

July 26, 2010

A regular meeting of the Board of Directors of the Novato Sanitary District was held at 6:30 p.m., Monday, July 26, 2010, preceded by a closed session at 6:00 p.m. at the District Office, 500 Davidson Street, Novato.

At 6:00 p.m. President Long announced the Board would meet in closed session to discuss the following matter on the Closed Session Agenda:

CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – ONE CASE.

Existing litigation pursuant to Subsection (a) of Government Code Section 54956.9. County of Marin Superior Court Case Number 1001855. Novato Sanitary District v. Bank of Marin. (Complaint for Refund of \$181,927.54 Plus Interest under Commercial Code §11204)

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

STAFF PRESENT: Manager-Engineer-Secretary Beverly B. James and Geoffrey Spellberg of Meyers Nave.

Closed Session ended at 6:08 p.m.

Open session began at 6:30 p.m.

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

STAFF PRESENT: Manager-Engineer-Secretary Beverly James and Administrative Secretary Julie Borda.

ALSO PRESENT: Brant Miller, Novato resident
Colleen Rose, Novato resident

PLEDGE OF ALLEGIANCE:

AGENDA APPROVAL: The Manager requested item #13: *Wastewater Treatment Plant Upgrade Project – Contract B, Project 72609* be deleted from the agenda.

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

REPORT FROM CLOSED SESSION:

The Manager reported that the Board approved a tentative agreement with the Bank of Marin and Alliant Insurance Services in the matter of the litigation: *The Novato Sanitary District vs. The Bank of Marin*. She reported that the settlement included \$110,000 from the Bank of Marin and \$71,927.54 from Alliant Insurance Services representing a total recovery of \$181,927.54.

PUBLIC COMMENT: Suzanne Brown Crow, Novato resident, asked if the legal fees for the bank fraud case were included in the settlement agreement. The Manager reported the settlement did not cover the legal fees. Ms. Brown-Crow requested the settlement not be deemed “a total recovery” because the legal fees incurred in the matter were paid by the District.

BOARD MEMBER REPORTS:

Member Di Giorgio commented on the construction activity.

Member Fritz commented on the construction activity and on the high level of interest at the District sponsored CWEA dinner/tour on July 22nd.

Member Quesada requested the Board prepare commendation certificates for those involved with the Yes on F campaign. The Manager responded that the District Board is not allowed to issue such certificates, but will verify with legal counsel.

President Long commented on his participation at the Central Marin Sanitation Agency tour and discussed their new equipment and processing systems.

REVIEW OF MINUTES:

On motion of Member Quesada, seconded by Member Di Giorgio and carried unanimously, the Board approved the minutes of the June 28th, July 12th (noon) and July 12th (evening), 2010 meetings.

CONSENT CALENDAR:

On motion of Member Di Giorgio, seconded by Member Fritz and carried unanimously, the following consent calendar items were approved:

- a. *Approve transfer of \$186,641 from the Capital Improvement Fund to the Operation Fund for staff time spent on Capital Projects.*
- b. *Accept improvements for McClay Road Sewer Main Extension – Benesi Land Division.*
- c. *Approve meeting schedule as follows: August 9th and 23rd, September 13th and 27th, October 11th and 25th.*

- d. Approve regular disbursements in the amount of \$593,757.39 and project account disbursements in the amount of \$124,144.07

BOARD OF DIRECTORS:

Presidential appointment of Committee members for 2010-11.

President Long appointed the following **Standing Committee** members:

Joint City/District Solid Waste Committee:

George C. Quesada
William C. Long
Michael Di Giorgio, Alternate

Wastewater Operations Committee:

Michael Di Giorgio
James D. Fritz
George C. Quesada, Alternate

New Facilities Committee:

Dennis Welsh
James D. Fritz
William C. Long, Alternate

President Long appointed the following **Regular Committee** members:

California Sanitation Risk Management Authority:

Beverly B. James, Delegate
William C. Long, Alternate

North Bay Water Reuse Authority:

Beverly B. James, Delegate
William C. Long, Alternate

North Bay Watershed Association:

Michael Di Giorgio, Delegate
Beverly B. James, Alternate

California Association of Sanitation Agencies:

William C. Long, Delegate
James D. Fritz, Alternate

Appointment of Secretary/Treasurer Pro-Tem for 2010-11:

The Manager noted that the position of Secretary Pro-Tem is usually held by the Administrative Secretary who regularly attends Board meetings to record minutes and otherwise serve as Secretary to the Board. The position of Administrative Secretary is held by Julie Borda and the Manager recommended Ms. Borda be appointed Secretary Pro-Tem for fiscal year 2010-11.

On motion of member Quesada, seconded by Member Fritz, and carried unanimously, the Board appointed Administrative Secretary Julie Borda as the Secretary/Treasurer Pro-Tem for 2010-11.

PERSONNEL:

Consider abolishing the positions of Wastewater Treatment Plant Operator II and Mechanical Maintenance Technician II.

