

NOVATO SANITARY DISTRICT

November 9, 2009

The Board of Directors of Novato Sanitary District will hold a Closed Session at 5:00 p.m., Monday, November 9, 2009, at the District offices, 500 Davidson Street, Novato. (Open session begins at 6:30 p.m. See agenda below).

CLOSED SESSION AGENDA

CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54957:

- Public employee performance evaluation:
Title: Manager-Engineer

CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL – EXPOSURE TO LITIGATION – TWO POTENTIAL CASES:

Significant exposure to litigation pursuant to Subsection (b) of Government Code Section 54956.9

CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION – ONE POTENTIAL CASE:

Initiation of litigation pursuant to Subsection (c) of Government Code Section 54956.9

REGULAR AGENDA

Materials related to items on this agenda are available for public inspection in the District Office, 500 Davidson Street, Novato, during normal business hours.

1. **PLEDGE OF ALLEGIANCE:**
2. **AGENDA APPROVAL:**
3. **PUBLIC COMMENT (PLEASE OBSERVE A THREE-MINUTE TIME LIMIT):**

This item is to allow anyone present to comment on any subject not on the agenda, or to request consideration to place an item on a future agenda. Individuals will be limited to a three-minute presentation. No action will be taken by the Board at this time as a result of any public comments made.

4. **BOARD MEMBER REPORTS:**
5. **REVIEW OF MINUTES:**

- a. Consider approval of minutes of September 21st and 28th, 2009 meetings.

6. CONSENT CALENDAR:

- a. Approval of regular and project account disbursements and ratification of payroll and payroll related disbursements.
- b. Waiver of Conducting Authority & Consent for Boundary Change for the Lands of Pirker.
- c. Approval of Addendum No. 2 to District Standard Specifications and Drawings.

7. ADMINISTRATION:

- a. Authorize engagement of Barg, Coffin, Lewis & Trapp law firm to represent the District in the EPA/US Attorney investigation.
- b. Consider approval of a consulting agreement with Rauch Communications.
- c. Designate and authorize Board Members and staff to sign District checks – WestAmerica Bank.
- d. Consider adoption of District Policies.

8. WASTEWATER TREATMENT FACILITY OPERATION:

- a. Discuss referendum on the contract service agreement for operation, maintenance and management of wastewater treatment facilities, provide direction to staff and make motions as appropriate.

9. COLLECTION SYSTEM IMPROVEMENTS PROJECT, PROJECT 72706:

- a. San Ramon Sewer Rehabilitation Project: Consider: adopting CEQA findings; authorize staff to file a Notice of Exemption, (NOE), with the County Clerk; review proposals and award project to Maggiora & Ghilotti in the amount of \$49,494.
- b. Consider approval of a contract amendment in the amount of \$68,000 with Nute Engineering on a time and materials basis.

10. PUMP STATION REHABILITATION PROJECT, PROJECT 72403:

- a. Consider adoption of a resolution making CEQA findings; approve plans and specifications; and authorize advertising for bids - Project Unit 1, Rush Creek & Deer Island Pump Stations.

11. STAFF REPORTS:

12. MANAGER'S ANNOUNCEMENTS:

13. ADJOURNMENT:

AGENDA/Board of Directors
November 9, 2009

Next resolution no. 3014

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the District at (415) 892-1694 at least 24 hours prior to the meeting. Notification prior to the meeting will enable the District to make reasonable accommodation to help ensure accessibility to this meeting.

Materials that are public records and that relate to an open session agenda item will be made available for public inspection at the District office, 500 Davidson Street, Novato, during normal business hours.

September 21, 2009

A regular meeting of the Board of Directors of the Novato Sanitary District was held at 6:30 p.m., Monday, September 21, 2009, at the District Office, 500 Davidson Street, Novato.

BOARD MEMBERS PRESENT: President Michael Di Giorgio, Members James D. Fritz, William C. Long and George C. Quesada.

BOARD MEMBERS ABSENT: Arthur T. Knutson.

STAFF PRESENT: Manager-Engineer Beverly James, Deputy Manager- Engineer Sandeep Karkal, District Counsel Kent Alm, and Administrative Secretary Julie Borda.

ALSO PRESENT: Suzanne Brown Crow, Novato resident
Pam Welsh, Novato resident
Dennis Welsh, former NSD employee, Novato resident
Dennis Fishwick, Novato resident
Norman Stone, Novato resident
Heather Minner, Attorney with Shute, Mahaly, & Weinberger, LLP
John Bailey, Veolia Water NA
Bill Scott, Novato resident
Carlos Borba, Teamsters Local 315
Don E. Garcia, Teamsters Local 315

PLEDGE OF ALLEGIANCE:

AGENDA APPROVAL:

The Manager noted a change to Agenda Item 6a: include **Mechanical Maintenance Technician Leadworker** in list of positions to be abolished.

On motion of Member Quesada, seconded by Member Fritz, and carried unanimously by those members present, the Agenda was approved as amended.

PUBLIC COMMENT:

Suzanne Brown Crow, Novato resident, requested the Board delay their approval of the Veolia Contract to ensure it is in alignment with what the public desires.

Norman Stone, Novato resident, requested the Board delay their decision to approve the Veolia contract until after the November 3rd election.

Don E. Garcia, Teamsters Local 315, stated he was concerned about Item 6a. which asks the Board to abolish six employment positions with the District. He recommended the Board leave the positions intact and instead declare they not be filled.

Denish Welsh, Chairman of Alliance for Concerned Citizens of Novato and Novato resident, discussed the EPA investigation and the subsequent report that was prepared by Richard Luthy. He demanded that the District be open and transparent regarding the EPA investigation.

District Counsel Kent Alm stated that the District has not been provided with any further information regarding the EPA investigation and no charges have been filed. He stated the District is providing all information which the EPA has requested.

Dennis Fishwick, Novato resident, discussed the March 2007 digester cleaning event. Mr. Fishwick gave an account of his understanding of this event and how it related to the EPA/FBI raid in May, 2009. He requested the Board inform the public of the events that took place during the week in March 2007 when the facility was allegedly not treating wastewater and/or discharging partially treated sewage into the bay.

Member Long asked those in attendance to provide the Board with any additional information regarding the March 2007 event. He stated the Board was not aware of any new details other than those that were previously made public.

District Counsel Kent Alm stated that the EPA has not provided the District with any new information regarding their investigation. He noted that details of the alleged events Mr. Fishwick referred to have not been provided to the District by the EPA.

Jim Lynch, Novato Sanitary District employee, addressed the Board regarding the alleged sewage spill on the weekend of March 17th, 2007 (the event). He stated he was there the weekend of March 17th and knows what the management did and didn't do. Mr. Lynch stated he had been working 16 or 17 hours on March 16th when he notified Beverly James, the Manager-Engineer, that the contact basin was full of sludge. He reported she went to look at the basin. Later that night, Mr. Lynch reported he received an "over torque" alarm which was something that he had never received before. He came to the plant and found the primary clarifier so full of sludge that the arm would not turn anymore. He said he had to deal with it the next day. He reported the contact basin was so full of sludge that it appeared you could walk across it. Mr. Lynch stated that he has twelve pictures which show evidence of the event. Mr. Lynch stated he had nothing to do with the EPA investigation, but also reported that he saw what took place during the event and that he has protected himself. He stated he knows that the event was never reported and that the Manager did not sign the Monthly Monitoring Report; the Deputy-Manager Sandeep Karkal signed the report. He stated he has done his homework to protect himself. He stated that the report prepared by Richard Luthy regarding the event stated "the Operator for October said that less than a thousand gallons went out". Mr. Lynch stated that he was that Operator and he never said anything to anyone. Mr. Lynch stated the event was horrific. He stated that the hypo use should be examined. He noted that the hypo use started on Monday at 250 gallons and went to 800 gallons on that weekend because of the solids.

BOARD MEMBER REPORTS:

Member Quesada discussed the possibility of a H1N1 virus pandemic and how it might affect the District if one quarter of the operators would be unable to come to work due to the illness. He suggested that the District would have additional protection from a major disruption if the contract with Veolia Water was approved because they have a much larger employee base that they could draw from if it became necessary.

WASTEWATER TREATMENT FACILITY OPERATION:

Consider approval of the Contract Service Agreement for Operation, Maintenance, and Management of Wastewater Treatment Facilities with Veolia West Operating Services, Inc. and confirming the approval of the addendum to the EIR adopted on July 27, 2009.

The Manager stated that the process to upgrade the facility to its current levels was started in 2002 with considerable input from consultants. She proceeded to outline the milestones which took place to bring the Board to its current decision.

The Manager provided copies of the Veolia Water North America contract to the Board and gave several copies to the public. She noted that the Contract was available on the District website and was also available upon request from the front office under the Request for Public Information Act. She summarized key guarantees to the District and discussed contract modifications. She stated she feels the District has negotiated a fair contract and commended Veolia and the proposed project Manager, John Bailey, commenting that we have a good contract and a good team. She stated that without reservation, she recommends the approval of the Contract.

District Counsel Kent Alm provided additional CEQA information and discussed the District's position. He stated the document is a balanced and competent contract and that it accurately reflects what was in the RFP. Mr. Alm noted that he was notified the morning of September 21st that Shute, Mahaly, & Weinberger, LLP intended to proceed with the referendum process. Mr. Alm discussed how the Board should proceed in regards to the contract approval.

Norm Stone, Novato resident, questioned if there is a standard attorneys fees provision in the Contract. Mr. Stone requested the Board table their decision on the contract for 30 to 45 days.

Bill Scott, Novato resident, stated he feels this is a liability issue between employee and management and that a private contractor will not alleviate these liability issues.

Carlos Borba, Teamsters Local 315, stated the personnel portion of the contract is not as clear as what the Board and Manager expressed it to be. He discussed the contract details and noted the Union never promoted the private operator option. He stated the Union will continue to do what they can to protect the employees.

Heather Minner, Attorney with Shute, Mahaly, & Weinberger, LLP, representing the Alliance of Concerned Citizens of Novato provided the Board with a Comment Letter prepared by her law firm regarding the CEQA exemption. She gave details of the contents of the letter and asked that the Comment Letter be made part of the public record. She disputed the District's position on the CEQA findings and stated the transfer of control to Veolia did represent a significant change to the way the District's facilities are operated. She stated the District must prepare an EIR or a supplement to the 2005 EIR now, prior to approval of the contract to analyze the contract's potentially significant environmental effects. She stated that even if the Board approves the contract, no action can be taken to implement the contract for thirty days in order to give the public time to gather signatures to file a referendum on the decision. She stated there is a thirty day waiting period which is mandatory by law and presented District Counsel Kent Alm with a letter to that effect.

