

MINUTES OF THE ADJOURNED REGULAR MEETING  
OF THE DISTRICT BOARD  
MT. VIEW SANITARY DISTRICT  
JUNE 18, 2009

The District Board of the Mt. View Sanitary District convened in an adjourned regular session at its regular place of meeting, Mt. View Sanitary District Meeting Room, 3800 Arthur Road, Martinez, County of Contra Costa, State of California, on JUNE 18, 2009, at 6:04 p.m.

ROLL CALL OF DIRECTORS

PRESENT: Directors David P. Maggi, Elmer "Al" J. Schaal and Randell E. Williams, Vice President Stanley R. Caldwell and President Gregory T. Pyka

ABSENT: None

Also Present: STAFF – District Manager David R. Contreras, Assistant District Manager Michael D. Roe, Secretary Sheri L. Riddle, District Engineer Randolph W. Leptien and District Counsel J. Daniel Adams

PUBLIC –Brent Ives

PUBLIC COMMENT

Mr. Ives congratulated the District on the condition of the marsh after the recent opening of the tide gate.

NEW BUSINESS

1. ORDINANCE NO. 2009-100 REGULATING SEWER USER SERVICE CHARGES AND FEES

A. RECEIVE REPORT FROM STAFF

Engineer Leptien reported that on June 11, 2009, upon conclusion of a duly noticed Public Hearing, the Board adopted Ordinance No. 2009-100 promulgating General Regulation No. 100, which established a new schedule of District charges and fees for the 2009-10 fiscal year. General Regulation No. 100 increased the charges and fees of the District by 0.80%, the increase in the CPI from April 2008 to April 2009. The increase in charges and fees is authorized by a duly noticed and conducted public hearing held June 8, 2006.

General Regulation No. 100 increases the residential sewer USC \$0.32 per month and provides for a proportionate increase in the rates for other land use, with the exception of the fees for annexation and mainline construction inspection. Notice of

the increase will be included in the Mt. View Monitor mailed to all property owners on or before July 1, 2009. The new rates will become effective on August 1, 2009.

The copy of the Ordinance that was included in the June 11, 2009 Board packets contained a clerical error. The new categories and rates for certain "high strength dischargers" that were created by General Regulation No. 98 in 2008 under Section 1b., Commercial, were inadvertently omitted. General Regulation 98 reduced the rates for certain high strength dischargers. The inadvertent omission of these new categories resulted in an overstatement of certain rates.

The intention of the Board in adopting Ordinance No. 2009-100 was that the rates established by General Regulation No. 98 be correctly stated. A copy of the corrected Ordinance with changes tracked and the Ordinance in its final form has been included in the Board Meeting packet. It is recommended that the Board approve a motion acknowledging this clerical error and approving and ratifying the corrected Section 1b of the General Regulation.

A five year history of the District's fees and charges, including the new rates for 2009-10, and a copy of the increase in the CPI, April 2008 to April 2009 are also included in the packet. Engineer Leptien stated that Attorney Adams has stated the correction of this clerical error can be approved by a motion.

Engineer Leptien recommended the Board adopt of motion approving and ratifying correction of clerical errors in Section 1B of Ordinance No. 2009-100. Engineer Leptien noted the rates in the newsletter are correct.

**B. CONSIDER ADOPTION OF A MOTION APPROVING AND RATIFYING CORRECTION OF CLERICAL ERRORS IN SECTION 1B OF ORDINANCE NO. 2009-100**

It was moved by Director Maggi, seconded by Director Schaal, to approve and Ratify Correction of Clerical Errors in Section 1b of Ordinance No. 2009-100

Motion carried by the following vote:

AYES:	Directors Maggi, Schaal, and Williams, Vice President Caldwell and President Pyka
NOES:	None
ABSENT:	None
ABSTAIN:	None

2. CALIFORNIA ASSOCIATION OF SANITATION AGENCIES REQUEST FOR FINANCIAL SUPPORT REGARDING APPEAL OF TRIAL COURT DECISION IN CITY OF VACAVILLE NPDES PERMIT CASE

A. REPORT FROM STAFF

District Manager Contreras reported this lawsuit started several years ago. We have supported this in the past. District Manager Contreras reviewed the matter and recommended \$1500.

Director Schaal asked if the outcome of this case will apply to our next permit process. District Manager Contreras confirmed it would. Attorney Adams stated the fact we join in support of it is a positive step in terms of establishing at the inception of the negotiation process that we believe strongly in this issue. If we don't support it then it may show weakness on our part. District Manager Contreras fielded questions from the Board. District Manager Contreras reported that the current budget allows for our support and recommended support in the amount of \$1500.

B. PROVIDE DIRECTION TO STAFF

The Board directed staff to commit to \$1500 as per the District Manager's recommendation.

3. BOARD POLICIES AND POLICY AND PROCEDURES MANUAL

A. REPORT FROM STAFF

Attorney Adams stated that at a prior meeting the Board authorized tonight's study session on Board Policies and their potential inclusion in the Policy and Procedures Manual. Brent Ives is here to conduct the study session. Attorney Adams stated he has checked with District Manager Contreras and they have determined that Secretary Riddle does not need to be in attendance for the remainder of the meeting so long as Attorney Adams provides her with the report out of the closes session and adjournment times. President Pyka excused Secretary Riddle from the remainder of the meeting.

B. STUDY SESSION CONDUCTED BY BRENT IVES OF BHI MANAGEMENT

Mr. Brent Ives conducted a study session with the Board wherein Board Policies and Policy and Procedure Manual were discussed.

C. PROVIDE DIRECTION TO STAFF

The Board directed Staff to schedule a follow up study session and July 30, 2009 was a suggested date.

CLOSED SESSION

Item 4 was pulled from the agenda.

5. PERSONNEL MATTER – PUBLIC EMPLOYMENT– GOVERNMENT CODE SECTION 54957  
TITLE: DISTRICT MANAGER

REPORTS OUT OF CLOSED SESSION

A Closed Session was held on Item 5. The Board received a report from the District Counsel and the Consultant and provided direction to the Consultant and District Counsel.

COMMUNICATIONS – INFORMATION ONLY – NO ACTION NECESSARY

6. RHONDA BEATTY-GALLO, JUNE 11, 2009, LETTER TO BOARD REGARDING CHOICE OF NEXT DISTRICT MANAGER
7. GOVERNOR ARNOLD SCHWARZENEGGER, JUNE 8, 2009, LETTER TO DISTRICT MANAGER CONTRERAS REGARDING PROPOSITION 1A

ADJOURNMENT.

At 8:15 p.m., President Pyka adjourned to a Special Board Meeting on June 25, 2009.

A handwritten signature in cursive script, appearing to read "Sheri L. Riddle", written over a horizontal line.

Sheri L. Riddle, Board Secretary