

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

Tuesday, February 7, 2006
5:45 p.m.

District Office
2000 Larkspur Landing Circle
Larkspur, CA

ACTION MINUTES – These Minutes are prepared to depict action taken for agenda items presented to the Board of Directors. For greater detail of this meeting, please refer to the audiotape kept as permanent record at the District's office.

Members Present: Brian Oliva, President
George Buckle, Secretary
Dan Hanley
Sue Brown
Steve Vanni

Members Absent: None

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

Public Present: The names reflected are those who sign in on the attendance sheet: Mark T. Wilson, Joe Garbarino, Steve Rosa, Penny Clark, Lynn Murphy, and Mary Sylla; however, there were eighteen (18) additional members of the public present.

Item #1-ORDER The meeting was called to order by Oliva at 5:52 p.m. President Oliva then led the Pledge of Allegiance. Roll call was taken and a quorum was present.

Item #2-OPEN TIME FOR PUBLIC Mary Sylla, 5 Stadium Way, Kentfield, commented on the report that was filed by the District regarding the recent storm that flooded her home with sewage, which also affected neighboring properties, as a result of a power failure at the Kentfield Pump Station. She requested that her comments be entered in the Minutes and posted on the website.

Bruce Baum, 1165 Butterfield Road, San Anselmo, read his January 6, 2006 transmittal to Barry Hogue regarding a sewer overflow at his property during the recent storms. He requested that his comments be included in the Minutes and posted on the website. Mr. Baum handed staff a copy of his email with supporting documentation.

Mary D'Agostino, 221 McAllister Avenue, Kentfield, commented on the recent storm that flooded under her house and in her yard as a result from the flooding at 5 Stadium Way. She had concerns regarding the environment in her backyard; specifically if it was safe for children, pets, family, etc., to have in the yard. The vendor gave no protocols.

Penny Clark, 292 Forrest Avenue, Fairfax, stated she has followed the Board meetings on tape and she had an observation to make and a proposal: (1) draft a model of Minutes and submit it to the Board for something worth pursuing; and (2) draft a summary of concerns and present it to the Board at the next meeting.

District Counsel Sharp informed the Board that if they were going to appoint a member of the public to draft a model of anything that will become a public record, the Board would need to act in accordance of the Brown Act and agendize the matter.

It was the consensus of the Board not to agendize the matter regarding a draft model of Minutes; however, Ms. Clark may submit anything she wishes to the Board.

Item #3-APPROVE THE MINUTES OF JANUARY 3, 2006 Bruce Baum, 1165 Butterfield Road, San Anselmo; Garril Page, 70 Fawn Drive, San Anselmo; and Roger Stoll, 16 Acacia Avenue, Kentfield, spoke during the public participation period. Mr. Baum also submitted a DVD to staff for the record.

After a lengthy discussion, M/S Vanni/Buckle to approve the Minutes of January 3, 2006, as amended; ayes: Buckle, Hanley, Vanni, Oliva; noes: Brown. The motion carried.

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

- a) Approve January 2006 disbursements totaling \$1,339,619.83
- b) Approve District Treasurer's Financial Report for January 2006
 - i) Accounts Summary Statement
 - ii) Income Statement
 - iii) Investment Statement
 - iv) Transfer Authorizations
 - v) LAIF Statements
 - vi) Monthly Disbursements
 - vii) Petty Cash Disbursements
- c) Approve Accountant's Report for December 2005
- d) Approve Progress Payments for Capital Improvement Projects:
 - i) FY2006 Sewer Improvement Project No. 1, North Bay Construction, progress billing no. 5 in the amount of \$149,043.60
- e) Approve variance request for 191 Hidden Valley Lane, San Anselmo
- f) Approve public sewer extension to serve 456 Laurel Avenue, San Anselmo
 - i) Accept Grant Deed of Easement Resolution No. 1244, and Certificate of Acceptance

M/S Vanni/Buckle to approve the Consent Calendar, as submitted. Roll call vote: ayes: Brown, Buckle, Hanley, Vanni, Oliva; noes: none. The motion carried unanimously.

Item #5-PUBLIC HEARING: SOUTH SOLID WASTE FRANCHISE RATE INCREASE District Manager Hogue reviewed the staff report and gave a brief Power Point presentation of the rate methodology.

Patty Garbarino, President of Marin Sanitary Service, gave a brief overview of the rate increase.