Dennis Fishwick, Novato resident, requested the Board include additional wording into the Contract that states the contract would not take effect for thirty days. He discussed a recent survey of Novato households. He stated he hopes the Board does not sign the contract because the Eisenhardt Report was faulty and he feels the upgraded facility could be operated using current District employees at a far less cost than Veolia.

Dean L. Heffelfinger, Novato resident, discussed the Eisenhardt Report and discussions with Paul Eisenhardt from previous meetings. He disputed the Board's claims that the Eisenhardt Report was objective because the Eisenhardt Group had made a significant amount of profit by negotiating contracts with public entities that went with private contract operators. Mr. Heffelfinger stated that the District entered into a contract with the Eisenhardt Group on March 9, 2009 in which Mr. Eisenhardt was asked to proceed with preparation of the Request for Qualifications (RFQ). Mr. Heffelfinger noted that in January of 2009, an individual from the Eisenhardt Group was already meeting with representatives from the District's public relations firm, Rauch Communications. He read from minutes of the Novato Sanitary District board meeting of December 22, 2008, which discussed the success of employee training.

Jim Good, Vice President and General Manager of Veolia Water, Northern California, introduced his staff members. He discussed several progressive movements which have started in California. He commended Board members and members of the Staff for their leadership in moving forward with the challenging issue concerning the continuing operation of the Novato Sanitary District treatment facility. Mr. Good stated he looks forward to beginning the contract and working with the Teamsters Local 315 Union. He urged the Board to vote yes on the contract.

Dennis Welsh, Novato resident and former NSD employee, discussed the District's findings that it would cost \$22 million to operate the new treatment facility but only \$15 million if Veolia Water were to operate the facility. He said the comparison was not equitable.

Pam Welsh, Chairperson for the Alliance of Concerned Citizens of Novato, discussed her experiences during previous Board meetings. She urged the Board to reconsider their decision to approve the contract with Veolia Water.

District Counsel Kent Alm discussed the starting date of the contract and the possible commencement date. He stated that Veolia Water would first receive a Notice to Proceed. He stated the commencement date was not set and requested this decision be deferred to the Sept. 28th Closed Session Board meeting.

Member Long referred to the Eisenhardt Group's past experience and stated he was confident that a firm with this much experience had the necessary knowledge the District needed. Mr. Long stated that, based on the financial numbers provided, the District was going to save approximately \$1 million over the five year contract period (with Veolia Water as the contract operator) in comparison to the District running the new facility with only current employees (no additional staff or consultants). Member Long stated the District was in need of highly trained staff to operate the new facility due to stricter Government regulations. He stated the District has an on-going obligation to operate all the new equipment to prevent expensive violations. Member Long stated he is committed to ensuring that those NSD employees which move to Veolia Water are guaranteed equivalent compensation to the reasonable satisfaction of all involved.

Member Quesada discussed the voting procedures on this item. He stated his vote will be "Pass" but he will make his vote known before leaving the meeting.

District Counsel Kent Alm stated he was not familiar with the "Pass" vote procedure.

Member Fritz asked for clarification of the referendum procedure.

District Counsel Kent Alm clarified the procedural qualifications needed. He noted that the earliest the referendum could be put on a Novato ballot is March 2010. Mr. Alm also outlined the costs associated with a referendum election and other possible dates the measure could be put on a ballot.

President Di Giorgio stated his interest in this transition was to ensure that there would be no sanitary sewer rate increases and that the Novato citizens would be protected from fines and penalties. He stated his initial concern has always been for the ratepayers of Novato.

On motion of Member Fritz, seconded by Member Long, and carried with the following vote of 3-0, the Board approved the Contract Service Agreement for Operation, Maintenance, and Management of Wastewater Treatment Facilities with Veolia West Operating Services Inc. and confirmed the approval of the addendum to the EIR adopted on July 27, 2009:

Quesada, pass; Long, aye; Fritz, aye; Di Giorgio, aye. Member Knutson was absent.

PERSONNEL:

Consider abolishing the positions of Wastewater Facility Manager, Operations Leadworker, Wastewater Treatment Plant Operator I and II, Mechanical Maintenance Leadworker, and Mechanical Maintenance Technician II. The Manager explained that only the District Board has the authority to abolish the positions and this step is necessary due to the provisions in the MOA which state the employees must first be laid off from District employment before they can be hired by Veolia Water.

District Counsel Kent Alm discussed the specifics from the MOA provisions.

The Manager stated that the Board can reestablish District positions. She read from the MOA which stated that if the contract with Veolia (the Vendor) were terminated, the District would be required to re-hire all of the transitioned employees which were on Veolia's payroll at that time.

District Counsel Kent Alm clarified how the transition of employees to and from Veolia would work. He quoted from the District's rules and regulations in regards to the lay-off procedures.

The Manager stated she spoke to Eddie Kriesberg, the Districts Labor and Relations Coordinator, and confirmed the Board needs to approve the abolishment of the positions. She stated the District employees could not be laid off if their positions were still open.

Member Long suggested the motion additionally state that the effective date of the abolishment of the District positions be set as the same date as the commencement of the contract with Veolia Water.

District Counsel Kent Alm clarified the difference between the commencement date and the contract date.

Member Quesada requested an Addendum be made to the motion stating that the District positions be abolished in accordance with the District Policy Manual, the MOA, and any other applicable documents and the abolishment is to become effective on the commencement date of the Veolia Water contract.

On motion of Member Quesada, seconded by Member Long, and carried unanimously by those members present, the Board passed the following motion: Abolish the positions of Wastewater Facility Manager, Operations Leadworker, Wastewater Treatment Plant Operator I and II, Mechanical Maintenance Technician Leadworker, and Mechanical Maintenance Technician II.

On motion of Member Quesada, seconded by Member Fritz, and carried unanimously by those members present, the Board passed the following Addendum to the above motion: all abolished District positions will be in accordance with the District Policy Manual, the

MOA, and any other applicable documents and the abolishment is to become effective on the commencement date of the Veolia Water contract.

Member Long asked District Counsel Kent Alm to address the issue of Member Quesada's "Pass" vote on the Veolia Contract motion earlier in the meeting.

Mr. Alm stated that although Mr. Quesada had his vote recorded as a "Pass" vote, the motion still received a majority of "aye" votes from the Board members and therefore, the motion did pass.

BOARD OF DIRECTORS:

Consider establishing a Wastewater Operation standing committee. The Manager explained that the District and Veolia Water are committed to an open and transparent process for the oversight of the Contract Service Agreement. She noted that the meetings of a standing committee would be subject to the notification requirements of the Brown Act. She anticipates the meetings will be held monthly but the committee will make the final determination.

Member Di Giorgio asked who the members of the committee would be. District Counsel Kent Alm stated it is the prerogative of the Chairman of the committee to appoint members. He suggested members of the public should also be on the committee.

Member Long stated he felt this committee was a good idea and stated Veolia has experience with similar committees.

Jim Good, Veolia Water, stated a similar committee has been established at the Veolia operated treatment facility in Gresham, Oregon.

On motion of Member Fritz, seconded by Member Long, and carried unanimously by those members present, the Board authorized the Manager-Engineer to establish a standing Wastewater Operations Committee.

President Di Giorgio recommended Members Quesada and Fritz be appointed to the Wastewater Operations Committee. Members Quesada and Fritz accepted their appointments.

Member Long requested the Board hear Member Quesada's vote on the approval of the Contract Service Agreement with Veolia Water.

On motion of Member Long, seconded by Member Fritz, and carried unanimously by those members present, the Board agreed to reconsider the vote for Item 5a. on the current agenda.

On motion of Member Long, seconded by Member Fritz, and carried with the following 4-0 vote, the Board approved the Contract Service Agreement for Operation, Maintenance, and Management of Wastewater Treatment Facilities with Veolia West Operating Services Inc. and confirmed the approval of the addendum to the EIR adopted on July 27, 2009:

Quesada, aye; Long, aye; Fritz, aye; Di Giorgio, aye. Member Knutson was absent.

MANAGER'S ANNOUNCEMENTS:

The Manager pointed out that this is Pollution Prevention Week and the District will be participating in a mercury thermometer exchange at various Novato venues.

There being no further business to come before the Board, President Di Giorgio adjourned the open meeting at 8:15 p.m.

President Di Giorgio reconvened the meeting in Closed Session to discuss the matters on the Closed Session agenda:

CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL-EXPOSURE TO LITIGATION-ONE MATTER:

Significant exposure to litigation pursuant to Subsection (b) of Government Code Section 54956.9.

CLOSED SESSION CONFERENCE WITH LABOR NEGOTIATORS-Government Code Section 54957.6:

Confer with District's labor negotiators regarding meet and confer with District's "General" bargaining unit, represented by Teamsters Local 315.

President Di Giorgio reconvened in open session at 9:20 p.m. There was no reportable action.

ADJOURNMENT: There being no further business to come before the Board, President Di Giorgio adjourned the meeting at 9:21 p.m.

Respectfully submitted,

Beverly B. James
Secretary

Julie Borda, Recording

September 28, 2009

A regular meeting of the Board of Directors of the Novato Sanitary District was held at 6:30 p.m., Monday, September 28, 2009, preceded by a closed session beginning at 5:00 p.m. at the District Office, 500 Davidson Street, Novato.

PLEDGE OF ALLEGIANCE:

CLOSED SESSION:

President Di Giorgio opened the Closed Session Board Meeting at 5:00 p.m.

BOARD MEMBERS PRESENT: President Michael Di Giorgio, Members James D. Fritz, William C. Long and George C. Quesada.

BOARD MEMBERS ABSENT: Member Arthur T. Knutson.

STAFF PRESENT: Manager-Engineer Beverly James, Deputy Manager-Engineer Sandeep Karkal, and District Counsel Kent Alm.

Closed session conference with legal counsel-exposure to litigation – three matters: Significant exposure to litigation pursuant to Subsection (b) of Government Code Section 54957.6.

President Di Giorgio ended the Closed Session Board Meeting at 6:28 p.m. There was no reportable action.

REGULAR SESSION:

President Di Giorgio reconvened in open session at 6:34 p.m.

BOARD MEMBERS PRESENT: President Michael Di Giorgio, Members James D. Fritz, William C. Long and George C. Quesada.

BOARD MEMBERS ABSENT: Member Arthur T. Knutson.

STAFF PRESENT: Manager-Engineer Beverly James, Deputy Manager-Engineer Sandeep Karkal, and Administrative Secretary Julie Borda.

