

# NOVATO SANITARY DISTRICT

January 11, 2010

The Board of Directors of Novato Sanitary District will hold a Closed Session at 5:00 p.m., Monday, January 11, 2010, at the District offices, 500 Davidson Street, Novato. (Open session begins after the closed sessions at approximately 6:30 p.m. See agenda below).

## **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

## **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

## ***AGENDA***

### **1. PLEDGE OF ALLEGIANCE**

### **2. AGENDA APPROVAL**

### **3. REPORT FROM CLOSED SESSIONS**

### **4. 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.

### **5. BOARD MEMBER REPORTS:**

### **6. CONSENT CALENDAR:**

- a. Approve a contract amendment with Olin Chlor Alkali Products, Olin Corporation to supply 12.5% liquid sodium hypochlorite
- b. Approve a contract with Brentagg Pacific, Inc. to supply 25% liquid sodium bisulfite
- c. Approval of disbursements.

**7. PUMP STATION REHABILITATION; PROJECT 72403**

- a. Consider approval a contract with The Covello Group for construction management services.

**8. LITIGATION:**

- a. Consider authorization to provide legal counsel for Director Long for case number CIV096368.

**9. MANAGER'S ANNOUNCEMENTS**

**10. ADJOURNMENT:**

Next resolution no. 3021

***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.***

November 9, 2009

A regular meeting of the Board of Directors of the Novato Sanitary District was held at 6:30 p.m., Monday, November 9, 2009, preceded by a closed session beginning at 5:15 p.m. at the District offices, 500 Davidson Street, Novato.

At 5:15 p.m., President Michael Di Giorgio opened the closed session of the Board of Directors of the Novato Sanitary District.

BOARD MEMBERS PRESENT: President Michael Di Giorgio, Members Arthur T. Knutson, William C. Long and George C. Quesada.

BOARD MEMBER ABSENT: Member James D. Fritz.

President Di Giorgio announced the Board would meet in closed session to discuss the matters on the Closed Session Agenda.

CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54957:

Public employee performance evaluation: Title: Manager-Engineer

District Counsel Kent Alm joined the Closed Session at 6:05 p.m. to discuss the following two matters on the Closed Session agenda:

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:

Manager-Engineer Beverly James joined this closed session.

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

Closed Session ended at 6:21 p.m.

Open session began at 6:30 p.m.

BOARD MEMBERS PRESENT: President Michael Di Giorgio, Members Arthur T. Knutson, William C. Long and George C. Quesada.

BOARD MEMBER ABSENT: Member James D. Fritz.

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

ALSO PRESENT: Dean L. Heffelfinger, Novato  
Jo Heffelfinger, Novato  
Phil Tucker, CA Healthy Communities Network  
Brant Miller, Novato  
Barbara Gildea, Novato  
Suzanne Brown Crow, Novato  
Tom Pierce, Novato  
Deanna Pierce, Novato,  
Bill Scott, Novato  
Jamie Erze, Novato

PLEDGE OF ALLEGIANCE:

CLOSED SESSION REPORT:

District Counsel Kent Alm reported that in regards to Item #3 of the Closed Session Agenda, the Board indicated that if the District could not reach an agreement with Bank of Marin within thirty days, District Counsel is authorized to begin litigation.

AGENDA APPROVAL:

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

PUBLIC COMMENT:

Jo Heffelfinger requested the September 21, 2009 board minutes be amended as follows: page 2, paragraph 1, should read "Dennis Welsh **former** Chairman of Alliance for Concerned Citizens of Novato".

BOARD MEMBER REPORTS:

President Di Giorgio noted that he attended the November 7<sup>th</sup> public tour of the Novato Treatment facility and stated there were 25 to 30 people in attendance.

REVIEW OF MINUTES:

Consider approval of the September 21<sup>st</sup> and 28<sup>th</sup>, 2009 Board meeting minutes.

Recorder Julie Borda was asked to amend the final version of the September 21<sup>st</sup> minutes as per the request of Jo Heffelfinger, as noted above.

*On motion of Member Quesada, seconded by Member Long, and carried unanimously by those members present, the Minutes of the September 21<sup>st</sup>, 2009 Board meeting*

*was approved as amended and the Minutes of the September 28<sup>th</sup> Board meeting were approved as written.*

CONSENT CALENDAR:

Member Long requested Consent Calendar Item c. be pulled from the consent calendar for further discussion: Approval of Addendum No. 2 to District Standard Specification and Drawings.

The Deputy Manager-Engineer explained in further detail the issue of Separate Side Sewers, as referenced in Addendum Item 4: Part B.

