:15 p.m.

Reportable action taken during Closed Session: The Board instructed staff to write to Campus' representatives, stating that the Board rejects Campus' proposal to amend the Option Agreement for purchase of the District Site.

Item #14-ADJOURNMENT The meeting was adjourned at 8:16 p.m.

SUE MACMILLAN
Secretary of the Board