ALSO PRESENT: Dean B. Heffelfinger, District employee
Dean L. Heffelfinger, Novato resident
Tom Pierce, Novato resident
Sam Renati, former Board member, Novato resident
Dennis Welsh, former District employee, Novato resident
Pam Welsh, Novato resident

AGENDA APPROVAL:

On motion of Member Quesada, seconded by Member Fritz, and carried unanimously by those members present, the Agenda was approved as mailed.

PUBLIC COMMENT:

Dean B. Heffelfinger, District employee, referenced the September 21st Board meeting where his colleague, Jim Lynch, discussed the March 17th, 2007 digester cleaning incident. He stated Mr. Lynch's coming before the Board was a pretty brave thing to do. He stated that he also worked that day and wished to tell the Board what happened. He stated it was pretty scary coming before the Board when you know something has happened and one thinks it will be reported, but in fact it is not. He stated he worked that day, and that the Manager-Engineer Beverly James and the Deputy Manager-Engineer Sandeep Karkal were both there that day. He stated it was pretty disgusting, pretty gross. He stated the sludge that went through the plant was in the effluent and was pumped out into the bay. He read aloud an excerpt from the approved Minutes of the March 19, 2009 NSD Board meeting: "Managers Report: The Manager reported on the status of the secondary digester cleaning and reported that the treatment plant has undergone some stress due to this cleaning." He stated that could be the understatement of the century. He then thanked the Board and read from another portion of the Minutes: "On the motion of Member Knutson, seconded by Member Quesada, and carried unanimously, the Manager is directed to prepare a letter of recognition for the individuals involved in extra duty due to the cleaning of the secondary digester." He stated that he never received such a letter.

Member Long stated he was appreciative of the comments, and stated the Board is learning more about that incident every time the subject arises. He stated he was puzzled as to why Mr. Heffelfinger and Mr. Lynch did not come to the Board with this information sooner, if the incident was as severe as Mr. Heffelfinger was reporting. Mr. Heffelfinger stated that, at the time of the incident, he did not understand what was going on and assumed the event would be reported with the mandatory monthly reports which are prepared. Mr. Long stated that it seemed to be such a large incident that Mr. Heffelfinger would have checked to make sure it was reported. Then if it had not been, he would have come to the Board with the details of the event as soon as he realized it had not been reported.

Mr. Heffelfinger quoted again from the minutes noting that the Manager stated the treatment plant had undergone some stress. He stated that if the treatment plant was under stress, that would mean it was not operating properly. Member Long questioned why Mr. Heffelfinger did not come to the Board at that time or inform anyone else.

Dennis Welsh, Novato resident and former District employee, stated that Mr. Heffelfinger was not the individual who pumped the sludge through the plant. He stated Mr. Heffelfinger did not make that decision, that it was done in the dark of night. President Di Giorgio questioned the approximate time the pumping took place. Mr. Welsh responded it was approximately 5:15 p.m., after the crew had gone home. He responded that the Board should view the available charts, log books and chemical

usage documentation. He stated that the crew was told by the Lab that the event was reported.

Member Long questioned why the people involved in the incident, as well as Mr. Welsh, did not come to the Board with this information. He stated that he had learned that several months after the incident, when Mr. Welsh was made aware of the incident and that it had indeed gone unreported, Mr. Welsh did not come before the Board to report any wrong-doing.

Mr. Welsh addressed Member Long and stated Mr. Long had known for several weeks the details of the March 2007 incident, including when the report prepared by Richard Luthy was completed. Mr. Welsh stated there has been a big cover-up.

BOARD MEMBER REPORTS:

None.

CONSENT CALENDAR:

On Motion of Member Quesada, seconded by Member Long, and carried unanimously by those members present, the following Consent Calendar items were approved:

- a. Approval of Board Meeting schedule as follows: October 12th and 26th, November 9th and 23rd, December 14th and 28th.
- b. Approval of regular disbursements in the amount of \$321,718.60 and project account disbursements in the amount of \$91,520.18.

HOUSEHOLD HAZARDOUS WASTE AND RECYCLING:

Consider approval of Marin County Hazardous and Solid Waste Grant Agreement for 2009-10.

The Manager reported that the District has been under the Household Hazardous Waste Grant Agreement since 2003-04. She stated this agreement is to convey to the District the funds collected by the JPA for the household hazardous waste program from Novato residents who self-haul to the landfill. She stated the Joint Powers Authority has designated \$35,079 for the 2009-10 fiscal year, of which \$15,003 is from prior year's payments that are due to the District. The Manager stated that these funds are received by the District and are directed in the budget to the solid waste program to support the Household Hazardous Waste Facility.

On motion of Member Fritz, seconded by Member Quesada and carried unanimously by those members present, the Board approved the Marin County Hazardous and Solid Waste Grant Agreement for 2009-2010.

STAFF REPORTS:

Mercury thermometer exchange: The Manager noted that in honor of Pollution Prevention Week, the District staffed a booth at the Novato Farmer's Market on Tuesday, September 22nd. At the booth, Novato residents were encouraged to exchange their mercury thermometers for a digital thermometer. The Manager reported the event was quite successful. She also reported that the thermometer exchange continued at the Household Hazardous Waste collection event at the Hazardous Waste Facility over the weekend of September 26th and 27th and stated that an additional 37 thermometers were exchanged at the facility.

President Di Giorgio commented on his attendance at the Novato Farmer's Market mercury thermometer exchange event, noting that Novato residents exchanged three times as many mercury thermometers as what was exchanged in San Rafael at a similar Farmer's Market.

MANAGER'S ANNOUNCEMENTS:

The Manager noted the upcoming Joint City District Solid Waste Committee meeting which will be held on October 5th at 4:30 p.m. at the District office.

ADJOURNMENT: There being no further business to come before the Board, President Di Giorgio adjourned the meeting at 6:45 p.m.

Respectfully submitted,

Beverly B. James
Secretary

Julie Borda, Recording

NOVATO SANITARY DISTRICT BOARD AGENDA ITEM SUMMARY

TITLE: Consent Calendar: Waiver of Conducting Authority & Consent for Boundary Change

MEETING DATE: November 9, 2009

AGENDA ITEM NO.: 6.b.

RECOMMENDED ACTION: Approve Consent for Boundary Change and Waiver of Conducting Authority for Lands of Pirker.

SUMMARY AND DISCUSSION:

This agenda item is for the Consent for Boundary Change and Waiver of Conducting Authority for the Annexation of the Lands of Pirker to the Novato Sanitary District.

The applicants are applying to LAFCO to annex to the Novato Sanitary District in order to connect the subject parcel to the public sewer. The applicant proposes to connect one dwelling located at 25 Stirrup Lane Novato. The existing parcel is currently being served by a septic system that can not be upgraded or modified. The parcel's basic dimensions are one hundred sixty six feet wide by one hundred thirty feet deep.

Total amount of area to be annexed is 0.50 acres.

ALTERNATIVES: Do not approve or sign the Consent for Boundary Change and Waiver of Conducting Authority. .

BUDGET INFORMATION: N/A

DEPT.MGR.:

MANAGER:

NOVATO SANITARY DISTRICT BOARD AGENDA ITEM SUMMARY

TITLE: ADDENDUM NO. 2 TO DISTRICT STANDARD SPECIFICATIONS AND DRAWINGS	MEETING DATE: 11/09/2009 AGENDA ITEM NO. : 6.c.
RECOMMENDED ACTION: Approve Addendum No. 2 to the District's "Standard Specifications and Drawings".	
SUMMARY AND DISCUSSION: The District's "Standard Specifications and Drawings" document was originally issued in 1975. Although the District has frequently made changes and updates to the content of this document, the changes and updates have been of an ad hoc nature. The District is currently preparing a total overhaul of this document, however, until this overhaul is completed, the District needs to have a more formal document on hand that captures previously made changes and updates. After significant internal discussion, staff has generated an interim or addendum type document. This Addendum No. 2 addresses previously made ad hoc changes and also captures some more typical situations that the original (1975) document is either silent on or where industry practices have changed and need to be updated. It is intended that this interim addendum will be fully integrated into the final (overhauled) "Standard Specifications and Drawings". A copy of the addendum document (Addendum No. 2) is attached. Staff recommends that the Board adopt this addendum and direct staff to implement it immediately.	
ALTERNATIVES: N/A	
BUDGET INFORMATION: N/A	
DEPT. MGR. :	MANAGER'S APPROVAL:

NOVATO SANITARY DISTRICT, (NSD)
STANDARD SPECIFICATIONS AND DRAWINGS

ADDENDUM NO. 2
(ISSUED NOVEMBER, 2009)

A. This Addendum No. 2, pages 1 through 3, shall become a part of NSD's Standard Specifications and Drawings ("Standard Specs") and all provisions of the Standard Specs shall apply thereto. Also, included with this Addendum are:

1. **RECEIPT OF ADDENDUM NO. 2 (to be signed by Permittee/Authorized Signatory and returned to District as proof of acknowledgement).**

PLEASE NOTE THAT UNLESS NOTED OTHERWISE, CHANGES ARE IN STRIKEOUT FORM FOR DELETIONS AND BOLD ITALICS FOR ADDITIONS.

Addendum Item 1: Part B – ENGINEERING AND DESIGN REQUIREMENTS. On Page 17, section 4-02 Add Sub Section S Add subsection S as follows:

S. Grease Removal Device

In applications where Grease Removal Devices are required and are to be permitted by the District, the minimum size for a grease removal devices shall have no less than 100lb grease capacity, with a maximum of thirty five (35) fixture units tributary to the device. All applications of grease removal devices with thirty five fixture units or greater tributary to it shall install an in ground grease interception device with a minimum capacity of a 1,250 gallons. Fixture units referenced herein are as described in the California Plumbing Code, Title 24, Part 5.

Addendum Item 2: Part B – ENGINEERING AND DESIGN REQUIREMENTS. On Page 17, section 4-02 Add Sub Section T Add subsection T as follows:

T. Pressure Sewer Pipe Lines

In applications where pressure sewer pipe lines are to be permitted by the District the pressure sewer line shall discharge into a manhole connected to a gravity sewer or District owned facility. Pressure sewers shall not be combined or interconnected without the express acknowledgement and permission of the District Engineer.