*On motion of Member Long, seconded by Member Quesada, and carried unanimously by those members present, consent calendar item 6.c. was approved.*

*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 regular disbursements in the amount of \$481,347.29, upgrade project disbursements in the amount of \$1,573,873.41 and Board Member disbursements in the amount of \$2,869.49. Payroll and payroll related disbursements in the amount of \$253,081.45 were ratified.
- b. Approval of Consent for Boundary Change and Waiver of Conducting Authority for Lands of Pirker.

ADMINISTRATION:

Authorize 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 and consultants.

*On motion on Member Quesada, seconded by Member Knutson and carried unanimously by those members present, the Board authorized 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.*

Suzanne Brown Crow, Novato resident, questioned why the District did not have an insurance policy in place which would cover the District's legal expenses in cases such as this.

District Counsel Kent Alm responded that the District does not have a policy for criminal defense because the agency through which the District obtains its insurance, CSRMA, offers criminal defense options for individuals only.

Norman Stone, Novato resident, questioned the parameters of the policy and the potential cost to the District.

District Counsel Kent Alm explained that the engagement with Barg, Coffin, Lewis and Trapp is coverage for the Novato Sanitary District that operates through the Board, not for any specific Board member. He also stated that the current fee agreement has no "not to exceed" amount and may be brought before the Board at any time for review and may be terminated at any time.

Suzanne Brown Crow asked if any parameters had been specified in the contract. She stated it would be prudent for the District to establish parameters to keep the District's costs from getting out of hand.

District Counsel Kent Alm stated that the contract was not written to include any parameters. He stated that the contract is very simple and is meant to engage the law firm to defend the District against criminal and civil claims arising out of or relating to the referenced search warrant.

President Di Giorgio responded that the District engaged the law firm because District Counsel Kent Alm's time was limited. President Di Giorgio stated that during closed session, the Board has given the law firm of Barg, Coffin, Lewis & Trapp parameters, however, these cannot be disclosed to the public.

Approve a consulting agreement with Rauch Communications. The Manager noted that Rauch Communications would assist the District with their pollution prevention outreach programs, newsletter publication and distribution and developing outreach programs on an as-needed basis. The Manager stated that the proposal is for a time-and-materials basis not to exceed \$60,000.

*On motion of Member Quesada, seconded by Member Long and carried unanimously by those members present, the Board approved a time-and-materials basis consulting agreement in an amount not to exceed \$60,000 to Rauch Communications.*

Bill Scott, Novato resident, stated his concern that the Rauch Communications agreement might be used to support the District's position in regards to the referendum.

District Counsel Kent Alm stated that his firm has looked into this issue and he agrees that rules apply which prohibit the use of public funds for a partisan issue such as the referendum matter.

President Di Giorgio stated the whole Board agrees with that statement.

Phil Tucker asked if this agreement with Rauch Communications was put out to bid. He asked when Rauch Communications was first asked to work with the District and under what circumstances were they brought in: through public bid, RFP, etc.

The Manager stated that Rauch Communication is a professional services provider, and as such, the District selects them based on qualifications, not necessarily on price. She

stated that several years ago, the District solicited several public outreach firms and chose Rauch Communications to facilitate public outreach and pollution prevention outreach. She stated this firm also is the public outreach firm for the North Bay Water Recycling Authority Project.

Member Long commented that the sanitation business is becoming more and more recognized by the public due to community issues such as fats, oils, and greases which block sewer pipes and cause overflows. He stated that a good public outreach firm will pay dividends for the future and for the public health and safety.

Designate and authorize Board Members and staff to sign District checks – WestAmerica Bank. The Manager explained that at the previous Board meeting, District banking needs were moved to WestAmerica Bank. She stated that with this new banking relationship, the Board is required to authorize District check signers.

Member Quesada requested that the Deputy Manager Sandeep Karkal be included as a staff member with check signing authority.

*On motion of Member Quesada, seconded by Member Knutson, and carried unanimously by those members present, the Board authorized the following Board Members as check signers: Michael Di Giorgio, William Long and James Fritz. The Board authorized the following District staff members as check signers: Beverly James, Sandeep Karkal and June Brown.*

Consider adoption of District Policies. President Di Giorgio stated that he would like to extend these policies to another board meeting. Members Quesada and Long agreed.

*On motion of Member Quesada, seconded by Member Long and carried unanimously by those members present, adoption of the District Policies will be returned to the next regular Board meeting scheduled for November 23<sup>rd</sup>.*

#### WASTEWATER TREATMENT FACILITY OPERATION:

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.

President Di Giorgio stated that the Board would discuss the item at this meeting and vote on the item at the next Board meeting. He stated that the referendum had enough certified signatures to pass and he discussed the possible election dates which conform to the requirements of the Elections Code and their costs. He stated the referendum and election process could cost the District approximately \$400,000 and that the District may have to raise the sewer service charges in the coming year for this unexpected expense.

