

ITEM 7.a.

ROSS VALLEY SANITARY DISTRICT REGULAR BOARD MEETING MINUTES

Wednesday, March 18, 2020
5:00 PM

Ross Valley Sanitary District
2960 Kerner Blvd., San Rafael, CA

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 McEntee, Clerk of the Board
Andrea Clark, District Counsel
Stephen Miksis, Operations and Maintenance Manager
Suzanne Solomon, Liebert Cassidy Whitmore

Public Present: Stephen Keese
Jordan Weill
Marjorie Sun
Steve Lamb

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.rvsvd.org.

Item # 1 – Call Meeting to Order and Roll Call

The meeting was called to order by President Boorstein at 5:01 p.m. The Clerk of the Board called roll. The Board recited the Pledge of Allegiance.

Item # 2 – Adjourn to Closed Session

The Board adjourned to Closed Session at 5:04 p.m.

Item # 3 – Closed Session

- a) Conference with Legal Counsel – Anticipated Litigation
Significant exposure to litigation pursuant to Govt. Code section 54956.9(d)(2) – one potential case

Item # 4 – Reconvene to Open Session

The Board reconvened to Open Session at 5:31 p.m.

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

There was nothing to report from Closed Session.

Item # 6 – CHANGE IN LOCATION – Approximately 30 Minute Visit - Pump Station 14 – 200 Doherty Drive, Larkspur, CA, 94939 – POSTPONED TO A FUTURE MEETING

Item # 7 – Approval of Agenda

Motion: M/s Sylla/Kelly to Approve the Agenda with the Addition of an Emergency Action Item
Vote: Ayes: Gaffney, Boorstein, Kelly, Meigs, Sylla Noes: None. Absent: None
The motion passed.

GM Moore told the Board that there was an emergency action item that he would like to add to the agenda. President Boorstein said that the Board will consider this item next. District Counsel Andrea Clark defined the situation that warrants an emergency, and the following item came to the District’s attention after the agenda was posted. She also clarified that it must pass with at least a 2/3 vote to be added to the agenda.

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

Emergency Action Item: Consideration of Adopting Resolution No. 20-1581, Declaring a State of Emergency and Authorizing Expenditures Related to the Global Coronavirus Disease 2019 (COVID-19)

Motion: M/s Kelly/Sylla to Adopt Resolution No. 20-1581, Declare a State of Emergency and Authorize Expenditures Related to the Global Coronavirus Disease 2019 (COVID-19)
Vote: Ayes: Gaffney, Boorstein, Kelly, Meigs, Sylla Noes: None. Absent: None
The motion passed.

GM Moore recounted the state level reactions to the COVID-19 public health emergency. He told the Board that the emergency is similar to the emergency work during the 9 Summit landslide in that emergency capital work can be contracted without a competitive bid process. The item also gives the General Manager authority and flexibility to go beyond the approved budget for staff leave and additional services. He said that sewer systems are considered essential government function.

Director Gaffney asked if staff had an estimate of the cost. GM Moore said that there was no way to truly predict costs, but finance is tracking all related expenditures. AGM Newhouse said that there are no anticipated increases in workforce costs, but there are minor planned expenses such as increased cleaning of the offices.

The Board discussed how often they would like to receive updates on the emergency. GM Moore told the Board that this item gives staff the ability to make nimble decisions and assure staff that they will receive salary and benefits as expected.

Director Sylla asked if this is in line with the actions of other agencies. District Counsel said that she presumes many agencies are adopting something similar, and this staff report is modeled after previous emergency declaration resolutions.

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

Item # 8 – Open Time for Public to Raise Items Not on Agenda or for Future Agendas

Steve Lamb, resident of San Anselmo, asked if the District intended to apply for FEMA funding surrounding the COVID-19 crisis. GM Moore said that the District is seeking funding.

Item # 9 - Conduct Public Hearing and Consider Adoption of Ordinance No. 92 An Ordinance Repealing Ordinance 91 Adopted October 16, 2019, and Enacting This Ordinance Relating to Sewer Capacity Charges and Sewer Permit Fees

Motion: M/s Kelly/Gaffney to Conduct Public Hearing and Adopt Ordinance No. 92 An Ordinance Repealing Ordinance 91 Adopted October 16, 2019, and Enacting This Ordinance Relating to Sewer Capacity Charges and Sewer Permit Fees
Vote: Ayes: Gaffney, Boorstein, Kelly, Meigs, Sylla Noes: None. Absent: None
The motion passed.

