

**THE COMMISSIONERS  
OF THE  
CENTRAL MARIN SANITATION AGENCY  
HELD A MEETING  
AT THE AGENCY OFFICE  
Tuesday, February 12, 2008  
7:00 P.M.**

**CALL MEETING TO ORDER:** Commissioner Sinnott called the meeting to order at 7:00 p.m. with the Pledge of Allegiance. A quorum was present.

Members Present: Boro, Brown, Dupar, Johnson, Miller, Sinnott

Members Absent: None

Staff Present: Jason Dow, General Manager; Kathy Britton, Recording Secretary; Hank Jen, Finance Manager; Rob Cole, Environmental Services Manager

Public Present: Vivian Housen, SD #1 staff; Vic Canby & Pat Guasco, SD #1 Alternates; Bruce Baum, San Anselmo; Paul Helliker, Marin Municipal Water District

**OPEN PERIOD:** No discussion took place.

**CONSENT CALENDAR:** Commissioner Johnson asked that Item 4.a (Minutes) be removed from the consent calendar.

Action M/s Boro/Dupar to approve items b, c, d, e, f, and g on the consent calendar:

- b. Treasurer's Report/Operating Account - January 2008
- c. Treasurer's Report/Revenue Bond Series - January 2008
- d. Schedule of Investments - December 2007/January 2008
- e. January 2008 NPDES and Process Report
- f. Sodium Hypochlorite Supply Contract Award-Contract 08-02
- g. Resolution to Change the CMSA Board Meeting Time to 7pm

The motion carried unanimously.

Item 4.a - Minutes of January 8, 2008: Commissioners Johnson and Brown had numerous changes to the minutes. Bruce Baum, San Anselmo, asked that his comments from the meeting be included. The Board advised Commissioners Johnson and Brown to submit the suggested changes to the Recording Secretary, and staff was directed to incorporate the changes to the minutes in a marked up copy, and bring to the next meeting for consideration.

**MMWD DESALINATION  
DRAFT EIR:**

MMWD has issued a Draft Environmental Impact Report (DEIR) for its proposed desalination project. GM Dow stated that CMSA has a long-standing positive and cooperative relationship with MMWD and has collaborated with MMWD on the desalination project since 2002. GM Dow reviewed the details of the proposed project and briefed the Board on CMSA's concerns with sharing the outfall for brine disposal. Comments on the DEIR must be submitted by Mach 6, 2008.

GM Dow stated that our regulatory consultant, Oakley Water Strategies, is reviewing the parts of the DEIR that pertain to the environmental and regulatory impacts of brine disposal and mixing, and will provide comments for staff and the Desalination Committee to review. MMWD has indicated they will reimburse CMSA for the DEIR review by Oakley Water Strategies.

Paul Helliker, Marin Municipal Water District (MMWD), stated that CMSA's concerns will be addressed during the design phase of the desalination project, and that MMWD will seek CMSA approval prior to final design completion. He stated that it is MMWD's responsibility to meet all regulatory requirements. Mr. Helliker pointed out there would be a workshop to discuss the draft EIR on February 28, 2008 at 6:30 pm at the Redwood High School.

There was a question and answer period where the Board and members of the audience asked questions pertaining to the desalination project and sharing of the outfall. Mr. Helliker and GM Dow answered their questions.

Commissioner Johnson had concerns about the sharing of the outfall easement. It was her understanding that CMSA had a policy to not allow a third party onto their land. MMWD is considered a third party. She asked if this were an irreconcilable difference.

Action

M/s Boro/Miller to:

- (1) Accept the draft MMWD Desalination project issues and discussion points memorandum; and
- (2) Provide Board questions, comments, and/or concerns on sharing the CMSA marine outfall for brine disposal; and
- (3) Direct the CMSA Desalination Committee to formulate and submit comments on the DEIR on behalf of the CMSA Board, that are based on the draft staff comments, Board comments/concerns, and comments prepared by our regulatory consultant; and
- (4) Direct the CMSA Desalination Committee to meet with the MMWD Desalination Committee to discuss the CMSA DEIR comments and other issues associated with sharing the outfall.

The motion carried unanimously.

Commissioners Brown and Johnson stated they will submit comments on sharing the outfall within one week for review by the Desalination Committee.

The Board requested a desalination presentation by MMWD, which GM Dow will coordinate for either the March or April Board meeting.

**CMSA REVENUE BOND PROGRAM UPDATE:**

GM Dow reviewed the staff report. He stated that the bond program uses were (1) project fund \$64,306,66; (2) reserve fund \$4,754,281; and (3) cost of issuance \$816,442. GM Dow reviewed the updates to the program in January 2008, and informed the Board that the program has a projected fund balance of \$11 million in FY11.

Staff plans to expand the bond program by two additional years in order to fund other capital projects with the projected fund balance. Commission Johnson stated the bond program spreadsheet was easy to track projects.

**10-YEAR FINANCIAL FORECAST - DESIGN PHASE:**

GM Dow reported that the existing 5-year Financial Model is being expanded to a 10-year Model to provide a longer term financial perspective and integrate in the 10-year Capital Improvement Program. GM Dow reviewed the following elements in the draft model:

- funding sources for general operation
- funding requirements for general operation
- funding sources for debt service/capital
- funding required for Capital Improvement Program (CIP)
- adjustment to reserves due to budget surplus/deficit

GM Dow gave an overview of the schedule for the development of the model and the FY09 budget.

