

NOVATO SANITARY DISTRICT

May 18, 2009

A **SPECIAL** meeting of the Board of Directors of the Novato Sanitary District will be held at 1:00 p.m., Monday, May 18, 2009, at the District Office, 500 Davidson Street, Novato.

Director Arthur Knutson will be attending via teleconference from Smith Ranch Care Facility, 1550 Silveira Parkway, San Rafael, CA.

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

AGENDA

1. **PLEDGE OF ALLEGIANCE:**
2. **AGENDA APPROVAL:**
3. **PUBLIC COMMENT:**

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. **ENVIRONMENTAL PROTECTION AGENCY ENFORCEMENT INVESTIGATION:**
 - a. Consider authorizing payment for legal services per Government Code 995.8.
5. **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:

6. **ADJOURNMENT:**

Next resolution no. 3005

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.

NOVATO SANITARY DISTRICT BOARD AGENDA ITEM SUMMARY

TITLE: EPA Enforcement Investigation	MEETING DATE: May 18, 2009
AGENDA ITEM NO.: 4a	
RECOMMENDED ACTION:	
SUMMARY AND DISCUSSION:	
<p>The EPA Criminal Investigation Division executed a search warrant at the District office on Thursday, May 14, 2009. The basis for the search warrant is a sealed affidavit. The District has not been informed of the reason for the search warrant.</p> <p>Government Code Section 995.8 provides that, under certain circumstances, a public entity may provide for the defense of criminal actions brought against employees. A defense may be provided only if the criminal action or proceeding is brought on account of an act or omission in the scope of employment as an employee of the public entity; and where the public entity determines that such defense would be in the best interests of the public entity and that the employee or the former employee acted or failed to act, in good faith, without actual malice, and in the apparent interests of the public entity.</p> <p>The District carries insurance for defense of employees under Section 995.8 for criminal action or proceeding brought pursuant to State or Federal criminal statutes relating to environmental hazards or environmental exposures, or the release or escape of pollutants. This insurance provides a maximum coverage of \$250,000 per covered individual with a deductible of \$25,000. The aggregate maximum is \$500,000/year. CSRMA legal counsel has indicated that serving of a search warrant constitutes sufficient cause to begin this coverage.</p> <p>District Counsel, Kenton Alm, will be at the meeting to answer any questions.</p>	
ALTERNATIVES:	
BUDGET INFORMATION:	
DEPT.MGR.:	MANAGER: