

**MINUTES OF THE REGULAR MEETING
OF THE BOARD OF DIRECTORS OF THE
SAUSALITO-MARIN CITY SANITARY DISTRICT**

August 3, 2009

The regular meeting of the Sausalito-Marín City Sanitary District was held on August 3, 2009 at 7:30 p.m., in the Council Chambers, 420 Litho Street, Sausalito, California.

I. ROLL CALL

Directors Present: Arnott, Beers, Berkman, Gergus

Directors Absent: Wohlschlaeger

Staff Present: Plant Superintendent Yoshi Uemura, Lab Director Omar Arias-Montez,
Board Secretary Krueger

Also Present: District Counsel Kent Alm, TCSD Finance Manager Jerry Taylor,
TCSD Board President Stefan Barkstadt

- II. A. TCSD REPORT** The TCSD Board of Directors approved a study of the SASM treatment plant to determine the improvements that would be needed for all of its wet weather wastewater flow to be handled by SASM plant. TCSD is proceeding with a Proposition 218 process to raise rates.

B. CITY OF SAUSALITO REPORT. None.

III. CONSENT CALENDAR

- A. APPROVAL OF MINUTES OF REGULAR MEETING OF JULY 6, 2009 AS AMENDED:**

M/S/C –Gergus/Berkman

VOTE: Arnott, Beers, Berkman, Gergus

- B. APPROVAL OF MINUTES OF INFLOW AND INFILTRATION COMMITTEE MEETING OF JULY 16, 2009 AS PRESENTED:**

M/S/C –Gergus/Berkman

VOTE: Arnott, Beers, Berkman, Gergus

- C. APPROVAL OF MINUTES PERSONNEL COMMITTEE MEETING OF JULY 14, 2009 AS PRESENTED:**

M/S/C –Gergus/Berkman

VOTE: Arnott, Beers, Berkman, Gergus

D. APPROVAL OF MINUTES OF REGIONAL WATER BOARD SETTLEMENT AD HOC COMMITTEE MEETING OF JULY 22, 2009 AS PRESENTED:

M/S/C –Gergus/Berkman VOTE: Arnott, Beers, Berkman, Gergus

E. APPROVAL OF MINUTES OF SPECIAL BOARD MEETING OF JULY 23, 2009 AS PRESENTED:

M/S/C –Gergus/Berkman VOTE: Arnott, Beers, Berkman, Gergus

F. APPROVAL OF MINUTES OF PERSONNEL COMMITTEE MEETING OF JULY 24, 2009 AS PRESENTED:

M/S/C –Gergus/Berkman VOTE: Arnott, Beers, Berkman, Gergus

G. APPROVAL OF BILLS AND EXPENDITURES AS PRESENTED:

M/S/C –Gergus/Berkman VOTE: Arnott, Beers, Berkman, Gergus

IV. GENERAL PUBLIC. NONE.

V. UNFINISHED BUSINESS. NONE.

VI. NEW BUSINESS

A. PUBLIC HEARING ON SEWER SERVICE CHARGE REPORT FOR THE FISCAL YEAR 2009-2010. President Pro Tem Arnott opened the public hearing to receive comments on the sewer service charge report for Fiscal Year 2009-2010. No members of the general public were present and no written or oral comments were received by the District. The public hearing was closed.

B. RESOLUTION NO. 921, RESOLUTION OVERRULING PROTEST AND CONFIRMING REPORT ON SEWER SERVICE CHARGES FOR FISCAL YEAR 2009-2010.

- **MOTION:** Authorize Adoption of Resolution No. 921, Overruling Protests and Confirming Report on Fiscal Year 2009-2010 Sewer Service Charges.

M/S/C –Berkman/Gergus VOTE: Arnott, Beers, Berkman, Gergus

- C. ADOPT ORDINANCE NO. 86, AN ORDINANCE ADOPTING SEWER SERVICE CHARGE FOR FISCAL YEAR 2009-10 AND SUBSEQUENT YEARS.** President Pro Tem Arnott opened the public meeting and noted that no members of the public were present and no written or oral comments were received.

District Counsel Alm stated that the previous sewer service charge ordinance specified rates for fiscal year 2008-09 only and did not clearly state that the rates would remain in effect until such time when the Board of Directors decides to adopt new rates.