Addendum Item 3: Part B – ENGINEERING AND DESIGN REQUIREMENTS. On Pages 17, modify section 4-03, Sub Section A, Add to paragraph 1 as follows:

- A. 1. Manholes – 1. A standard drop manhole may be installed when the invert elevation of the incoming sewer is greater than two (2) feet higher than the outgoing sewer. Otherwise, the crown elevation of the incoming sewer must match the crown elevation of the outgoing sewer, allowing for the appropriate slope through the manhole. ***When existing field conditions will not allow for the construction of standard outside drop connections to District manholes, construction of inside***

drop connections will be allowed on an individual case by case basis with the approval of the District Engineer.

Addendum Item 4: Part B – ENGINEERING AND DESIGN REQUIREMENTS. On Pages 16, modify section 4-02, Sub Section P, Replace paragraph P as follows:

A. P. Separate Side Sewers Required – *Each individual building or business premise shall be connected to the main sewer with a separate side sewer. Combined side sewers for buildings or business premises under the same ownership will be permitted on specific approval of the District engineer when, in their judgment, the property is not likely to be subdivided in the future. If in the future subdivision of ownership takes place, side sewer separation of individual ownerships will be required by the District.*

NOVATO SANITARY DISTRICT

Beverly B. James
Manager-Engineer

Date

RECEIPT OF ADDENDUM NO. 2

On behalf of _____ (Owner/Permittee), Permit No. _____
(Print Owner/Permittee Name)

I acknowledge receipt of the above NSD Standard Specifications and Drawings, Addendum No.2 , page 1, issue date November 2009.

Authorized Company Name

Authorized Signature/Date

Printed Name and Title of Authorized Signatory

NOVATO SANITARY DISTRICT BOARD AGENDA ITEM SUMMARY

TITLE: Administration: Authorize Engagement of Barg, Coffin, Lewis & Trapp	MEETING DATE: 11/9/2009 AGENDA ITEM NO. : 7.a.
RECOMMENDED ACTION: Approve the engagement of Barg, Coffin, Lewis & Trapp law firm to represent the District in the EPA/US Attorney Investigation, with the authorization to hire necessary experts or consultants.	
SUMMARY AND DISCUSSION: A proposal has been received from the law firm of Barg Coffin Lewis and Trapp to represent the District in the EPA/US Attorney investigation currently underway. The initial scope of work will be to defend the District against criminal and civil claims arising out of or relating to the search warrant issued by the U.S. Attorney's Office on May 22, 2009. The contract extends to the hiring of experts or consultants as necessary to provide technical support to assist the law firm in providing legal advice to the District. Compensation for services provided will be based on time-related charges plus direct costs. While the District has insurance coverage for defense of criminal actions brought against covered individuals such as past or present elected or appointed officials, employees, or volunteers, the coverage, as stated, is for individuals only and does not extend to the entity itself. Therefore, all costs generated in connection with the engagement of Barg, Coffin, et al, will be the responsibility of the District.	
ALTERNATIVES: Do not authorize the engagement of Barg, Coffin, Lewis & Trapp.	
BUDGET INFORMATION: Unknown. No additional legal fees were included in the 2009-10 budget for this representation. Therefore, a budget amendment will be required at a later date.	
DEPT. MGR. :	MANAGER'S APPROVAL:

NOVATO SANITARY DISTRICT BOARD AGENDA ITEM SUMMARY

TITLE: Administration: Public Outreach	MEETING DATE: November 9, 2009
AGENDA ITEM NO.: 7.b.	
RECOMMENDED ACTION: Approve contract with Rauch Communications for public outreach for 2009-10 on a time and materials basis not to exceed \$60,000.	
<p>SUMMARY AND DISCUSSION:</p> <p>In recent years, Sanitary Districts throughout Marin County and the state have become more and more visible and of greater interest to the public for a variety of reasons, including:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Heightened regulations and quality standards that increase cost, and requires the agencies to engage the public in helping to avoid sewer problems by not dumping inappropriate materials like wipes, to repair laterals and take other actions. <input type="checkbox"/> Increasing environmental awareness that increases the public's interest in wastewater, treatment, proper household hazardous waste disposal, microconstituents, etc. <input type="checkbox"/> Rising customer expectations. In the internet age, the public can learn about quality service anywhere in the world. They know more and expect more than in the past. <input type="checkbox"/> Rising need for recycled water as potable supplies grow increasingly stressed. <input type="checkbox"/> An increased awareness of local government in general and the importance of both good governance and cost effective local government operations. <p>To respond to the public interests and concerns listed above, local governments in general, and sanitary districts in particular, have found it increasingly important to communicate regularly and effectively with their customers. The initial goals of the outreach program are to:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Inform customers and others about how they can help protect public health and the environment by participating in household hazardous waste programs, no pharmaceuticals down the drain, the lateral program, etc. <input type="checkbox"/> Support the water recycling program <input type="checkbox"/> Increase public understanding and support for District policies and activities. <input type="checkbox"/> Provide opportunities for the public to provide input to the District in a timely way so the Board and staff can utilize that input in its decision-making. <p>The attached Table gives a summary of the scope of work. Because an outreach program needs to respond to changing circumstances, changes to the plan may occur as well as changes to the cost of individual activities to meet public and District needs. Staff recommends budgeting \$60,000 on a time and materials basis to meet the needs of Novato Sanitary District.</p>	
ALTERNATIVES: Do not approve consulting agreement	
BUDGET INFORMATION: Depending on the specific task this effort would be funded from the budgets for WWTP Upgrade, N. Bay Water Recycling Authority, or Outside Contractual	
DEPT.MGR.:	MANAGER:

2009-10 Public Outreach Program Scope of Work Summary

Actions

- 1 Develop an Outreach plan and Timeline.
 - 2 Publish the District newsletter three times per year. Concept development, writing, editing, graphic design. Mail coordination. Print supervision. Production management. This quote is for three editions:
 - 3 Rebuild the District's Website and add social network links.
 - 4 Engage in an active press program
 - 5 Targeted Outreach to individuals and key community groups
Develop Video Shorts. 4 modules, two minutes total
 - 6 Create Fact Sheets, and Q&A Sheets.
 - 7 Maintain on-call outreach support by the Consultant
 - 8 Measure program performance and summarize public Input.
Questionnaire
Professional survey
 - 9 Participate in community events and fairs and sponsor tours
 - 11 Continue active participation in regional initiatives.
 - 12 Misc. expenses, copying, shipping, photos, Travel 7 trips, sales tax, etc
-

NOVATO SANITARY DISTRICT BOARD AGENDA ITEM SUMMARY

TITLE: Administration: Designate Board Members and staff to sign District checks	MEETING DATE: 11/9/2009 AGENDA ITEM NO. : 7.c.
RECOMMENDED ACTION: Designate and Authorize Board Members and staff to sign District checks - WestAmerica Bank.	
SUMMARY AND DISCUSSION: <p>The District is in the process of changing financial institutions, from Bank of Marin to WestAmerica Bank. It is necessary to file new signature cards with WestAmerica.</p> <p>Two signatures are required on District checks. Checks are signed by one Board Member, countersigned by a staff member. The current signers on District accounts are:</p> <p>Board Members: Michael Di Giorgio, William Long, or James Fritz.</p> <p><u>Countersigned by:</u></p> <p>Staff Members: Beverly James or June Brown.</p>	
ALTERNATIVES: N/A	
BUDGET INFORMATION: N/A	
DEPT. MGR. :	MANAGER'S APPROVAL:

NOVATO SANITARY DISTRICT BOARD AGENDA ITEM SUMMARY

TITLE: Administration - District Policy Handbook	MEETING DATE: November 9, 2009
AGENDA ITEM NO. : 7.d.	
RECOMMENDED ACTION: Consider adoption of District Policies.	
SUMMARY AND DISCUSSION:	
<p>The following proposed District policies are presented for Board consideration. They are in draft form and have not yet been reviewed by District counsel. If any revisions are necessary, revised policies will be brought back to the Board for adoption.</p> <ul style="list-style-type: none"> # 1030 - Public Complaints. # 1040 - Claims Against the District. # 1060 - Policy Complaints. # 4010 - Code of Ethics. # 4015 - Voluntary Candidate Expenditure Ceiling. # 4020 - Attendance at Meetings. # 4040 - Board President. # 4050 - Members of the Board of Directors. # 4060 - Committees of the Board of Directors. # 4070 - Basis of Authority. # 4090 - Training, Education, and Conferences. # 5030 - Board Meeting Conduct. # 5040 - Board Actions and Decisions. # 5050 - Review of Administrative Decisions. # 5060 - Minutes of Board Meetings. # 5070 - Rules of Order for Board and Committee Meetings. 	
ALTERNATIVES: N/A	
BUDGET INFORMATION: No budget impact.	
DEPT. MGR. :	MANAGER'S APPROVAL:

NOVATO SANITARY DISTRICT

POLICY HANDBOOK

POLICY TITLE: Public Complaints
POLICY NUMBER: 1030

1030.1 The Board of Directors desires that public complaints be resolved at the lowest possible administrative level, and that the method for resolution of complaints be logical and systematic.

1030.2 A public complaint is an allegation by a member of the public of a violation or misinterpretation of a District policy, state, or federal statute of which the individual has been adversely affected.

1030.3 The method of resolving complaints shall be as follows:

1030.3.1 The individual with a complaint shall first discuss the matter with the Administrative Services Manager or other responsible employee with the objective of resolving the matter informally.

1030.3.2 If the individual registering the complaint is not satisfied with the disposition of the complaint by the Administrative Services Manager or other responsible employee, it shall be forwarded to the General Manager [*or other responsible managing employee*]. At the option of the General Manager [*or other responsible managing employee*], he/she may conduct conferences and take testimony or written documentation in the resolution of the complaint. The General Manager [*or other responsible managing employee*] shall memorialize his/her decision in writing, with the individual registering the complaint being provided a copy.

1030.3.3 If the individual filing the complaint is not satisfied with the disposition of the matter by the General Manager [*or other responsible managing employee*], they may request consideration by the Board of Directors by filing said request in writing within ten (10) days of receiving the General Manager's [*or other responsible managing employee's*] decision. The Board may consider the matter at its next regular meeting, or call a special meeting. In making a decision, the Board may conduct conferences, hear testimony, as well as utilize the transcripts of written documentation. The Board's final decision shall be memorialized in writing with the individual registering the complaint being provided a copy.

1030.4 This policy is not intended to prohibit or deter a member of the community or staff member from appearing before the Board to verbally present a testimony, complaint, or statement in regard to actions of the Board, District programs and services, or impending considerations of the Board.

