

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

Monday, June 11, 2007  
6:45 p.m.

CMSA Board Meeting Room  
1301 Andersen Drive  
San Rafael, CA

Members Present: Sue Brown, President  
Patty Burke, Secretary  
Steven Vanni  
Patrick Guasco

Members Absent: None

Staff Present: Joseph Remley, Acting District Manager  
Paul H. Causey, Acting Assistant District Manager  
Eric Stassevitch, District Engineer  
Michelle Kenyon, District Counsel  
Kathy Britton, Recording Secretary

Public Present: The names reflected are those who sign in on the attendance sheet:  
Marcia Johnson; however, there were additional members of the public present.

**Item #1-ORDER** The meeting was called to order by President Brown at 6:43 p.m. President Brown led the Pledge of Allegiance. Roll call was taken and a quorum was present.

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

**Item #3- CLOSED SESSION** The Board adjourned to Closed Session at 6:45 p.m. pursuant to Government Code Section 54956.9 (b) regarding anticipated litigation of one (1) potential case.

The Board reconvened to Open Session at 7:30 p.m. No reportable action was taken.

**Item #4-OPEN TIME FOR PUBLIC** Bruce Baum, 1165 Butterfield Road, San Anselmo, wanted to know the status of the property sold to Campus.

Stan Schreibman, 51 Hickory Road, Fairfax, stated he was pleased with President Brown and how she handled the Chair position.

**Item #5-CONSENT CALENDAR** The Board reviewed the Consent Calendar:  
a) Approve Contract Change Order Nos. 1 (Revised), 2, and 3, Site Grading and Improvements: Ghilotti Construction Company  
b) Ratify Approval of Change Order No. 3, Slide Repair and Sewer Protection, Ellsworth, Tioga and Vista Drive--Bay Pacific Pipelines, Contractor

M/S Vanni/Guasco to approve the Consent Calendar, as submitted. The motion carried unanimously.

**Item #6-CONSIDERATION OF ISSUES RELATED TO CANYON ROAD ASSESSMENT DISTRICT** Acting Assistant District Manager Causey reviewed the staff report. He stated that there were long standing issues, since 1975, with the Canyon Road area; there are 37 properties along Canyon Road, with 2 unimproved lots.

Acting Assistant District Manager Causey outlined the three main areas of concern of the property owners:

- (1) Connection fees have been inequitably refunded to some, but not all properties.
- (2) The one-year term on the connection permit may not allow adequate time to meet mandatory requirements to connect to the new line from the Town of Fairfax if litigation to resolve the current issues is necessary.

- (3) Property owners requiring ejector pumps did not understand the need for these improvements due to poor communications from RVSD.

Acting Assistant District Manager Causey said that they would look at different solutions and work with the property owners on their connections. He stated that the District did not require connection to the new sewer main, but the Town of Fairfax required the 37 properties to hook up to the sewer main pursuant to the Town's Municipal Code. It will be determined who needs ejector pumps and how they will be paid for. The estimated cost of a pump is \$10,000-\$15,000. Staff will assist the property owner in identifying and locating ejector pumps and the solution needed for each property.

President Brown asked District Counsel if there were any legal obstacles to overcome, should the Board decide to make a business decision to resolve the property owners' issues, rather than to wait for litigation. District Counsel Kenyon said there were no obstacles.

Director Vanni stated the Board could direct staff to pursue a remedy of installing ejector pumps for the residents. He said the District would need to require a Hold Harmless Agreement from the property owner and that maintenance of the ejector pump after installation would fall to the owner. President Brown stated the Board could make a business decision to support the Canyon Road residents and could provide financial assistance.

Director Burke stated that this should also include a generator to support the pumping system.

Acting Assistant District Manager Causey said that property owners would need to pay for the lateral from the hook up to the street and pay their connection fees.

Fairfax Mayor Larry Bragman said he was pleased with the Board discussion and that he was sure that Fairfax would be willing to cooperate with the waiver of the mandatory hookup issues at their July meeting.

Marcia Johnson, 153 Meernaa, Fairfax, asked if the District had considered litigation against the engineer for the flaws in the errors and omissions in the design of the project and if the \$75,000 to \$100,000 was considered a gift of public funds. District Counsel Kenyon stated that the decision was based on the threat of pending litigation and economics, therefore, not a gift of public funds.

Bruce Baum, 1165 Butterfield Road, San Anselmo, agreed that the District should pursue legal action against the engineer. President Brown said District staff could look into it and would give it great consideration. Acting Assistant District Manager Causey stated there were no significant design flaws that he was aware of and that the laterals meet the standard of the District.

