

**Minutes of a Regular Board Meeting  
at Sanitary District No. 5 of Marin County Meeting Room  
2001 Paradise Drive, Tiburon, CA 94920  
Thursday, November 12, 2015**

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

**CALL TO ORDER** by President Lasky at 5:01 P.M.

**ROLL CALL**

Directors present: Michael Lasky, President  
Richard Snyder, Vice President  
John Carapiet, Secretary  
Catharine Benediktsson, Director  
Tod Moody, Director

Staff present: Tony Rubio, District Manager  
Robin Dohrmann, Administrative / Finance Specialist

Consultants present: Benjamin Stock, Burke, Williams, Sorensen, LLP

Others present: Wendy Barbaria, SD5 customer  
Rick Barbaria, SD5 customer  
Deborah Roberts (for Jerry Bloom), SD5 customer  
Kathleen Clancy, SD5 customer  
Sandra L'Heureux, SD5 customer  
P.A. Kaiser, SD5 customer  
O. Arias, SD5 customer

**OPEN SESSION:**

**PUBLIC COMMENTS:** The public is invited to address the Board on items that do not appear on the agenda and that 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.

No public comment.

Pres. Lasky moved Item No. 10, as described on the agenda, to this time.

10. Review Issues Pertaining to Private Laterals Connected to Tiburon Pump Station No. 4 - (Stock)

Mr. Stock presented the Board with the written staff report and Pres. Lasky opened the matter for public comment.

Tiburon Resident, Rick Barbaria, on behalf of the other SD5 customers living near Tiburon Pump Station #4 also present, voiced the opinion that Sanitary District No. 5 of Marin County is responsible for the maintenance of private laterals connected to Tiburon Pump Station #4, not the residents, as advised by SD5. Mr. Barbaria and provided a copy of what he contended was a supporting historical document (1956) to support his assertion.

Upon further conversation, several other residents spoke of prior communication with and from SD5 regarding maintenance of Pump Station #4, as well as their personal histories in the area and their relationships with SD5. The Board of Directors thanked all who came and provided input.

Discussion by the Board. Options for direction provided by District General Counsel, Benjamin Stock. Upon further discussion by the Board, direction provided to Mr. Stock.

Pres. Lasky moved Director's Comments and/or Agenda Requests, as described on the agenda, to this time.

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

- Vice Pres. Snyder inquired about the status of/progress on SD5 codification of items with Code Publishing and requested it be added to the next Governance Meeting Agenda
- Secretary Carapiet requested an assessment of all SD5 pipes/lines that are submerged in water (Raccoon Straights, Richardson Bay, etc.) be put on the next CIP Agenda for discussion
- Secretary Carapiet requested alternative Banking Institutions be added to the next Finance Meeting Agenda
- Secretary Carapiet inquired about collaborative landscaping plans with SD5 made at 2 Windward Road in Belvedere
- Secretary Carapiet inquired about the re-numbering of SD5 Pump Stations - DM Rubio stated this topic would be addressed under New Business, Item No. 7
- Vice Pres. Snyder requested a report on SD5 Main Plant's capacity of excess water (in light of upcoming rains)
- Dir. Moody requested a discussion regarding gas energy be added onto the next CIP Agenda

#### **CONSENT CALENDAR**

3. Approval of October 15, 2015, Special Board Meeting Minutes (Dohrmann)
4. Approval of all Electronic Fund Transfers (EFT) and Warrants for October 9<sup>th</sup> through November 5<sup>th</sup>, 2015; Check No. 8064 through Check No. 8109, in the amount of \$136,977.78 (Dohrmann)
5. Receipt of Financial Reports for October, 2015 (Dohrmann)

Discussion by the Board. Motion (Snyder/Moody) to approve Consent Calendar Items No. 3 through No. 5, passed unanimously.

**MANAGEMENT REPORTS**

**6. District Management Summary Report (Rubio)**

District Manager, Tony Rubio, presented a written and verbal report of current District issues, responding to questions from the Board. Discussion by the Board.

**NEW BUSINESS**

**7. Review and Discussion of District-wide Pump Station Unified Numbering System (Rubio) - Action**

Discussion by the Board. No action taken, direction given. To be revisited at the beginning of next fiscal year.

**8. Consideration and Approval of Resolution No. 2015-12: A Resolution Amending the Regular Board Meeting Day, as Listed in the Rules of Procedure for Sanitary District No. 5 of Marin County – Action (Rubio)**

Discussion by the Board. Motion (Carapiet/Snyder) to approve Resolution No. 2015-12: A Resolution Amending the Regular Board Meeting Day, as Listed in the Rules of Procedure for Sanitary District No. 5 of Marin County. Passed unanimously.

Pres. Lasky moved Item No. 1, as described on the agenda, to this time.

**CLOSED SESSION:**

**CALL TO ORDER** by President Lasky at 6:06 P.M.

**ROLL CALL**

Directors present: Michael Lasky, President  
Richard Snyder, Vice President  
John Carapiet, Secretary  
Catharine Benediktsson, Director  
Tod Moody, Director

Consultants present: Benjamin Stock, Burke, Williams, Sorensen, LLP

1. 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

i. Employee – District Manager

2. Report out of Closed Session (6:31 p.m.) No reportable action taken in closed session. Pres. Lasky moved Item No. 9, as described on the agenda, to this time.

9. Consideration and Approval of District Manager Salary and Employment Agreement (Carapiet/Snyder) – Action

Discussion by the Board. Motion (Snyder/Benediktsson) to approve District Manager salary 1-Step increase and amended Employment Agreement, effective January 1, 2016.  
Passed unanimously.

**UNFINISHED BUSINESS:** None

**COMMITTEE REPORTS:**

10. Capital Improvement Program Committee (Lasky/Carapiet) – Action Item Log provided

11. Governance Committee (Snyder/Benediktsson)

12. Finance & Fiscal Oversight Committee (Benediktsson/Moody) – Action Item Log provided

13. Personnel Committee (Carapiet/Snyder)

**OTHER BUSINESS:**

**ENVIRONMENTAL:** None.

**CORRESPONDENCE:** None.

**INFORMATIONAL ITEMS:** None.

**ADJOURNMENT**

The Board adjourned at 6:37 p.m. to a Regular Board Meeting on December 17, 2015, at 5:00 p.m. at the Main Plant of Sanitary District No. 5 of Marin County, located at 2001 Paradise Drive, Tiburon, California.

Approved:

Attest:

  
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Michael Lasky  
President, Board of Directors  
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John Carapiet  
Secretary, Board of Directors