

MINUTES OF JUNE 10, 2010

THE BOARD OF DIRECTORS OF THE LAS GALLINAS VALLEY SANITARY DISTRICT MET IN OPEN SESSION ON JUNE 10, 2010 AT 4:00 PM, AT THE DISTRICT OFFICE, 300 SMITH RANCH ROAD, SAN RAFAEL, CALIFORNIA.

BOARD MEMBERS PRESENT: M. Clark, R. Greenfield, L. Loder, C. Murray and J. Schriebman.

BOARD MEMBERS ABSENT: None.

STAFF PRESENT: Mark R. Williams, General Manager; Susan McGuire, District Treasurer; Mike Cortez, District Engineer.

OTHERS PRESENT: Dave Byers, District Counsel; Michael Casey McCracken, McCracken, Byers & Richardson LLP

ANNOUNCEMENT: President Murray announced that the agenda had been posted as evidenced by the certification on file in accordance with the law.

ADJOURNMENT:

ACTION:

THE BOARD OF DIRECTORS OF THE LAS GALLINAS VALLEY SANITARY DISTRICT ADJOURNED TO CLOSED SESSION ON JUNE 10, 2010, AT 4:03 PM, AT THE DISTRICT OFFICE, 300 SMITH RANCH ROAD, SAN RAFAEL, CALIFORNIA.

CLOSED SESSION:

1. **PUBLIC EMPLOYEE APPOINTMENT** - Plant Manager in accordance with Government Code Section 54957.
2. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION.** Significant exposure to litigation pursuant to Subdivision (b) of Government Code Section 54956.9: one potential case.

ADJOURNMENT:

ACTION:

THE BOARD OF DIRECTORS OF THE LAS GALLINAS VALLEY SANITARY DISTRICT RECONVENED THE REGULAR SESSION ON JUNE 10, 2010 AT 4:37 P.M.

STAFF PRESENT: Carolyn Memmott, District Secretary; Janice Mandler, Collection System/Safety Manager.

OTHERS PRESENT: Attorney Mark Levy, William Harrison, and Gary R. Pifkind representing Center for Interfaith Housing; Barry Taranto; C. Ferguson; F.R. Mosher; Brent Kush of Marin Center for Handicapped; Jose Felix and N. Romero of Maria B. Freitas Senior Housing; Consultant Tom Gaffney of Bartle Wells & Associates; Alex Ambrosi;

REPORT ON CLOSED SESSION:

President Murray reported that during Closed Session, the Board approved extending an offer of employment to Mark Von Aspern for the new Plant Manager II, step 6 with a monthly salary of \$9,455.71.

PUBLIC COMMENT:

Barry Taranto addressed the Board.

PUBLIC HEARING - MULTI FAMILY HOUSING: Continuation of Hearing before the Board of Directors to correct sewer assessment charges on certain residential users for Fiscal Years 2007-08 and 2008-09.

President Murray opened the Public Hearing at 4:38 p.m.

PUBLIC COMMENT:

The following attendees addressed the Board with questions and comments: Mark Levy, Attorney representing Center for Interfaith Housing; Brent Kush of Marin Center for Handicapped; Jose Felix of Maria B. Freitas Senior Housing; Barry Taranto of San Rafael Manor; William Harrison of Parnow House; Marine Osborn of San Rafael Meadows;

Williams referred to District Consultant Tom Gaffney of Bartle Wells & Associates. Gaffney reviewed the District's process for assessing sewer charges. Discussion ensued. Williams offered tours of the District facility for anyone interested.

President Murray closed the Public Hearing at 5:34 p.m.

ACTION:

Board approved (M/S Schriebman/Clark 5-0-0-0) placing the retroactive 2007/08 and 2008/09 sewer service charges for all four of the affected multi-housing property owners on the December 2010 tax rolls and directed staff to meet with the County Assessor regarding setting up a payment plan for the charges; and also directed staff to physically inspect Marin Housing for Handicapped at 626 Del Ganado and the property at 393 Nova Albion to make a determination on how the properties should be classified.

ACTION:

Board approved (M/S Loder/Schriebman 5-0-0-0) staff to pursue investigation of how the District's sewer rates are now calculated relative to apartment usage vs. single family home usage as well as checking with other districts on how they classify and charge similar properties.

CONSENT CALENDAR: These items are considered routine and will be enacted, approved or adopted by one motion unless a request for removal for discussion or explanation is received from the staff or the Board.