District Counsel Kent Alm quoted from Elections Code Section 9145 which requires 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. He stated that the Manager is required to certify the Certificate of Petition Verification and adopt the letter from Elaine Ginnold, Registrar of Voters. He discussed the dates available for the District to schedule the election.

President Di Giorgio wanted to ensure the language used for the "ordinance" was clear to the voters.

Member Quesada stated the best date for the election would be June 8, 2010, which coincides with the Primary Election as this would ensure the largest voter turn-out. Member Long agreed.

President Di Giorgio stated that the District has chosen not to contest the referendum, but to allow the Novato residents to vote on the issue. He felt the June 8<sup>th</sup> election date was also the most appropriate.

Norman Stone, Novato resident, questioned the wording of the referendum which stated that the District could either terminate the contract with Veolia or put the decision to the voters at an election.

District Counsel Kent Alm stated that at this meeting, the Board must either repeal the contract with Veolia Water North America or procedurally adopt a Resolution which calls for the matter at hand to be placed on the ballot.

Phil Tucker stated his appreciation to the Board for their decision to put the referendum on a ballot so the Novato residents can vote on the issue.

*On motion of Member Quesada, seconded by Member Long and carried unanimously by those members present, the Board certified receipt of the Registrar of Voters Certificate of Petition Verification letter and signature count.*

*On motion of Member Long, seconded by Member Quesada and carried unanimously by those members present, the Board declined to repeal the contract and directed staff to prepare a Resolution to conduct an election at a date to be specified.*

District Counsel Kent Alm stated this resolution will be prepared for the Board's approval at their next Board meeting on November 23<sup>rd</sup>. Mr. Alm discussed the wording for the ballot, stating that it must fairly represent the issue of the referendum. In addition, he stated the language must be consistent with what the petitioners signed. Mr. Alm stressed that the language of the ballot would be fairly written to avoid any legal action.

Dean L. Heffelfinger, Novato resident, asked if public input would be allowed at the next Board meeting when the proposed resolution is brought forth and if the Board would postpone a decision on the Resolution if appropriate wording could not be agreed upon.

President Di Giorgio stated the resolution vote could be postponed.

COLLECTION SYSTEM IMPROVEMENTS PROJECT, PROJECT 72706:

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. Deputy Manager Sandeep Karkal gave an overview of the project. He noted that staff received six proposals with Maggiora & Ghilotti submitting the lowest proposal. He stated the engineer's estimate of probable costs was \$60,000.

*On motion of Member Long, seconded by Member Quesada, and carried unanimously by those members present, the Board adopted CEQA findings and authorized staff to file a Notice of Exemption for the Collection System Improvements Project 72706.*

*On motion of Member Quesada, seconded by Member Long, and carried unanimously by those members present, the Board awarded the Collection System Improvements Project 72706 to Maggiora & Ghilotti for the amount of \$49,494.*

Consider approval of a contract amendment in the amount of \$68,000 with Nute Engineering on a time and materials basis.

The Manager gave an overview of the proposal stating that the District currently has a contract in place with Nute Engineering (Nute) in the amount of \$213,000 to cover design services on the following Collection System Improvements projects: A-State Access Road Sewer Project; B-Center Road/Wilson Avenue Sewer Project; C-Olive Street/Chase Street Project; and D-Ignacio Blvd. Sewer Project. The Manager outlined the significant findings which were made that resulted in changes to the scope of Nute's work. She recommends approval of the contract amendment.

*On motion of Member Quesada, seconded by Member Long, and carried unanimously by those members present, the Board approved a contract amendment in the amount of \$68,000 with Nute Engineering on a time and materials basis for the following projects: A-State Access Road Sewer Project; B-Center Road/Wilson Avenue Sewer Project; C-Olive Street/Chase Street Project; and D-Ignacio Blvd. Sewer Project.*

PUMP STATION REHABILITATION PROJECT, PROJECT 72403:

Consider adoption of a resolution making CEQA findings; approve plans and specifications; and authorize advertising for bids – Project Unit 1, Rush Creek and Deer Island Pump Stations. The Manager noted that Nute Engineering has completed the plans and specifications for this work and it is ready for bid. She stated that staff has completed the California Environmental Quality Act (CEQA) documentation and

determined that the project is categorically exempt. She noted that the engineer's estimate for this work is \$724,000.

Member Long questioned how many additional pump stations are in need of rehabilitation. Deputy Manager Engineer Sandeep Karkal explained that the District has a total of 13 pump stations in need of rehabilitation and after approval of this project, eleven additional pump stations will be brought before the board for rehabilitation approval.