Steve Rosa, Marin Sanitary Service, demonstrated and went over the new dual-sort recycling can.

The Public Hearing was opened at 6:44 p.m.

Bruce Baum, 1165 Butterfield Road, San Anselmo, and Joe Garbarino, Marin Sanitary Service, spoke during the public participation period (neither spoke in support or against the rate increase).

President Oliva closed the Public Hearing at 6:59 p.m.

After a brief discussion, M/S Vanni/Brown to adopt Ordinance No. 57, thereby establishing a 2.3% increase to Marin Sanitary Service's Rates for Solid Waste Collection within the district's Southern Franchise area, effective January 1, 2006. Roll call vote: ayes: Brown, Buckle, Hanley, Vanni, Oliva; noes: none. The motion carried unanimously.

Item #6-LARKSPUR LANDING B PUMP STATION REHABILITATION PROJECT SCOPE EXPANSION District Manager Hogue reviewed the staff report.

Director Oliva absent 7:02-7:11 p.m.

Mark Wilson, Nute Engineering, gave a brief overview of the scope expansion of the project.

After a brief discussion, M/S Buckle/Vanni to approve the extended scope of Larkspur Landing B Pump Station Improvements as currently designed with an upgrade construction cost estimate of \$1.76 million. The motion carried unanimously.

Item #7-SEWER SYSTEM ASSESSMENT AND CAPITAL PLANNING PROGRAM STATUS REPORT District Manager Hogue reviewed the staff report.

Vivian Housen gave brief update of the project.

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

Item #8- BOARD MEETING START TIME District Manager reviewed the staff report.

Bruce Baum, 1165 Butterfield Road, San Anselmo; Garril Page, 70 Fawn Drive, San Anselmo; and Penny Clark, 292 Forrest Avenue, Fairfax, spoke during the public participation period.

After a brief discussion, M/S Vanni/Buckle to continue the Board meeting start time at 5:45 p.m.; ayes: Buckle, Hanley, Vanni, Oliva; noes: Brown. The motion carried.

Director Oliva absent at 7:27 p.m.

Item #9-STAFF'S VERBAL REPORT The District Manager gave a lengthy Power Point presentation of the FY 2006 Work Plan update. District Manager Hogue also updated the Board that he has been working with Jason Dow, CMSA, on different scenarios for funding the wet weather improvements; a CASA report regarding ethics training was recently mailed to the Board; a follow-up regarding the Kentfield Pump Station control issues; and an update regarding three slides (Eliseo and Via Navarro in Greenbrae and Ellsworth/Oak Manor in Fairfax), which occurred during the recent flooding.

Bruce Baum, 1165 Butterfield Road, San Anselmo, and Penny Clark, 292 Forrest Avenue, Fairfax, spoke during the public participation period.

Item #10-BOARD OPEN TIME Director Hanley updated the Board on his recent attendance at the CASA conference.

Director Brown updated the Board on her recent attendance at the CASA conference. She specifically commented on the CSRMA workshop, Risk Management Resources—Saving Your Agency \$\$\$ and Grief, which provided participants with a chart of what Directors should look for. She asked District Manager Hogue some questions in that regard.

Director Vanni thanked the District for sending him down to the CASA conference. He also requested on a future agenda to have a discussion item regarding flood relief, pending receipt of a letter from Supervisor Hal Brown. It was the consensus of the Board that upon receipt of the letter, the matter would be agendized.

The Board took a seven-minute recess at 8:08 p.m.

Item #11-CLOSED SESSION The Board adjourned to Closed Session at 8:15 p.m. pursuant to (1) conference with Legal Counsel re: existing litigation pursuant to Government Code Section 54956.9 (a); Page vs. RVSD, U.S. District Court No. C 054358; (2) conference with Real Property Negotiator (District Site) pursuant to Government Code Section 54956.8; and (3) discussion regarding a public employee, Maintenance Worker, pursuant to Government Code Section 54957-- Personnel Exception.

The Board reconvened to Open Session at 8:44 p.m. Reportable action taken:

1. The Board gave staff and legal counsel authority for settlement of the described action upon certain terms sought by the District.
2. The Board received information from staff and legal counsel; there was no reportable action.
3. The Board approved the District Manager's recommendation to hire one Maintenance Worker.

Item #12-ADJOURNMENT The Board adjourned at 8:45 p.m.

GEORGE H. BUCKLE
Secretary of the Board