GM Moore introduced this item and told the board that the District received four applications regarding new ADUs since the October update to the ordinance for capacity charges and permit fees.

Director Meigs asked if the General Manager contacted the public that attended the February meeting; he responded that he received positive feedback from most of the ratepayers. Director Kelly said that he received positive feedback from Marjorie Sun.

Jordan Weill, resident of San Anselmo, said that the new ordinance language makes sense to him, and he hopes that it works for future ratepayers. President Boorstein confirmed that any ratepayers that already paid the capacity charge will be refunded. Marjorie Sun also made a comment to endorse this version of the ordinance, and she felt it would go a long way to help her ADU project.

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

Item # 10 – Committees Report Out

Finance Committee – Director Gaffney reported that the Committee discussed the consent calendar items in detail. He said that they also reviewed the GovInvest plan. President Boorstein added that most of the items on the Consent Calendar are necessities, and they reviewed the check register.

Ad Hoc Facilities Committee – President Boorstein reported that there is still currently no lease with Comcast, but the District is closer. They reviewed preliminary plans with the hired architect and

designer. GM Moore and AGM Newhouse met with staff and discussed how to forge ahead. GM Moore added that staff is taking a critical look at Comcast's requests for tenant improvements (TI), but they have reached an agreement on the entrance area.

AGM Newhouse said that the project's architect did quick work to address their needs, and the project is on track to delve into next steps. Director Meigs said that a lease should be secured before the District spends money on a remodel. AGM Newhouse agreed and said that there will be no construction contract signed until after the lease agreement is executed.

Central Marin Sanitation Agency (CMSA) – President Boorstein reviewed the short agenda from the CMSA meeting. The Commission passed a resolution of appreciation for the retiring attorney. He also reported that CMSA is working with Tamalpais Community Services District on the management of FOG: fats, oil, and grease.

North Bay Watershed Association (NBWA) – Director Meigs reported on a presentation from a state representative regarding California rainwater usage. They also discussed water storage investment, climate change projects. She told the Board that the conference is cancelled, and there will not be a meeting in April.

Item # 11 - Verbal Report by Board Members and Staff, and Requests for Future Items

The Board had no requests for future items.

GM Moore reported on the response from other sanitary districts regarding increased presence of wipes and rags in the sewer system following COVID-19 measures. The District, with the support and cooperation of other agencies, is restarting the Comcast commercials. There was also a state press release on Tuesday, and GM Moore spoke with local press. Director Sylla confirmed that this uptick in wipes is related to COVID-19. GM Moore's hypothesis is that wipes are used for increased cleaning and there is the potential that it will escalate if households run out of toilet paper.

GM Moore told the Board that there will be a new COVID-19 specific commercial on Comcast channels by the end of the week. GM Moore thanked the Public Education and Outreach Committee for their initiative and work with the commercials. Director Kelly said that all nine sewer agencies in Marin joined to pay for the program. Director Meigs asked if the District can reach out to town councils.

Regarding COVID-19 protocols, GM Moore told the Board that the District is thoughtfully setting up staffing. He reviewed how staff is adapting to working from home or training in combination with working at the office. He said that inspectors are also working and available to support lateral replacements. Stephen Miksis said that staff is adapting to working within the least permissible exposure limit. AGM Newhouse added that this situation is constantly developing, and there is no clear answer how long this will go on. The Board told staff they would like updates about every two weeks, and GM Moore committed to providing an update in the next two weeks.

Item # 12 – Consent Calendar

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

Director Meigs asked to discuss Items 12.d. and 12.g.

GM Moore told the Board that Items 12.d. and 12.e. are related, and Item 12.d. shows the separate payment to the Town of Ross that is both outside the construction contract and above the GM’s signing authority. The invoices are attached, and the construction manager recommended the Town’s contractor restore parks landscaping that was affected by construction on the Large Diameter Gravity Sewer (II-3A, Upper Shady/Ross Common) Project. Director Meigs asked specific questions about town waivers, project supervision, and insurance coverage. GM Moore addressed these questions and referenced the attached invoices.

Regarding Item 12.g., AGM Newhouse gave the Board context about the LAIF account that the District opened in 2006, which requires authorized signers. Following the District’s name change in 2018, LAIF requires an amended resolution with the correct name and updated signers. Director Meigs said that she would prefer a second Board member be added to the list. AGM Newhouse responded that money transfers, typically from the bond trustee to the District’s checking account, are always conducted by staff; this is strictly a banking function to make cash available to and from LAIF as needed for District transactions. Director Meigs said that she was uncomfortable that the Board does not have more participation with the amount of money that is moved back and forth, but other Board members did not agree to amend this resolution.