Member Fritz noted there was a date error on the Board report and the Manager requested a change be made as follows: *“terms and conditions of the Contract Service Agreement with the District dated September 24, 2009 effective August 7, 2010”*.

The Manager noted that the Teamsters Local 315 was informed on June 28, 2010 of the election results in which Referendum F was passed and on July 6, 2010, Veolia formally notified the District of its intent to resume operations under the terms and conditions of the Contract Service Agreement with the District dated September 24, 2010 effective August 7, 2010. The Manager stated that the District met and conferred with the Teamsters representatives regarding the effects of this transition on July 14, 2010. She stated that following the commencement of the contract, the District positions of Wastewater Treatment Plant Operator II and Mechanical Maintenance Technician II will no longer be needed. She recommended the Board abolish these positions as of 12 midnight on August 6, 2010 in order to provide for an orderly layoff and smooth transfer to Veolia.

On motion of Member Di Giorgio, seconded by Member Fritz, and carried unanimously, the Board abolished the positions of Wastewater Treatment Plant Operator II and Mechanical Maintenance Technician II.

WASTEWATER OPERATIONS:

Committee report.

The Manager introduced Project Manager John Bailey, Veolia Water. Mr. Bailey noted the Wastewater Operations Committee met on July 19th and discussed the June 2010 Monthly Operations Report. He stated there were no discharge violations during June and he discussed the facility start-up progress, stating that it has gone well.

Member Quesada asked if the treatment facility was still on target for completion on September 11, 2010. The Deputy Manager-Engineer stated that based on the current construction schedule, the facility should be completed by September 11, 2010.

The Manager discussed the Collection System Monthly Report for 2010. She outlined the overflows and stated the District was able to recover a good portion of the spills. She gave a brief overview of the reclamation facility.

President Long requested an additional line item be added to show the percentage of how many gallons are recovered for each overflow incident. In addition, he requested the Collection Systems report include a few lines of commentary to allow the Board to better interpret the information provided.

PUMP STATION REHABILITATION PROJECT 72403:

Consider rejecting all bids for Pump Station Rehabilitation Project Unit 2. The Manager requested the Board adopt Resolution No. 3026: *A Resolution of the Board of Directors of the Novato Sanitary District Rejecting All Bids for the 2009 Pump Station Rehabilitation Project Unit 2 – Rowland Plaza, Vintage Oaks No. 1 and No. 2 and Western Oaks Pump Stations.*

The Manager stated that the District had received 5 bids on July 8th with JMB Construction being the lowest bid at \$1,540,200. She stated, however, that after receiving the bids, the District was made aware of the current plans for the Hanna Ranch area, which is tributary to two of the pump stations in the project. She stated that due to this new development, staff is recommending that the District reject all bids and delay the project until the development plans for the tributary area are finalized.

On motion of Member Di Giorgio, seconded by Member Quesada, and carried unanimously, the Board adopted Resolution No. 3026: A Resolution of the Board of Directors of the Novato Sanitary District Rejecting All Bids for the 2009 Pump Station Rehabilitation Project Unit 2 – Rowland Plaza, Vintage Oaks No. 1 and No. 2 and Western Oaks Pump Stations.

COLLECTION SYSTEM IMPROVEMENTS PROJECT 72706, PHASE F:

Consider making CEQA findings, approving plans and specifications, and authorizing advertising for bids. The Deputy Manager explained the details of the Collection System Improvements project and noted that District staff had completed the CEQA documentation and determined the project to be categorically exempt. He stated that staff recommends making CEQA findings, approve plans and specifications and authorize advertising for bids. He noted that bids are to be received on August 19th, 2010 and will be presented to the Board at the August 23rd or September 13th meeting.

On motion of Member Fritz, seconded by Member Di Giorgio, and carried unanimously, the Board authorized staff to make CEQA findings, approve plans and specifications and authorize the advertising for bids for the Collection System Improvements Project 72706, Phase F.

STAFF REPORTS:

North Bay Water Reuse Authority (NBWRA). The NBWRA met on July 19th. The Manager discussed current and proposed actions of the organization and discussed the recycled water use project.

California Water Environment Association tour and meeting. The Manager reported that approximately 30 people participated in the CWEA Redwood Empire Section Dinner/Tour at the Novato Sanitary District on July 22nd. She stated that the District's presentation at the dinner following the tour was very informative.

MANAGER'S ANNOUNCEMENTS:

- California Association of Sanitation Agencies (CASA) annual conference will be held in Monterey, August 19th through the 21st.
- The Novato City Council meeting is on July 27th and they will discuss Solid Waste and a Zero Waste Proposal. The Manager plans to attend.

ADJOURNMENT: There being no further business to come before the Board, President Long adjourned the meeting at 7:28 p.m.

Respectfully submitted,

Beverly B. James
Secretary

Julie Borda, Recording