

**MINUTES OF THE REGULAR MEETING
OF THE
BOARD OF DIRECTORS**

Thursday, September 8, 2022

Note: Due to COVID-19, this meeting was conducted as a teleconference pursuant to the provisions of the AB 361 [Government Code Section 54953(e)]. Directors participated remotely, but the public was welcome to attend the meeting in person, as the General Manager and Office Supervisor were present at the Westborough Water District Office, in addition to participating on the teleconference.

The meeting was called to order at 7:30 p.m.

1. ROLL CALL:

Directors Present:

Don Amuzie
Tom Chambers
Janet Medina
Julie Richards
Perry Bautista

Staff Present:

Patricia Mairena, General Manager
Michael Conneran, Attorney
Wendy Bellinger, Office Supervisor

Visitors Present:

Paul Causey, Consultant

For the record, General Manager Mairena stated that both Office Supervisor Bellinger and she were present at the District's Office for any visitors who wished to attend the board meeting in person.

2. PLEDGE OF ALLEGIANCE: Led by Director Chambers.

3. SPECIAL ORDER OF BUSINESS:

A. Consideration of Resolution 662, Declaring that District Meetings will Continue to be Held Via Teleconference.

Attorney Conneran stated that due to the continuing COVID pandemic and the effectiveness of the Governor's emergency order, the District under AB 361 is authorized to continue to have its directors meet remotely as long as they adopt the resolution before them. Attorney Conneran stated he recommended approval of this resolution so they can continue to meet in the configuration they had found acceptable.

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Director Chambers moved to approve Resolution 662, Declaring that District Meetings will Continue to be Held Via Teleconference, seconded by Director Medina.

Roll Call

Director Amuzie	Aye
Director Medina	Aye
Director Chambers	Aye
Director Richards	Aye
Director Bautista	Aye

The motion was carried unanimously.

4. CONSENT CALENDAR:

President Bautista asked the Board if there was any discussion; otherwise, he would entertain a motion to accept the consent calendar.

Director Chambers indicated that the District cash reserves were about \$1.7 million or about 2.4 months' worth of reserves. Director Chambers stated that in part the reason was July's consumption, since there was no meter reading for that period and the usage was just a guess, and in addition some of the benefit expenses were paid quarterly instead of monthly, so he thought things should look up in the next months. Director Chambers also stated he did not want to pull out the report, he just wanted to point that out.

Director Chambers moved to approve the Consent Calendar, seconded by Director Medina.

Roll Call

Director Amuzie	Aye
Director Chambers	Aye
Director Medina	Aye
Director Richards	Aye
Director Bautista	Aye

The motion was carried unanimously.

5. PUBLIC COMMENT: None.

6. BUSINESS (OLD):

A. LAFCo - Draft of Westborough Water District Municipal Service Review (MSR).

General Manager Mairena stated that this item was presented at the last board meeting, and a reply was needed by September 6, 2022. Ms. Mairena told the Board that the letter in their board packet was the response that had been prepared with assistance from Attorney Conneran, and once approved, she had sent it out. General Manager Mairena asked the Board if they had any questions or comments.

Director Chambers commented on page 6A.2, Section 3 - CIP projects. He indicated that the statement "The District reviews this list of projects each year to set priorities for the next year's capital budget" should have been stated list of "potential" projects, since the Board never approved all of those projects. Director Chambers also indicated that the statement "The District is working on conducting a Rate and Fee Study to address the long list of about \$38 million worth of projects" should also have been stated as "potential" projects and the statement "The District is looking at ways to accelerate the District's Capital Improvement Program and looking for methods to finance them" should have been stated as "The District is assessing the need to accelerate the Capital Improvement Program and looking for ways to finance them." Director Chambers thought it was interesting that LAFCo was only citing the water projects and not the \$43 million in sewer projects.

General Manager Mairena replied that although the letter had already been sent out, she could send a revised response for those statements to Rob Bartoli, LAFCo Executive Officer. Director Chambers mentioned he did not think it was necessary, but the District website should reflect the wording list of "potential" projects.

President Bautista asked Attorney Conneran what his take on this was. Attorney Conneran stated that it would not be a bad idea to start a letter supplementing the discussion, addressing the list of projects, and putting it into a more accurate context stating where the Board is at with those items. Attorney Conneran thought it would be a good idea to have a five-year and ten-year plan, Director Chambers concurred.

General Manager Mairena stated that LAFCo was scheduled to meet on September 21st and since the Staff Report was to be available by September 14th, she thought we could get them the additional information as soon as possible so that it could be included. Ms. Mairena asked the Board how they felt. Attorney Conneran replied that within that time frame, she could provide a letter to them with the context of what Director Chambers had suggested and get it to them by September 14th, but anything received up to the time of the September 21st meeting would be acceptable.

Director Chambers thought it would be a good idea to modify the District's response either by phone or letter. Attorney Conneran concurred that it would be a good idea to clarify

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that the \$38 million was a very long list of potential projects and the District was not looking at doing all of them but that was the list our engineer had provided us as potential projects we could do. The District was in the process of looking at what was necessary and how to fund them.

President Bautista asked General Manager Mairena if she would take care of this. General Manager Mairena replied she would, and she would run it by Attorney Conneran before sending it out.

B. Consideration to Approve Amendment to Employment Agreement Between the Westborough Water District and Patricia Mairena.

This item was discussed under Closed Session towards the end of the meeting.

7. BUSINESS (NEW):

A. Consideration to Accept Skyline Tank No. 3 Exterior Coating Project as Complete.

General Manager Mairena referred to Engineer Brandon Laurie's report from the Pakpour Consulting Group, as he had overseen the project all along. General Manager Mairena notified the Board that Engineer Laurie reported the project had been completed to satisfaction and the District was holding a retention of \$18,878.99 which could be released up to 60 days from acceptance of the project by the Board. Ms. Mairena stated the delay was in case there were any claims from any subcontractors who may not have gotten paid yet. General Manager Mairena stated that Engineer Laurie would be getting a written statement from the contractor ESM (European Style Management) stating to the fact that there were no pending claims and after that, the District would be able to release the retention.

Attorney Conneran stated that the Notice of Completion triggered a deadline when subcontractors or material suppliers could make a claim. Attorney Conneran explained that there was a process by which claims could be made and after a certain period, the District would know it was clear to release the retention, and this would need to be done per schedule. Attorney Conneran also explained that this was pretty standard, and the contractor had a payment bond that in the event there were any claims there would be a source of money to pay them from. Attorney Conneran mentioned that this was how we handled the completion of a contract, by the Board declaring the project complete, and then recording a notice that would start the clock in case there were any claims out there.

Director Chambers moved to declare the Skyline Tank No. 3 Exterior Coating Project as Complete and to file the Notice of Completion, seconded by Director Medina.

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Roll Call

Director Amuzie	Aye
Director Chambers	Aye
Director Medina	Aye
Director Richards	Aye
Director Bautista	Aye

The motion was carried unanimously.

B. Consideration and Adoption of the Westborough Water District Sewer System Management Plan (SSMP), Overflow Emergency Response Plan (OERP) and Water Quality Monitoring Plan (WQMP), Resolution No. 663.

General Manager Mairena introduced Consultant Paul Causey who had assisted with the preparation of the SSMP, OERP, and WQMP.

Paul Causey gave an overview of the regulations and a quick run through of what was included on the Sewer System Management Plan (SSMP), the Overflow Emergency Response Plan (OERP), and the Water Quality Management Plan (WQMP). Mr. Causey explained that these three documents were required in order to comply with the 2006 State Water Resources Control Board's (SWRCB) Waste Discharge Requirements. The OERP and the WQMP were part of the SSMP. Mr. Causey reviewed as to how the regulations were adopted in 2006, thus, creating a uniform set of requirements for all the sanitary collection systems across the State of California. Mr. Causey stated that another purpose was to eliminate the need to issue individual permits to all 1,200 agencies enrolled in this program with the State. He also stated that in 2013, by executive order of the SWRCB, some of these requirements were modified. Mr. Causey explained that the State's objective was to reduce the numbers and volumes of the System Sewer Overflows (SSOs) across the State through the proper operation and maintenance of the sanitary sewer systems and that these regulations were applicable to any systems greater than 1 mile, publicly owned, and discharging to a Publicly Owned Treatment Works (PUTW). Mr. Causey reported that the District has 18.6 miles of sewer lines, about a mile of force mains, and fortunately no responsibility for the sewer laterals.

