

ITEM 11.a.

ROSS VALLEY SANITARY DISTRICT REGULAR BOARD MEETING MINUTES

Wednesday, February 10, 2021
5:00 PM

Via GoToMeeting

Directors Present: Michael Boorstein
Thomas Gaffney
Doug Kelly
Pamela Meigs
Mary Sylla

Directors Absent: None.

Staff/Consultants Present: Steve Moore, General Manager
Felicia Newhouse, Assistant General Manager
Julia Cooper, Clerk of the Board
Andrea Clark, District Counsel
Sean Filippini, Downey Brand
Stephen Miksis, Operations and Maintenance Manager
Melvin Garcia, Finance Supervisor
Justin Seufert, Psomas
Bryant Sparkman, Century Urban
Gabriela Dow, NV5
Lawrence McGuire, NV5
Jill Barnes, Jill Barnes Consulting

Public Present: Russell Shaw, Homeowner of 27 Terrace Ave., Kentfield

Note: These minutes do not represent a transcript of the meeting and are intended to be a summary of the most important points. For a complete record, please refer to the video recording of the meeting, which will be available on the District's website at www.rvsd.org.

Item # 1 – Call Meeting to Order and Roll Call

The meeting was called to order by President Sylla at 5:00 p.m. The Board Clerk called roll. The Board recited the Pledge of Allegiance.

Item # 2 – Item # 2 —Adjourn to Closed Session

The Board adjourned to Closed Session at 5:02 p.m.

Item # 3 – Closed Session

- a) Government Code Section 54956.9(d)(2): December 28, 2020 claim received by Alvin Hornstein, which will be made available for public inspection upon request (one potential case)

- b) Conference with Legal Counsel – Existing Litigation (Govt. Code 54956.9(d)(1)): *Telstar Instruments, Inc. v. Ross Valley Sanitary District* (Sup. Court Case No. CIV-20033065)

Item # 4 – Reconvene to Open Session

The Board reconvened to Open Session at 5:30 p.m.

Item # 5 – Report on Action Taken by the Board During Closed Session, If Any, Pursuant to California Government Code Section 54957.1

President Sylla reported that the Board rejected the claim received December 28, 2020. There was nothing else to report from Closed Session.

Item # 6 - Approval of Agenda

Motion: M/s Boorstein/Meigs to Approve the Agenda
Vote: Ayes: Boorstein, Gaffney, Kelly, Meigs, Sylla Noes: None. Absent: None. Abstain: None
The motion passed.

The motion as stated above carried unanimously via a roll-call vote.

Item # 7 – Open Time for Public to Raise Items Not on Agenda or for Future Agendas

There was no public comment or requests for future agendas.

Item # 8 – Committees Report Out

Finance Committee – Director Gaffney reported that the Finance Committee reviewed the mid-year financials and said they reflected a positive outlook. He also reported that they discussed the sewer lateral grant appeal, the RVPFA audit, and contract agenda items.

Central Marin Sanitation Agency (CMSA) – Director Kelly reported that CMSA reviewed technological security vulnerability and proceedings. They adopted a new FOG ordinance that improves clarity and set workshop dates for the CMSA Strategic Plan. Director Boorstein commented on the security protocols and updated the Board on additional items.

North Bay Watershed Association (NBWA) – Director Meigs reported that there were informational speakers at the latest NBWA meeting who gave an overview of findings from Bay monitoring for various contaminants over a period of five years. She reported on discussions related to different contamination types and testing done with municipal wastewater.

Item # 9 - Verbal Report by General Manager

GM Moore reported that the USEPA is set to provide comments on the 2000 Larkspur Landing draft report by the end of February, and upon final approval, the District can engage with the public

regarding the potential disposition of the property. He suggested that staff bring a Communication Plan to the Board in March to receive Board direction. He said that there was an unsolicited offer made on the property last week that staff could not entertain due to the Surplus Land Act. Per Board request, he also reported the current expenses of Land Use Counsel, who assisted with two recent informational presentations and prepared a memorandum to the Board. Director Kelly responded that the District could publicize in local newspapers when the property is available, and he asked that staff design a physical sign to post at the property. Director Meigs requested that the Board review any survey before it is sent out to the public.

