

NOVATO SANITARY DISTRICT

October 12, 2009

The Board of Directors of Novato Sanitary District will hold a Closed Session at 5:00 p.m., Monday, October 12, 2009, at the District offices, 500 Davidson Street, Novato. (Open session begins at 6:30 p.m. See agenda below).

PLEDGE OF ALLEGIANCE:

CLOSED SESSION AGENDA

CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – THREE POTENTIAL CASES:

Significant exposure to litigation pursuant to Subsection (b) 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. AGENDA APPROVAL:

2. 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.

3. BOARD MEMBER REPORTS:

4. REVIEW OF MINUTES:

- a. Consider approval of minutes of August 10, 24, and 31, 2009 meetings.

5. CONSENT CALENDAR:

- a. Approval of disbursements.

6. WASTEWATER FACILITY UPGRADE PROJECT 72609:

- a. Progress report on Contract B.

7. WASTEWATER TREATMENT FACILITY OPERATION:

- a. Consider establishing a wastewater treatment facility operations advisory committee.

8. BEL MARIN KEYS PUMP STATION IMPROVEMENTS PROJECT NO. 72403

- a. Approve final acceptance of the project and authorize filing the Notice of Completion.

9. COLLECTION SYSTEM IMPROVEMENTS PROJECT NO. 72706

- a. Adopt CEQA findings and authorize staff to file a Notice of Exemption.
- b. Authorize awarding the construction contract to Bay Pacific Pipelines.

10. STAFF REPORTS:

- a. Proposition 1A suspension update
- b. Treatment Plant tours October 10th and 24th
- c. Report on emergency consulting agreement

11. MANAGER'S ANNOUNCEMENTS:

12. ADJOURNMENT:

- a. Request to adjourn to a special meeting on Wednesday, October 14, 2009 at 6:30 PM.

Next resolution no. 3013

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.

August 10, 2009

A regular meeting of the Board of Directors of the Novato Sanitary District was held at 4:30 p.m., Monday, August 10, 2009, at the District Office, 500 Davidson Street, Novato.

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

BOARD MEMBERS ABSENT: Members James D. Fritz and Arthur T. Knutson,

STAFF PRESENT: Manager-Engineer Beverly James, Administrative Services Manager June Brown, and legal counsel Kent Alm.

ALSO PRESENT: Sam Renati, Former Board member and Novato resident
Dennis Welsh, Novato resident
Dean Heffelfinger, Novato resident
Bill Scott, Novato resident
Tom Pierce
Dennis Fishwick, Novato resident
Phil Tucker, CA Healthy Communities Network

PLEDGE OF ALLEGIANCE:

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: Tom Pierce addressed the Board regarding his concerns about contract operations of the District's treatment facilities. He cautioned the Board to exercise care, noting that attorneys define the meaning of the contract and the contractor doesn't live up to the spirit of the agreement. It was Mr. Pierce's opinion that running the new plant should be easier than before and that the plant can be computer-operated on weekends. He stated he was not aware of the contents of the contract because a copy has not been provided for review.

Dennis Welsh asked why the flag in front of the District Administration Building is flying at half-mast. The Manager responded that she will check.

BOARD MEMBER REPORTS:

Water Education Foundation program on the Russian River Watershed: Board Member Long reported on the Water Education Foundation's Russian River tour on August 6th and 7th. Experts discussed topics such as fisheries issues, conservation efforts, recycled water usages and more. Member Long indicated that the recycled water issue was the most interesting aspect of the program.

REVIEW OF MINUTES: The Manager indicated that the lengthy, detailed minutes of the July meetings should be available for approval at the next meeting.

CONSENT CALENDAR:

Member Long, seconded by Member Quesada, moved to approve the following Consent Calendar items:

- a. Approval of fund transfer in the amount of \$163,731.46 from the Capital Improvement Fund to the Operating Fund for staff time spent on capital projects.
- b. Review of Quarterly Investment Report for quarter ending June 30, 2009.
- c. Approval of regular disbursements in the amount of \$373,481.88, project disbursements in the amount of \$2,774,688.90, Board member disbursements in the amount of \$3,769.49, and ratification of July 2009 payroll and payroll related disbursements in the amount of \$324,804.54.
- d. Approval of Board meeting schedule as follows: August 24th and 31st, September 14th and 28th.

Dennis Welsh asked if the District's budgets for fiscal years 2008-09 and 2009-10 will be available to the public. The Manager replied that the District is responding to a public records act request from the Alliance of Concerned Citizens of Novato, to which Dennis belongs, for a copy of the 2008-09 budget. The Preliminary 2009-10 budget is available and the Final 2009-10 budget will be available at the second Board meeting in August.

The motion to approve the consent calendar items was carried unanimously by those Members present.