Mr. Causey explained that statewide, all agencies have to be able to report any SSOs to the California Integrated Water Quality System (CIWQS). Mr. Causey reviewed the regulatory background and how all the enrollees have to take feasible steps to contain and mitigate the impacts of an SSO, in the event an SSO was to occur.

Mr. Causey listed the requirements for the District as stated in 2006:

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- Enroll in CIWQS
- Submit an Annual Collection System Questionnaire to CIWQS
- Identify a Legally Responsible Individual (LRO) and Data Submitters
- Prepare a SSMP approved by the District's Governing Board on a regular basis
- Monthly report all SSOs or no SSOs
- Develop System Performance Standards and publicly report to the Board of Directors
- Audit and Update the SSMP at least every two years
- Recertify the SSMP at least every five years or whenever there are any significant changes

Mr. Causey also listed the changes made in 2013:

- The Board changed the number of SSO categories from 2 to 3
- Add the SSMP and any critical supporting documents to website or be submitted directly to the SWRCB
- Change requirement from SSO appearing in multiple manholes to single SSO
- Change the reporting requirements for the various categories of the SSOs
- Change Single SSO notification to the Office of Emergency Services (OES)
- Private Lateral SSOs is a voluntary report
- Increase requirements for any SSOs greater than 50,000 gallons

Mr. Causey noted that there are new significant revisions from the SWRCB coming down the pipe in December 2022, changing the Internal Audits to every 3 years from the Original Adoption Date or OAD (District's original OAD is 2010), and the SSMP adoption to every 6 years from OAD. Mr. Causey stated that if the Board were to adopt the SSMP tonight, it was very likely the next Internal Audit would be in 2023 and the next SSMP adoption would be in 2024.

Mr. Causey reviewed the SSMP document the Board had in front of them and how it addressed the following elements:

1. Goals
2. Organization
3. Legal Authority
4. Operations and Maintenance Program
5. Design and Performance Standards
6. Overflow Emergency Response Plan
7. Fats, Oils and Grease (FOG) Control Program
8. System Evaluation and Capacity Assurance Plan

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9. Monitoring, Measurement and Program Modifications
10. Program Audits
11. Communications Program
12. Appendix - Log of SSMP Changes

Mr. Causey reviewed financial penalties statistics for some agencies failures to have Sewer Program Compliance and claims settlement amounts and he stressed the importance for District staff to be involved with the Sanitary Sewer Management Program and not just rely on the City of Daly City staff.

Mr. Causey made the following recommendations:

- Consider all three documents: SSMP, OERP, and WQMP
- Ask any questions
- Consider the adoption of the Resolution Approving the SSMP, OERP, and WQMP
- Authorize the LRO to certify the adoption in CIWQS
- Post SSMP on District website
- Post critical supporting documents on webpage

Mr. Causey also told the Board that after December 2022, all agencies will need to re-enroll with the DWR sometime between December 2022 and May 2023, and in addition, the OERP will need to be modified by May 2023, since a new category of overflows and sampling requirements will be added, which he will be happy to assist with. Mr. Causey ended his presentation and asked the Board if anyone had any questions.

President Bautista asked about the District following the sewer code for Daly City and South San Francisco. Mr. Causey explained how even though South San Francisco did not approve the plans for new pipelines, they do have some responsibility for an oversight for the development of new laterals for new connections in the City.

Director Chambers asked about the CCTV Program that Pakpour had conducted and that he thought the entire system had been CCTV. General Manager Mairena stated that Pakpour had all the data but was still having an intern analyze and evaluate it. Director Chambers stated that since the program had to be done every five years, perhaps we should ask Pakpour what was happening since he had proposed 45 million worth of projects before finishing the analysis of the data. General Manager Mairena agreed to follow up.

