

December 28, 2009

A regular meeting of the Board of Directors of the Novato Sanitary District was held at 6:30 p.m., Monday, December 28, 2009, preceded by a closed session beginning at 5:02 p.m. at the District offices, 500 Davidson Street, Novato.

At 5:02 p.m. President Di Giorgio announced the Board would meet in closed session to discuss the following matters on the Closed Session Agenda.

CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL – EXPOSURE TO LITIGATION – ONE POTENTIAL CASE:

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

CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:

Existing litigation pursuant to Subsection (a) of Government Code Section 54956.9, Suzan Sharpley, Robert Abeling vs. William Long, Novato Sanitary District, Elaine Ginnold, Marin County Registrar of Voters.

BOARD MEMBERS PRESENT FOR FIRST CLOSED SESSION: President Michael Di Giorgio, Members James D. Fritz, William C. Long, George C. Quesada and Dennis Welsh.

STAFF PRESENT FOR FIRST CLOSED SESSION: District Counsel Kent Alm

The first closed session ended at 5:18 p.m.

The second closed session began at 5:19 p.m.

BOARD MEMBERS PRESENT FOR SECOND CLOSED SESSION: President Michael Di Giorgio, Members James D. Fritz, William C. Long, George C. Quesada and Dennis Welsh.

OTHERS PRESENT FOR SECOND CLOSED SESSION: Sky Woodruff, Principal, Meyers Nave

Second closed Session ended at 6:03 p.m.

Open session began at 6:30 p.m.

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

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

ALSO PRESENT: Mike Cass, Novato  
Colleen Rose, Novato  
Tom Pierce, Novato  
Barry Buckley, Novato  
Dee Johnson, Household Hazardous Waste Coordinator  
Steve Wrightson, the Covello Group  
Phil Tucker, CA Healthy Communities Network  
Dennis Fishwick, Novato  
Norman Stone, Novato

PLEDGE OF ALLEGIANCE:

FIRST CLOSED SESSION REPORT: President Di Giorgio reported that the Board authorized legal counsel to prepare an answer to the potential litigation.

SECOND CLOSED SESSION REPORT: President Di Giorgio reported that the Board authorized legal counsel to respond to litigation and to represent the Novato Sanitary District Board of Directors.

AGENDA APPROVAL:

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

PUBLIC COMMENT:

Norm Stone, Novato resident, questioned if an item previously requested by Director Welsh was included as an agenda item. The Manager replied that Agenda item #8, "Consider hiring permanent District employees to fill vacancies" is that item.

BOARD MEMBER REPORTS:

Member Long commented on an upcoming event at the Book Passage in Corte Madera where former California Assemblyman Bill Bagley will discuss California's Golden Years.

CONSENT CALENDAR:

Member Quesada requested Consent Calendar Item (a) be pulled from the consent calendar for further discussion: *Approval of amendment to expenditure authorization for work in Alameda del Prado.*

The Manager explained that Ghilotti Brothers was awarded the Alameda del Prado 8" Sewer Main Repair, Project No. 72803 and began work on December 22, 2009. She reported that a sewer line running between two manholes at the project was in need of relocation. She noted the District will need to install 190 feet of sewer main instead of the 125 feet as was originally proposed. The Manager requested the Board revise the original authorization to an overall not-to-exceed amount of \$55,000 and award the additional work to Ghilotti Brothers.

*On motion of Member Long, seconded by Member Welsh, and carried unanimously, consent calendar item 6.a. was approved.*

*On motion of Member Quesada, seconded by Member Long, and carried unanimously, the following consent calendar items were approved:*

- b. Approval of a contract amendment with Nute Engineering to provide engineering services during construction: Pump Station Rehabilitation Project 72403.
- c. Adopt Resolution No. 3018, "A Resolution of the Board of Directors of the Novato Sanitary District, Amending the District's 401(a) Plan with Lincoln National Life Insurance Company to reflect certain provisions of the Pension Protection Act of 2006".
- d. Approval of the following meeting schedule: January 11<sup>th</sup> and 25<sup>th</sup>, February 8<sup>th</sup> and 22<sup>nd</sup>, March 8<sup>th</sup> and 22<sup>nd</sup>.
- e. Approval of regular disbursements in the amount of \$336,465.96, upgrade project disbursements in the amount of \$4,733.96 and payroll and payroll related disbursements in the amount of \$252,627.93.

#### COLLECTION SYSTEM IMPROVEMENTS PROJECT 72706:

Consider adoption of a resolution making CEQA findings; approving plans and specifications; and authorizing advertising for bids for the Force Main Replacement project – Bel Marin Keys. The Deputy Manager-Engineer outlined the Bel Marin Keys Force Main Replacement project stating that the project is urgent because the District has already experienced failures in these force mains. He noted that the engineer's estimate for the work is \$1,300,000. He stated staff has completed the California Environmental Quality Act (CEQA) documentation and determined the project is categorically exempt because the work relates to the replacement or minor alteration of existing public sewerage facilities. He recommended the adoption of Resolution No. 3019. He noted bids for this project are expected to be received on February 2 and be presented to the Board at the February 8<sup>th</sup> meeting.

