

May 23, 2011

A regular meeting of the Board of Directors of the Novato Sanitary District was held at 4:30 p.m., Monday, May 23, 2011, preceded by a Closed Session at 3:30 p.m. at the District offices, 500 Davidson Street, Novato.

At 3:30 p.m. President Long announced the Board would meet in closed session to discuss the following matters on the Closed Session Agenda:

CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (subdivision (a) of Section 54956.9).

Potential Administrative Civil Liability in the matter of sanitary sewer overflows and treatment plant violations including California Regional Water Quality Board Complaint No. R2-2010-0102

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

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

The closed Session ended at 4:58 p.m.

Open session began at 5:05 p.m.

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

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

ALSO PRESENT: Suzanne Brown Crow, Novato resident
John Coleman, Novato resident
Don Brand, Novato resident
Jean Mariani, Novato resident

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

REPORT FROM CLOSED SESSION: District Counsel Kent Alm announced that there was no reportable action from the Closed Session.

PUBLIC COMMENT:

Suzanne Brown Crow gave a document to the Board showing samples of disbursement registers from the Central Marin Sanitation Agency and the Ross Valley Sanitary District. She requested the District adopt similar procedures which would include detailed information on the check disbursement pages. She also requested the District post the audio portion of the board meetings on the Novato Sanitary District website.

REVIEW OF MINUTES:

Consider approval of minutes of the May 9, 2011 meeting.

On motion of Member Di Giorgio, seconded by Member Welsh and carried unanimously, the minutes of the May 9th, 2011 meeting was approved as written.

CONSENT CALENDAR:

Member Welsh requested item a: *Approval of regular disbursements including payroll and payroll-related disbursements* be removed from the Consent Calendar for further discussion.

Member Welsh questioned the \$2,931.50 disbursement to payee "North Marin Water District Payroll". The Manager replied that this was for a North Marin Water District employee that works part-time as a Laboratory Assistant.

Member Welsh questioned several payroll related expenses. The Manager discussed and explained the disbursements in question and responded that she would review these disbursements in more detail at a later board meeting.

On motion of Member Di Giorgio, seconded by Member Quesada and approved unanimously, the following Consent Calendar Items were approved:

- a. Approval of regular disbursements in the amount of \$431,753.67, project account disbursements in the amount of \$218,834.12, project account disbursements in the amount of \$51,387.06 and payroll and payroll related expenses for the month of May in the amount of \$232,610.98.
- b. Approval of meeting date of June 13th at 6:30 p.m.

BOARD OF DIRECTORS:

Consider adopting a resolution appointing a board member to fill the vacancy. The Manager stated that she had provided to the Board a synopsis of the six applicants along with details of Board actions up to this point. She stated that if the Board was unable to make a decision to fill the vacancy, the decision would pass to the Board of Supervisors to make an appointment. District Counsel Kent Alm further detailed the procedure and time frames.

Member Quesada discussed the Novato Sanitary District's history since its formation in October of 1925 and gave a history of sewage treatment. Member Quesada expressed his displeasure with the legislative method of board member appointment. He discussed Mr. John Coleman's qualifications and his participation with community events.

Member Di Giorgio discussed Jean Mariani's qualifications and nominated her to fill the vacant board member seat. President Long seconded the motion.

President Long called for the question and the following vote was recorded: Ayes: Long, Di Giorgio. Noes: Welsh, Quesada. The motion did not pass.

Member Welsh discussed Suzanne Brown Crow's qualifications and nominated her to fill the vacant board member seat. Member Quesada seconded the motion.

President Long called for the question and the following vote was recorded: Ayes: Welsh, Quesada. Noes: Long, Di Giorgio. The motion did not pass.

Member Quesada nominated John Coleman to fill the vacant board member seat and Member Welsh seconded the motion.

President Long called for the question and the following vote was recorded: Ayes: Quesada. Noes: Long, Di Giorgio, Welsh. The motion did not pass.

Consider approval of a letter referring the board member appointment to the Board of Supervisors. The Board discussed the letter prepared by Manager-Engineer Beverly James to the Board of Supervisors notifying them of the vacancy. District Counsel Kent Alm stated that the Secretary of the Board has the obligation to formally notify the Board of Supervisors on or before May 28th stating that the District has failed to make an appointment to fill the vacant board member seat. He stated that the notification can be this letter or a different writing, but notification must be made within 60 days of the vacancy occurring.

The Board discussed the vacant board member seat and the presentation of the letter to the Board of Supervisors.