WASTEWATER TREATMENT PLANT UPGRADE PROJECT CONTRACT B PROJECT 72609:

Consider approval of an additional expenditure of \$35,000 for disposal of soils unsuitable for reuse: The Manager reported on the disposal of unsuitable soils from the District's Facilities Upgrade Project. The Board's authorized expenditure of \$50,000 for hauling spoils to a local disposal site has been exceeded by \$3,566. The contractor is still experiencing unsuitable soils and it is estimated that an additional \$32,000 will be necessary to complete the disposal. *On motion of Member Long, seconded by Member Quesada, and carried unanimously by those Members present, the Board authorized an expenditure not to exceed \$35,000 to dispose of the remaining soils.*

PUMP STATION REHABILITATION PROJECT 72403:

Consider approval of a proposal from Nute Engineering for engineering services to repair/replace the force mains in the Bel Marin Keys pump station rehabilitation project:

The Manager presented a proposal from Nute Engineering for engineering services to repair or replace force mains in the Bel Marin Keys neighborhood. The proposal is in an amount not to exceed \$74,000 for engineering services for project design, and engineering services during construction for a cost not to exceed \$36,000. She explained the necessity to replace the asbestos cement pipes which were installed in the 1960's and 70's and which are susceptible to corrosion from hydrogen sulfide gas. The plan is to use directional drilling and/or cured-in-place technologies to install new and/or rehabilitate existing mains where feasible. The Manager further explained Air Board regulations concerning the possible release of asbestos into the air during pipe bursting which would require appropriate disposal of hazardous material.

The Manager requested approval of the proposal in an amount not to exceed \$125,000. The total cost for engineering services is \$110,000 and the additional \$15,000 is for potholing that may be required which is not included in the proposal.

Member Quesada asked how much engineering is involved and suggested that a contract just be entered into for replacement. The Manager explained the difficulties involved with four force mains paralleling each other at one point and the difficulty locating conflicting utilities. The proposed method should involve less expensive construction and maintenance should also be less.

Member Quesada, seconded by Member Long, moved to approve the proposal from Nute Engineering in a total amount not to exceed \$125,000.

Dennis Welsh asked what construction services entail. The Manager responded that construction services include submittal, construction inspector on site, engineering services, etc. Dennis questioned why the District's construction inspector could not be used on this project. The Manager explained that this is in addition to normal inspection work performed by the District's inspector and that when the lateral replacement program starts, he will be too busy. President Di Giorgio asked if Mr. Welsh was questioning why the District is performing this project or if he has a recommendation on whether it could be done differently. Dennis responded that he questioned the necessity of having an outside inspector performing inspection and engineering services. The Manager again explained the District construction inspector's workload and the necessity of having an on-site inspector on a project of this size.

The motion to approve the proposal from Nute Engineering in an amount not to exceed \$125,000 was carried unanimously by those Members present.

PERSONNEL:

Consider granting exception to accrued leave policy for Edward Mann, Wastewater Facilities Manager: The Manager reported that Ed Mann, Wastewater Facilities

Manager, has exceeded the District's allowable vacation accrual by 44.62 hours because of staff shortages. She explained that Mr. Mann will be terminating employment with the District on August 31st and transferring to Veolia Water on September 1st. It will create additional difficulties if Mr. Mann takes his vacation leave at this time and requested that the Board grant an exception to the payment of accrued leave over the allowable limit. *Member Quesada, seconded by Member Long, moved to grant an exception to the allowable vacation accrual limit, up to a total of 80 hours including administrative leave.*

Dennis Fishwick questioned what would happen if Veolia does not take over by September 1st. The Manager requested vacation accrual through September if necessary but stated it would not be granted indefinitely.

The motion to grant an exception to the accrued leave policy for Ed Mann was carried unanimously by those Members present.

CALIFORNIA SPECIAL DISTRICTS' ASSOCIATION:

Consider election of a representative to the California Special Districts Association Board of Directors in Region 3, Seat A (Bay Coastal Region): The Manager read the slate of candidates for the California Special Districts' Association Board of Directors, Region 3. *On motion of Member Quesada, seconded by Member Long and carried unanimously by those Members present, the Board nominated Kathryn Slater-Carter.*

STAFF REPORTS:

Pump Station Rehabilitation Project progress report: The Manager presented a report on the District's Pump Station Rehabilitation Project. It was initially thought that the same design could be used for all stations. However, because of time constraints, the project was divided into 4 units. Unit 1 will be ready for bid in September 2009; Unit 2 will bid in October 2009; Unit 3 in January 2010; and Unit 4 in February 2010. It was determined that the Cypress Pump Station can be eliminated and it has been removed from this project.

MANAGER'S ANNOUNCEMENTS: There were no Manager's announcements.

At 5:05 p.m. legal counsel announced the Board would meet in closed session to discuss the items 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 negotiator with regard to represented employees.

Confer with District's labor negotiator with regard to non-represented employee,
Wastewater Facility Manager.

No reportable action was taken on either closed session item and the Board convened in open session at 6:20 p.m.

ADJOURNMENT: There being no further business to come before the Board, President Di Giorgio adjourned the meeting at 6:20 p.m.

Respectfully submitted,

Beverly B. James
Secretary

June Penn-Brown, Recording

August 24, 2009

A regular meeting of the Board of Directors of the Novato Sanitary District was held at 4:30 p.m., Monday, August 24, 2009, at the District Office, 500 Davidson Street, Novato.

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

BOARD MEMBERS ABSENT: None.

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

ALSO PRESENT: Suzanne Brown Crow, Novato resident
Colleen Rose, Novato resident
Pam Welsh, Novato resident
Bill Scott, Novato resident
Carole Dillon-Knutson, Novato resident
Dennis Welsh, former NSD employee, Novato resident
Dennis Fishwick, Novato resident
Norman Stone, Novato resident

PLEDGE OF ALLEGIANCE:

AGENDA APPROVAL:

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

PUBLIC COMMENT:

Norman Stone, Novato resident, asked what is the compensation for Board members. The Manager stated that Board Members are paid \$225 for each Novato Sanitary District board and/or committee meeting with a maximum of \$225 per day. The State allows a maximum of 6 meeting days per month. She stated the District also offers Board member only medical and dental coverage similar to that offered to employees.