Chris MacDonald, 75 Canyon Road, Fairfax, asked if the fees had been resolved. He stated that the connection fee being raised to \$4,500 was a burden and he didn't understand the importance of the fee being paid.

Matthew Stewart, 190 Canyon Road, Fairfax, stated he was not sure if his property would require an ejector pump and asked if there were alternatives to the pump. He thanked the Board for their further consideration of this issue since last December.

John Crymes, 67 Canyon Road, Fairfax, asked about the \$500 refund.

Geoffrey Bolt, 166 Canyon Road, Fairfax, said for those who needed pumps, he would like to investigate the cost of flowering the pipe before continuing to the next phase. He would like to see a gravity system in place.

Janus Orr, 74 Canyon Road, Fairfax, asked if the Board was voting tonight or just presenting ideas. She would like to see the water pipe issues addressed.

Mike Mell, 80 Canyon Road, Fairfax, thanked the Board for assisting with paying for the ejector pumps and generators, and stated that this seemed to be the most sensible path.

Linda Bolt, 166 Canyon Road, Fairfax, also thanked the Board for taking this path and asked that the property owners be kept well informed during the process.

John Kiffmeyer, 84 Canyon Road, Fairfax, said he had doubts about the ejector pumps and tanks.

Richard Reubin, 186 Canyon Road, Fairfax, thanked the Board for their decision regarding the rebate of \$500 and asked when they could expect their checks. Acting Assistant District Manager Causey said they could expect them in about 2 weeks.

Janice Orr, 74 Canyon Road, Fairfax, asked that the property owners be kept informed by mail.

John Crymes, 67 Canyon Road, Fairfax, asked about documentation showing all property owners had been informed through the process. Acting Assistant District Manager Causey said there were a limited number of documents and that he couldn't find them right now. He stated that, hopefully, with the decision the Board made tonight, that it would not be necessary to look any further for these documents.

Stan Schreibman, 51 Hickory Road, Fairfax, suggested that all correspondence be sent by certified mail.

John Kiffmeyer, 84 Canyon Road, Fairfax, had concerns about the backflow from the sewer main. He asked what long-term issues with owning an ejector pump, tank, and generator. He was concerned about email communication, that he preferred written communications.

Acting Assistant District Manager Causey said there is a standard on installation of the backflow preventors.

Geoffrey Bolt, 16 Canyon Road, Fairfax, requested staff research finding a clause in the assessment district where pumps are required.

Marcia Johnson, 153 Meernaa, Fairfax, stated that the District should obtain full hold harmless and releases from the property owners upon completion of the work.

M/S Guasco/Burke to adopt Resolution No. 1289, Modifying Section 2 of Resolution No. 1263 Regarding Waiving District Connection Fees For Certain New Connections To The Sewer System Upon Abandonment Of Septic Systems In The Canyon Road Sewer Assessment District. The motion carried unanimously.

M/S Guasco/Vanni to extend District sewer connection permits beyond the one-year term for the Canyon Road Assessment District properties for a period of time matching actions of the Town of Fairfax to waive the mandatory connection provisions of the Municipal Code. The Assistant Acting District Manager asked if this also included the extension of the Promissory Notes that several property owners had with the District. After clarification, the motion was amended to include the extension of time for the payment of the promissory notes also. The motion carried unanimously.

M/S Guasco/Burke directing staff to assist with locating and evaluating requirements for ejector pumps in the Canyon Road Assessment District. The motion carried unanimously.

M/S Vanni/Burke authorizing staff to include the funds in the new budget for the reasonable cost of possible ejector systems at 71, 74, 80, 84, 86, 134, 190 and 200 Canyon Road to resolve the cost of the ejector system installations (including the pump, sump, electric controls and small generator to run the pump during a power failure) or other reasonable solutions required as a result of the challenges to the assessment process. Payments to be made upon execution of a full release and hold harmless agreement from each property owner above who are determined to require a non-gravity solution to the ejector pump problem. The motion carried unanimously.

**Item #7-APPROVE RESPONSE TO CENTRAL MARIN SANITATION AGENCY REQUEST FOR PARTICIPATION IN CONTINUING REGIONALIZATION EFFORTS** Acting Assistant District Manager Causey reviewed the staff report. He said a letter had been drafted stating the District's intention to move forward with the next step of regionalization and continue to gather additional information and evaluations.