Next, GM Moore reported on the construction plan progress with the 1111 Andersen Dr. building. Staff is responding to comments made by Comcast on the tenant lease. The Board discussed when Comcast would no longer be paying the full lease amount.

GM Moore reported that staff submitted the annual progress report on the Cease-and-Desist Order to the Regional Water Board. This report included progress in capital improvements and Operations commitments. He told the Board that the projects included in this order are wrapping up and, with accepted changes, that the final date of the order is June 30, 2021. Moving forward, CIP and Operations and Maintenance decisions will be risk-based from the findings of the updated IAMP.

GM Moore reported that CAL OES denied the District’s grant application to fund backup power for future Public Safety Power Shutoffs.

GM Moore reported on some of the topics discussed at the recent CASA Winter Conference including Wastewater Based Epidemiology, which is still in a research phase. Director Boorstein added that researchers used two Marin locations to gather data. GM Moore reported that there was a CSRMA discussion on property insurance increases due to the compounding effect of recent natural disasters.

GM Moore shared his screen to show images of difficult to access sewer easements located on private property. He reported that staff is currently testing an easement program that will allow ratepayers to provide contact information. He told the Board that a mailed notice will be sent out to over 3,000 properties that have infrastructure on their property. Director Boorstein expressed that he would love to see it once it is ready for the public.

Item # 10 - Verbal Report by Board Members and Requests for Future Items

Director Meigs requested a future dialogue regarding bonuses for managers. GM Moore suggested that this item could appear on the June agenda alongside the annual resolution for salary and benefits for unrepresented employees.

Item # 11 – Consent Calendar

Motion: M/s Boorstein/Gaffney to Accept Items in the Consent Calendar
Vote: Ayes: Gaffney, Boorstein, Kelly, Meigs, Sylla Noes: None. Absent: None. Abstain: None
The motion passed.

The motion as stated above carried unanimously via a roll-call vote.

Item # 12 – Consideration of an Appeal for a Retroactive Lateral Replacement Grant at 27 Terrace Avenue in Kentfield

Motion: M/s Kelly/Boorstein to Postpone the Discussion of an Appeal for a Retroactive Lateral Replacement Grant at 27 Terrace Avenue in Kentfield

Vote: Ayes: Gaffney, Boorstein, Kelly, Meigs, Sylla Noes: None. Absent: None. Abstain: None

The motion passed.

AGM Newhouse introduced this item and reviewed the District’s current lateral ordinance, permit process, and other items that were pertinent to the appeal. She reminded the Board that the Lateral Replacement Grant Program (LRGP) is robust, and there could be unforeseen consequences by granting this appeal.

Russell Shaw, the owner of 27 Terrace Ave., addressed the Board and explained that he obtained a permit early as a requirement from Marin County. He said that he was never told that he needed to apply to the grant program before starting work, and the original lateral would not have passed a pressure test. The Board asked for additional information regarding when the work began and when Mr. Shaw applied for the grant. They explained that the current program acts as a method to justify the use of public funds. The Board also suggested additions to the grant application that could address this issue in the future.

During Board discussion, Director Kelly said that he did not see an issue with an individual exception. President Sylla asked staff if the Board has the discretion to grant an appeal, and GM Moore responded that the only clear exceptions are the ones related to emergency work. She then said that she did not see value in awarding an exception for someone who did not read the application. Director Meigs said that she could see how the applicant could find the process overwhelming and appreciated his attempts to complete the application.

District Counsel said that the clearest options would be to either reject the appeal or modify the grant resolution to allow for retroactive exceptions. She said that she did not want to set a precedent or encourage the Board to act arbitrarily. The Board discussed potential changes to the program. Director Kelly said that he would be in favor of postponing action on this item and review amending the LRGP resolution at a future meeting.

The amended motion as stated above carried unanimously via a roll-call vote.

Minutetaker’s Note: Director Meigs left the meeting at 6:59 p.m.