- A. APPROVE the Board Minutes for May 13, 2010.
- B. APPROVE the Warrant List for June 10, 2010.
- C. APPROVE Director's Compensation – May 2010.
- D. APPROVE Proposal from BHI Management Consulting for a 2010 Strategic Plan Update
- E. APPROVE The Bay Institute of San Francisco STRAW Project Agreement
- F. APPROVE Reclamation Bench
- G. APPROVE Du-All Safety Memorandum of Agreement
- H. APPROVE Partial release of Solar Phase II Bond - \$50,000

Consent Items B, C, D, G and H were pulled for discussion.

ACTION:

Board approved (M/S Schriebman/Greenfield 5-0-0-0) Consent Calendar Items A, E, and F.

AYES: Clark, Greenfield, Loder, Murray and Schriebman.
NOES: None

ABSENT: None
ABSTAIN: None

There was a brief discussion on Consent items B, C, D, G and H

ACTION:

Board approved (M/S Schriebman/Murray 5-0-0-0) Consent Calendar Item B.

AYES: Clark, Greenfield, Loder, Murray and Schriebman.
NOES: None
ABSENT: None
ABSTAIN: None

ACTION:

Board approved (M/S Schriebman/Greenfield 5-0-0-0) Consent Calendar Item C.

AYES: Clark, Greenfield, Loder, Murray and Schriebman.
NOES: None
ABSENT: None
ABSTAIN: None

ACTION:

Board approved (M/S Murray/Clark 5-0-0-0) Consent Calendar Item D.

AYES: Clark, Greenfield, Loder, Murray and Schriebman.
NOES: None
ABSENT: None
ABSTAIN: None

ACTION:

Board approved (M/S Loder/Murray 5-0-0-0) Consent Calendar Items G and H.

AYES: Clark, Greenfield, Loder, Murray and Schriebman.
NOES: None
ABSENT: None
ABSTAIN: None

REVIEW OF BUDGET FOR FISCAL YEAR 2010-11: McGuire and Williams reviewed the following proposed budgets for the fiscal year July 1, 2010 to June 30, 2011:

- A. Revenue
- B. Operating and Maintenance
- C. Capital Outlay

Discussion ensued. Williams will discuss the co-generation engine at the next Board Meeting.

PUBLIC HEARING ON BUDGET AND ANNUAL SEWER SERVICE CHARGE:

- A. RESOLUTION NO. 2010-1904 – A RESOLUTION PROVIDING FOR THE COLLECTION OF SEWER SERVICE CHARGES ON THE TAX ROLL.
- B. RESOLUTION NO. 2010-1905 – A RESOLUTION CERTIFYING THAT LEGAL NOTICE HAS BEEN GIVEN FOR THE HEARING ON THE BUDGET FOR THE FISCAL YEAR 2010-11.
- C. RESOLUTION NO. 2010-1906 – A RESOLUTION FIXING AND APPROVING THE BUDGET FOR THE FISCAL YEAR 2010-11.
- D. RESOLUTION NO. 2010-1907 - A RESOLUTION DETERMINING THE 2010-11 APPROPRIATION OF TAX PROCEEDS.
- E. RESOLUTION NO. 2010-1908 – A RESOLUTION REQUESTING ALLOCATION OF TAXES FOR THE FISCAL YEAR 2010-11.

F. RESOLUTION NO. 2010-1909 – A RESOLUTION CONFIRMING THE ANNUAL SEWER SERVICE CHARGE AND SUPPLEMENTAL SERVICE CHARGES FOR THE LAS GALLINAS VALLEY SANITARY DISTRICT FOR THE FISCAL YEAR 2010-11.

President Murray opened the Public Hearing at 6:19 p.m.

PUBLIC COMMENT:

Barry Taranto addressed the Board with his concerns on the proposed budget. Discussion ensued.

ACTION TO EXTEND THE MEETING:

At 6:30 p.m., the Board approved (M/S Greenfield/Murray 5-0-0-0) extending the meeting until 7:00 p.m.

AYES: Clark, Greenfield, Loder, Murray and Schriebman.
NOES: None
ABSENT: None
ABSTAIN: None

President Murray closed the Public Hearing at 6:41 p.m.

ACTION:

Board approved (M/S Loder/Schriebman 5-0-0-0) Resolution No. 2010-1904 – A Resolution Providing for the Collection Of Sewer Service Charges on the Tax Roll.

