

**Regular Board Meeting Minutes  
at Sanitary District No. 5 of Marin County  
Thursday, January 19<sup>th</sup>, 2023**

**5:00 P.M. REGULAR BOARD MEETING**

**COVID-19 ADVISORY NOTICE**

Consistent with Assembly Bill 361 revising Government Code section 54953, and Resolution No. 2021-07 of this Board enacted in accordance therewith, the Meeting will not be physically open to the public and all Board Members and Staff will be teleconferencing into the meeting.

**How to Submit Public Comments:**

Comments submitted prior to the commencement of the meeting will be presented to the Board and included in the public record for the meeting.

**Public Comments are to be submitted via email to [jmulloy@sani5.org](mailto:jmulloy@sani5.org).**

In addition, members of the public who are calling in, will have the opportunity to provide public comments by following the steps below:

**How to Participate in the Meeting:**

**Join Zoom Meeting by clicking on the following link:**

**<https://us02web.zoom.us/j/6230620778>**

**Meeting ID: 623 062 0778 or join by phone:**

**Call in number: (669) 900-9128    Participant Code: 623 062 0778**

**CALL TO ORDER** by President Carapiet at 5:08 p.m.

**ROLL CALL**

Directors present: John Carapiet, President  
Omar Arias-Montez, Vice President  
Tod Moody, Secretary (5:10 p.m.)  
Catharine Benediktsson, Director  
Richard Snyder, Director

Staff present: Tony Rubio, District Manager  
Robin Dohrmann, Office Manager  
Jayne Mulloy, Admin. Assistant

Others in attendance: Benjamin Stock, Burke, Williams, & Sorensen, LLC  
Rick Simonson, HF&H Consulting  
Gabe Sasser, HF&H Consulting

**PUBLIC COMMENTS:** The public is invited to address the Board on items that do not appear on the agenda and are within the subject matter jurisdiction of the Board. The Brown Act does not allow the Board to take action on any public comment. Please limit public comments to no more than three minutes.

There were no comments at this time.

1. Motion to review and affirm Resolution No. 2021-08: A Resolution proclaiming the continuing need to meet by teleconference in accordance with Government Code Section 54953 – Action

Discussion by the Board. Affirmed (Snyder/Benediktsson) Resolution No. 2021-07: A Resolution proclaiming the continuing need to meet by teleconference in accordance with Government Code Section 54953. Vote passed (5-0-0-0)

2. Administering of Oaths of Office to Incumbent Board Members:

Board Secretary administered Oath of Office to incumbent Board Members Catharine Benediktsson and Tod Moody.

3. Elections for Officers of the Board – Action

Discussion by the Board. Motion (Snyder/Arias-Montez) to nominate **Tod Moody for the President** of the Board of Directors of Sanitary District No. 5 of Marin County for the 2024 term. Passed unanimously.

Discussion by the Board. Motion (Snyder/Benediktsson) to nominate **Omar Arias-Montez for the Vice President** of the Board of Directors of Sanitary District No. 5 of Marin County for the 2024 term. Passed unanimously.

Discussion by the Board. Motion (Snyder/Benediktsson) to nominate **John Carapiet for the Secretary** of the Board of Directors of Sanitary District No. 5 of Marin County for the 2024 term. Passed unanimously.

4. Appointment of Committee Members and setting date and time for regular, standing committee meetings – Action

Discussion by the Board. President Tod Moody recommended the following appointments for the 2022 term of Sanitary District No. 5 of Marin County Committees:

Finance & Fiscal Oversight Committee:	Chair:	V.P. Omar Arias-Montez
	Member:	Director Richard Snyder
	Alternate:	Director Catharine Benediktsson
Capital Improvement Program Committee:	Chair:	Secretary John Carapiet
	Member:	V.P. Omar Arias-Montez
	Alternate:	President Tod Moody

Governance Committee:	Chair:	Director Richard Snyder
	Member:	Director Catharine Benediktsson
	Alternate:	President Tod Moody
Personnel Committee:	Chair:	Secretary John Carapiet
	Member:	Director Richard Snyder
	Alternate:	V.P. Omar Arias-Montez

**DIRECTORS' COMMENTS AND/OR AGENDA REQUESTS:**

- Board members requested Attorney Stock review the 2005 Ad Valorem Tax Agreement.
- Board members requested Attorney Stock provide information regarding the Emergency Declaration that expires February 28, 2023 and the return to in-person meetings beginning March 2023.
- Board members expressed their appreciation to Board President Carapiet for a successful term in 2022.