*On motion of Member Quesada, seconded by Member Long, and carried unanimously by those members present, the Board adopted Resolution No. 3013, making CEQA findings, approving plans and specification and authorizing advertising for bids for Project Unit 1, Rush Creek and Deer Island Pump Stations.*

**STAFF REPORTS:**

Deputy Manager Sandeep Karkal briefly discussed the North Bay Watershed Association's monthly meeting on Friday, November 6<sup>th</sup> at the Marin Community Foundation in Hamilton.

**MANAGER'S ANNOUNCEMENTS:**

None.

**ADJOURNMENT:** There being no further business to come before the Board, President Di Giorgio adjourned the meeting at 8:04 p.m.

Respectfully submitted,

Beverly B. James  
Secretary

Julie Borda, Recording

November 23, 2009

A closed session meeting preceded a regular meeting of the Board of Directors of the Novato Sanitary District, Monday, November 23, 2009, at the District Office, 500 Davidson Street, Novato.

At 5:08 p.m., President Di Giorgio opened the closed session of the Board of Directors of the Novato Sanitary District to discuss the matters on the Closed Session Agenda:

CONFERENCE WITH LABOR NEGOTIATORS – Government Code Section 54957.6

PROVIDE DIRECTION REGARDING MANAGER-ENGINEER'S CONTRACT.

DISTRICT REPRESENTATIVES: AD-HOC BOARD PERSONNEL COMMITTEE.

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

STAFF PRESENT: Attorney Sky Woodruff from the District's law firm of Meyers Nave.

PLEDGE OF ALLEGIANCE:

The Closed Session ended at 6:05 p.m.

**At 6:30 p.m., President Di Giorgio convened the Open Session. There was no reportable action from the Closed Session.**

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

STAFF PRESENT: Manager-Engineer Beverly James, Deputy Manager-Engineer Sandeep Karkal, Administrative Services Manager June Penn-Brown, Administrative Secretary Julie Borda, and Attorney Sky Woodruff from the District's law firm of Meyers Nave.

ALSO PRESENT: Phil Tucker, Martinez resident  
Carole Dillon-Knutson, Novato resident  
Justine Daniel, Novato resident  
Suzanne Brown Crow, Novato resident  
Pam Welsh, Novato resident  
Carlos Borba, Teamsters Union Local 315  
Diana de Regnur, Novato resident  
Dennis Welsh, Novato resident  
Dean Heffelfinger, Novato resident  
Jo Heffelfinger, Novato resident  
Colleen Rose, Novato resident  
Bill Scott, Novato resident  
Deanna Pierce, Novato resident

Aaron Winer, Northern CA District Manager, Veolia North America  
Jim Good, Vice President, Veolia North America  
John Bailey, Project Manager, Veolia North America

AGENDA APPROVAL:

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

PUBLIC COMMENT:

Suzanne Crow, Novato resident, questioned the authorization of the law firm to defend the District against criminal conduct.

BOARD MEMBER REPORTS: None.

REVIEW OF MINUTES:

Consider approval of the October 12<sup>th</sup>, 2009 Board meeting minutes.

*On motion of Member Quesada, seconded by Member Fritz, and carried unanimously, the Minutes of the October 12<sup>th</sup>, 2009 Board meeting were approved as written.*

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

- a. Acceptance of Asset Deletion Report for fiscal year 2008-09.*
- b. Acceptance of Quarterly Investment Report for period ending September 2009.*
- c. Approval of Statement of Investment Policy*
- d. Approval of Board meeting schedule as follows: November 30 (special meeting), December 14<sup>th</sup> and 28<sup>th</sup>, January 11<sup>th</sup> and 25<sup>th</sup>, February 8<sup>th</sup> and 22<sup>nd</sup>.*
- e. Approval of regular disbursements in the amount of \$538,941.16 and project account disbursements in the amount of \$148,898.95.*

BOARD OF DIRECTORS:

*Consider adoption of Resolution No. 3014, a Resolution of Appreciation for Board Member Arthur T. Knutson.*

Member Knutson read a statement outlining his public service and past terms of service with the Novato Sanitary District.

The Board congratulated Mr. Knutson on his years of service and the Manager read Resolution No. 3014, *A Resolution Commending Mr. Arthur T. Knutson for Distinguished Service as a Member of the Board of Directors of Novato Sanitary District.*

At 6:40 p.m. President Di Giorgio announced the Board Meeting would adjourn for a ten minute recess.

ADMINISTRATION:

Consider adoption of District Policies. The Manager outlined the changes that were proposed to the District's policies, stating that the changes were noted in bold font.

The Board suggested District Policy No. 4040.2 be changed to read: "In the absence of the President, the **President Pro-Tem** of the Board of Directors...".

Board member Quesada suggested District Policy No. 5060.1.2 be changed to read: "Audio recordings shall be available to members of the public if a **written** request is made."