BOARD MEMBER REPORTS:

Member Quesada discussed a personal trip to Southern California over the past weekend.

Member Long discussed a short State required interview with the District auditors, Vavrinek, Trine, Day & Co. LLP (VTD). The auditors discussed Mr. Long's knowledge of the District's financial activities and invited other Board members to contact them if

they had any questions. Member Long discussed his attendance at a Sierra Club meeting on August 12th.

Member Fritz commented that he missed the August 10th Board meeting due to a short vacation. He discussed his attendance at a North Bay Water Reuse Authority tour of recycled water project sites that was held on August 12th. He discussed the current water situation at Dry Creek and the intentions of the Sonoma Water Agency in cooperation with the Army Corps of Engineers to develop hatchling habitats in Dry Creek.

President Di Giorgio discussed his attendance at the California Association of Sanitation Agencies (CASA) conference that took place in San Diego from August 12th – 15th. He discussed the Private Sewer Lateral Task Force and their progress towards adopting an Ordinance.

CONSENT CALENDAR:

President Di Giorgio brought the Consent Calendar items before the Board. He opened Public Comment at the request of the audience.

Norman Stone, Novato resident, requested Item c. be taken off the Consent Calendar for further discussion: *Authorize out of state travel for Senior Engineer to witness Ozonia factory testing of UV equipment in Ashland, Virginia on September 2nd and 3rd and for Board Member Bill Long to represent the North Bay Water Reuse Authority in Washington DC on September 8th and 9th.*

The Board members and the Manager discussed Item c. in more detail with members of the public.

After discussion, President Di Giorgio closed public comment on this item.

On motion of Member Quesada, seconded by Member Fritz, and carried unanimously, Item c. of the Consent Calendar was approved: Authorize out of state travel for Senior Engineer to witness Ozonia factory testing of UV equipment in Ashland, Virginia on September 2nd and 3rd and for Board Member Bill Long to represent the North Bay Water Reuse Authority in Washington DC on September 8th and 9th.

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

- a. Acceptance of Somerston Park Subdivision sewer main extension.
- b. Acceptance of sewer improvements for Signature Properties SME (Railroad Ave).
- c. Approval of regular disbursements in the amount of \$271,897.10 and upgrade project disbursements in the amount of \$180,343.12.

DISTRICT POLICY HANDBOOK:

Consider revising Board Meeting Policy 5010 to modify time of regular Board meetings.
The Manager reviewed for the Board the current Board meeting policy and discussed the times that other public agencies hold their meetings.

President Di Giorgio stated he was in favor of the idea of moving the regular Board meetings to 6:30 p.m.

Member Quesada stated he was in favor of retaining the current meeting time of 4:30 p.m.

Member Long discussed the particular issues of why the Board meetings were moved to 4:30 p.m. from a later meeting time. He stated he is in agreement with the move to a later time to accommodate the public's request.

Member Fritz agreed with the other members that the meeting time should be moved to 6:30 p.m.

President Di Giorgio opened the item to Public Comment.

Pam Welsh, Alliance of Concerned Citizens of Novato and Novato resident, read a letter addressed to the Board members. (This letter, dated August 24, 2009, was hand delivered to the Board members at the Board meeting.) In the letter, she stated "it is the District's responsibility to insure that the citizens it serves have complete access to the NSD Board meetings. This can only happen if the meetings are held at a time that those citizens can attend..." She went on to challenge the several reasons staff listed as grounds for the meetings to be held at 4:30 p.m. She requested the Board meetings be held at a later time.

Suzanne Brown Crow, Novato resident, stated she was opposed to putting a "sunset clause" in the Motion and felt the meetings should be permanently changed to a later time.

Dennis Fishwick, Novato resident, requested the Board meeting time be changed to 6:30 p.m. and the location be changed to the Hill Community Room at the Margaret Todd Senior Center.

The Manager briefly explained why the meetings could not be held on a regular basis at the Margaret Todd Senior Center. She read an email from Peter Tiernan who requested the Board meetings be held at a time later than 4:30 p.m.

On motion of Member Fritz, seconded by Member Long and carried unanimously, the Board adopted Resolution No. 3007 which revised Board Meeting Policy 5010 to read: Regular meetings of the Board of Directors shall be held on the second and fourth

Mondays of each calendar month at 6:30 p.m. in the Conference Room of Novato Sanitary District at 500 Davidson Street, Novato, CA. This change will be in effect from August 25, 2009 until February 25, 2010.

LIABILITY CLAIM:

Consider rejection of claim from Steve Fryer. The Manager discussed a claim received from Steve Fryer on June 29, 2009, for damages to his vehicle on May 25, 2009. She stated the claim is for \$430.38. Mr. Fryer alleges the damage was caused by driving over a raised manhole cover on Ignacio Lane. District staff investigated the claim and determined that there is a dip in the road; however, the manhole cover is correctly placed and should not have caused the damage. She recommends the Board reject the claim.

On motion of Member Quesada, seconded by Member Fritz and carried unanimously, the Board rejected the liability claim for damages from Mr. Steve Fryer.

POLLUTION PREVENTION WEEK:

Report on Pollution Prevention Program and consider adopting a resolution declaring September 21st through 27th Pollution Prevention Week. The Manager noted that the District started its Pollution Prevention Program in 1993 to reduce heavy metals and hazardous material in wastewater and solid waste. She discussed the success of the Household Hazardous Waste drop off facility and the District sponsored E-Waste recycling events. She also noted that the District supports the Safe Disposal Program for Sharps and Unwanted Medications which helps keep unwanted medications out of the wastewater stream and also the solid waste collection systems. She discussed the various activities and events the District will be participating in as part of a special outreach effort in honor of Pollution Prevention Week.