NOVATO SANITARY DISTRICT

POLICY HANDBOOK

POLICY TITLE: Claims Against the District

POLICY NUMBER: 1040

The purpose of this policy is to provide direction to District staff for processing and resolving (if possible) account adjustment requests and property damage claims against the District. Inherent in this policy is the recognition that every adjustment request or claim will be unique, and that guidelines cannot be written to accommodate every case. Therefore, staff must use discretion and good sense in handling each claim.

1040.1 Property (Land and Improvements) Damage Claims

In the course of the District's operations – treatment, collection and disposal of waste water – damage to land and improvements thereon occasionally occurs due to the proximity of the District's facilities to the private property. When District employees are aware that property has been damaged in the course of their work, restorative measures are to be taken to return the property as close to its original condition as possible.

When a property owner informs a District employee of damage to their property (by telephone or in person), the employee receiving the claim will document in writing the time and date, and a description of the stated circumstances and allegations. Employees should respond to questions, be cordial and respectful, but refrain from commenting on liability questions.

As soon as possible after information about the damage has been received, it shall be given to the appropriate Administrative Services Manager. The Administrative Services Manager, or his/her designee, shall investigate the property owner's allegations.

If the owner of damaged property informs a member of the Board of Directors, the information will be given to the General Manager. Directors should not independently investigate claims, but may go with staff to observe.

Investigations shall be done in a timely fashion and documented with a written report, including photographs and/or interviews, when appropriate. A copy of the report shall be submitted to the General Manager.

If the investigating staff person is convinced that the damage was caused by District personnel, equipment, or infrastructure, he/she shall prepare a work order to have the damage repaired, subject to the following conditions:

- (a) Property owner agrees that the proposed repairs are appropriate and adequate;

- (b) Property owner agrees to allow District personnel access to their property to perform the repair work;
- (c) District personnel have the necessary tools, equipment, and expertise to perform the necessary work;
- (d) Repair work can be accomplished within a reasonable amount of time; and,
- (e) Cost of material for the repairs will not exceed \$500.

If the cost of material for repairs is stated by claimant or estimated by staff to exceed \$500, the owner will be asked to submit their claim in writing on a District claim form [*attached hereto as Appendix A*].

The General Manager shall review the damage claim and the proposed repair work. If he/she determines that the damage is the District's responsibility and that the proposed repair work is appropriate, he/she may authorize the work if the cost of material for the repairs will not exceed \$1,500. A report shall be submitted to the Claims Committee [*standing board committee assigned to review claims of this nature*] describing the damage claim, including a description of the manner in which it was resolved.

If the cost of material for repairs is stated by claimant or estimated to exceed \$1,500, the claim will be submitted to the Claims Committee. The Claims Committee shall review the claim and receive input from staff in closed session [*qualifies as "anticipated litigation" under the Brown Act*]. After reviewing the damage claim, the Committee may authorize the work if the cost of material for the repairs will not exceed \$3,000, or may make a recommendation to the Board of Directors. A report shall be submitted to the Board describing the damage claim, including a description of the manner in which it was resolved, or a recommendation for Board action. The claimant shall be notified of any action by the Committee regarding their claim.

If the cost of material for repairs is stated by claimant or estimated to exceed \$3,000, the claim will be submitted to the Board of Directors for its consideration. The Board will consider the claim during a closed session [*"anticipated litigation"*] of a regular or special meeting. Action to accept or reject the claim shall be taken in open session. The claimant shall be notified of the Board's action regarding their claim. Notification that a claim has been rejected shall be accompanied by proof of service.

The Board will not consider a claim of an amount in excess of the insurance deductible (currently \$10,000), including the cost of investigation, without prior written approval of the District's insurance company.

Claims in excess of the District's insurance deductible shall be forwarded to the insurance company, and the claimant shall be advised of this action.

Claims for personal injury/wrongful death shall not be investigated by District staff or directors but shall be immediately forwarded to the District's insurance company.

1040.2 Property (Vehicles and Unsecured Property) Damage Claims

All claims of damage to vehicles or other unsecured property shall be submitted to the General Manager. He/she shall review the damage claim and the requested restitution. If he/she determines that the damage is the District's responsibility, he/she may authorize repairs or reimbursement of expenses to an amount not to exceed \$1,500. A report shall be submitted to the Claims Committee describing the damage claim, including a description of the manner in which it was resolved.

The claim will be processed as described above if the cost of material for repairs is estimated to exceed \$1,500.

1040.3 Property Damage Claims On District Form

Except for damage to land and improvements estimated to cost less than \$500, all damage claims must be submitted in writing on a District claim form. This will ensure that a claim is valid and protect important rights of the District.

If an individual does not wish to file a claim on the District form, he/she may present the claim by letter if it conforms to Section 910 and Section 910.2, California Government Code. Section 910 specifies that a claim needs to show all of the following:

- (a) The name and post office address of the claimant.
- (b) The post office address to which the person presenting the claim desires notices to be sent.
- (c) The date, place, and other circumstances of the occurrence or transaction which gave rise to the claim asserted.
- (d) A general description of the indebtedness, obligation, injury, damage or loss incurred so far as it may be known as the time of presentation of the claim.
- (e) The name or names of the public employee or employees causing the injury, damage, or loss, if known.
- (f) The amount claimed if it totals less than ten thousand dollars (\$10,000) as of the date of presentation of the claim, including the estimated amount of any prospective injury, damage, or loss, insofar as it may be known at the time of the presentation of the claim, together with the basis of computation of the amount claimed. If the amount claimed exceeds ten thousand dollars (\$10,000), no dollar amount shall be included in the claim. However, it shall indicate whether the claim would be a limited civil case.

Section 910.2 of the California Government Code specifies the following:

The claim shall be signed by the claimant or by some person on his behalf. Claims against local public entities for supplies, materials, equipment or services need not be signed by the claimant or on his behalf if presented on a billhead or invoice regularly used in the conduct of the business of the claimant.

If the filed letter/claim does not meet the requirements of the California Government Code §910 and §910.2, then a letter shall be sent to the claimant informing them of this fact.

District staff shall provide no assistance to the claimant in filling out the claim form. Claimant must fill out the claim form in its entirety and submit it via mail, FAX, or personal delivery to the District office. Upon receipt, office staff shall date-stamp the document.

1040.4 Account Adjustment Requests

The General Manager, or the Deputy Manager in his/her absence, is authorized to adjust a customer's sewer service account when their bill reflects usage that is significantly greater than normal, due to accidental loss of water through broken pipes or when faucets are turned on in the owner's absence, etc. [*or other type of abnormal account cost*], subject to the following conditions:

- (a) the customer requests the account adjustment in writing;
- (b) a similar request has not been made within the past 12 months; and,
- (c) the account shows no record of being delinquent for more than 60 days during the past 24 months.

DRAFT

NOVATO SANITARY DISTRICT

POLICY HANDBOOK

POLICY TITLE: Policy Complaints

POLICY NUMBER: 1060

1060.1 A public complaint is an allegation by a member of the public of a violation or misinterpretation of a District policy, state or federal statute by which the individual has been adversely affected.

1060.2 The Board of Directors of the Novato Sanitary District desires that public complaints be resolved logically and systematically.

1060.3 The process for resolving complaints shall be as follows:

1060.3.1 The citizen with a complaint shall first discuss the matter with the appropriate Division Manager with the objective of resolving the matter informally.

1060.3.2 If the citizen registering the complaint is not satisfied with the disposition of the complaint by the Division Manager, it shall be forwarded to the General Manager. At the option of the General Manager, he/she may conduct conferences and take testimony or written documentation in the resolution of the complaint. The General Manager's decision shall be memorialized in writing with a copy being provided to the plaintiff.

1060.3.3 If the citizen filing the complaint is not satisfied with the disposition of the matter by the General Manager, they may request consideration by the Board of Directors by filing said request in writing within ten (10) days of receiving the General Manager's [*or other responsible managing employee's*] decision. The Board may consider the matter at the next regular meeting, or call a special meeting. In making the final decision, the Board may conduct conferences, hear testimony, as well as utilize the transcripts of written documentation. The Board's final decision shall be memorialized in writing with the plaintiff being provided a copy.

1060.4 This policy in no way prohibits or is intended to deter a member of the community or staff from appearing before the Board to verbally present a testimony, complaint, or statement in regard to actions of the Board, District programs and services, or impending considerations of the Board.

NOVATO SANITARY DISTRICT

POLICY HANDBOOK

POLICY TITLE: Code of Ethics
POLICY NUMBER: 4010

4010.1 The Board of Directors of Novato Sanitary District is committed to providing excellence in legislative leadership that results in the provision of the highest quality services to its constituents. In order to assist in the governance of the behavior between and among members of the Board of Directors, the following rules shall be observed.

4010.1.1 The dignity, style, values and opinions of each Director shall be respected.

4010.1.2 Responsiveness and attentive listening in communication is encouraged.

4010.1.3 The needs of the District's constituents should be the priority of the Board of Directors.

4010.1.4 The primary responsibility of the Board of Directors is the formulation and evaluation of policy. Routine matters concerning the operational aspects of the District are to be delegated to professional staff members of the District.

4010.1.5 Directors should commit themselves to emphasizing the positive, avoiding double talk, hidden agendas, gossip, backbiting, and other negative forms of interaction.

4010.1.6 Directors should commit themselves to focusing on issues and not personalities. The presentation of the opinions of others should be encouraged. Cliques and voting blocks based on personalities rather than issues should be avoided.

4010.1.7 Differing viewpoints are healthy in the decision-making process. Individuals have the right to disagree with ideas and opinions, but without being disagreeable. Once the Board of Directors takes action, Directors should commit to supporting said action and not to create barriers to the implementation of said action.

4010.1.8 Directors should practice the following procedures:

4010.1.8.1 In seeking clarification on informational items, Directors may directly approach professional staff members to obtain information needed to supplement, upgrade, or enhance their knowledge to improve legislative decision-making.

4010.1.8.2 In handling complaints from residents and property owners of the District, said complaints should be referred directly to the General Manager.

4010.1.8.3 In handling items related to safety, concerns for safety or hazards should be reported to the General Manager or to the District office. Emergency situations should be dealt with immediately by seeking appropriate assistance.

4010.1.8.4 In presenting items for discussion at Board meetings, see Policy #5020.

4010.1.8.5 In seeking clarification for policy-related concerns, especially those involving personnel, legal action, land acquisition and development, finances, and programming, said concerns should be referred directly to the General Manager.

4010.1.9 When approached by District personnel concerning specific District policy, Directors should direct inquiries to the appropriate staff supervisor. The chain of command should be followed.

4010.2 The work of the District is a team effort. All individuals should work together in the collaborative process, assisting each other in conducting the affairs of the District.