Ordinance No. 86 will establish FY 2009-2010 sewer service charges at the same rate as the previous year and includes language to indicate that the rates will remain unchanged until new rates are adopted. The Proposition 218 process would not apply because no increase in rates is being proposed.

- **MOTION:** Authorize Adoption of Ordinance 86, Establishing Sewer Service Charge for Fiscal Year 2009-2010 and Subsequent Years.

M/S/C –Beers/Gergus

VOTE: Arnott, Beers, Berkman, Gergus

- D. RECEIVE A REPORT FROM TCSD REGARDING DELAY IN QUARTERLY PAYMENTS OF ANNUAL SEWER AND CAPACITY CHARGE.** President Pro Tem Arnott noted that President Wohlschlaeger and General Manager Simmons were both absent and suggested that the report from TCSD regarding delay in quarterly payments be postponed and presented at the September Board Meeting. The Board concurred.

- E. CONSIDER CLAIM FROM DAN YOAKUM FOR LOSS OF EARNINGS AND OTHER DAMAGES ARISING FROM FEBRUARY 17, 2009 SEWAGE SPILL.** District Counsel Alm stated that the District had received a claim from Dan Yoakum, commercial fisherman for the Roe-on-Kelp Fishing Group. It is in the District interest to act on the claim within 45 days of receipt. Mr. Yoakum claims that the spill incident that occurred on February 17, 2009, damaged the fishing grounds where the kelp is located, adversely affecting his earnings.

Secretary Krueger noted that the claim was referred to Janice Yardley, Claims Analyst for California Sanitation Risk Management Authority (CSRMA). President Pro Tem Arnott suggested that action on this claim be postponed until the September meeting. The Board concurred and tabled the matter until the September Board Meeting.

- F. CONSIDER CLAIM FROM JUDITH LAMBTON FOR LOSS OF EARNINGS MEDICAL TREATMENT RELATED LOSS ARISING FROM SLIP AND FALL INCIDENT ON OR AROUND FEBRUARY 20, 2009.** District Counsel Alm stated that

a claim for damages was received from Judith Lambton for an incident that occurred on the shoreline near the Main Street Pump Station. Lab Director Omar Arias-Montez stated that the property to which the claim referred did not belong to the District but was the property of the City of Sausalito. Arias-Montez noted that Rex Franklyn, O&M Supervisor, was familiar with the location noted in the claim and stated that this was the property of the City of Sausalito. Based on the information provided, District Counsel Alm stated that the Board could pass a motion to reject the claim.

- **MOTION:** Reject the Claim from Judith Lambton for the Loss of Earnings Medical Treatment Related Loss Arising from Slip and Fall Incident on or Around February 20, 2009 and direct Secretary Krueger to send a formal Notice of Rejection to the claimant, Judith Lambton.

M/S/C –Beers/Berkman

VOTE: Arnott, Beers, Berkman, Gergus

G. CONSIDER CONSENT OF MEYERS NAVE REPRESENTATION OF SMCSO IN MATTERS RELATING TO TAMALPAIS COMMUNITY SERVICE DISTRICT (TCSO).

District Counsel Alm presented a conflict of interest waiver letter regarding representation in matters relating to TCSO. TCSO also utilizes Meyers Nave as legal counsel but is represented by another attorney in the firm. District Counsel Alm noted that distinct hardcopy and electronic firewalls are erected at Meyers Nave to ensure that both clients have separate and confidential representation. Neither counsel will have access to the other party's information at any time.

TCSO Finance Manager Jerry Taylor noted that TCSO was happy with current Meyers Nave counsel and saw no problem with Meyers Nave representation of both Districts. SMCSO Board agreed and expressed confidence in District Counsel Alm.

- **MOTION:** Execute the Conflict of Interest Waiver Letter with Meyers Nave and Authorize the President Pro Tem to Sign the Waiver Letter.

M/S/C –Gergus/Berkman

VOTE: Arnott, Beers, Berkman, Gergus

H. CONSIDER CHANGE IN DATE OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS IN SEPTEMBER.

Secretary Krueger noted that the normal date for the September Board meeting fell on Labor Day and asked the Board to consider changing the date of the meeting. The Board concurred that the meeting would be moved to September 2, 2009. Secretary Krueger stated that the location would be confirmed with the City of Sausalito for availability of the Council Chambers. Any change of location would be communicated and posted.