Marica Johnson, 153 Meernaa, Fairfax, said that there hasn't been any discussion on costs and that the costs for each participating member would be increased due to Sanitary District No. 2's non-participation.

Bruce Baum, 1165 Butterfield Road, San Anselmo, asked about the priority of important points raised in the draft letter. He suggested bringing forward item no. 5 to be moved to item no. 3.

President Brown stated that all items would be addressed, that there was no need to prioritize them.

M/S Guasco/Vanni to approve the draft response to the Central Marin Sanitation Agency and authorizing the President to sign the letter. The motion carried unanimously.

**Item #8-APPROVAL OF SANITARY DISTRICT NO. 1 SEWER SYSTEM MANAGEMENT PLAN** Acting Assistant District Manager Causey reviewed the staff report. It was agreed by consensus that the Sewer System Management Plan would be reviewed every two years. Director Vanni asked that an attempt be made to add page numbers to the Appendices or at least to add tabs for each appendix.

After discussion, M/S Vanni/Guasco to approve the Sanitary District No. 1 Sewer System Management Plan. The motion carried unanimously.

**Item #9-RECEIVE DISTRICT LONG RANGE FINANCING PLAN** Acting Assistant District Manager Causey reviewed the staff report and recommend receiving the Financing Plan.

Tom Gaffney, Bartle Wells, gave a presentation on the District's Financial Master Plan. He stated the District was in great financial shape, except for major new CIP requirements. He also stated that the District would be sharing in some CMSA capital improvements.

Mr. Gaffney has some additional recommendations: (1) increase connection charge and raise the plumbing fixture unit fee from \$50 to \$114; (2) develop reserve fund policies for the General, Capital and Expansion Funds; and (3) adopt services charges for five years.

District Counsel Kenyon stated the rate increases are estimates only and will be based on the reasonable costs of District needs.

President Brown stated that any comments or changes be given to Acting Assistant District Manager Causey and he will notify Tom Gaffney who will incorporate them in the Final Financing Plan. A final report will be presented at the July Board meeting for adoption.

Marcia Johnson, 153 Meernaa, Fairfax, brought the Board's attention to the footnote no. 1 on pages 19 and 20 of the Draft Financing Plan. She stated that the figures were not realistic, that a 3% increase in the operation budget was too low. Mr. Gaffney responded that the 3% is for the entire O&M budget. Mr Causey suggested that Mr. Gaffney include in the final report CPI's at 3, 4 and 5% to see the affect on the overall program.

Ms. Johnson thought that the CIP reserves of 6% were actually 8%. Acting Assistant District Manager Causey responded that it was 6%.

Ms. Johnson asked that staff look at the last 2-3 years' budgets to see if 3% was too low.

The Board received the Draft Financing Plan and a Final Plan will be brought back to the July meeting for adoption.

**Item #10-RECLASSIFICATION OF INSPECTION SUPERVISOR** Acting District Manager Remley reviewed the staff report and stated that the Inspection Supervisor Classification was currently represented by the Union and that for a more effective organization structure, the position should be in the Management Unit.

Bruce Baum, 1165 Butterfield Road, San Anselmo, asked if this promotion would make the employee at will.

Acting District Manager Remley stated that only the District Manager was considered an at will employee.

Marcia Johnson, 153 Meernaa, Fairfax, asked if the employee was deserving of the raise.

Acting District Manager Remley said he looked into this because he was performing as a management employee and had excellent performance.

District Counsel Kenyon stated that no discussion of an employee's performance would be discussed in open session.

M/s Vanni/Brown to reclassify the Inspection Supervisor position from the Represented Unit to Management Unit and increase the Salary Range from Range 26 to Range 32, effective March 17, 2007. The motion carried with Director Guasco voting no.

**Item #11-STAFF'S VERBAL REPORT** The Acting District Manager gave a brief update:

- (1) The District had received a letter from the Governor's Office of Emergency Services regarding their response to the first appeal, stating FEMA had now approved the first appeal.
- (2) The District received a letter from AFSCME regarding the Maintenance Supervisor position.
- (3) LAFCO has approved the District's Sphere of Influence for San Quentin Village and Murray Park.

Bruce Baum, 1165 Butterfield Road, San Anselmo, asked about the sale of District's property.

**Item #12-BOARD OPEN TIME** There were no comments from the Board.

**Item #13-ADJOURNMENT** The Board adjourned at 10:05 p.m.

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Patty Burke  
Secretary of the Board