4010.2.1 When responding to constituent requests and concerns, Directors should be courteous, responding to individuals in a positive manner and routing their questions through appropriate channels and to responsible management personnel.

4010.2.2 Directors should develop a working relationship with the General Manager wherein current issues, concerns and District projects can be discussed comfortably and openly.

4010.2.3 Directors should function as a part of the whole. Issues should be brought to the attention of the Board as a whole, rather than to individual members selectively.

4010.2.4 Directors are responsible for monitoring the District's progress in attaining its goals and objectives, while pursuing its mission.

NOVATO SANITARY DISTRICT

POLICY HANDBOOK

POLICY TITLE: Voluntary Candidate Expenditure Ceiling

POLICY NUMBER: 4015

4015.1 In accordance with Government Code . 85400§ (Proposition 208), the voluntary expenditure ceiling for candidates for the Board of Directors of Novato Sanitary District, and controlled committees of such candidates, shall be one dollar (\$1) per resident for each election in which the candidate is seeking election to the Board of Directors.

4015.2 Proposition 208 establishes a two-tiered scheme of campaign contribution limitations applicable to candidates running for local office based on whether the recipient candidate accepts or rejects the voluntary expenditure ceiling established by the local jurisdiction. The decision by a candidate as to whether to accept the ceiling must be made before a candidate accepts any contributions.

4015.2.1 If a candidate for the Board of Directors elects to abide by the ceiling, he/she may accept contributions from businesses, political action committees (PAC's), or individuals in an amount up to \$250.

4015.2.2 If a candidate for the Board of Directors elects not to abide by the ceiling, he/she may accept contributions from businesses, political action committees (PAC's), or individuals in an amount up to \$100.

NOVATO SANITARY DISTRICT

POLICY HANDBOOK

POLICY TITLE: Attendance at Meetings

POLICY NUMBER: 4020

4020.1 Members of the Board of Directors shall attend all regular and special meetings of the Board unless there is good cause for absence.

4020.2 A vacancy shall occur if any member ceases to discharge the duty of his/her office for the period of three consecutive months except as authorized by the Board of Directors.

DRAFT

NOVATO SANITARY DISTRICT

POLICY HANDBOOK

POLICY TITLE: Board President

POLICY NUMBER: 4040

4040.1 The President of the Board of Directors shall serve as chairperson at all Board meetings. He/she shall have the same rights as the other members of the Board in voting, introducing motions, resolutions and ordinances, and any discussion of questions that follow said actions.

4040.2 In the absence of the President, the Vice President of the Board of Directors shall serve as chairperson over all meetings of the Board. If the President and Vice President of the Board are both absent, the remaining members present shall select one of themselves to act as chairperson of the meeting.

DRAFT

NOVATO SANITARY DISTRICT

POLICY HANDBOOK

POLICY TITLE: Members of the Board of Directors

POLICY NUMBER: 4050

4050.1 Directors shall thoroughly prepare themselves to discuss agenda items at meetings of the Board of Directors. Information may be requested from staff or exchanged between Directors before meetings.

4050.1.1 Information exchanged before meetings shall be distributed through the General Manager, and all Directors will receive all information being distributed.

4050.1.2 Copies of information exchanged before meetings shall be available at the meeting for members of the public in attendance, and shall also be provided to anyone not present upon their request.

4050.2 Directors shall at all times conduct themselves with courtesy to each other, to staff, and to members of the audience present at Board meetings.

4050.3 Directors shall defer to the chairperson for conduct of meetings of the Board, but shall be free to question and discuss items on the agenda. All comments should be brief and confined to the matter being discussed by the Board.

4050.4 Directors may request for inclusion into minutes brief comments pertinent to an agenda item only at the meeting that item is discussed (including, if desired, a position on abstention or dissenting vote).

4050.5 Directors shall abstain from participating in consideration on any item involving a personal or financial conflict of interest. Unless such a conflict of interest exists, however, Directors should not abstain from the Board's decision-making responsibilities.

4050.6 Requests by individual Directors for substantive information and/or research from District staff will be channeled through the General Manager.

NOVATO SANITARY DISTRICT

POLICY HANDBOOK

POLICY TITLE: Committees of the Board of Directors

POLICY NUMBER: 4060

4060.1 The Board President shall appoint such ad hoc committees as may be deemed necessary or advisable by himself/herself and/or the Board. The duties of the ad hoc committees shall be outlined at the time of appointment, and the committee shall be considered dissolved when its final report has been made.

4060.2 The following shall be standing committees of the Board:

4060.2.1 Wastewater Operations Committee;

4060.2.2 Solid Waste Committee;

4060.3 The Board President shall appoint and publicly announce the members of the standing committees for the ensuing year no later than the Board's regular meeting in July.

4060.4 The Board's standing committees may be assigned to review District functions, activities, and/or operations pertaining to their designated concerns, as specified below. Said assignment may be made by the Board President or a majority vote of the Board. Any recommendations resulting from said review should be submitted to the Board via a written or oral report.

4060.4.1 All meetings of standing committees shall conform to all open meeting laws (e.g., "Brown Act") that pertain to regular meetings of the Board of Directors.

NOVATO SANITARY DISTRICT

POLICY HANDBOOK

POLICY TITLE: Basis of Authority

POLICY NUMBER: 4070

4070.1 The Board of Directors is the unit of authority within the District. Apart from his/her normal function as a part of this unit, Directors have no individual authority. As individuals, Directors may not commit the District to any policy, act, or expenditure.

4070.2 Directors do not represent any fractional segment of the community, but are, rather, a part of the body that represents and acts for the community as a whole.

DRAFT

NOVATO SANITARY DISTRICT

POLICY HANDBOOK

POLICY TITLE: Training, Education, and Conferences
POLICY NUMBER: 4090

4090.1 Members of the Board of Directors are encouraged to attend educational conferences and professional meetings when the purposes of such activities are to improve District operation. Hence, there is no limit as to the number of Directors attending a particular conference or seminar when it is apparent that their attendance is beneficial to the District.

4090.1.1 "Junkets" (a tour or journey for pleasure at public expense), however, will not be permitted.

4090.2 It is the policy of the District to encourage Board development and excellence of performance by reimbursing expenses incurred for tuition, travel, lodging and meals as a result of training, educational courses, participation with professional organizations, and attendance at local, state and national conferences associated with the interests of the District. Cash advances or use of District credit cards for these purposes is not permitted.

4090.2.1 The Administrative Services Manager is responsible for making arrangements for Directors for conference and registration expenses, and for per diem. Per diem, when appropriate, shall include reimbursement of expenses for meals, lodging, and travel. All expenses for which reimbursement is requested by Directors, or which are billed to the District by Directors, shall be submitted to the Administrative Services Manager, together with validated receipts.

4090.2.2 Attendance by Directors of seminars, workshops, courses, professional organization meetings, and conferences shall be approved by the President of the Board of Directors prior to incurring any reimbursable costs.

4090.2.3 Expenses to the District for Board of Directors' training, education and conferences should be kept to a minimum by utilizing recommendations for transportation and housing accommodations put forth by the Administrative Services Manager and by:

4090.2.3.1 Utilizing hotel(s) recommended by the event sponsor in order to obtain discounted rates.

4090.2.3.2 Directors traveling together whenever feasible and economically beneficial.

4090.2.3.3 Requesting reservations sufficiently in advance, when possible, to obtain discounted air fares and hotel rates.

4090.3 A Director shall not attend a conference or training event for which there is an expense to the District if it occurs after they have announced their pending resignation, or if it occurs after an election in which it has been determined that they will not retain their seat on the Board. A Director shall not attend a conference or training event when it is apparent that there is no significant benefit to the District.

4090.4 Upon returning from seminars, workshops, conferences, etc., where expenses are reimbursed by the District, Directors will either prepare a written report for distribution to the Board, or make a verbal report during the next regular meeting of the Board. Said report shall detail what was learned at the session(s) that will be of benefit to the District. Materials from the session(s) may be delivered to the District office to be included in the District library for the future use of other Directors and staff.

DRAFT

NOVATO SANITARY DISTRICT

POLICY HANDBOOK

POLICY TITLE: Board Meeting Conduct

POLICY NUMBER: 5030

5030.1 Meetings of the Board of Directors shall be conducted by the President in a manner consistent with the policies of the District. Policy No. 5070, "Rules of Order for Board and Committee Meetings", shall be used as a general guideline for meeting protocol.

5030.2 All Board meetings shall commence at the time stated on the agenda and shall be guided by same.

5030.3 The conduct of meetings shall, to the fullest possible extent, enable Directors to:

5030.3.1 Consider problems to be solved, weigh evidence related thereto, and make wise decisions intended to solve the problems; and,

5030.3.2 Receive, consider and take any needed action with respect to reports of accomplishment of District operations.

5030.4 Provisions for permitting any individual or group to address the Board concerning any item on the agenda of a special meeting, or to address the Board at a regular meeting on any subject that lies within the jurisdiction of the Board of Directors, shall be as followed:

5030.4.1 Three minutes may be allotted to each speaker and a maximum of 20 minutes to each subject matter.

5030.4.2 No boisterous conduct shall be permitted at any Board meeting. Persistence in boisterous conduct shall be grounds for summary termination, by the Chairperson, of that person's privilege of address.

5030.4.3 No oral presentation shall include charges or complaints against any District employee, regardless of whether or not the employee is identified in the presentation by name or by another reference which tends to identify. All charges or complaints against employees shall be submitted to the Board of Directors under provisions contained in Policy #1030.

5030.5 Willful disruption of any of the meetings of the Board of Directors shall not be permitted. If the President finds that there is in fact willful disruption of any meeting of the Board, he/she may order the disrupting parties out of the room and subsequently conduct the Board's business without them present.

5030.5.1 After clearing the room of disruptive individuals, the President may permit those persons who, in his/her opinion, were not responsible for the willful disruption to remain in the meeting room.

5030.5.2 Duly accredited representatives of the news media, whom the President finds not to have participated in the disruption, shall be permitted to remain in the meeting.

DRAFT

NOVATO SANITARY DISTRICT

POLICY HANDBOOK

POLICY TITLE: Board Actions and Decisions

POLICY NUMBER: 5040

5040.1 Actions by the Board of Directors include but are not limited to the following:

5040.1.1 Adoption or rejection of regulations or policies;

5040.1.2 Adoption or rejection of a resolution;

5040.1.3 Adoption or rejection of an ordinance;

5040.1.4 Approval or rejection of any contract or expenditure;

5040.1.5 Approval or rejection of any proposal which commits District funds or facilities, including employment and dismissal of personnel; and,

5040.1.6 Approval or disapproval of matters that require or may require the District or its employees to take action and/or provide services.

