

**THE COMMISSIONERS  
OF THE  
CENTRAL MARIN SANITATION AGENCY  
HELD A MEETING  
AT THE AGENCY OFFICE  
Tuesday, March 11, 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, Dupar, Johnson, Miller, Sinnott

Members Absent: Brown

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

Public Present: Vic Canby, SD #1 Alternate; Steve Vanni, SD #1 Director; Bruce Baum, San Anselmo; Barry Hogue, SD #2; Rick Holland, Fairfax

**OPEN PERIOD:** Bruce Baum, San Anselmo, spoke during the public open period regarding the Board meeting time change.

**CONSENT CALENDAR:** Commissioner Johnson asked that Items 4.a (minutes of February 12, 2008), 4.e (February NPDES and process report) and 4.f (Agency reserve and treasury policies) be removed from the consent calendar.

Action M/s Miller/Dupar to approve Items b, c, d, g and h on the consent calendar:

- b. Treasurer's Report/Operating Account - February 2008
- c. Treasurer's Report/Revenue Bond Series - February 2008
- d. Schedule of Investments - January and February 2008
- g. Resolution No. 274 - Revising Emergency Response Plan (ERP) of CMSA
- h. Updated Resolution Authorizing Investment of Monies in the Local Agency Investment Fund (LAIF)

The motion carried unanimously.

Item 4.a - Minutes of February 12, 2008: Commissioner Johnson stated that her comments regarding the use of the outfall easement for the MMWD desalination project were not included in the minutes.

A discussion took place on the use of action minutes versus more detailed minutes. Commissioner Dupar stated that action minutes were fine, and Commissioner Boro expressed his preference for action minutes. General Manger Dow was directed to research the legal requirements for meeting minutes.

Action M/s Johnson/Boro to approve the minutes of the February 12, 2008 meeting, with the inclusion of Commission Johnson's comments regarding the outfall easement. The motion passed with the following vote:

Ayes: Boro, Johnson, Miller, Sinnott  
Noes: Dupar  
Abstain: None

Bruce Baum, San Anselmo, spoke during the public comment period.

Item 4.e - February 2008 NPDES and Process Report:

Commissioner Johnson did not agree with the mathematical correlation between the rainfall to flow illustrated in Chart #1 of the report. GM Dow explained the intent of the chart and the value of the presented information. Chair Sinnott suggested that GM Dow and Commissioner Johnson discuss this at a later date.

Action M/s Dupar/Boro to accept the February 2008 report as submitted. The motion passed with the following vote:

Ayes: Boro, Dupar, Miller, Sinnott  
Noes: Johnson  
Abstain: None

Item 4.f - New Agency Reserve (Policy #632) and Revised

General Treasury (Policy #630): Commissioner Johnson asked if the reserve policy addressed the issues brought up in the 2002 Grand Jury report on special districts.

GM Dow responded that in 2002 CMSA had over \$10 million in reserves, and did not have a reserve policy or a long term financial plan to justify the reserves. The new policy creates specific reserve accounts, delineates the funding sources, and explains the preferential use of their funds. When used with our 10-year CIP and financial plan, it provides a clear understanding of the need and use for the reserve funds.

Action M/s Miller/Dupar to approve the Agency's proposed Reserve Policy (#632) and revised Treasury Policy (#630). The motion carried unanimously.

**PUBLIC HEARING -  
ORDINANCE 2008-1:**

GM Dow stated that the Agency's 2007 EPA Pretreatment inspection report directed us to make minor revisions to the Agency's Sewer Use Ordinance (SUO) and Enforcement Response Plan (ERP) to conform to recently adopted USEPA Pretreatment "streamlining rule". He reported that last month the Board reviewed and approved the form and content of the draft ordinance amending the SUO and draft resolution modifying the ERP.

The public hearing was held with no comments from the public.

Action M/s Miller/Johnson to pass the Ordinance and authorize the GM to publish a summary of the passed Ordinance in the Marin Independent Journal. The motion carried unanimously.

**OUTFALL IMPROVEMENTS  
PROJECT CONTRACT #08-01:**

GM Dow reported that in 2006/07 a detailed structural outfall inspection was performed. The findings led to Carollo Engineers recommending rehabilitation work that includes installing internal seals at 20 locations. The engineer's estimate is between \$450,000 - \$600,000. The contract bids will be opened in May. The contract allows 100 days to complete the work. This project is funded through the revenue bond program.

Commissioner Johnson asked why dredging the diffuser section was the only solution of solids disposal. GM Dow explained the solids accumulation process and the need for their removal before operation of the WWIP effluent pump station. He stated that the Regional Board may not allow disposal of solids onto the Bay floor as previously done in the past. A dredging plan will need to be prepared and approved by the Regional Board, US Army Corps of Engineers, and other regulatory agencies.

Commissioner Boro asked how the solids were treated. GM Dow stated that 98% of influent solids are removed before entering the outfall. The remaining 2% may settle out in the pipeline due to low velocities.

Commissioner Boro asked if the outfall was earthquake proof. GM Dow responded the outfall was constructed to UBC seismic standards (1980?); each joint is constructed on a pile cap with straps holding it in place.

Bruce Baum, San Anselmo, spoke during the public comment period.

Action M/s Boro/Johnson to approve the Outfall Improvements Project contract documents and authorize the General Manager to advertise the contract for public bid. The motion carried unanimously.

**CMSA PERFORMANCE  
METRIC REPORT:**

GM Dow reported that over the past few months, staff has prepared a Performance Metric Report that meets our Strategic Business Plan's goal for enhanced stakeholder comments by providing key information on the Agency's core business. GM Dow reviewed metrics (1) Operational Metric, (2) Environmental Compliance/Regulatory Metric, and (3) Public Outreach; and stated our next step is to develop targets/goals for appropriate metrics

Commissioner Boro inquired if a value could be determined for the energy produced metric to indicate how much money is saved by using biogas. He also asked if it could be included in the report. GM Dow stated that a line will be added to the report

showing the equivalent natural gas cost of the energy produced while operating on biogas.