The Manager requests the Board adopt a resolution declaring Pollution Prevention Week.

On motion of Member Quesada, seconded by Member Long and carried with the following vote, the Board adopted Resolution No. 3008: A Resolution Proclaiming September 21-27, 2009 as Pollution Prevention Week. Ayes: Di Giorgio, Knutson, Long, Quesada. Noes: Fritz.

Member Fritz stated he is opposed to the proclamation because he does not feel it is appropriate for the Sanitary District to participate in outreach efforts at the Farmer's Market.

STAFF REPORTS:

North Bay Water Reuse Authority. The Manager discussed the NBWRA's current activities including her participation in the NBWRA tour of the recycled water project sites on August 12th.

She discussed her participation in the NBWRA Coordinating Committee meeting on August 17th. She commented that they anticipate having a final draft EIR/EIS to the member agencies by November.

Member Long noted that the NBWRA Federal legislative consultant is organizing a trip to Washington D.C. in early September to advocate for funding appropriation.

Treatment plant tours. The Manager noted that the District will be offering four tours of the upgraded treatment facility on the following dates: September 12th and 26th, October 10th and 24th. All are welcome to attend.

North Bay Watershed Association Lateral Committee. The Manager noted that the North Bay Watershed Association Staff Lateral Committee met on Friday, August 21st. She discussed the participating agencies and the five issues the group is jointly developing. She spoke with the Board regarding the next steps the committee intends to take regarding outreach and stated she anticipates that the committee will present their findings to the individual agencies in December.

NPDES Permit Fee Increases. The Manager discussed the proposed NPDES permit fee increases and the options being considered by the State Water Board. The Board directed the Manager to write a brief letter to the State Water Board with regard to the impacts of the alternative fee increases.

MANAGER'S ANNOUNCEMENTS:

None.

ADJOURNMENT: There being no further business to come before the Board, President Di Giorgio adjourned the meeting at 6:12 p.m.

Respectfully submitted,

Beverly B. James
Secretary

Julie Borda, Recording

August 31, 2009

A regular meeting of the Board of Directors of the Novato Sanitary District was held at 6:30 p.m., Monday, August 31, 2009, at the District Office, 500 Davidson Street, Novato.

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

BOARD MEMBERS ABSENT: None.

STAFF PRESENT: Manager-Engineer Beverly James, Deputy Manager- Engineer Sandeep Karkal 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
Carole Dillon-Knutson, Novato resident

PLEDGE OF ALLEGIANCE:

AGENDA APPROVAL:

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

PUBLIC COMMENT:

Suzanne Brown Crow, Novato resident, discussed District business travel by Senior Engineer Craig Deasy. She suggested that the training and travel expenses should have been included in the purchase of equipment.

BOARD MEMBER REPORTS:

Member Long commented on the Novato Advance article by Harry Lehman and asked the Manager to clarify the PG&E power and chemical bulk buying opportunities available to the District.

The Manager clarified that Veolia Water will not be purchasing PG&E power, the District will remain the sole PG&E customer. She discussed the District's past participation in a consortium to purchase bulk power but stated the consortium ended several years ago. She stated she recently discussed the possibility of purchasing bulk chemical products with other agencies, but was unable to identify any savings.

REVIEW OF MINUTES:

Consider approval of minutes of July 20th, 2009 Board meeting. Dennis Welsh, Novato resident and former Novato Sanitary District employee, requested the Board not approve the July 20th, 2009 minutes due to inaccuracies. He noted that the inaccuracy was on page 10, paragraph 4: *“At the regular Board meeting of July 27th, 2009, the Board will consider adopting an Addendum to the 2005 EIR.”* Mr. Welsh stated the recorded minutes did not show this statement being made.

The Manager stated the minutes taken are summary minutes and not recorded verbatim. Member Long suggested the minutes be reviewed while viewing the video recording of the meeting to ensure accuracy.

On motion of Member Fritz, seconded by Member Quesada and carried unanimously, the Board directed the Manager to review the minutes and if necessary, bring a corrected version of the July 20th, 2009, minutes before the Board at the September 14th Board meeting.

COLLECTION SYSTEM IMPROVEMENTS PROJECT 72706:

Consider execution of agreement for relocation of water mains to accommodate new sewer facilities on District Projects.

The Manager briefly discussed the necessity for relocation of North Marin Water District water mains to accommodate construction of new sewer facilities on District Projects. She noted the Water Board has approved the relocation of their main, and will cost approximately \$75,666. She requested the Board authorized and execute the Agreement with North Marin Water District in an amount in up to \$75,666 for relocation of the water mains.

Member Quesada asked for clarification of the amount to be expended and asked what steps would be taken if the costs exceeded the amount allocated by the Board.

The Manager explained that she would bring the issue back before the Board for approval as a change order.

On motion of Member Long, seconded by Member Fritz and carried unanimously, the Board authorized the Manager to enter into an agreement with North Marin Water District for relocation of water mains to accommodate construction of new sewer facilities on District Projects in an amount not to exceed \$75,666.

Report on bids received for Project 72706, Phase A – Center/Wilson Sewer Project, and consider adoption of Resolution No. 3009 awarding contract to California Trenchless Inc. in the amount of \$459,350.00.