Member Quesada proposed a change to District Policy No. 4050.7 which would allow lifetime health and dental benefits to Board members who serve the District for 25 years or more.

*On motion of Member Quesada and seconded by Member Knutson, District Policy No. 4050.7 should be amended to read: "Any Director who has served for 25 years or more as a Novato Sanitary District Director shall receive lifetime health and dental benefits."*

The motion was defeated with the following vote: Noes: Di Giorgio, Fritz, & Long.  
Ayes: Knutson, Quesada

Suzanne Browne Crow, Novato resident, referenced District Policy No. 5060.1.2, stating she believes thirty days is too short to hold Board meeting audio and visual recordings. She requests the Board hold the recordings for a period of one year. Ms. Crow commented that the second paragraph in District Policy No. 5030.6 should be deleted.

Dennis Welsh, Board Member Elect and Novato resident, requested this agenda item be postponed until he is officially installed as a Novato Sanitary District Board member.

Dennis Fishwick, Novato resident, commented on the Board's conduct.

Bill Scott, Novato resident, commented on the health care policy revision as suggested by Member Quesada. In addition, he agreed with Ms. Crow that the second paragraph in District Policy No. 5030.6 should be deleted.

Dean L. Heffelfinger, Novato resident, commented on the Board policies.

Tom Pierce, Novato resident, suggested the Board adopt "Robert's Rules of Order."

Deanna Pierce, Novato resident, suggested the Board adopt "Robert's Rules of Order" and recommends the audio and visual copies of Board meeting minutes be retained for one year.

Norman Stone, Novato resident, stated audio copies of Board meeting minutes should be retained for longer than six months.

President Di Giorgio commented on the District's Policies and stated the Board should further refine the policies. He suggested the Board bring this agenda item back after Dennis Welsh is officially seated as a Novato Sanitary District Board member. Member Long agreed with this request.

Sky Woodruff of Meyers Nave stated he will bring before the Board suggestions of policies for Board member conduct.

*On motion of Member Fritz, seconded by Member Quesada and carried unanimously, the Board agreed to bring the agenda item: "Consider adoption of District Policies" to the December 28<sup>th</sup> Board meeting.*

#### WASTEWATER TREATMENT FACILITY OPERATION:

Consider setting the date for a referendum on the contract service agreement for operation, maintenance and management of wastewater treatment facilities. The Manager noted that there are a number of election dates in 2010 that conform to the requirements of the Elections Code, including March 2, April 13, May 4 and June 8, 2010. She stated that staff recommends setting the date for the referendum of June 8, 2010 because of the cost savings to the District and the fact that it is a statewide primary election which will encourage voters to participate. She stated that the deadline to file for the election is March 12<sup>th</sup>. The manager stated she will bring a revised budget to the Board to facilitate the additional election expenses.

*On motion of member Fritz, seconded by Member Quesada and carried unanimously, the Board set June 8, 2010 as the date for the referendum.*

Sky Woodruff requested the Board form an Ad-hoc Committee to address the preparation of the language of the referendum. He stated he would then work with the Board and staff to refine the election statement.

President Di Giorgio appointed Members Long and Fritz to the Ad-Hoc Referendum Preparation Committee.

Wastewater Operations Committee report. The Manager outlined the reports presented by Veolia at the Wastewater Operations Committee meeting which met on November 16, 2009.

Member Long asked how critical tasks will be handled if the Emergency Consulting Agreement is enacted. John Bailey of Veolia explained the procedures.

President Di Giorgio requested a report showing the financial costs the District will experience due to the emergency contract and the referendum expenses.

The Manager and the Board discussed the reports Veolia produces for the Wastewater Operations Committee. The Manager stated she was unsure of which reports Veolia will produce after the Emergency Services Agreement becomes effective.

Norm Stone, Novato resident, suggested members of the public should be on the Ad-hoc Committee.

Carlos Borba, Teamsters Local Union 315, discussed District and Veolia employees and their representation by the Union. He requested to receive any information regarding the employees return to District employment. He questioned whether there was a date set for the enactment of the Emergency Services Agreement.

The Manager stated that she learned on November 23<sup>rd</sup> that Veolia is setting the date for the Emergency Services Agreement at the end of the business day on December 11, 2009. She stated the Board has the authority to reinstate transitioned employees, and that will be the subject of the November 30<sup>th</sup> Board meeting.

#### COLLECTION SYSTEM IMPROVEMENTS PROJECT, PROJECT 72706:

Consider approval of a contract for construction review in the amount of \$70,000 with Nute Engineering on a time and materials basis. The Manager noted the projects for which Nute Engineering is providing design services: A) State Access Road Sewer Project; B) Center Road/Wilson Avenue Sewer Project; C) Olive Street/Chase Street Project; D) Ignacio Boulevard Sewer Project. She stated that the assistance from Nute Engineering will be needed through the construction phase.