Item # 13 – Consideration of Authorizing the General Manager, Upon Review and Approval of Counsel, to Execute Task Orders 11 and 12 with Jill Barnes Consulting, in the Total Amount of \$130,660 for Project Management Support Services on the Butterfield/Arroyo-Kenrick Gravity Sewer Improvements Project (Project No. 947) and Consultant Selection for Construction Management Services for FY 20/21 Gravity Sewer Improvements Project (Project No. 951)

Motion: M/s Kelly/Boorstein to Authorize the General Manager, Upon Review and Approval of Counsel, to Execute Task Orders 11 and 12 with Jill Barnes Consulting, in the Total Amount of \$130,660 for Project Management Support Services on the Butterfield/Arroyo-Kerrick Gravity Sewer Improvements Project (Project No. 947) and Consultant Selection for Construction Management Services for FY 20/21 Gravity Sewer Improvements Project (Project No. 951)

Vote: Ayes: Gaffney, Boorstein, Kelly, Sylla Noes: None. Absent: Meigs. Abstain: None

The motion passed.

GM Moore introduced this item and reviewed Jill Barnes’s qualifications and previous projects with the District. He said that she is especially effective in working with the public and other local stakeholders, and her previous task orders were completed under budget. He described the support she would provide for the construction team, and the additional factors that complicate the project. He also said that this is a sole-source contract, but Ms. Barnes would help draft an RFP for future capital work.

Ms. Barnes addressed the Board and expressed her excitement to work on the third leg of the Butterfield improvements. She said she would implement a good public outreach model due to the tight timeline, including a public workshop to address any issues. She discussed the construction method and its potential effect on homeowners.

The motion as stated above carried via a roll-call vote. Director Meigs was absent for this vote.

Item # 14 - Consideration of Approving and Authorizing the General Manager, Upon Review and Approval of Counsel, to Approve Task Order No. 6 with Psomas, Inc., in the Total Amount of \$265,610, for Construction Management Services for the Butterfield/Arroyo-Kerrick Gravity Sewer Improvements Project (Project # 947)

Motion: M/s Gaffney/Boorstein to Authorize the General Manager, Upon Review and Approval of Counsel, to Approve Task Order No. 6 with Psomas, Inc., in the Amount Not to Exceed \$265,610, for Construction Management Services for the Butterfield/Arroyo-Kerrick Gravity Sewer Improvements Project (Project # 947)

Vote: Ayes: Gaffney, Boorstein, Kelly, Sylla Noes: None. Absent: Meigs. Abstain: None

The motion passed.

GM Moore introduced this item and told the Board that this contract is for the same project as the previous item. He told the Board that Psomas and Justin Seufert have consistently shown the ability to deliver on constrained deadlines, and they have the experience of working on previous legs of this project.

Mr. Seufert addressed the Board and told them that the same team worked on this project last year, and they brought it in under budget. This team is valuable for their institutional knowledge and their public outreach. Director Gaffney asked how billable hours will be allocated, and Mr. Seufert explained different project components. GM Moore added that certain things, like the reconnection of lower laterals, can be done in a longer window. Director Gaffney asked to amend the motion to make this amount “not to exceed.”

The motion as stated above carried via a roll-call vote. Director Meigs was absent for this vote.

Item # 15 - Informational Items

For Item 15.a., The Board reviewed the monthly metrics, and President Sylla made special note of the recycled water metric. Director Kelly asked for additional information on the sewer overflows from this report, and staff responded with the relevant details.

For Item 15.b., Gabriela Dow from NV5 shared her screen and gave a presentation on public outreach metrics. She told the Board that this review focuses on digital metrics. Lawrence McGuire of NV5 reviewed the District’s platforms such as the website, GM Bulletin, NextDoor, and other digital advertisements. He said that District exceeds industry standards and gave an example of the Comcast commercials that were posted to YouTube.

Ms. Dow described how NV5 tracks these metrics and showed software options if the District would like to add social media profiles in the future. Director Boorstein suggested ways to increase the visibility of the GM Bulletin. The Board thanked NV5 for their report.

Adjourn: The Board adjourned at 7:49 p.m.



Michael Boorstein
Secretary of the Board

Submitted by: Julia Cooper
Clerk of the Board