

April 9, 2012

A regular meeting of the Board of Directors of the Novato Sanitary District was held at 6:30 p.m., Monday, April 9, 2012, preceded by a closed session beginning at 6:00 p.m. at the District offices, 500 Davidson Street, Novato.

At 6:02 p.m. President Long announced the Board would meet in closed session to discuss the following matters on the Closed Session Agenda:

CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:

Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9: one potential case.

BOARD MEMBERS PRESENT FOR CLOSED SESSION: President William C. Long, Members Michael Di Giorgio, Jean Mariani, Jerry Peters and Dennis Welsh.

STAFF PRESENT: Manager-Engineer-Secretary Beverly B. James and District Counsel Kent Alm. Also present: Steve Wrightson, The Covello Group. Deputy-Manager Engineer Sandeep Karkal was absent.

The closed Session ended at 6:25 p.m.

Open session began at 6:30 p.m.

BOARD MEMBERS PRESENT FOR OPEN SESSION: President William C. Long, Members Michael Di Giorgio, Jean Mariani, Jerry Peters and Dennis Welsh.

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

ALSO PRESENT: Brant Miller, Novato resident
Bob Guinan, Novato resident
Joe Carlomagno, Novato resident
Patti Johnstone, Novato resident

PLEDGE OF ALLEGIANCE:

AGENDA APPROVAL: President Long stated the meeting would proceed as published.

PUBLIC COMMENT: A resident commented that the odors were much improved and complimented the District on their work towards decreasing odor emissions.

A resident discussed the visual screening at the Lea Drive neighborhood and the Manager detailed the vegetation currently planted and discussed what is intended for the future.

A resident stated that he is still concerned with transient odors coming from the aeration basins and hopes the situation will be reevaluated when Mr. Joyce returns for a follow-up evaluation. He discussed the noise levels and stated they have improved.

REVIEW OF MINUTES:

Consider approval of minutes of the March 26, 2012 Board meeting.

President Long noted that in the discussion of his trip to Washington D.C., he requested the minutes include the following: *He stated that he visited with the Bureau of Reclamation, **Congressional offices and Offices of Budget and Management.***

On motion of Member Di Giorgio, seconded by Member Peters and carried unanimously, the March 26, 2012 Board meeting minutes were approved as amended.

CONSENT CALENDAR:

On motion of Member Mariani, seconded by Member Peters, and carried unanimously, the following Consent Calendar items were approved:

- a. Approval of regular disbursements in the amount of \$88,137.50, project account disbursements in the amount of \$129,454.82 and Board member disbursements in the amount of \$4,147.02.
- b. Approval of an application from Kitchell Construction Co. and authorized the Manager-Engineer to issue a one-time, temporary, Class 1 non-domestic discharge permit for discharge of non-domestic water from the construction of the Buck Institute Central Plant work, Building #3.

COLLECTION SYSTEM IMPROVEMENTS, PROJECT 72706:

- Consider approval of an engineering contract for collection system improvements with Nute Engineering for an amount not to exceed \$40,000. The Manager stated that District staff had identified several sections of sewer mains that are cracked, full of roots and near the end of their service lives. She stated that these sections need to be rehabilitated. She stated that staff had requested and received a proposal from Nute Engineering to prepare plans and specifications and provide construction support for the proposed project. She noted that the proposal included design services for \$22,500 and construction services for \$15,000 for a total of \$37,500. The Manager stated that staff recommends the Board accept Nute's proposal for a cost not to exceed \$40,000.

On motion of Member Di Giorgio, seconded by Member Peters and carried unanimously, the Board accepted Nute Engineering's proposal for engineering services for the Collection System Improvements 2012 Pipebursting Project, No. 72706-H, and authorized the Manager-Engineer to execute an Agreement for a cost not to exceed \$40,000.

- Consider granting final acceptance of the Bel Marin Keys Force Main Project and authorize staff to file the Notice of Completion. The Manager stated that Team Ghilotti had completed the Bel Marin Keys Force Mains project and that the project is ready for final acceptance. She requested the Board grant final acceptance and authorize staff to file the Notice of Completion.