*On motion of Member Fritz, seconded by Member Long and carried unanimously, the Board approved a contract for construction review in the amount of \$70,000 with Nute Engineering on a time and materials basis for the four projects: A, B, C, and D.*

Approve emergency repair expenditures for Railroad Avenue force main. The Manager explained the November 12<sup>th</sup> incident when a contractor working for Miller Pacific Engineering Group drilled a hole into the District's 27" force main in Railroad Ave. She stated that the expenses are estimated to be \$30,000 however repair costs by the contractor are somewhat unknown because the repair was not completed until late in the week. For this reason, District staff requests the Board authorize expenditures for the repair up to \$40,000 to cover any unforeseen costs.

The Manager complimented staff on the 100% recovery of the waste that escaped from the pipe. Member Quesada requested the Manager prepare a letter of acknowledgement for the staff's quick and efficient response.

*On motion of Member Long, seconded by Member Fritz and carried unanimously, the Board approved emergency repair expenditures up to \$40,000 for the Railroad Avenue force main repair.*

#### ANNUAL COLLECTION SYSTEM REPAIRS, PROJECT 72803:

Consider approval of the Greenwood manhole and main repair. The Manager gave an overview of the need for a manhole outside the residence at 1075 Greenwood Drive. She referred to a diagram that was part of this agenda item. She stated that the total cost for the work was \$39,714.60 which also includes erosion control measures for the area.

*On motion of Member Long, seconded by Member Fritz, and carried unanimously, the Board approved the expenditure of \$39,714.60 for the Greenwood manhole and main repair.*

#### NORTH BAY WATER REUSE AUTHORITY:

Staff report. The Manager gave an update on the Federal and State funding for the North Bay Water Reuse Authority recycled water project. She stated that the funding awarded by the Federal Government is a small milestone but a very important step in securing future funding.

Consider approval of out-of-state travel for Board Member Long. The Manager requested the Board authorize travel expenses for Member Long and staff as necessary to support the advocacy for Federal funding for recycled water in Novato. She stated the EIR for this project is complete and will come before the Board at their December 14<sup>th</sup> meeting.

*On motion of member Quesada, seconded by Member Knutson, and carried unanimously, the Board approved travel expenses for Member Long and staff to travel to Washington DC in December and February as needed to support the advocacy for federal funding for Recycled Water in Novato.*

#### STAFF REPORTS:

North Bay Watershed Association. The Manager noted that she is working with the North Bay Watershed Association on the lateral repair program and is targeting a January 2010 Board meeting for the presentation.

Asset deletion report. This item was covered previously.

November election. The Manager gave an overview of the November election situation stating she was made aware of a problem on late Friday afternoon. She noted that 31 residential parcels were not included in District boundaries and therefore were not given a ballot to vote for District Board Members. She stated the District will work closely with the registrars office and tax assessor to remedy the problem.

Norm Stone, Novato resident discussed provisional ballots and the parcels which were excluded.

Dennis Fishwick, Novato resident, read a letter from Suzan Sharpley, on her behalf. She identified herself as a disenfranchised voter.

Member Long suggested the District discuss the matter with legal counsel to determine if provisional ballots can be supplied to those parcels who did not have the correct ballots.

Sky Woodruff of Meyers Nave, stated he will look into further details of the matter to determine if the parcels would still be able to cast a ballot.

Bill Scott, Novato resident, requested the District obtain a list from the Registrar of Voters and compare it with our parcels to determine who pays fees and should be in the District.

Jo Heffelfinger, Novato resident, discussed the Board's comments and requested mutual respect between the Board and the public.

MANAGER'S ANNOUNCEMENTS:

A Solid Waste Committee Meeting will be held on December 7<sup>th</sup> at 4:30 p.m.

A Special Board Meeting will be held on November 30, 2009 at 6:30 p.m.

ADJOURNMENT: There being no further business to come before the Board, President Di Giorgio adjourned the meeting at 8:40 p.m.