Member Di Giorgio made a motion to immediately send the letter, as drafted, to the Board of Supervisors. President Long seconded the motion.

The Manager requested the letter to the Board of Supervisors include the resumes of the six applicants who applied for the vacancy.

Member Di Giorgio modified his motion to as follows: Send the letter to the Board of Supervisors on the sixtieth day, or May 28, 2011, with the inclusion of the resumes of

the six applicants who applied for the vacancy. President Long seconded the revised motion.

President Long called for the question and the following vote was recorded: Ayes: Long, Di Giorgio. Noes: Quesada, Welsh. The motion did not pass.

WASTEWATER OPERATIONS:

Wastewater Operations Committee Report. The Manager stated that the Wastewater Operations Committee (WWOC) met on May 16th. She summarized the Monthly Operations Report as prepared by John Bailey, Plant Manager, Veolia Water. She discussed the treatment plant performance, operations and maintenance status/review and discussed the graphs showing treatment plant performance. She discussed the Collection System Operations monthly report and gave an overview of the Reclamation Facilities monthly report.

John Bailey, Plant Manager, Veolia Water, presented and discussed a report titled Energy vs. Flow. The Board discussed the energy savings and energy consumption of the treatment facility.

Odor control staff report. The Manager noted that the Phase 1 Landscaping Project for the Wastewater Facilities Upgrade was scheduled for completion on June 15th, however she noted that it may be another three weeks before significant plants will be placed in the area. She stated that the delay was partially due to the existence of high ground water which was found in the area by the landscape contractors. She stated that the contractors will alleviate the problem through appropriate drainage.

The Manager discussed the continuing fugitive odor issue. She noted that the fugitive odors have been narrowed down to two potential sources: air balancing problems on the blowers and manholes on Lea Drive picking up odors from the Bahia Force Main. She discussed the remedies the District is pursuing to fix these problems. She noted that the previously rehabilitated odor control beds have been tested and are working properly.

John Bailey, Plant Manager, discussed the progress the District is making to alleviate the mal odors. He noted that odor testing conducted at a manhole on site which is connected to the Bahia Force Main showed high levels of hydrogen sulfide. A temporary air scrubber will be installed at this manhole and an air handling specialist will be at the District to assess the air balancing problems on the blowers.

Member Welsh requested the Board be made aware of the odor complaints. President Long requested a log of the complaints be prepared which would show the date, time and frequency of the odor complaints. All names and addresses would be kept confidential.

STAFF REPORTS:

North Bay Watershed Association (NBWA) Meeting. The Manager stated that a NBWA meeting was held on May 6th and she discussed the presentations that were given. She noted that the next meeting will be on June 3rd at 9:30 a.m. and will be held at the District's Board room.

BOARD MEMBER REPORTS AND ANNOUNCEMENTS:

North Bay Water Reuse Authority (NBWRA) Meeting. The Manager noted that the NBWRA met on May 23rd and that she and President Long both attended. She stated that grant financing was discussed. President Long reported on the meeting and noted that Phase 1 and Phase 2 of the Recycled Water Project were discussed.

Solid Waste Committee Meeting. The Manager stated that President Long and Member Quesada are on this committee which met on May 16th. She discussed a presentation given by Dee Johnson and discussed Novato's Zero Waste goals. The Manager noted that Dee Johnson will come before the Board in July with a presentation from the Solid Waste Committee.

Board Member Announcements. District Counsel Kent Alm clarified that this item is solely for the purpose of board announcements, not items for discussion.

ITEMS FOR FUTURE AGENDAS:

Member Quesada made a motion to hold a special meeting on Friday, May 27th with the purpose of appointing a board member to fill the vacancy. President Long seconded the motion.

The Board discussed the option of holding a special meeting on Thursday, May 26th instead of Friday, May 27th. Member Welsh noted that he will not be available on either dates.

On motion of Member Quesada, seconded by President Long and carried unanimously, the board agreed to hold a Special meeting on Thursday, May 26th with the sole purpose of appointing a board member to fill the vacancy.

Member Welsh requested that the June 13th board meeting agenda include an item to discuss a detailed check register similar to the sample that was presented to the Board by Suzanne Brown Crow.

MANAGER'S ANNOUNCEMENTS:

The North Bay Watershed Association meeting will be held on June 3rd at 9 a.m.

A Special Board Meeting will be held on Thursday, May 26th at 6:30 p.m.

ADJOURNMENT:

There being no further business to come before the Board, President Long declared the meeting adjourned at 6:35 p.m.

Respectfully submitted,

Beverly B. James, Secretary

Julie Borda, Recording