On motion of Member Di Giorgio, seconded by Member Peters and carried unanimously, the Board granted Final Acceptance of the Bel Marin Keys Force Main Project and authorized staff to file the Notice of Completion.

SOLID WASTE:

- Consider adopting Resolution No. 3042 authorizing the Manager-Engineer to represent the District in administering the Solid Waste Franchise Agreement. The Manager stated that the franchise agreement with Novato Disposal Service, Inc. has a number of clauses that prescribe administrative or technical actions by the "District". She requested the Board adopt Resolution No. 3042 which delegates authority to the District Manager-Engineer to act on behalf of the District to facilitate administration of the Franchise Agreement.

Member Mariani questioned what activities the Manager would be overseeing. The Manager replied that she was seeking authorization for administrative and technical issues such as permit applications and public outreach. She stated that she was not seeking authority for policy issues. She stated that the District receives \$40,000 per year from Novato Disposal to administer/oversee the Agreement.

President Long requested that the Resolution include a provision that stated: "Each action the Manager engages in will be reported to the Novato Sanitary District Board of Directors." He stated that the Board may decide at a later date to withdraw this request if the reporting becomes cumbersome due to exhaustive details.

On motion of Member Peters, seconded by Member Di Giorgio and carried unanimously, the Board adopted Resolution No. 3042: "A Resolution of the Board of Directors of Novato Sanitary District delegating authority to the District Manager-Engineer to act on behalf of the District in accordance with Section 11.16 of the amended and restated agreement between Novato Sanitary District and Novato Disposal Service, Inc. for solid waste collection, processing, diversion and disposal" with the above addition.

2012-13 ANNUAL DISTRICT BUDGET:

- Consider approval of budget adoption schedule. The Manager reviewed the budget adoption schedule. She noted that the schedule includes deadlines for the Proposition 218 noticing.

On motion of Member Peters, seconded by Member Mariani and carried unanimously, the Board adopted the following: 2012-13 Preliminary and Final Budget, Appropriations Limit and Sewer Service Charges Schedule.

STAFF REPORTS:

- 2012-13 Workers' Compensation Experience Modification Factor. The Manager stated that the District's Workers' Compensation Insurance carrier will be increasing the District's Experience Modification Factor for policy Year 2012-13 from 1.76% to 1.95%. She stated that a majority of losses occurred in 2008/09. She stated that these losses will drop off next year and this should result in a lower modification factor for next year's premium.

- E-waste event report. The Manager reported that the E-waste event was held from March 24th through March 26th. She noted that the event was very successful and that Saturday, March 24th had the highest single participation day since April 2010.

- Integrated Regional Water Management Program (IRWMP). The Manager reported that the Bay Area Clean Water Agencies (BACWA) announced that Marin Municipal Water District (MMWD) would not be accepting their portion of the block grant funds from the IRWMP. Therefore, the Recycled Water Committee decided to divide the \$500,000 equally among the four remaining North Bay participants. She stated that if the Department of Water Resources (DWR) agrees to this change, then the grant coming to Novato will increase by \$125,000. She stated these additional funds will be divided equally between North Marin Water District and the Novato Sanitary District.

- Public Education program award. The Manager announced that the District received a CWEA Redwood Empire Section Public Education Award for the District's joint public education program.

BOARD MEMBER REPORTS:

Member Welsh commented that he visited the new pump station at Western Oaks. He stated that the engineering was well done and the pump station looked good.

President Long discussed an editorial in the Marin Independent Journal which highlighted pension reform issues. He suggested the District discuss at a future Board meeting a written response in support of Governor Brown's pension reform issues.

MANAGER'S ANNOUNCEMENTS:

- A Wastewater Operations Committee Meeting will be held on Wednesday, May 16th at 2:00 p.m.

- Mary Ellen Quesada, wife of former Board member George Quesada, passed away on March 31st. Her service will be held on Sunday, April 29th at 2:00 p.m. Mary Ellen will be fondly remembered and dearly missed.

ADJOURNMENT IN MEMORY OF MARY ELLEN QUESADA: There being no further business to come before the Board, at 7:22 p.m. President Long adjourned the Board meeting in memory of Mary Ellen Quesada.

Respectfully submitted,

Beverly B. James
Secretary

Julie Swoboda, Recording

DRAFT