- **MOTION:** Change the Date of the Regular Meeting of the Board of Directors in September to September 2, 2009.

M/S/C –Gergus/Beers

VOTE: Arnott, Beers, Berkman, Gergus

I. CALIFORNIA SPECIAL DISTRICTS ASSOCIATION (CSDA) 2009 ANNUAL CONFERENCE, SEPTEMBER 21-24, 2009, RENAISSANCE ESMERALDA, INDIAN WELLS, CA

- **MOTION:** Authorize Attendance of any Director Wishing to Attend the CSDA 2009 Annual Conference, September 21-24, 2009 at Indian Wells, CA.

M/S/C –Beers/Gergus

VOTE: Arnott, Beers, Berkman, Gergus

VII. STAFF REPORT

A. GENERAL MANAGER

Plant Operations: 1) Superintendent Uemura indicated that the plant was in compliance with all of its discharge requirements during the month of August. 2) Omar Arias-Montez, Lab Director, attended the Marin County Fair and worked at the pollution prevention (PP) outreach booth. Attendance was good and Arias-Montez noted that it appeared that the PP Group was successful in its public outreach efforts. 3) To allow for safer handling of the ferric chloride for digester gas treatment, a ferric day tank was installed. Tank covers are in place and double containment lines are being scheduled to be installed in September. 4) Pumps at Drake Street were replaced with new submersible pumps. 5) One pump at Anchor Street Pump Station was replaced and another is on order as a replacement for the second pump. The second pump will be removed for rebuilding once the new pump is in place and will become the backup spare. 6) A new access hatch for Anchor Street Pump Station was ordered and will be installed in mid-August. The existing hatch is rusted, too heavy and not secured to the frame. The City of Sausalito has plans to refurbish the pump station, but staff expressed concerns that hazards that currently exist dictated that the hatch be replaced as expeditiously as possible. 7) Staff resumed inspection of restaurant grease interceptors. New employees are being trained to conduct the inspections. 8) A new SCADA signal antenna was installed at the plant. New antennas will also be installed at Anchor Street and Princess Street Pump Stations. Staff will erect a mast prior to installing the antenna to gauge public reaction. If no public reaction is received, staff will erect the antenna. Staff will make every effort to see that the antenna is as unobtrusive as possible. 11) Training sessions during the month included confined space entry, wastewater pathogen, hearing loss prevention and heat illness prevention. The annual District staff hearing tests were conducted. A sanitary sewer overflow practical field exercise test is scheduled for this month. A rigging safety training class was also conducted.

1. Safety Program. The District held a safety luncheon rewarding employees for six months without a lost time accident.
2. EEO Report/Harassment Report. No incidents to report.

3. Supplemental Environmental Project (SEP) – Marine Mammal Center Expansion Project is being proposed as the SEP. Superintendent Uemura is in contact with Marine Mammal Center representatives regarding submission of the project information for the Regional Water Board approval. Oakley Water will be contracted to assist in the preparation of the SEP proposal. The deadline for submission of the draft SEP description is August 14, 2009.
4. Locust Street Pump Station – Easements. No report.
5. Contract with Redwood Landfill for Biosolids Reuse/Disposal A new contract with Redwood Landfill is being drafted.

B. OFFICE MANAGER/BOARD SECRETARY: Secretary Krueger reported that Melody Lehman, Administrative Assistant, was meeting, if not exceeding, expectations for the position. Lehman has attended the new employee training sessions as well as continued to expand her computer skills with training in PowerPoint and Excel. She is expected to attend an Intermediate Excel class in November. In addition to project work such as scanning District vital records into the new electronic library, Lehman has begun assuming many of the daily operational responsibilities including payables and payroll.

C. ACCOUNTANT:

1. LAIF – Investment of Reserve Funds: The Board was informed about the LAIF report.
2. Monthly Financial Report: The Financial Report was reviewed.

VIII. BOARD OF DIRECTORS – None.

IX. ADJOURNMENT

The meeting was adjourned at 8:45 p.m., to the next regular meeting to be held on the rescheduled date of September 2, 2009 at 7:30 p.m.

[SIGNED ORIGINAL ON FILE]

Secretary