Commissioner Johnson asked if there was a frame of context for the items in the report. She also stated that the overtime use appears to be low. Commissioner Miller requested that the standard (range) would identify if it were high or low. He also stated that if a standard was not meeting the norm, that GM Dow would verbally identify. GM Dow reported that staff will develop meaningful targets/goals or normal/expected ranges for each item in the Report.

Bruce Baum, San Anselmo, asked questions pertaining to biosolids production. GM Dow answered his questions.

Action M/s Miller/Boro to accept the February Performance Metric Report for February 2008. The motion carried unanimously.

**FY 2008/09 BUDGET DEVELOPMENT:**

GM Dow reviewed the budget development schedule and major projects added to the revenue bond program, and gave an overview of the 10-year asset management and capital project schedules. GM Dow stated that the Agency's major projects are funded through FY 11/12, asset management projects are funded by debt services coverage, and that the capital projects after FY 11/12 are only partially funded.

Commissioner Johnson stated that Ross Valley's share of the 10-year capital project budget was approximately \$47 million and asked if CMSA has prioritized the projects. She stated that Ross Valley was creating their own capital improvement program and was concerned about the overall rates to fund the CMSA and RVSD projects. Commissioner Boro stated that was a benefit of consolidation, to have one agency oversee all projects. Commissioner Dupar stated that Corte Madera will look at the big picture and will start to build increases in their rates to fund the CMSA capital projects.

Commissioner Johnson asked whether equipment had a schedule of replacement or if the Agency waited for the end of its life or failure. GM Dow explained the Agency's asset management philosophy and the on-going asset management program activities.

Commissioner Boro stated that we could not build on future rates until projects were approved.

Commissioner Johnson stated she appreciated the work staff has put into the budget.

**WWIP MONTHLY REPORT:**

GM Dow gave a presentation of the Wet Weather Improvement Project (WWIP) progress during the month of February. He stated that the work was progressing on schedule and that

change orders were low (less than 1%). He reported that the project may be completed prior to March 2010.

Action M/s Dupar/Johnson to receive and accept the WWIP monthly report for February 2008. The motion carried unanimously.

## **JANUARY 2008 BOARD MEETING MINUTES:**

GM Dow reviewed the staff report and indicated that there were two sets of minutes for the Board's review and consideration, the original minutes of 1/8/08 or the revised minutes with additions by Commissioners Brown and Johnson.

Action A motion was made by Commissioner Johnson to hold this item over to the April Board meeting, when Commissioner Brown could be present. The motion did not receive a second.

Chair Sinnott asked staff to review the attached chronology document.

GM Dow stated that staff has prepared a chronology of the 2006 RVSD relocation discussions by the CMSA Board and the 2007 regionalization discussions held by the RVSD, SRSD, and CMSA Boards. The document shows the date of each discussion, Board members present, direction to staff, and/or action taken.

Commissioner Dupar stated that as a CMSA board member he would not approve the revised minutes of January 8<sup>th</sup>, that he preferred action minutes and did not want to move to detailed discussion minutes. Commissioner Boro stated he felt the same way but would be willing to attach the changed minutes as a part of the record.

Commissioner Johnson stated that they were trying to create a history and by leaving out statements would alter the record. She stated she had concerns about the chronology report included in the staff report, and recommended that GM Dow meet with the other district managers to review the event chronology.

Chair Sinnott thanked staff for a good job with the minutes and chronology and felt the revised minutes of January 8<sup>th</sup> could be included as a "not approved" attachment to the approved minutes.

Bruce Baum, San Anselmo, and Steve Vanni, SD #1 Director, addressed the board during the public comment period.

Action M/s Boro/Dupar to accept and approve the originally prepared minutes of January 8, 2008, with the revised version of the minutes to not be approved but attached. The motion passed with the following vote:

Ayes: Boro, Dupar, Miller, Sinnott  
Noes: Johnson  
Abstain: None

**NBWA UPDATE:**

No report this month.

**VERBAL REPORT:**

GM Dow reported:

- State Legislative Analyst proposes local property tax shift from cities and special districts to the County: may be a 22% revenue reduction for Marin agencies; County supervisors to determine shift allocations. Assembly and Senate budget sub-committee discussions this week on the proposal.
- NBWA private property I/I reduction program: NBWA approved contracts for the lateral program and hired Larson Consulting for the technical elements and Rauch Communications for the public outreach. CMSA's contribution \$45,000.
- Hydrogen peroxide class action lawsuit: CMSA class action has been combined with other suites. Discovery near completion. Three partial settlements have been reached.
- EPA approves mercury TMDL for SF Bay
- Two new board alternates Bob Ravasio for SD #2 and Barbara Heller for SRSD
- New OIT, Jose Guiterrez, to start 4/17; Engineer and E/I Tech recruitments closed
- Expanding source control inspection to at least once per year for all dischargers.
- Treated 70 oak trees for Sudden Oak Decline (SOD) on Andersen Drive

Commissioner Boro requested staff:

- review the 2002 Grand Jury report to verify that CMSA's reserve policy complies with their recommendations
- review the chronology document with the other Managers, and make any necessary changes

Bruce Baum spoke during the public comment period regarding mercury sources to the Bay. GM Dow responded.

**DATE OF NEXT MEETING:**

The next regular commission meeting is April 8, 2008, at 7:00 p.m.

**ADJOURN:**

The meeting was adjourned at 8:54 p.m.

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Recording Secretary

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Secretary