The Manager noted that eight competitive bids were received with the low bidder being California Trenchless Inc. She stated District personnel reviewed the bid documents and did find two irregularities. She stated the District received a letter of protest from the next low bidder, Team Ghilotti, regarding these irregularities. District personnel have since completed review of the bid documents and recommend the Board award the contract to California Trenchless Inc.

The Board briefly discussed further details of the Project with the Manager.

On motion of Member Fritz, seconded by Member Long and carried unanimously, the Board awarded the Collection System Improvements Project 72706, Phase A – Center/Wilson Sewer Project to California Trenchless Inc. for an amount of \$459,350.

Report on bids received for Project 72706, Phase B – State Access Road Sewer Project, and consider adoption of Resolution No. 3010 awarding contract to North Bay Construction (NBS) in the amount of \$247,764.20.

The Manager discussed the project on State Access Road noting nine bids were received with the low bidder being North Bay Construction. After District staff's review of the bid documents, the Manager recommends awarding North Bay Construction the Contract for this project in the amount of \$247,764.20.

On motion of Member Quesada, seconded by Member Fritz, and carried unanimously, the Board awarded the Collection System Improvements Project 72706, Phase B – State Access Road Sewer Project to North Bay Construction for an amount of \$247,764.20.

2009-10 APPROPRIATIONS LIMIT:

Consider adopting Resolution No. 3011 establishing appropriations limit for the 2009-10 fiscal year.

The Manager briefly discussed the District's annual Appropriations Limit. She stated that the maximum limit applicable to the appropriation of tax proceeds for the fiscal year 2009-10 is \$5,744,684.00.

Pam Welsh, Novato resident, asked for clarification of the appropriations limit and the Manager provided an explanation.

The Board discussed and clarified the issue with the Manager.

Dennis Fishwick, Novato resident, asked for further clarifications of the CPI and the Manager responded to the questions.

On motion of Member Quesada, seconded by Member Fritz, and carried unanimously, the Board adopted Resolution No. 3011 correcting and amending prior calculations and

making determination and establishing the 2009-10 Appropriations Limit in the amount of \$5,744,684.00.

2009-10 ANNUAL DISTRICT BUDGET:

Presentation of final 2009-10 annual District budget.

The Manager presented the Draft Final 2009-10 District budget. She stated that the Board need not adopt the Budget at this time, but may review the Budget and approve the document at their next Board meeting due to significant changes from last years budget.

President Di Giorgio and the Board agreed to wait to adopt the Budget until the next Board meeting but requested the Manager proceed with her review and explanation of the Budget.

The Manager reviewed the details of the Budget with the Board and stated the figures of this budget reflect the probable conversion to Veolia Water on October 1, 2009.

Dennis Fishwick, Novato resident, questioned the increase in attorney fees and the Manager explained.

Carol Dillon Knutson, Novato resident, discussed the possible installation of solar panels into the new treatment facility. President Di Giorgio stated the matter was being looked into. Member Long and the Manager discussed the possibility of solar panel installation in the future.

Dennis Welsh, Novato resident and former NSD employee, questioned employee retiree benefits noting that the amount should diminish in the future due to new employees not receiving the same benefits as previously hired employees. The Manager explained how future retiree benefits affect the budget.

WASTEWATER FACILITY UPGRADE PROJECT 72609:

Consider approval of a task order for contract negotiations with The Eisenhardt Group. The Manager explained that the Eisenhardt Group has been assisting the District with the contract negotiations and has experience in contract negotiations. She stated the scope of work dedicated to this task order will be: 1) Prepare a draft Service Agreement in cooperation with District Counsel; 2) Assist in the negotiations with the Company; 3) Attend Board meetings and be available to answer questions about the agreement. The Manager recommends the Board approve this work order on a time and materials basis for an amount not to exceed \$30,000.

Member Long requested the Board increase the task order to \$35,000 and requested the Eisenhardt Group include in the presentation their recommendation for the on-going

monitoring of the contract. The Manager stated that the primary monitoring of the contract will be done by District staff, but she will request the Eisenhardt Group provide their recommendations for firms to provide additional monitoring, document review and site inspections.

On motion of Member Long, seconded by Member Fritz and carried unanimously, the Board approved a task order for The Eisenhardt Group on a time and materials basis not to exceed \$35,000, to assist in contract negotiations and provide a presentation on recommendations for firms to provide additional contract monitoring during the contract transition phase.

Dennis Fishwick, Novato resident, clarified that the Board was approving a task order with Eisenhardt Group in the amount of \$35,000 and questioned when the draft contract would be available for review. The Manager addressed the questions.

MANAGER'S ANNOUNCEMENTS:

The Manager noted that the District will be participating in the Novato Chamber of Commerce Business Showcase, focusing on Pollution Prevention. All Marin agencies will be focusing on mercury reduction as part of the NPDES permit requirements. Information will be provided to small business on how to properly dispose of small amounts of hazardous waste.

The Manager noted an event taking place on September 10th at the Unity of Marin Center in Hamilton from 4-7PM. She noted she will be contacting Board members to request their participation in this event.

ADJOURNMENT: There being no further business to come before the Board, President Di Giorgio adjourned the meeting at 7:45 p.m.