AYES: Clark, Greenfield, Loder, Murray and Schriebman.
NOES: None
ABSENT: None
ABSTAIN: None

ACTION:

Board approved (M/S Loder/Schriebman 5-0-0-0) Resolution No. 2010-1905 – A Resolution Certifying that Legal Notice has Been Given for the Hearing on the Budget for the Fiscal Year 2010-11.

AYES: Clark, Greenfield, Loder, Murray and Schriebman.
NOES: None
ABSENT: None
ABSTAIN: None

ACTION:

Board approved (M/S Greenfield/Clark 5-0-0-0) Resolution No. 2010-1906 – A Resolution Fixing and Approving the Budget for the Fiscal Year 2010-11.

AYES: Clark, Greenfield, Loder, Murray and Schriebman.
NOES: None
ABSENT: None
ABSTAIN: None

ACTION:

Board approved (M/S Schriebman/Greenfield 5-0-0-0) Resolution No. 2010-1907 - A Resolution Determining the 2010-11 Appropriation of Tax Proceeds.

AYES: Clark, Greenfield, Loder, Murray and Schriebman.
NOES: None
ABSENT: None
ABSTAIN: None

ACTION:

Board approved (M/S Loder/Greenfield 5-0-0-0) Resolution No. 2010-1908 – A Resolution Requesting Allocation of Taxes for the Fiscal Year 2010-11.

- AYES: Clark, Greenfield, Loder, Murray and Schriebman.
- NOES: None
- ABSENT: None
- ABSTAIN: None

ACTION:

Board approved (M/S Clark/Loder 5-0-0-0) Resolution No. 2010-1909 – A Resolution Confirming the Annual Sewer Service Charge and Supplemental Service Charges for the Las Gallinas Valley Sanitary District for the Fiscal Year 2010-11.

- AYES: Clark, Greenfield, Loder, Murray and Schriebman.
- NOES: None
- ABSENT: None
- ABSTAIN: None

ACTION:

Board approved (M/S Greenfield/Clark 5-0-0-0) adding an item to the agenda to discuss the upcoming Senate Local Government Committee Hearing in Sacramento, California.

President Murray appointed Greenfield along with Pat Richardson, District Counsel, to attend the Senate Local Government Committee Hearing on Wednesday, June 16, 2010 at 9:30 a.m. in Sacramento, California.

BOARD REPORTS:

- A. NBWA – Clark and Schriebman reported.
- B. NBWA-Miller Creek Watershed Stewards – Murray reported.
- C. NBWRA – No report.
- D. JPA Local Task Force on Solid and Hazardous Waste – No report.
- E. Gallinas Creek Watershed Council – Greenfield reported.

STAFF / CONSULTANT REPORTS:

- A. Various Articles / Miscellaneous Correspondence & Articles – No discussion.
- B. Collection System Reports – May 2010 – No discussion.
- C. Grease Traps and Interceptors – Williams reported.
- D. Marin Association of Realtors/Sanitary Districts Symposium – Williams reported.
- E. State Water Resources Control Board Funding Commitment – Williams and McGuire reported.
- F. Lateral Tracking – Mandler reported.

ACTION TO EXTEND THE MEETING:

At 7:01 p.m., the Board approved (M/S Clark/Schriebman 5-0-0-0) extending the meeting until 7:05 p.m.

- AYES: Clark, Greenfield, Loder, Murray and Schriebman.
- NOES: None
- ABSENT: None
- ABSTAIN: None

BOARD REQUESTS:

- A. Board Meeting Attendance Requests – No requests.
- B. Board Agenda Item Requests – No requests.

ADJOURNMENT:

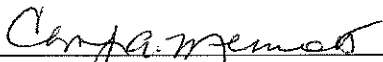
ACTION:

Board approved (M/S Loder/Schriebman 5-0-0-0) the adjournment of the meeting at 7:03 p.m.

AYES: Clark, Greenfield, Loder, Murray and Schriebman.
NOES: None
ABSENT: None
ABSTAIN: None

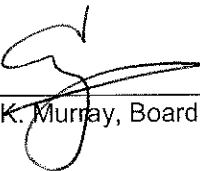
The next Board Meeting is scheduled for Thursday, June 24, 2010 at 4:30 p.m. at the District's office.

ATTEST:



Carolyn A. Memmott, District Secretary

APPROVED:



Craig K. Murray, Board President