The motion as stated above carried with a 4-1 vote via a roll-call vote. Director Meigs voted no on this item.

Item # 13 – Consideration of Accepting the District’s Defined Benefit Pension Plan Valuation Report Completed in Accordance with GASB 68 and the District’s OPEB Valuation Report Completed in Accordance with GASB 75

Motion: M/s Sylla/Gaffney to Accept the District’s Defined Benefit Pension Plan Valuation Report Completed in Accordance with GASB 68 and the District’s OPEB Valuation Report Completed in Accordance with GASB 75
Vote: Ayes: Gaffney, Meigs, Boorstein, Sylla, Kelly Noes: None. Absent: None.
The motion passed.

AGM Newhouse told the Board that the primary purpose of this item is to make these valuation reports available to the public. The Board reviewed the attached presentation and discussed the District’s plan for paying down the pension and Other Post-Employment Benefits (OPEB) liabilities. She also thanked Melvin Garcia for creating the amortization schedules. GM Moore added that the Board will not see the results of policy changes in these reports due to delayed reporting.

The Board discussed the OPEB liability portion of the presentation, and AGM Newhouse confirmed that the District is on track to pay the liability without being overfunded. She also told the Board that the District budgeted \$550K for this payment, but the Board reduced that payment during the rate study process. Therefore, there is an extra \$100K, and the Board can make the decision where to allocate it.

Director Gaffney said that the Finance Committee discussed these additional funds, and the Board can choose to allocate it to either of these liabilities. Director Sylla asked if these funds will be affected by the volatile stock market. AGM Newhouse responded that the returns are spread over decades to reduce the immediate impact, but she would predict a lower CPI and other contributing factors. Director Sylla said that she would like to hold onto that funding for future instability, and AGM Newhouse said that there is no need to act.

Stephen Keese commented that the rates changed following the 2008 market crash, and he asked if it makes sense to reduce the unfunded liability now. AGM Newhouse responded that CalPERS is considering a reduction in the discount rate, and that would cause the District’s liability to go up.

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

Item # 14 - Consideration of Approving and Authorizing the General Manager, Upon Review and Approval of Counsel, to Approve Task Order No. 4 with Psomas, Inc., in the Total Amount of \$170,900, for Construction Management Services for the FY 2019/20 Force Main Appurtenance Project (Project # 960)

Motion: M/s Kelly/Sylla to Approve and Authorize the General Manager, Upon Review and Approval of Counsel, to Approve Task Order No. 4 with Psomas, Inc., in the Total Amount of \$170,900, for Construction Management Services for the FY 2019/20 Force Main Appurtenance Project (Project # 960)

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

The motion passed.

GM Moore reviewed the project costs that are allocated in the current budget and the proposed amount that will stretch into the following year. He also told the Board that he chose to sole source this contract because of the previous performance and experience with the District. This contract is below 15 percent of the total construction cost, and this capital project will take place in sensitive areas in the District.

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

Item # 15 - Consideration of Approving Personnel Policy for Employee Award Recognition

Motion: M/s Sylla/Kelly to Approve Personnel Policy for Employee Award Recognition

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

The motion passed.

GM Moore introduced this item and thanked the CMSA Board representatives for bringing this CMSA policy to his attention. The District recently received the regional CWEA award, and this new policy would give each employee for \$100 per regional award and \$250 per state award. This provides a staff incentive to earn awards. Director Meigs asked if staff can attend the CWEA awards ceremony, and Stephen Miksis told her that it is postponed to October.

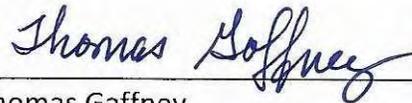
The motion as stated above carried unanimously via a roll-call vote.

Item # 16 — Informational Items

Regarding Item 16.b., GM Moore said that this scholarship program is an initiative of the Education and Outreach Committee. Stephen Miksis gave the Board details of the scholarship, such as the awards and possible awards ceremony. The applications are due at the end of May.

The Board discussed the monthly metrics, and GM Moore noted the new recycled water metrics.

Adjourn: The Board adjourned at 7:31 p.m.



Thomas Gaffney
Secretary of the Board

Submitted by:
Clerk of the Board