Respectfully submitted,

Beverly B. James  
Secretary

Julie Borda, Recording

# NOVATO SANITARY DISTRICT BOARD AGENDA ITEM SUMMARY

<b>TITLE:</b> Operating Chemicals, Account No. 61101	<b>MEETING DATE:</b> January 11, 2010  <b>AGENDA ITEM NO.:</b> 6. a.
<b>RECOMMENDED ACTION:</b> Approve a contract amendment with Olin Chlor Alkali Products, Olin Corporation to supply liquid sodium hypochlorite.	
<b>SUMMARY AND DISCUSSION:</b>  The District currently has a contract dated July 1, 2008 with Olin Chlor Alkali Products, Olin Corporation to supply liquid sodium hypochlorite at a price of \$0.85 per gallon. The Seller has agreed to extend the term of the contract to June 30, 2010 at a lower firm price of \$0.80 per gallon. Prices quoted by other suppliers ranged from \$0.80 to \$1.35 per gallon and would be firm only on a quarter-to-quarter basis. The District was able to obtain the lower price because Olin was willing to honor the price that Veolia had negotiated.  Staff has reviewed the price, and recommends that the Board approve the referenced contract amendment with the Seller.	
<b>ALTERNATIVES:</b> None.	
<b>BUDGET INFORMATION:</b> The adopted FY 09-10 budget included \$50,000 for operating chemicals under Account No. 61101, of which about \$53,667 has been expended to date. It is anticipated that a budget amendment to this account will be presented as part of a revised budget to reflect current operation of the wastewater treatment facilities.	
<b>DEPT.MGR.:</b>	<b>MANAGER:</b>

# NOVATO SANITARY DISTRICT BOARD AGENDA ITEM SUMMARY

**TITLE:** Operating Chemicals,  
Account No. 61101

**MEETING DATE:** January 11, 2010

**AGENDA ITEM NO.:** 6. b.

**RECOMMENDED ACTION:** Approve a contract with Brentagg Pacific, Inc. to supply 25% liquid sodium bisulfite.

## **SUMMARY AND DISCUSSION:**

The District is required to dechlorinate its effluent prior to discharge. Dechlorination is by addition of sodium bisulfite. Staff has negotiated with Brentagg Pacific Inc. to supply 25% liquid sodium bisulfite at a firm price of \$0.90 per gallon through a contract term of June 30, 2010. Prices quoted by other suppliers ranged from \$0.95 to \$1.32 per gallon. The price for the 2008-09 fiscal year was \$1.13/gallon. The District was able to obtain the lower price because Bentagg Pacific was willing to extend the price to the District that Veolia had negotiated.

Staff has reviewed the price, and recommends that the Board approve the referenced contract with the Seller.

**ALTERNATIVES:** None.

**BUDGET INFORMATION:** The adopted FY 09-10 budget included \$50,000 for operating chemicals under Account No. 61101, of which about \$53,667 has been expended to date. It is anticipated that a budget amendment to this account will be presented as part of a revised budget to reflect current operation of the wastewater treatment facilities.

**DEPT.MGR.:**

**MANAGER:**

**Novato Sanitary District**  
**Check Register - Regular Disbursements**  
 January 11, 2010

Date	Num	Name	Credit
Jan 11, 10			
01/11/2010	50299	North Bay Construction, Inc.	139,421.87
01/11/2010	50283	CSRMA-	137,858.00
01/11/2010	50272	Barg, Coffin, Lewis & Trapp	86,391.34
01/11/2010	50320	Sideman & Bancroft, LLP	34,712.25
01/11/2010	50269	Alpha Analytical Lab	12,062.00
01/11/2010	50273	Brenntag Pacific, Inc.	9,708.32
01/11/2010	50328	W.R. Forde	9,268.20
01/11/2010	50306	Olin Chlor Alkali Products	8,727.66
01/11/2010	50309	Pan Pacific Supply Co., Inc.	8,727.27
01/11/2010	50319	SFE Global Inc.	8,700.00
01/11/2010	50297	Municipal Maintenance, Inc.	7,647.04
01/11/2010	50293	Johnson, Dee	6,094.28
01/11/2010	50313	Preferred Benefit	4,474.74
01/11/2010	50270	Aqua Science	3,452.00
01/11/2010	50286	Donald L. Blayney & Associates	3,406.79
01/11/2010	50296	Miller Pacific Engineering, Inc.	3,255.60
01/11/2010	50329	Water Components & Building	2,693.02
01/11/2010	50327	VWR International Inc.	2,676.90
01/11/2010	50277	Caltest Analytical Lab Inc.	2,428.20
01/11/2010	50325	Verizon California	2,097.49
01/11/2010	50330	Water Environmnet Research Foundation	1,936.00
01/11/2010	50290	Grainger	1,805.04
01/11/2010	50295	Leonardi Automotive & Electric	1,417.50
01/11/2010	50294	Kaiser Permanente	1,290.02
01/11/2010	50318	Semple Appraisals, Inc.	1,250.00
01/11/2010	50274	Cagwin & Dorward Inc.	1,207.50
01/11/2010	50305	Nunes, Earl & Wong, Cynthia	1,200.00
01/11/2010	50303	Novato Chevrolet	1,076.69
01/11/2010	50304	Novato Disposal-	1,061.37
01/11/2010	50298	Nextel Communications	1,055.85
01/11/2010	50291	IEDA, INC	1,000.00
01/11/2010	50331	WC's Locks & Keys	940.57
01/11/2010	50284	CWEAmembers	881.00
01/11/2010	50289	Fort Docs	793.52
01/11/2010	50312	Pini Hardware	769.58
01/11/2010	50326	Vision Service Plan	708.96
01/11/2010	50287	E & M Electric & Machinery, Inc.	691.71
01/11/2010	50317	Roy's Sewer Service, Inc.	645.00
01/11/2010	50276	California Diesel & Power	621.21
01/11/2010	50333	Zenith Instant Printing, Inc.	614.27
01/11/2010	50316	Rob & Connie Tindal	608.20
01/11/2010	50285	Delta Communications Group	493.45
01/11/2010	50279	Cintas Corporation	483.80
01/11/2010	50301	North Marin Auto Parts	340.16
01/11/2010	50271	AT&T Mobility	323.85
01/11/2010	50280	Claremont EAP	295.00
01/11/2010	50310	Pape Material Handling	256.81
01/11/2010	50311	Petty Cash	242.54
01/11/2010	50300	North Bay Gas & Weld	216.00
01/11/2010	50324	Verizon Business	160.69

**Novato Sanitary District**  
**Check Register - Regular Disbursements**  
January 11, 2010

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Credit</u>
01/11/2010	50267	AE Video & Web Design	149.70
01/11/2010	50314	Quill Corporation	143.27
01/11/2010	50275	CalChamber	135.52
01/11/2010	50268	Alhambra	131.12
01/11/2010	50332	Zee Medical Company	127.33
01/11/2010	50281	ColorFast	125.83
01/11/2010	50315	Red Wing Shoe Store	123.18
01/11/2010	50321	Stevenson, Jeffrey MD	85.00
01/11/2010	50288	Federal Express	79.17
01/11/2010	50308	Orkin Pest Control	75.90
01/11/2010	50282	Cook Paging	57.73
01/11/2010	50278	CED	49.00
01/11/2010	50292	Jackson's Hardware Inc.	41.03
01/11/2010	50322	Sunshine Filters of Pinellas, Inc.	40.15
01/11/2010	50307	One Stop Auto Service Inc.	33.80
01/11/2010	50323	T-Mobile	22.23
01/11/2010	50302	North Marin Water District	21.82
			<b><u>519,631.04</u></b>

Jan 11, 10

01/08/10

**Novato Sanitary District**  
**Check Register - Project Disbursements**  
January 11, 2010

	<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Credit</u>
<b>Jan 11, 10</b>				
	01/11/2010	2011	Monterey Mechanical, Inc.	1,767,062.08
	01/11/2010	2012	North Marin Water District 2	32,634.38
	01/11/2010	2013	RMC Water & Environment, Inc.	68,718.43
<b>Jan 11, 10</b>				<b><u><u>1,868,414.89</u></u></b>

# NOVATO SANITARY DISTRICT BOARD AGENDA ITEM SUMMARY

<b>TITLE: Pump Station Rehabilitation; Project 72403</b>	<b>MEETING DATE: January 11, 2010</b>  <b>AGENDA ITEM NO.: 7. a.</b>
<b>RECOMMENDED ACTION:</b> Approve a contract in the not-to-exceed amount of \$541,000 with the Covello Group for construction management services on a time and materials basis.	
<b>SUMMARY AND DISCUSSION:</b>  <p>The Rush Creek &amp; Deer Island Pump Station Rehabilitation Project has been awarded, and it is expected that the remaining three design stages constituting the remaining eleven pump stations will begin construction within the next few months. The total estimated construction value of the projects is currently about \$5.04 million.</p> <p>The Covello Group is currently providing construction management services for the treatment plant upgrade project and the collection system improvements. They have demonstrated their ability to keep jobs on time and budget and to resolve construction issues. Accordingly, staff requested a proposal from The Covello Group (TCG) to provide construction management services on all the four stages of the pump station upgrade project, and negotiated a not-to-exceed fee on a time-and-materials basis of \$540,589.</p> <p>This fee includes sub-consultant costs for required or mandated coatings testing, materials testing, and shoring reviews for the project, and is about 10.73% of the estimated construction costs for the overall project. This number is consistent with the current range of 8%-12% for construction management services obtained from the BACWA engineering group for agencies in our industry, and staff recommends that the Board approve the contract with the Covello Group and authorize the Manager-Engineer to execute a contract.</p>	
<b>ALTERNATIVES:</b> Do not approve the contract.	
<b>BUDGET INFORMATION:</b> This work will be funded from the budget for the Pump Station Rehabilitation, Project 72403, which has a FY2009-10 budget of \$2,000,000. The budget anticipates that the remainder of the project will be constructed in the 2010-11 fiscal year.	
<b>DEPT.MGR.:</b>	<b>MANAGER:</b>