

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

Tuesday, April 4, 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: George Buckle, Acting President
Dan Hanley, Alternate Secretary
Sue Brown
Steve Vanni

Members Absent: Brian Oliva

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: no one signed in; however, there were eighteen (18) members of the public present.

Item #1-ORDER The meeting was called to order by Acting President Buckle at 5:45 p.m. Acting President Buckle 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, invited the Board to the Zero Waste Workshop on April 18 hosted by Supervisor Charles McGlashan. Mr. Baum also read a prepared statement commenting on his recent request for information from the District under the Public Records Act and of last month's agenda item regarding the District's Comprehensive Annual Financial Report for FY 2005. Mr. Baum requested that his statement be included in its entirety in the Minutes and on the District's website. He handed staff a copy of his statement.

Louise Mathews, 72 Foothill Road, San Anselmo, commented on the District's newsletter regarding Marin Sanitary Service.

Garril Page, 70 Fawn Drive, San Anselmo, requested the Board to remove item "d (iii)" on the Consent Calendar for discussion. Ms. Page also commented on the District's newsletter regarding the description of the lateral and the sewer main.

Roger Stoll, 16 Acacia Avenue, Kentfield, commented on Director Vanni's campaign statement regarding lateral grants.

Buff Whitman-Bradley, 309 Kent Avenue, Kentfield, commented on the District's newsletter regarding the District's new headquarters.

Item #3-APPROVE THE MINUTES OF MARCH 7, 2006 After a brief discussion, M/S Vanni/Hanley to approve the Minutes of March 7, 2006, as submitted; noes: Brown. The motion carried.

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

- a) Approve March 2006 disbursements totaling \$996,378.15
- b) Approve District Treasurer's Financial Report for March 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 February 2006
- d) Approve Progress Payments for Capital Improvement Projects:
 - i) FY2006 Sewer Improvement Project No. 1, North Bay Construction, progress billing no. 7 in the amount of \$56,036.70
 - ii) FY2006 Sewer Improvement Project No. 2, Pacific Trenchless, progress billing no. 2 in the amount of \$154,840.50
 - iii) Contaminated Soil Removal Project, E/RRG, Inc., progress billing no. 3 in the amount of \$17,300.80

Director Brown requested items b (vi) and d (iii) to be removed from the Consent Calendar for discussion.

M/S Vanni/Hanley to approve the Consent Calendar, except for items b (vi) and d (iii). The motion carried unanimously.

Garril Page, 70 Fawn Drive, San Anselmo and Bruce Baum, 1165 Butterfield Road, San Anselmo spoke during the public participation period.

After a lengthy discussion, M/S Brown/Hanley to approve items b (vi) and d (iii) of the Consent Calendar. The motion carried unanimously.

Item #5-CANYON ROAD SEWER ASSESSMENT DISTRICT BOND ISSUANCE

District Manager Hogue reviewed the staff report.

Scott Ferguson of Jones Hall gave a brief overview of Resolution No. 1245.

M/S Brown/Vanni to adopt Resolution No. 1245 authorizing issuance of limited obligation improvement bonds and directing related actions for the Canyon Road Sewer Assessment District. Roll call vote: Ayes: Brown, Buckle, Hanley, Vanni; Noes: None; Absent: Oliva. The motion carried unanimously.

Item #6-CANYON ROAD SEWER ASSESSMENT DISTRICT CONSTRUCTION BID AWARD

District Manager Hogue reviewed the staff report.

After a brief discussion, M/S Vanni/Brown to award the Canyon Road Sewer Assessment District construction contract, including the base and alternate bids, to W.R. Forde Associates for \$454,012, pending receipt of funds from the assessment district's bond issuance. The motion carried unanimously.

Item #7-LARKSPUR LANDING B (PS10) PUMP STATION IMPROVEMENTS AND FORCE MAIN VALVES BID AWARD

District Manager Hogue reviewed the staff report.

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

After a brief discussion, M/S Vanni/Brown to award the Landing B Pump Station Improvements contract to Anderson Pacific Engineering Construction, Inc. for \$1,410,500. The motion carried unanimously.