Respectfully submitted,

Beverly B. James
Secretary

Julie Borda, Recording

10/09/09

Novato Sanitary District Check Register

October 12, 2009

Date	Num	Name	Credit
Oct 12, 09			
10/12/2009	43163	Nute Engineering Inc.	46,876.45
10/12/2009	43139	Custom Tractor Service	23,721.19
10/12/2009	43138	Covello Group, The	15,033.50
10/12/2009	43133	Cantarutti Electric, Inc	14,692.78
10/12/2009	43129	Bay Area Air Quality	11,466.00
10/12/2009	43151	Marin Audubon Society	11,350.00
10/12/2009	43172	Royal Petroleum Company	8,932.39
10/12/2009	43164	Olin Chlor Alkali Products	8,582.90
10/12/2009	43169	PSC	8,514.75
10/12/2009	43176	Swanson McNamara Haller	7,007.45
10/12/2009	43142	Eisenhardt Group, Inc.	6,789.54
10/12/2009	43150	Johnson, Dee	6,693.04
10/12/2009	43168	Preferred Benefit	4,657.72
10/12/2009	43127	Associated Corrosion Engineers	4,320.00
10/12/2009	43161	Novato, City	4,000.00
10/12/2009	43147	Harmony Press	3,570.00
10/12/2009	43149	Ikon Office Solutions	2,757.59
10/12/2009	43153	MarinScope	2,745.82
10/12/2009	43135	CASA	2,500.00
10/12/2009	43137	Core Utilities, Inc.	2,400.00
10/12/2009	43126	Alpha Analytical Lab	2,138.00
10/12/2009	43182	Verizon California	1,768.51
10/12/2009	43170	Randall Bros. Auto Inc.	1,671.75
10/12/2009	43132	Cagwin & Dorward Inc.	1,596.00
10/12/2009	43177	Team Ghilotti	1,495.00
10/12/2009	43184	VWR International Inc.	1,444.88
10/12/2009	43179	U.S. Bank Card (2)(June)	1,348.07
10/12/2009	43152	Marin Mechanical II, Inc.	1,279.10
10/12/2009	43159	North Marin Water District	1,209.83
10/12/2009	43167	Pini Hardware	1,208.22
10/12/2009	43154	Maselli & Sons Inc.	1,170.16
10/12/2009	43136	Comet Building Maintenance, I...	1,144.50
10/12/2009	43171	Roy's Sewer Service, Inc.	1,025.00
10/12/2009	43148	IEDA, INC	1,000.00
10/12/2009	43158	North Marin Auto Parts	990.75
10/12/2009	43186	Water Components & Building	961.65
10/12/2009	43188	WECO	906.09
10/12/2009	43125	Able Tire & Brake Inc.	878.62
10/12/2009	43145	Grainger	878.50
10/12/2009	43160	Novato Disposal-	872.99
10/12/2009	43183	Vision Service Plan	761.45
10/12/2009	43131	Beecher Engineering	600.00
10/12/2009	43144	Fort Docs	585.22
10/12/2009	43178	U.S. Bank Card (1)(Bev)	577.36
10/12/2009	43134	Carquest Auto Parts	480.09
10/12/2009	43185	WasteManagement	440.30
10/12/2009	43175	Staples Business Adv	413.37
10/12/2009	43143	Environmental Resource Assoc	375.00
10/12/2009	43156	North Bay Gas & Weld	355.00
10/12/2009	43162	Novato,City2	340.68
10/12/2009	43128	AT&T Mobility	319.72
10/12/2009	43180	USA BlueBook	308.46
10/12/2009	43189	Zee Medical Company	223.78
10/12/2009	43166	Petty Cash	179.44
10/12/2009	43146	HACH/American Sigma Inc	159.10
10/12/2009	43181	Verizon Business	156.48
10/12/2009	43141	Don Johnsons Pool Service	140.54
10/12/2009	43140	CWEAmembers	132.00
10/12/2009	43187	WC's Locks & Keys	115.00
10/12/2009	43174	Sound Expressions	112.50
10/12/2009	43165	One Stop Auto Service Inc.	100.30
10/12/2009	43155	McMaster-Carr Supply Co.	99.81
10/12/2009	43157	North Bay Portables	89.64
10/12/2009	43173	Schwaab Inc.	72.48
10/12/2009	43130	Bearings & Hydraulics	42.21

10/09/09

Novato Sanitary District Check Register

October 12, 2009

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Credit</u>
Oct 12, 09			<u>228,778.67</u>

10/09/09

Novato Sanitary District Check Register

October 12, 2009

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Credit</u>
Oct 12, 09			
10/12/2009	1422	Monterey Mechanical, Inc.	1,612,615.00
10/12/2009	1420	Covello Group, The	146,085.43
10/12/2009	1421	Eisenhardt Group, Inc.	35,071.04
10/12/2009	1423	Rauch Communication Consult...	11,464.76
10/12/2009	1424	Covello Group, The	636.00
Oct 12, 09			<u>1,805,872.23</u>

10/09/09

Novato Sanitary District Check Register

October 12, 2009

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Credit</u>
Oct 12, 09			
10/12/2009	43122	Di Giorgio, Mike	1,175.59
10/12/2009	43124	Long, William C.	1,018.90
10/12/2009	43123	Fritz, James D.	675.00
Oct 12, 09			<u>2,869.49</u>

