

MINUTES
SAM REGULAR BOARD MEETING
September 27, 2010

1. CALL TO ORDER: Chair Fraser called the meeting to order at 7:03 P.M. at the SAM Administration Building, located at 1000 N. Cabrillo Highway, Half Moon Bay, CA.

ROLL CALL: Present: Kowalczyk, Lohman, Fraser, Harvey, Slater-Carter, Woren
Absent: Boyd
Alternate Present: Slater-Carter

STAFF PRESENT: Technical Svcs Supv. Pullin, General Counsel Copeland and Recording Secretary Turbay.

2. PUBLIC COMMENT/ ORAL COMMUNICATION - NONE

3. CLOSED SESSION

A. Conference with Legal Counsel - Anticipated Litigation - Government Code Section 54956.9(b) - One Matter, and Section 54956.9 (c) - One Matter

At 7:03 P.M., the Board went into closed session for the purpose of discussing Agenda Item 3A – Conference with Legal Counsel – Anticipated Litigation – Government Code Section 54956.9(b) – One Matter, and Section 54956.9(c) – One Matter.

The Board came out of closed session at 7:16 P.M. General Counsel Copeland advised that, consistent with the Board's discussion in the closed session, the Board should adopt a motion that SAM appeal the administrative decision by CalPERS, as set forth in its August 5, 2010 letter, that certain items included in the compensation for SAM's former manager, Jack Foley, do not qualify as reportable compensation for retirement purposes, SAM to be represented in the appeal by special benefits counsel, Glenn Borromeo of Catalyst Counsel, retained by SAM for this purpose. Director Woren moved and Director Lohman seconded the motion.

Woren/Lohman/8 Ayes/0 Noes. The motion passed.

General Counsel Copeland advised that SAM's appeal was separate and independent of any appeal that Mr. Foley may determine to file. He also informed the Board that SAM's appeal must be filed by October 11, 2010.

Chair Fraser introduced Rick Kowalczyk, Half Moon Bay City Council member, as the new Director on the SAM Board, representing Half Moon Bay.

4. CONSENT AGENDA

Alternate Director Slater-Carter requested that agenda item 4A – Approve Minutes, August 23, 2010 SAM Regular Board Meeting and September 9, 2010 Special Meeting be pulled as she was not sitting on the Board at those two meetings.

Alternate Director Slater-Carter moved and Director Harvey seconded the motion to approve the following consent agenda items as presented:

B. Receive and File Manager's Monthly Report for August 2010, including:

- b. Financial Statement
- c. Monthly NPDES Data
- d. Collections System Data

C. Approve Disbursements for September 2010

Slater-Carter/Harvey/8 Ayes/0 Noes. The motion passed.

Director Woren moved and Director Lohman seconded the motion that the minutes for the August 23, 2010 Regular Board Meeting and the minutes to the September 9, 2010 Special Board Meeting be approved, subject to correction of the spelling of Alternate Director Slater-Carter's name in the minutes of the Regular Board Meeting.

A. Approve Minutes – August 23, 2010 Regular Board Meeting and September 9, 2010 Special Board Meeting, as corrected.

Woren/Lohman/7 Ayes/0 Noes/1 Abstain (Slater-Carter). The motion passed.

5. OLD BUSINESS

5A. Discuss and Possibly Take Action on Recycled Water

Director Lohman announced that he attended the California Special District Annual Conference in Newport Beach, California on September 20-23, 2010. He informed the Board that he learned that the Industrial Association, for all the people who make fibers for recycled water, will help process grant applications. He stated that he will pass the information on to Tanya Yurovsky of SRT Consultants.

5B. Wet Weather Flow Management Program (WWFMP)

Director Lohman informed the Board that the WWFMP Committee had no new information to report.

Alternate Director Slater-Carter suggested that the WWFMP Committee address the issue of people parking on the site of the proposed WWFMP site by roping off the area with a sign that directs people to park on the CalTrans portion of the property.

6. NEW BUSINESS

6A. Adopt SAM Resolution No. 6-2010, Reaffirming the Investment Policy and Guidelines

Director Lohman commented that due to the conservative investments that have been made, SAM has done better than most. A discussion ensued. Following discussion, Director Woren moved and Director Harvey seconded the motion to adopt Resolution No, 6-2010. Reaffirming the Investment Policy and Guidelines.

Woren/Harvey/8 Ayes/0 Noes. The motion passed and the Resolution was adopted.

6B. Authorize Manager to Conduct Public Hearing on Proposed Non-Domestic Waste Source Control Program (NDWSCP) Fee Schedule for FY 2010-11

Technical Svcs. Supv. Pullin presented the Board with the draft fee schedule and the draft public notice to conduct a public hearing on the proposed Non-Domestic Waste Source Control Program (NDWSCP) for FY 2010-11. Following discussion, Alternate Director Slater-Carter moved and Director Woren seconded the motion to Authorize Manager to Conduct a Public Hearing on Proposed Non-Domestic Waste Source Control Program Fee Schedule for FY 2010-11.

Slater-Carter/Woren/8 Ayes/0 Noes. The motion passed.

7. MANAGERS INFORMATIONAL REPORT

Technical Svcs. Supv. Pullin updated the Board on the proposed 7th amendment to the SAM JPA and advised that the amendment should be approved by each of the member agencies in time for the October 25, 2010 Board meeting.

8. ATTORNEY'S REPORT

8A. Receive and File Report on CASA Attorneys' Committee Meeting August 20, 2010

General Counsel Copeland reviewed and discussed his attendance at the August 20, 2010 CASA Attorneys Committee Meeting. He stated that all of the legislation referenced in his Attorney's Report had been enrolled and sent to the Governor except AB 2065 (Huber), SB 501 (Correa), and AB 192 (Gatto).

Alternate Director Slater-Carter suggested that SAM and member agencies write letters of support for AB 2182 (Huffman) – Sewer Lateral and Septic Tank Conversion Financing. Director Woren recommended the Board and the member agencies also look at proposed Proposition 26, which further constrains the ability of a public agency to impose certain fees. General Counsel Copeland informed the Board that he would update the Board on the proposed legislation identified in his report at the next Board meeting. He also mentioned that each of the member agencies may need to review GC 53756 in connection with its rate structure.

9. DIRECTORS' REPORT

Director Lohman reported on his attendance at the California Special Districts Association (CSDA) annual conference on September 20-23, 2010 in Newport Beach, CA. He informed the Board of the

Special Districts Awards Program and recommended that the SAM Public Outreach program be nominated for next year's award.

10. PUBLIC COMMENT/ORAL COMMUNICATION - NONE

11. ADJOURNMENT

The meeting was adjourned at 7:47 P.M., to the next regular Board meeting, scheduled for October 25, 2010, at the SAM Administration Building, 1000 N. Cabrillo Highway, Half Moon Bay, CA 94019.

Respectfully submitted,

APPROVED BY:



Recording Secretary
Susan Turbay



BOARD SECRETARY