*On motion on Member Fritz, seconded by Member Quesada and carried unanimously, the Board adopted Resolution No. 3019, A Resolution Approving Plans and Specifications, Making Determinations on Environmental Impact, Establishing Prevailing Wage Scale, Calling for Proposals, and Providing for Notice thereof: Collection System Improvements: Project 72706, Force Main Replacement Project – Bel Marin Keys.*

PERSONNEL:

Consider hiring permanent District employees to fill vacancies. Director Welsh stated that when vacancies come up, the District should hire permanent employees instead of hiring temporary employees through an agency. He suggested job listings be placed on various technical posting web sites as well as with the CWEA job board.

The Manager stated there are two reasons the District recommends against the hiring of permanent employees: 1) due to the uncertainty of future employment because of the pending referendum, the District would be unable to offer long-term positions, and 2) the recruitment and selection of employees through regular channels typically takes 3 to 6 months. The new secondary processing units are scheduled to begin coming online in February 2010, and this does not allow sufficient time to recruit and select new employees.

Member Long and the Manager discussed the current employee demand, noting that current labor demand is higher than when the new plant will be online and functioning.

Member Welsh stated he does not feel it is prudent for the District to wait until the plant start-up is complete to hire additional employees as these new employees will need training and sufficient time to become proficient operators.

Member Welsh made a motion to hire permanent District employees to fill vacancies. There was no second.

Member Long stated he felt the District should move towards hiring Grade IV Operators to ensure the plant runs smoothly. Director Welsh suggested the District train their current employees to become Grade IV Operators and Director Long strongly agreed. The Manager stated she would bring suggestions on this issue back to the Board and meet and confer with the District's union representative.

Phil Tucker, CA Healthy Communities Network, asked what is the probationary period for new employees. The Manager responded that it is a minimum of six months from date of hire and that the probationary period may be extended for a period up to six months if this action is recommended by the employee's immediate supervisor. Mr. Tucker commented that there is merit in building a solid workforce.

Dennis Fishwick, Novato resident, commented on the Board's desire to bring Operators to the Grade IV level and suggested Director Welsh could be of benefit due to his previous work experience.

Tom Pierce, Novato resident, suggested the District continue to offer training to current employees. He stated the District needs a solid base of trained employees in the case of unforeseen injuries or illness.

President Di Giorgio stated he does not agree with the option of hiring permanent employees and then terminating them if the referendum passes and the contract with Veolia Water is reinstated. He stated he felt employee training is very important.

Member Quesada stated the minimum requirement for Operators should be Grade IV.

The Manager stated the District does not currently employ a Grade V Operator, but through Veolia Water, there are Grade V Operators working in the treatment facility.

#### ADMINISTRATION:

Consider adoption of District policies. President Di Giorgio opened this item for Board discussion and read Policy Handbook #1030: Public Complaints.

Member Quesada requested a portion of line 1030.2 be deleted: *of which the individual has been adversely affected.*

Public comments were made regarding Policy #1030.

*On motion of Member Long, seconded by Member Quesada, and passed unanimously, Policy Handbook #1030: Public Complaints, was passed as amended.*

The Manager stated that the District may put an electronic version of the Policy Handbook on their website. She suggested, and the Board agreed, to bring Policy Handbook policies one-at-a-time to the Board at subsequent meetings.

At 7:50 p.m. President Di Giorgio announced the Board would take a five minute recess.

At 7:55 p.m. President Di Giorgio reconvened the Board meeting.

#### COMMITTEE REPORTS:

Solid Waste Committee. Dee Johnson, Household Hazardous Waste Coordinator, discussed the Solid and Hazardous Waste Committee Report. She gave an update on the 2009/10 solid and hazardous waste program accomplishments as well as the 2009/10 program projections. She outlined for the Board the 2009/10 AB 939 budget, updated through 12/01/2009. In addition, she presented to the Board and discussed the AB939 2009 Waste Diversion report.

Member Quesada stated his appreciation for her work.

Wastewater Operations Committee. The Deputy Manager-Engineer noted that the Operations and Maintenance Report from November-December 2009 as prepared by John Bailey of Veolia Water, was discussed at the Committee meeting.

Member Long requested the Manager prepare a summary of the Operations and Maintenance report to present to the Board on a monthly basis.

Adhoc Wastewater Facilities Upgrade Committee. Steve Wrightson, the Covello Group, gave an update of the facilities construction and discussed the equipment that will be coming online. He stated the construction progress is on track for a September 11, 2010 completion date. He discussed the upgrade budget, noting that 85% of the budget has been expended and change orders are at only 1.1% of the total project budget.

MANAGER'S ANNOUNCEMENTS:

The District office will be closed on Friday, in observance of New Years Day.

The next Board meeting will be on January 11<sup>th</sup>.

The North Bay Watershed Association (NBWA) will hold their annual conference on April 9<sup>th</sup> in Santa Rosa.

ADJOURNMENT: There being no further business to come before the Board, President Di Giorgio adjourned the meeting at 8:48 p.m.

Respectfully submitted,

Beverly B. James  
Secretary

Julie Borda, Recording