President Moody moved to Item No. 10, under New Business, for consideration, as described on the agenda to this time (5:38 p.m.)

10. Presentation by HF&H Consulting regarding initial steps of the District's Phase II Sewer Rate Study and discussion by the Board (Gabe Sasser) – Action

Rick Simonson and Gabe Sasser, HF&H Consulting, with the aid of a PowerPoint presentation reviewed the initial steps of the District's Phase II Sewer Rate Study including overview of current rates and alternatives. Mr. Simonson and Mr. Sasser responded to questions from Board members. Discussion only by the Board.

President Moody returned to the Consent Calendar, for consideration, as described on the agenda to this time (6:30 p.m.)

**CONSENT CALENDAR:**

1. Approval of December 15<sup>th</sup>, 2022, Regular Board Meeting Minutes (Mulloy)
2. Review and receive all electronic fund transfers (EFTs) and approve warrants from December 9<sup>th</sup>, 2022, through January 11<sup>th</sup>, 2023 (JP Morgan Chase Bank, check no. 9402 through check no. 9491, all transactions totaling \$896,456.32) and receive December 2022, payroll, in the sum of \$136,925.11 (Dohrmann)
3. Receipt of Financial Reports for December 2022 (Dohrmann)
4. Acceptance of Sanitary District No 5 of Marin County's FY2021-2022 Audited Financial Statement (Rubio)

Discussion by the Board. Motion (Snyder/Arias-Montez) to approve the Consent Calendar. Vote passed (5-0-0-0)

**MANAGEMENT REPORTS:**

9. District Manager Summary Report (Rubio)

District Manager, Tony Rubio, presented a written and verbal report on current District issues, responding to questions from the Board. Discussion by the Board. Director Snyder requested an agenda item to discuss what Sani5 is doing to protect against Ransomware at a future meeting.

**NEW BUSINESS:**

11. Review and approve re SD5 FY2022-2023 Budget Amendments (Rubio) – Action

District Manager, Tony Rubio, reviewed SD5 FY2022-2023 Budget Amendments, responding to questions from the Board. Motion (Snyder/Benediktsson) to approve SD5 FY2022-2023 Budget Amendments. Passed (5-0-0-0)

**UNFINISHED BUSINESS:** None

**COMMITTEE REPORTS:**

12. Capital Improvement Program Committee (Arias-Montez/Moody) - Verbal

13. Finance & Fiscal Oversight Committee (Benediktsson/Arias-Montez) - None

14. Governance Committee (Moody/Snyder) – None

15. Personnel Committee (Snyder/Carapiet) – None

16. Ad Hoc Committee – Paradise Drive (Carapiet/Benediktsson) - None

**OTHER BUSINESS:**

**ENVIRONMENTAL:**

**CORRESPONDENCE:**

**INFORMATIONAL ITEMS:**

**CONVENE TO CLOSED SESSION:**

Closed Session was canceled.

17. Convene to Closed Session (The public may provide comments regarding the closed session item(s) just prior to the Board beginning the Closed Session. Closed sessions are not open to the public.)

- a) Closed Session pursuant to Section 54957(b) (1) – Employee Performance Evaluation  
Employee – District Manager

**RECONVENE TO OPEN SESSION:**


18. Report out of Closed Session

**ADJOURNMENT:**

The Board adjourned at 6:59 to a Regular Board Meeting on February 16<sup>th</sup>, 2023, at 5:00 P.M. Vote passed (5-0-0-0)

Approved:

Attest:

  
\_\_\_\_\_  
Tod Moody  
President, Board of Directors

  
\_\_\_\_\_  
John Carapiet  
Secretary, Board of Directors

*At its discretion, the Board of Directors may consider the above-agenda items out of the order in which they appear currently. Accessible public meetings: Upon request, the District will provide written agenda materials in appropriate alternate formats, or disability-related modification or accommodation, including auxiliary aids or services to enable individual with disabilities to participate in public meetings. Please submit written requests to the District at P.O. Box 227, Tiburon, CA 94920 or [rdohrmann@sani5.org](mailto:rdohrmann@sani5.org) at least two days prior to the meeting*