5040.2 Action can only be taken by the vote of the majority of the Board of Directors. Three (3) Directors represent a quorum for the conduct of business. Actions taken at a meeting where only a quorum is present, therefore, require all three votes to be effective (unless a 4/5 vote is required by policy or other law).

5040.2.1 A member abstaining in a vote is considered as absent for that vote.

5040.2.1.1 Example. If three of five Directors are present at a meeting, a quorum exists and business can be conducted. However, if one Director abstains on a particular action and the other two cast "aye" votes, no action is taken because a "majority of the Board" did not vote in favor of the action.

5040.2.1.2 Example. If an action is proposed requiring a two-thirds vote and two Directors abstain, the proposed action cannot be approved because four of the five Directors would have to vote in favor of the action.

5040.2.1.3 Example. If a vacancy exists on the Board and a vote is taken to appoint an individual to fill said vacancy, three Directors must vote in favor of the appointment for it to be approved. If two of the four Directors present abstain, the appointment is not approved.

5040.3 The Board may give directions that are not formal action. Such directions do not require formal procedural process. Such directions include the Board's directives and instructions to the General Manager.

5040.3.1 The President shall determine by consensus a Board directive and shall state it for clarification. Should any two Directors challenge the statement of the President, a voice vote may be requested.

5040.3.2 A formal motion may be made to place a disputed directive on a future agenda for Board consideration, or to take some other action (such as refer the matter to the General Manager for review and recommendation, etc.).

5040.3.3 Informal action by the Board is still Board action and shall only occur regarding matters that appear on the agenda for the Board meeting during which said informal action is taken.

DRAFT

NOVATO SANITARY DISTRICT

POLICY HANDBOOK

POLICY TITLE: Review of Administrative Decisions

POLICY NUMBER: 5050

5050.1 The provisions of §1094.6 of the Code of Civil Procedure of the State of California shall be applicable to judicial review of all administrative decisions of the Board of Directors pursuant to the provisions of §1094.5 of said code. The provisions of §1094.6 shall prevail over any conflicting provision and any otherwise applicable law, rule, policy or regulation of the District, affecting the subject matter of an appeal.

5050.2 This policy affects those administrative decisions rendered by the Board of Directors governing acts of the District, in the conduct of the District's operations and those affecting personnel operating policies.

5050.3 The purpose of this policy is to ensure efficient administration of the District, and the expeditious review of decisions rendered by the Board of Directors.

NOVATO SANITARY DISTRICT

POLICY HANDBOOK

POLICY TITLE: Minutes of Board Meetings

POLICY NUMBER: 5060

5060.1 The Secretary of the Board of Directors shall keep minutes of all regular and special meetings of the Board.

5060.1.1 Copies of a meeting's minutes shall be distributed to Directors as part of the information packet for the next regular meeting of the Board, at which time the Board will consider approving the minutes as presented or with modifications. Once approved by the Board, [the official minutes shall be kept in a secure location.](#)

5060.1.2 [If an audio tape recording of regular and special meetings of the Board of Directors is made, the device upon which the recording is stored shall be kept in a secure location for a minimum of 30 days. Audio recordings shall be available to members of the public if a request is made. Such request shall be made with adequate prior notice and the District shall make a playback machine available upon such request.](#)

5060.1.3 Motions, resolutions or ordinances shall be recorded in the minutes as having passed or failed, and individual votes will be recorded unless the action was unanimous. All resolutions and ordinances adopted by the Board shall be numbered consecutively, starting new at the beginning of each year. In addition to other information that the Board may deem to be of importance, the following information (if relevant) shall be included in each meeting's minutes:

- Date, place and type of each meeting;
- Directors present and absent by name;
- Administrative staff present by name;
- Call to order;
- Time and name of late arriving Directors;
- Time and name of early departing Directors;
- Names of Directors absent during any agenda item upon which action was taken;
- Summary record of staff reports;
- Summary record of public comment regarding matters not on the agenda, including names of commentators;
- Approval of the minutes or modified minutes of preceding meetings;
- Approval of financial reports;
- Record by number (a sequential range is acceptable) of all warrants approved for payment;
- Complete information as to each subject of the Board's deliberation;
- Record of the vote of each Director on every action item for which the vote was not unanimous;

Resolutions and ordinances described as to their substantive content and sequential numbering;
Record of all contracts and agreements, and their amendment, approved by the Board;
Approval of the annual budget;
Approval of all polices, rules and/or regulations;
Approval of all dispositions of District assets;
Approval of all purchases of District assets; and,
Time of meeting's adjournment.

DRAFT

NOVATO SANITARY DISTRICT

POLICY HANDBOOK

POLICY TITLE: Rules of Order for Board and Committee Meetings
POLICY NUMBER: 5070

5070.1 General.

5070.1.1 Action items shall be brought before and considered by the Board by motion in accordance with this policy. These rules of order are intended to be informal and applied flexibly. The Board prefers a flexible form of meeting and, therefore, does not conduct its meetings under formalized rules - Robert's Rules of Order.

5070.1.1.1 If a Director believes order is not being maintained or procedures are not adequate, then he/she should raise a point of order - not requiring a second - to the President. If the ruling of the President is not satisfactory to the Director, then it may be appealed to the Board. A majority of the Board will govern and determine the point of order.

5070.2 Obtaining the Floor.

5070.2.1 Any Director desiring to speak should address the President and, upon recognition by the President, may address the subject under discussion.

5070.3 Motions.

5070.3.1 Any Director, including the President, may make or second a motion. A motion shall be brought and considered as follows:

5070.3.1.1 A Director makes a motion; another Director seconds the motion; and the President states the motion.

5070.3.2 Once the motion has been stated by the President, it is open to discussion and debate. After the matter has been fully debated, and after the public in attendance has had an opportunity to comment, the President will call for the vote.

5070.3.2.1 If the public in attendance has had an opportunity to comment on the proposed action, any Director may move to immediately bring the question being debated to a vote, suspending any further debate. The motion must be made, seconded, and approved by a majority vote of the Board.

5070.4 Secondary Motions. Ordinarily, only one motion can be considered at a time and a motion must be disposed of before any other motions or business are considered. There are a few exceptions to this general rule, though, where a secondary motion concerning the main motion may be made and considered before voting on the main motion.

5070.4.1 Motion to Amend. A main motion may be amended before it is voted on, either by the consent of the Directors who moved and seconded, or by a new motion and second.

5070.4.2 Motion to Table. A main motion may be indefinitely tabled before it is voted on by motion made to table, which is then seconded and approved by a majority vote of the Board.

5070.4.3 Motion to Postpone. A main motion may be postponed to a certain time by a motion to postpone, which is then seconded and approved by a majority vote of the Board.

5070.4.4 Motion to Refer to Committee. A main motion may be referred to a Board committee for further study and recommendation by a motion to refer to committee, which is then seconded and approved by a majority vote of the Board.

5070.4.5 Motion to Close Debate and Vote Immediately. As provided above, any Director may move to close debate and immediately vote on a main motion.

5070.4.6 Motion to Adjourn. A meeting may be adjourned by motion made, seconded, and approved by a majority vote of the Board before voting on a main motion.

5070.5 Decorum.

5070.5.1 The President shall take whatever actions are necessary and appropriate to preserve order and decorum during Board meetings, including public hearings. The President may eject any person or persons making personal, impertinent or slanderous remarks, refusing to abide by a request from the President, or otherwise disrupting the meeting or hearing.

5070.5.2 The President may also declare a short recess during any meeting.

5070.6 Amendment of Rules of Order.

5070.6.1 By motion made, seconded and approved by a majority vote, the Board may, at its discretion and at any meeting: a) temporarily suspend these rules in whole or in part; b) amend these rules in whole or in part; or, c) both.

NOVATO SANITARY DISTRICT BOARD AGENDA ITEM SUMMARY

TITLE: Discuss Referendum on Contract Services Agreement

MEETING DATE: November 9, 2009

AGENDA ITEM NO.: 8.a.

RECOMMENDED ACTION: Discuss referendum on the contract services agreement for operation, maintenance and management of wastewater treatment facilities, provide direction to staff, and make motions as appropriate.

SUMMARY AND DISCUSSION:

At its regular meeting on September 21, 2009, the Board of Directors approved the final Service Agreement with Veolia Water West Operating Services, Inc., for the operation, maintenance and management of the District's wastewater facilities (the "Agreement"). On October 15, 2009, a Referendum Petition was filed with the Marin County Registrar of Voters protesting the approval of the Agreement and requesting that the Board repeal its approval of the Agreement, or alternatively, submit the Agreement to the voters of the District for adoption or rejection. On November 2, 2009, the District received certification from the Marin County Registrar of Voters indicating that the Referendum Petition contained a sufficient number of valid signatures to qualify for an election (attached).

Elections Code Section 9145 requires that the District, upon receipt of a valid Referendum Petition, either repeal the "ordinance" that is the subject of the referendum, or submit the "ordinance" to the voters. Case law has expanded the meaning of the term "ordinance" to apply in some instances to other actions taken by local governments. In this case, the referendum proponents argue that the Board's action approving the Agreement with Veolia on September 21 was an action subject to referendum. The election on the action must take place at the next regularly scheduled election, or at a special election, a minimum of 88 days after the District's order authorizing an election.

The District has taken the position that the approval of the Agreement is not a proper subject for referendum. In general, if local government contracts cannot be effective for 30 days after approval, then thousands of local agencies are operating improperly; it is very rare for local agencies to observe a 30-day waiting period before contracts become effective. The law does not provide that government contracts, in general, are subject to referendum. In addition, a referendum on the adoption of the Agreement on September 21 conflicts with general law because the State legislature has granted exclusive authority to approve District contracts to the District Board, not to the electorate. Approval of the Agreement in this case was not a legislative act subject to referendum. The District, therefore, could seek a judicial determination on the legality of the use of the referendum process in this instance.

Nevertheless, several Board members have previously suggested that they would like the referendum to go forward so that the electorate may have a chance to vote on the issue. In addition, regardless of whether the District chooses to challenge the Referendum Petition, District Staff recommends that the District fulfill any procedural obligations under the Elections Code.

If the District decides to order an election a number of election dates in 2010 conform to the requirements of the Elections Code, including March 2, April 13, May 4, and June 8. The types of election and their prices vary. The earliest date of March 2, 2010, for example, is an all-mail ballot special election and if selected, would cost the District between \$184,200 and \$245,600. The June 8, 2010 election, a statewide primary election, would cost the District between \$46,050-76,750. Other available election dates will cost as much as \$307,000. A schedule of election dates and costs is attached.