Action

M/s Dupar/Johnson to conceptually approve the format and structure for the Agency's 10-year Financial Model. The motion carried unanimously.

**ORDINANCE 2008-1 (REVISING SEWER USE ORDINANCE) AND RESOLUTION NO. 274 (MODIFYING ENFORCEMENT RESPONSE PLAN):**

GM Dow informed the Board that the Agency must revise its Sewer Use Ordinance and Enforcement Response Plan to comply with Federal EPA regulatory changes. The minor modifications to the Sewer Use Ordinance (SUO) are:

- The definition of Significant Noncompliance was revised.
- A provision was added requiring dischargers that perform monitoring on their own accord for any pollutant that has a limit listed in their wastewater permit must provide the results to CMSA.
- Significant Industrial users are required to notify CMSA immediately of any changes at the facility affecting the potential for a slug discharge of wastewater.

The minor modifications to the Emergency Response Plan (ERP) are:

- The definition of Significant Noncompliance used by the ERP shall be the definition contained in the SUO.
- The Agency will perform repeat sampling and analysis within 30 days of identifying a violation at a Significant Industrial User.

GM Dow reported that if the draft ordinance was approved as to form, the public hearing will be scheduled for the March meeting.

Action

M/s Dupar/Johnson approving the form and content of CMSA Ordinance 2008-1; authorizing the General Manager to publish a summary of the Ordinance in the Marin Independent Journal; and approving the form and content of Resolution No. 274 to modify the CMSA Enforcement Response Plan. The motion carried unanimously.

**JANUARY 2008 STORM  
REPORT & FACILITY  
IMPROVEMENT ACTIVITIES:**

GM Dow reviewed the staff report and stated that during the storms of January 25<sup>th</sup> and 26<sup>th</sup> that the treatment facilities ran fine. He reported that the January 4<sup>th</sup> event was significant and caused several operational challenges, resulting in a chlorine residual exceedance and an influent overflow from the headworks of approximately 6,600 gallons. He reported that peak flows for all three days were over 100 MGD.

Staff has reviewed the events during the January 4<sup>th</sup> storm and have identified activities to prevent similar occurrences, increase system monitoring, improvement to electrical system reliability, and provide staff training. Most activities have been initiated and some have been completed.

GM Dow recommended soliciting a proposal from CH2MHill for design improvements to the Agency's electrical generation and distribution systems, and backup power for the dechlorination system.

Commissioner Johnson asked what the cost of the design work would be. GM Dow stated that the scope will be determined with CH2MHill then they will prepare a design fee. The proposal will be brought to the Board for review and discussion.

Commissioner Brown asked about sole sourcing the work. GM Dow stated the Government Code requires consultants to be selected using demonstrated competency and professional qualifications. CH2MHill has the qualifications as they designed the 2002 cogeneration project and 2007 switchgear improvements.

Action

M/s Boro/Miller authorizing the General Manager to solicit a proposal from CH2MHill for design related professional services to improve the reliability and functionality of the Agency's electrical generation and distribution systems. The motion carried unanimously.

The Board thanked staff for their efforts during the storms.

**WWIP JANUARY 2008  
UPDATE:**

GM Dow gave a presentation on the work to date on the Wet Weather Improvements Project (WWIP). He reported that the

outfall design is approaching completion. Project expenditure to date are: Western Water \$2,768,994; Harris & Associates \$277,631; and Carollo Engineers \$211,332.

Action

M/s Miller/Dupar to receive and accept the Wet Weather improvement Project monthly report for January 2008. The motion carried unanimously.

**NBWA UPDATE:**

Commissioner Brown reported on the February NBWA meeting.

- Wetland Preservation and Restoration presentation by Barbara Salzman, Marin Audubon Society\
- Prop 218 presentation by Royce Cunningham, City Engineer, Dixon
- Watershed Conference April 4, 2008 at the Sheraton Petaluma. Topic of conference is "The Power of Water, Energy, and Climate"

**VERBAL REPORT:**

GM Dow reported:

- Administrative restrooms are now gender specific and ADA compliant.
- Added two parking stalls near the maintenance building in the employee parking lot.
- CMSA website is being updated, with a presentation planned for the May Board meeting.
- Received three proposals to perform GASB 34 analysis; staff is reviewing and will select a firm.
- Currently recruiting for three vacant positions, Assistant/Associate Engineer, OIT, and Electrical/Instrumentation Technician. Brian Bokkin was promoted to Lead Operator.
- BAEER Fair was held 1/26/08 at the Marin Center. CMSA's public outreach booth handed out 210 quizzes. It was shown that kids from CMSA's service area did better than from outside the service area.
- Participating in conceptual food-to-energy discussions with Marin Sanitary Service, and Cities of San Rafael and Larkspur.
- Peroxide class action lawsuit has a settlement agreement with one manufacturer; case update from our attorney this week and will report to the Board next month.
- NPDES requirements for effluent exceedances and overflows for December 31<sup>st</sup> and January 4<sup>th</sup> reporting.

Commissioner Boro requested clarification of I-7 (1/16 CMSA) and I-11 (1/29 RVSD) letters from the Informational packet. The RVSD letter appears to conflict with the CMSA letter content.

The Board agreed that the conflict should be clarified, and directed GM Dow to work with Counsel Govi and Chair Sinnott on the matter.

**DATE OF NEXT MEETING:**

The next regular commission meeting is March 11, 2008, at 7:00 p.m.

**ADJOURN:**

The meeting was adjourned at 9:14 p.m.

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Recording Secretary

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Secretary