Item #8-SEWER SYSTEM ASSESSMENT AND CAPITAL PLANNING PROGRAM STATUS REPORT District Manager Hogue reviewed the staff report.

Vivian Housen gave a brief overview of the project and answered questions from the Board and public.

Tika Lyons, no address given; Bruce Baum, 1165 Butterfield Road, San Anselmo; Garril Page, 70 Fawn Drive, San Anselmo; Louise Mathews, 72 Foothill Road, San Anselmo; and Mark Wilson of Nute Engineering, spoke during the public participation period.

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

Director Hanley absent 6:55-6:57 p.m.

Item #9-FLOOD ASSISTANCE REQUEST FROM SUPERVISOR HAL BROWN District Manager Hogue reviewed the staff report.

Bruce Baum, 1165 Butterfield Road, San Anselmo; Garril Page, 70 Fawn Drive, San Anselmo; and Louise Mathews, 72 Foothill Road, San Anselmo, spoke during the public participation period.

After a lengthy discussion, M/S Vanni/Hanley to commit \$1,500 to the Town of Fairfax's request to help in the funding of the Emergency Watershed Protection Program repair for help with the slide at 13 Hawthorne Court, naming Fairfax as the sponsor. The motion carried unanimously.

Item #10-NORTH SOLID WASTE FRANCHISE TRANSFER District Manager reviewed the staff report.

Garril Page, 70 Fawn Drive, San Anselmo; Bruce Baum, 1165 Butterfield Road, San Anselmo; and Louise Mathews, 72 Foothill Road, San Anselmo, spoke during the public participation period.

After a lengthy discussion, M/S Vanni/Hanley to agendize at the next scheduled meeting the transfer of the solid waste franchises of the Northern and Southern Districts and to include any pertinent information needed to make the transfer. Ayes: Buckle, Hanley, Vanni; Noes: Brown.

Director Brown explained her "no" vote into the record.

Item #11-AUTHORIZE ATTENDANCE AND APPROVE EXPENSE ITEM SCHEDULE FOR CASA'S 2006 SPRING CONFERENCE District Manager Hogue reviewed the staff report.

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

M/S Vanni/Hanley to approve the Expense Item Schedule and authorize the attendance of CASA's 2006 Spring Conference for all Directors, the District Manager and District Counsel. The motion carried unanimously.

Item #12-STAFF'S VERBAL REPORT The District Manager gave a brief update of the progression of the FY06 Sewer Rehabilitation Projects Nos. 1 and 2; staff is working through the paperwork with the friendly FEMA staff on the various slide repairs; and next month's Agenda will include SHECAP and SSACPP presentations, priorities for the basis of the preliminary budget (final budget is set for the July meeting); and the Board will need to determine when the regular meeting for July will be, as the first Tuesday of the month falls on the 4th of July holiday.

Item #13-BOARD OPEN TIME Director Brown commented on the District's newsletter and if the comments made by the public are verifiable. She requested that the newsletter be put on a future agenda for discussion. The Board had no objection.

Director Vanni thanked staff for the newsletter and stated he received phone calls from constituents who liked and understood the newsletter. Director Vanni also read a disturbing email from Bruce Baum, who makes disparaging comments about President Oliva and other alleged comments about the Board and Legal Counsel.

Bruce Baum, 1165 Butterfield Road, San Anselmo; Louise Mathews, 72 Foothill Road, San Anselmo; and Garril Page, 70 Fawn Drive, San Anselmo, spoke during the public participation period.

Director Brown wanted to know if there was a policy where one could bring a tape recorder into Closed Session. District Counsel Sharp responded he would look into it.

The Board took a three (3) minute break 8:20 p.m.

Item #14-CLOSED SESSION The Board adjourned to Closed Session at 8:23 p.m. pursuant to conference with Legal Counsel re: Personnel Exception pursuant to Government Code Section 54957 and anticipated litigation of one (1) matter pursuant to Government Code Section 54956.9 (b).

The Board reconvened to Open Session at 8:25 p.m. Reportable action taken:

1. The Board received information; no reportable action was taken.

Item #15-ADJOURNMENT The Board adjourned at 8:26 p.m.

DANIEL HANLEY
Alternate Secretary of the Board