ALTERNATIVES: N/A

BUDGET INFORMATION: The FY09-10 budget does not include any provisions for a special election.

DEPT.MGR.:

MANAGER:

1319899.1



REGISTRAR OF VOTERS

ELAINE GINNOLD
Registrar of Voters

MELVIN BRIONES
Assistant Registrar of Voters

October 28, 2009

Beverly James, Manager
Novato Sanitary District
500 Davidson Street
Novato, CA 94945

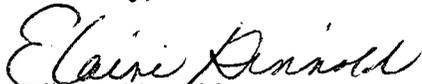
Dear Ms. James,

Enclosed is the Certificate of Petition Verification for the Novato Sanitary District Referendum Petition.

We have finished checking the signatures on the petition and find that it is sufficient.

If you have any questions, please call me at 415-499-6401.

Sincerely,


Elaine Ginnold
Registrar of Voters

Cc: Philip G. Tucker, Project Director, Healthy Communities Network

RECEIVED
NOV 02 2009
NOVATO SANITARY DISTRICT



REGISTRAR OF VOTERS

ELAINE GINNOLD

Registrar of Voters

MELVIN BRIONES

Assistant Registrar of Voters

MARIN COUNTY REGISTRAR OF VOTERS

CERTIFICATE OF PETITION VERIFICATION (Elections Code Sections 9115, 20540)

I, Elaine Ginnold, Registrar of voters, County of Marin, do hereby certify that on October 28, 2009 the verification of 4070 signatures on the Novato Sanitary District Referendum Petition was completed and the petition is sufficient as follows:

Date:	October 28, 2009
Name of Petition:	Novato Sanitary District Referendum Petition
Signatures required:	2178
Raw Count	4070
Sample size	500
# Valid signatures in sample	430
# Invalid signatures in sample	70
# of assumed good signatures	3500 ($430/500 = .86 \times 4070 = 3500$)
Percentage of good signatures	161% ($3500 = x \% \text{ of } 2178 = 3500/2178 = 161\%$)

The number of qualified signatures on this petition is sufficient to declare the petition valid.

IN WITNESS WHEREOF, I have set my hand and affixed by official seal on this 28 day of October, 2009.

Elaine Ginnold
Registrar of Voters

Election Date	Type of Election	First Deadline (for ballot wording, etc.)	Cost Per Registered Voter	Total Cost *
March 2, 2010	All-mail special election	Dec. 4, 2009	\$6-8	\$184,200-245,600
April 13, 2010	Special election	Jan. 15, 2010	\$8-10	\$245,600-307,000
May 4, 2010	All-mail special election	Feb. 5, 2010	\$6-8	\$184,200-245,600
June 8, 2010	Primary	Mar. 12, 2010	\$1.50-2.50	\$46,050-76,750
Aug. 31, 2010	All-mail special election	June 4, 2010	\$6-8	\$184,200-245,600
Nov. 2, 2010	General Election	Aug. 6, 2010	\$1.50-2.50	\$46,050-76,750

1296661.1

* Based on 30,700 registered voters in District.

NOVATO SANITARY DISTRICT BOARD AGENDA ITEM SUMMARY

TITLE: Collection System Improvements – San Ramon Sewer Rehabilitation Project; Project No. 72706	MEETING DATE: November 9, 2009 AGENDA ITEM NO. : 9.a.												
RECOMMENDED ACTION: (a) Adopt CEQA findings and authorize staff to file a Notice of Exemption, (NOE), with the County Clerk, and (b) Review Proposals and award project to Maggiora & Ghilotti in the amount of \$49,494													
SUMMARY AND DISCUSSION: <p>As part of the District’s Annual Collection System Improvements Project, District staff identified an area of the collection system on San Ramon Way where the existing vitrified clay pipe sewer is cracked and in need of repair. Utilizing the District’s informal bidding process under the Uniform Construction Cost Accounting Act, the District requested proposals from several local contractors to rehabilitate the existing sewer main between San Felipe Way and San Benito Way.</p> <p>District staff also completed California Environmental Quality Act (CEQA) documentation and determined that the project is categorically exempt as it is considered a repair or minor alteration of an existing facility involving no expansion of use. It is requested that the Board authorize staff to file the Notice of Exemption (NOE) with the County Clerk.</p> <p>The District received six proposals under the informal bid process to complete the project:</p> <table style="margin-left: auto; margin-right: auto; border: none;"> <thead> <tr> <th style="text-align: left; padding: 5px;"><u>Contractor</u></th> <th style="text-align: left; padding: 5px;"><u>Amount</u></th> </tr> </thead> <tbody> <tr> <td style="padding: 5px;">Maggiora & Ghilotti:</td> <td style="padding: 5px;">\$49,494.00</td> </tr> <tr> <td style="padding: 5px;">Team Ghilotti:</td> <td style="padding: 5px;">\$52,663.00</td> </tr> <tr> <td style="padding: 5px;">WR Forde & Associates:</td> <td style="padding: 5px;">\$62,805.00</td> </tr> <tr> <td style="padding: 5px;">Ghilotti Bros., Inc.:</td> <td style="padding: 5px;">\$78,888.00</td> </tr> <tr> <td style="padding: 5px;">North Bay Construction:</td> <td style="padding: 5px;">\$85,328.00</td> </tr> </tbody> </table> <p>Maggiora & Ghilotti of San Rafael submitted the lowest proposal at \$49,494.00. The engineer’s estimate of probable cost was \$60,000.00. Staff has reviewed Maggiora & Ghilotti’s proposal, believes it is adequate, and recommends award of the project to Maggiora & Ghilotti.</p>		<u>Contractor</u>	<u>Amount</u>	Maggiora & Ghilotti:	\$49,494.00	Team Ghilotti:	\$52,663.00	WR Forde & Associates:	\$62,805.00	Ghilotti Bros., Inc.:	\$78,888.00	North Bay Construction:	\$85,328.00
<u>Contractor</u>	<u>Amount</u>												
Maggiora & Ghilotti:	\$49,494.00												
Team Ghilotti:	\$52,663.00												
WR Forde & Associates:	\$62,805.00												
Ghilotti Bros., Inc.:	\$78,888.00												
North Bay Construction:	\$85,328.00												
ALTERNATIVES: None.													
BUDGET INFORMATION: This work will be funded from Project 72706, Collection System Improvements. The FY09-10 budget includes \$3,000,000.00 for the project.													
DEPT. MGR. :	MANAGER’S APPROVAL:												

NOVATO SANITARY DISTRICT BOARD AGENDA ITEM SUMMARY

TITLE: Collection System Improvements; Project No. 72706	MEETING DATE: 11/9/2009
AGENDA ITEM NO. : 9.b.	
RECOMMENDED ACTION: Approve a contract amendment in the amount of \$68,000 with Nute Engineering on a time and materials basis.	
<p>SUMMARY AND DISCUSSION:</p> <p>The District currently has an approved contract in place with Nute Engineering (Nute) in the amount of \$213,000 to cover design services on the following Collection System Improvement projects:</p> <ul style="list-style-type: none"> A. State Access Road Sewer Project B. Center Road/Wilson Avenue Sewer Project C. Olive Street/Chase Street Project D. Ignacio Boulevard Sewer Project <p>During the course of design several significant findings were made that result in changes to the scope of Nute's work:</p> <ol style="list-style-type: none"> 1. It was found that the sewers serving the Orange Avenue neighborhood were in poor condition and warranted replacement. Because of the proximity to the Olive Street Project, it is being recommended that the replacement of the Orange Avenue sewer be added to this project. 2. It was found that a portion of the Olive Avenue Sewer Project will require trenchless methods to install the new sewer into Olive Street Pump Station to avoid disturbing the District's 27" fiberglass force main and avoid the network of utilities in the area. Staff has determined, and is recommending, that it would be beneficial to install a new sewer main under the railroad tracks as part of this project because it must be installed using trenchless methods. Poor soil conditions warrant additional expertise from a sub-consultant experienced in working in poor soil conditions. 3. Nute also prepared plans and specifications to rehabilitate the DeLong Avenue Sewer on an urgency basis. This project was necessary because the existing sewer main was in need of repair. The City of Novato is paving the street within the next month as part of a stimulus project, and will subsequently issue a 5-year moratorium for any work on DeLong. This project was brought to the Board at the October 12, 2009 meeting. 4. Nute performed work that was out of the original scope including unanticipated potholing on the Center Road project, and permit preparation requirements and negotiations on the Olive Avenue project with Caltrans and SMART that were quite different than initially expected. <p>Nute has completed a revised estimate of \$68,000 to cover the additional work. Staff has reviewed the estimate and believes it is reasonable.</p>	
ALTERNATIVES: None.	
BUDGET INFORMATION: This work will be funded from Project 72706, Collection System Improvements. The FY09-10 budget includes \$3,000,000 for the project.	
DEPT. MGR. :	MANAGER'S APPROVAL:

NOVATO SANITARY DISTRICT BOARD AGENDA ITEM SUMMARY

TITLE: Pump Station Rehabilitation Project; Project Unit 1, Rush Creek & Deer Island Pump Stations; Project No. 72403	MEETING DATE: November 9, 2009 AGENDA ITEM NO.: 10.a.
RECOMMENDED ACTION: Consider adoption of a resolution making CEQA findings, approving plans and specifications and authorizing advertising for bids.	
SUMMARY AND DISCUSSION: <p>Nute Engineering has completed the plans and specifications for this work and it is ready for bid. This work is the first of four sub-projects or project units expected to be bid during the next few months to replace the District's existing underground pump stations. The work generally consists of taking the underground pump stations out of service and replacing them with submersible type pump stations. The goal of the overall project is to replace the existing pump stations with pump stations that meet current industry standards for safety, reliability of performance, and ease of access for operation and maintenance.</p> <p>The Engineer's Estimate for this work is \$724,000.00. District staff has completed the California Environmental Quality Act (CEQA) documentation and determined that the project is categorically exempt. This determination is made because the work relates to the operation or minor alteration of existing public sewerage facilities involving no expansion of an existing use.</p> <p>Staff recommends adoption of a resolution making CEQA findings, approving plans and specifications and authorizing advertising for bids. Bids are expected to be received on December 8, 2009 and be presented to the Board at the December 14th meeting.</p>	
ALTERNATIVES: Do not bid the project.	
BUDGET INFORMATION: The FY 09-10 Budget for this work is \$2,000,000.	
DEPT.MGR.:	MANAGER: