

**ROSS VALLEY SANITARY DISTRICT
REGULAR BOARD MEETING MINUTES**

Wednesday, May 19, 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
Melvin Garcia, Finance Supervisor
Phil Benedetti, Associate Engineer
Justin Seufert, Psomas
Jaemin Park, Park Engineering
George Hicks, Coastland

Public Present: None.

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 –Adjourn to Closed Session

The Board adjourned to Closed Session at 5:01 p.m.

Item # 3 – Closed Session

- a) 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

There was nothing to report from Closed Session.

Item # 6 - Approval of Agenda

Motion: M/s Boorstein/Kelly 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 Committee reviewed the monthly financial statements, discussed Item 11.c. with the consultant, and offered comments on the draft budget.

Central Marin Sanitation Agency (CMSA) – Director Boorstein reported that they approved a land use agreement to install beehives on CMSA property. They also reviewed the pension and OPEB obligations, the draft two-year budget, and the final strategic plan. Director Kelly noted the presentation on CMSA’s OPEB and pension strategy, and he said he was against taking out a bond to pay off the liabilities.

North Bay Watershed Association (NBWA) – Director Meigs reported that the NBWA members reviewed the annual budget. There was a guest speaker who presented current drought legislation. She also described a roundtable which updated members on the current water supply in Lakes Sonoma and Mendocino.

Item # 9 - Verbal Report by General Manager

GM Moore reported on the progress with the Larkspur Landing property approval process with the USEPA. He expects that the final report will be completed by mid-June.

Next, he reported on the progress and participation in the easement initiative, including the 536 entries in the database and visits to the District website. He noted the increase in subscriptions to the GM Bulletin.

Then, he shared his screen to show a letter from the Regional Water Quality Control Board regarding supplemental environmental projects completed from 2012, the Creekside Marsh restoration with Friends of Corte Madera Creek and the Lateral Grant Program. By doing these projects, the District successfully avoided over \$700K in fine liability.

GM Moore reported the new permit application effective this week and that Senior Administrative Coordinator Cristina Velazquez initiated valuable outreach to contractors and realtors last month anticipating the permit process updates. This new permit process requires additional information at the time of application, and its implementation will inform a future update to the lateral grant program.

Lastly, he told the Board that he met with the State Department of General Services regarding potential affordable housing in San Quentin where there is currently a gun range. The plan happens to be over the District’s largest force main, and it encroached too much on the utility easement. GM Moore said they will keep communication open about future ideas. The Board discussed the installation of recycled water pipeline as a capital project before or during the construction of the affordable housing.

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

Director Boorstein reported that CMSA members briefly discussed consolidation and were requested to open the conversation with their individual boards. He requested a future item reviewing past discussions and Board dialogue about future options. Director Meigs added that she can offer informational materials from previous meetings on the item.

Director Kelly asked for an agenda item discussing the future location of recycled water pipeline per the item the GM Report. He said he would like to get ahead of the discussion and understand the District’s options.

Item # 11 – Consent Calendar

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

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

Item # 12 – Consideration of Approving and Authorizing the General Manager, Upon Review and Approval of Counsel, to Execute a Consultant Services Agreement with Park Engineering, Inc., in the Total Amount of \$516,140 for Construction Management Services for the 20/21 Gravity Sewer Improvements Project (Project # 951)

<p>Motion: M/s Boorstein/Meigs to Approve and Authorize the General Manager, Upon Review and Approval of Counsel, to Execute Consultant Services Agreement with Park Engineering, Inc., in the Total Amount of \$516,140 for Construction Management Services for the 20/21 Gravity Sewer Improvements Project (Project # 951)</p>
<p>Vote: Ayes: Gaffney, Boorstein, Kelly, Meigs, Sylla Noes: None. Absent: None. Abstain: None</p>
<p>The motion passed.</p>

GM Moore introduced this item and told the Board that a qualified construction manager (CM) is needed for this complex project, and the recommended firm is a result of a Board approved RFP process. The construction bids will be opened in early June, and the improvements are part of completing the requirements of the Cease and Desist Order. He introduced Associate Engineer Phil Benedetti to answer questions from the Board.

Associate Engineer Benedetti reviewed the qualifications-based selection process and the criteria staff used to evaluate and unanimously agree on Park Engineering. Jaemin Park of Park Engineering introduced himself, gave background information on construction projects, and reviewed his firm’s experience with public agencies. He detailed a recent project with San Rafael Sanitation District in similar terrain.

Director Kelly opened a conversation about the price compared to other bidders, and staff clarified that staff does not see the price until after selecting the contractor based on qualifications in accordance with the Brooks Act. President Sylla asked Counsel for further information, and District Counsel Andrea Clark explained the act allows public agencies to not have to select solely based on cost for professional services. The Board discussed the differences between this method and the formal bidding process, and they considered adding language about price into future RFPs. Director Kelly requested further information, possibly at a future meeting, on the requirements of the Brooks Act and RFP requirements. Staff highlighted that, after checking references for most of the bidders, Park Engineering was even further solidified as the recommended consultant.

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

Item # 13 – Consideration of Awarding and Authorizing the General Manager, Upon Review and Approval of Counsel, to Execute Construction Contract for the Butterfield/Arroyo-Kenrick Gravity Sewer Improvements Project, with Ranger Pipelines, Inc., in an Amount Not to Exceed \$2,177,140 (Project # 947)

<p>Motion: M/s Gaffney/Kelly to Award and Authorize the General Manager, Upon Review and Approval of Counsel, to Execute Construction Contract for the Butterfield/Arroyo-Kenrick Gravity Sewer Improvements Project, with Ranger Pipelines, Inc., in an Amount Not to Exceed \$2,177,140 (Project # 947)</p>
<p>Vote: Ayes: Gaffney, Boorstein, Kelly, Meigs, Sylla Noes: None. Absent: None. Abstain: None</p>
<p>The motion passed.</p>

GM Moore introduced this item and reviewed that the project as the third and final part of a multiyear effort. The Town of San Anselmo requested that the District refrain construction in the summer of 2020 which allowed staff extra time to qualify for an SRF loan. He reviewed the bid

results, which were favorable, and reviewed previous experiences with Ranger Pipelines. Director Kelly asked staff to tabulate the total savings for the District by splitting the original project into three.

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

Item # 14 – Consideration of Accepting the Draft Fiscal Year 2021-22 Budget

Motion: M/s Boorstein/Gaffney to Accept the Draft Fiscal Year 2021-22 Budget
Vote: Ayes: Gaffney, Boorstein, Kelly, Meigs, Sylla Noes: None. Absent: None. Abstain: None
The motion passed.

GM Moore introduced this item and said that this draft budget is subject to change, and he invited input and discussion from members. AGM Newhouse echoed this sentiment and said the Finance Committee discussed this item at length and offered valuable feedback.

The Board discussed items like the rate schedule percentage, the increased likelihood of a pay-go capital program, and the projected cost of living salary increase due to recently published figures.

Director Meigs asked if staff ever considers lowering rates on an annual basis, and GM Moore responded that Schedule 9 of the budget considers future years, but they only review rates during the Prop 218 process, last done in 2019. He added that Schedule 9 was informed by IAMP risk analysis and detailed tracking of debt management.

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

Item # 15 – Discussion of Marin Municipal Water District Ordinance No. 449, its Impact on Essential Services, and RVSD Request for Variance

GM Moore introduced this item and thanked George Hicks of Coastland for drafting the technical memorandum. The District has successfully incorporated recycled water into their regular operations, which is reflected in the monthly metrics report. GM Moore said he was surprised by the language of the MMWD ordinance, especially since hydrojetting sewer lines is essential during a drought to prevent sewer overflows and protect public health.

Mr. Hicks detailed the significant changes required to take the recycled water use from its current 40% to 100%. These changes include multiple trips per day to CMSA to refill, which may require the District to hire additional staff to achieve the same levels of productivity. He also suggested renting or buying a water truck that could go between CMSA and employees in the field, but certain vehicles are too large to pass through areas of the District. He further described the relatively small amount of water that would be saved per RVSD customer.

Director Meigs asked if the District can apply for assistance from the State for these improvements, and GM Moore responded that his experience is that those funds most often go to disadvantaged communities and permanent infrastructure. The Board discussed other solutions and ways to address the operational needs of the District.

This item was for Board discussion only; no action was taken on this item.

Item # 16 - Informational Items

GM Moore reviewed the details of the sewer overflow, including cleanup efforts and the need to improve a bottleneck in the sewer main at the overflow site. Director Meigs asked for clarification about how the District responds to service calls.

Adjourn: The Board adjourned at 7:22 p.m.



Michael Boorstein
Secretary of the Board

Submitted by: Julia Cooper
Clerk of the Board