10/09/09

**Novato Sanitary District
Payroll & P/R Related - Transferred Employees**

October 1 - 8, 2009

<u>Date</u>	<u>Name</u>	<u>Credit</u>
Oct 1 - 8, 09		
10/8/2009	Heffelfinger, Dean B	6,403.92
10/8/2009	United States Treasury	6,071.80
10/8/2009	Silva, Anthony	5,816.99
10/8/2009	Mann, Edward M	5,734.77
10/8/2009	Medina, Angel A	3,942.58
10/8/2009	Lynch, James B	3,311.56
10/8/2009	McGrane, Brian T	1,673.81
10/8/2009	EDD	1,395.88
10/8/2009	Longman, Norman T	973.63
10/8/2009	Retiree-Edington	915.60
10/8/2009	Retiree-Mann	915.60
10/1/2009	Foged, Larry	161.87
10/5/2009	United States Treasury	7.00
Oct 1 - 8, 09		<u>37,325.01</u>

Novato Sanitary District Payroll and Payroll Related Check Register

September 29 - 30, 2009

Date	Name	Credit
Sep 29 - 30, 09		
9/29/2009	PERS Retirement	41,883.46
9/29/2009	CalPers Health	36,411.89
9/29/2009	United States Treasury	30,846.32
9/29/2009	James, Beverly B	8,971.99
9/29/2009	Karkal, Sandeep S	8,683.73
9/29/2009	EDD	8,409.45
9/29/2009	O'Connor, Timothy	7,439.74
9/29/2009	Krautheim, Stephen R	7,385.73
9/29/2009	Brown, June P	6,649.53
9/29/2009	Candelaria, Linda E	6,632.65
9/29/2009	Deasy, Craig R	6,624.14
9/29/2009	Delongh, Dasse	5,796.30
9/29/2009	Northcroft, William W	5,761.41
9/29/2009	Medina, Angel A	5,505.90
9/29/2009	Liebmann, Robert M	5,214.18
9/29/2009	Vega, Javier	5,081.57
9/29/2009	Creamer, Laura	5,061.61
9/29/2009	Silva, Anthony	4,997.25
9/29/2009	McGrane, Brian T	4,988.85
9/29/2009	Longman, Norman T	4,950.22
9/29/2009	Chirco, Michael	4,833.21
9/29/2009	Ingemansson, Nils E	4,765.02
9/29/2009	Sandoval, Pascual F	4,748.96
9/29/2009	Heffelfinger, Dean B	4,602.23
9/29/2009	Lincoln Financial Group	4,565.00
9/29/2009	Mann, Edward M	4,562.90
9/29/2009	Borda, Julie M	4,404.26
9/29/2009	Besnia, Kenneth H	4,269.23
9/29/2009	Craig, Kevin D	4,250.57
9/29/2009	Lincoln Financial Group-401a ...	4,186.79
9/29/2009	Northcroft, Ben	4,041.30
9/29/2009	Lynch, James B	3,980.52
9/29/2009	Barhydt-, Tracy	3,812.27
9/29/2009	Merrill, Robin E	3,661.63
9/29/2009	Lincoln Financial Group-401a ...	3,548.92
9/29/2009	Au, Jonathan	3,475.61
9/29/2009	Dietz, Colin M	2,628.12
9/29/2009	Foged, Larry	2,622.11
9/29/2009	State Street Bank & Trust	2,200.00
9/29/2009	McAbee, Curtis S	1,661.35
9/29/2009	Retiree-Coates	1,220.58
9/29/2009	Retiree-Griffin	1,220.58
9/29/2009	Retiree-Cordeiro	915.60
9/29/2009	Retiree-Dimarco	915.60
9/29/2009	Retiree-Goldfarb	915.60
9/29/2009	Retiree-Perucchi	915.60
9/29/2009	Retiree-Welsh	915.60
9/29/2009	Craig, Karl	836.86
9/29/2009	Retiree-Healon	749.70
9/29/2009	Retiree-Bayles	687.46
9/29/2009	Retiree-Green	687.46
9/29/2009	Local Union 315	600.00
9/29/2009	Marin Employ Federal Credit U...	517.00
9/29/2009	Retiree-Bolick	459.32
9/29/2009	Retiree-Macleod	459.32
9/29/2009	Retiree-Neighbors	459.32
9/29/2009	Retiree-O'Shea	459.32
9/29/2009	Retiree-Sproul	459.32
9/30/2009	Silva, Anthony	238.14
9/29/2009	Retiree-Gibby	179.16
9/29/2009	Retiree-Jackson	179.16
9/29/2009	Retiree-Murphy	179.16
9/29/2009	Retiree-Rotnicki	179.16
9/29/2009	ACS	80.00
9/29/2009	North Bay Children's Center	40.00

10/09/09

Novato Sanitary District Payroll and Payroll Related Check Register

September 29 - 30, 2009

<u>Date</u>	<u>Name</u>	<u>Credit</u>
Sep 29 - 30, 09		<u><u>308,584.94</u></u>

NOVATO SANITARY DISTRICT BOARD AGENDA ITEM SUMMARY

TITLE: Wastewater Treatment Facility Operation: Advisory Committee	MEETING DATE: October 12, 2009
AGENDA ITEM NO.: 7 a	
RECOMMENDED ACTION: Consider establishing a Wastewater Facility Advisory Committee and directing staff to contact local agencies and community groups for participation.	
SUMMARY AND DISCUSSION: The District Board of Directors established a Wastewater Operation standing committee at its meeting on September 21, 2009. This committee will meet regularly to review the operation and maintenance performance of the Veolia contract. These will be publicly noticed meetings under the Brown Act, which the public can attend. The Agreement with Veolia specifies both monthly and annual operations reports. It also allows for an annual performance audit by an outside professional. Director Bill Long has requested that the Board consider inviting representatives of local agencies and non-profit community groups to serve on an advisory committee to monitor the operation and maintenance of the treatment facilities. Possible agencies and groups include: <ul style="list-style-type: none">• City of Novato• County of Marin• North Marin Water District• Marin Conservation League• Sustainable Novato• Marin Audubon Society• Chamber of Commerce• Alliance of Concerned Citizens• Friends of Novato Creek	
ALTERNATIVES: An alternative would be to invite community group representatives and interested citizens to attend the Wastewater Operation Committee meetings at which the monthly operation and monitoring reports would be presented and discussed.	
BUDGET INFORMATION: Outreach and support for an advisory committee is estimated to cost \$5,000 per year.	
DEPT.MGR.:	MANAGER:

NOVATO SANITARY DISTRICT BOARD AGENDA ITEM SUMMARY

TITLE: Bel Marin Keys Pump Station Improvements, Pump Stations 1, 2, 3, 4, 6, 7, & 8 Project; Project No. 2004-03	MEETING DATE: October 12, 2009 AGENDA ITEM NO.: 8 a
RECOMMENDED ACTION: Consider granting Final Acceptance of the Project and authorize staff to file the Notice of Completion.	
SUMMARY AND DISCUSSION: <p>On June 23, 2008 the District Board of Directors awarded the Contract for the Bel Marin Keys Pump Station Improvements Project to JMB Construction, Inc. for a low bid amount of \$1,854,525.00. The work began on the project on September 3, 2008.</p> <p>The Contractor has completed the project and the project is ready for final acceptance. There are two outstanding issues, one regarding a Stop Notice from O'Grady Paving in the amount of \$85,727 and another for minor concrete staining work that requires County approval. Per the contract documents, the District has retained ten percent of the final contract amount, and in accordance with the State Code, the amount of the Stop Notice will be withheld from payments to JMB until this issue is resolved. Additionally, \$1,000 will be withheld to cover the concrete staining work.</p> <p>The total amount of change orders directly related to the project is \$86,390 or approximately 4.6% of the original contract amount. Additional amounts of approximately: (a) \$8,700 was spent for extra AC paving work requested by the County that will be reimbursed to the District by the County, and (b) \$15,124 was spent for emergency force main repair work in the vicinity of pump station no. six that was not directly related to the original work. Adjusting for these items, the change orders total \$110,214 or about 6% of the original contract value.</p> <p>The work exceeded the original time allotted for obtaining Substantial Completion by about five weeks. However, due to changes at the later part of the project including those discussed above, the Contractor was entitled to an extension of time thereby completing the project on time, and liquidated damages do not apply. It is recommended that final acceptance be granted and staff authorized to file the Notice of Completion.</p>	
ALTERNATIVES: None	
BUDGET INFORMATION: NA	
DEPT.MGR.:	MANAGER:

NOVATO SANITARY DISTRICT BOARD AGENDA ITEM SUMMARY

TITLE: Collection System Improvements – DeLong Avenue Pipebursting Project; Project No. 72706	MEETING DATE: 10/12/2009 AGENDA ITEM NO. : 9 a & b														
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 Bay Pacific Pipeline in the amount of \$56,300.00															
SUMMARY AND DISCUSSION: <p>The City of Novato is planning to complete improvements to DeLong Avenue this Fall. As part of the District's Collection System Improvements Project, District staff identified an area of the collection system on DeLong Avenue where the existing vitrified clay pipe sewer is cracked and in need of repair.</p> <p>Utilizing the District's informal bidding process under the Uniform Construction Cost Accounting Act, the District requested proposals from several local contractors to pipeburst the existing sewer main between Reichert Avenue and Machin Avenue and replace an old brick manhole at Sherman Avenue.</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;">Bay Pacific Pipeline:</td> <td style="padding: 5px;">\$56,300.00</td> </tr> <tr> <td style="padding: 5px;">Harty Pipelines:</td> <td style="padding: 5px;">\$56,800.00</td> </tr> <tr> <td style="padding: 5px;">Team Ghilotti:</td> <td style="padding: 5px;">\$64,627.00</td> </tr> <tr> <td style="padding: 5px;">WR Forde & Associates:</td> <td style="padding: 5px;">\$77,600.00</td> </tr> <tr> <td style="padding: 5px;">Ghilotti Bros., Inc.:</td> <td style="padding: 5px;">\$151,888.00</td> </tr> <tr> <td style="padding: 5px;">Maggiora & Ghilotti:</td> <td style="padding: 5px;">\$159,951.00</td> </tr> </tbody> </table> <p>Bay Pacific Pipeline (BPP) of Novato submitted the lowest proposal at \$56,300.00. The engineer's estimate of probable cost was \$130,000.00. Staff has reviewed BPP's proposal, believes it is adequate, and recommends award of the project to BPP.</p>		<u>Contractor</u>	<u>Amount</u>	Bay Pacific Pipeline:	\$56,300.00	Harty Pipelines:	\$56,800.00	Team Ghilotti:	\$64,627.00	WR Forde & Associates:	\$77,600.00	Ghilotti Bros., Inc.:	\$151,888.00	Maggiora & Ghilotti:	\$159,951.00
<u>Contractor</u>	<u>Amount</u>														
Bay Pacific Pipeline:	\$56,300.00														
Harty Pipelines:	\$56,800.00														
Team Ghilotti:	\$64,627.00														
WR Forde & Associates:	\$77,600.00														
Ghilotti Bros., Inc.:	\$151,888.00														
Maggiora & Ghilotti:	\$159,951.00														
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:														