Director Amuzie inquired about Daly City having a lot of responsibility in these discussions since they operated our system, but he did not hear anything about their role. Mr. Causey explained that the City of Daly City is under contract with the District to handle Operations and Maintenance of the Sewer System, but all that is under the direction of the

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District's General Manager. Mr. Causey stated that under the contract, the City of Daly City is not required to do some of the items listed on the audit, and the contract was an old contract.

Director Chambers asked General Manager Mairena about any recent SSOs. General Manager Mairena stated that since she became manager, she had certified two of them with the assistance of the City of Daly City. Ms. Mairena stated that she had learned a lot from Paul on the reporting of SSOs. General Manager Mairena provided the location of the two most recent SSOs which were on Westborough Boulevard (between the Community Center and the school field) and by the Westborough Pump Station, and that no homes had been involved.

President Bautista asked if there was any further discussion. Since there was none, he asked for a motion.

Director Chambers moved to approve Resolution No. 663, Adoption of the Westborough Water District Sewer System Management Plan (SSMP), Overflow Emergency Response Plan (OERP) and Water Quality Monitoring Plan (WQMP), seconded by Director Medina.

Roll Call

Director Amuzie	Aye
Director Chambers	Aye
Director Medina	Aye
Director Richards	Aye
Director Bautista	Aye

The motion was carried unanimously.

Director Chambers thanked Paul for educating the Board. General Manager Mairena also thanked Paul for his efforts and patience and told the Board that he had done a great job at putting everything together considering there were missing computer files of the previously approved SSMP. Other board members thanked Paul as well.

General Manager Mairena told Paul she would reach out to him the next day and send him the signed resolution so that everything could be finalized.

C. Appointment of Board Committees by President Bautista.

General Manager Mairena told the Board the reason she had placed this item on the agenda was to add the Investment Committee, which had the same members as the Budget Committee, and this was in case any investment decisions needed to be made in the future.

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Director Amuzie stated he would like to work with Janet in ACWA and JPIA. There was a recap as to why Director Medina was named the ACWA/JPIA representative, and it was so to avoid the filing of assuming and leaving statements on top of annual filings of Form 700. Director Medina replied that she had no problem having Director Amuzie take over as the ACWA/JPIA representative. Director Amuzie stated he wanted to work with her, and not take it over. President Bautista inquired if it was possible to have an alternate. General Manager Mairena stated that the alternate was named when the representative was not attending the ACWA/JPIA meeting. Director Chambers stated that the alternate would not have to file a Form 700. President Bautista told Director Amuzie he could work with Director Medina on this.

General Manager Mairena asked President Bautista if the assignments were being left as stated on the board packet. Since there were no changes to the Appointment of Board Committees by President Bautista, there was no action taken by the Board.

D. Consideration to Authorize Attendance to ACWA Region 5 Program and Tour, Monterey, CA, October 6 – 7, 2022.

General Manager Mairena told the Board this was the same program that was listed on last month's agenda and the Board wanted more details on the program which were now listed.

President Bautista told the Board about his experience with this tour which he thought would be a very good one for anyone who wished to attend. Since there was no interest expressed, no action was taken by the Board.

8. WRITTEN COMMUNICATIONS: None.

9. ATTORNEY'S REPORT: None.

10. GENERAL MANAGER'S REPORT:

A. Report on District's Water Conservation for August 2022.

General Manager Mairena reported on the water conservation efforts for August 2022 and presented worksheets comparing water consumption for the previous two years.

Director Chambers commented that the higher usage the time before last was due to the filling of the tank, so it would be easier to look at year-to-date, and that was 52 gallons per person per day (GPPD) for this year, last year was 50.6 GPPD, 2021 was 58.29 GPPD, and 2019 was 59.1 GPPD, which is what the SFPUC was comparing us to. Director Chambers felt the

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District customers were doing very good, and the 52 GPPD was lower than the State's 55 GPPD, and he hoped the 52 would drop lower once the higher usage when the filling of the tank occurred would average out in coming months.

11. ITEMS FROM BOARD OF DIRECTORS: None.

12. CLOSED SESSION:

A. Closed Session – Public Employee Performance Evaluation, Government Code Section 54957

Title: General Manager

Attorney Conneran took the Board into closed session at 8:52 p.m. to discuss the General Manager's performance evaluation and reconvened at 9:00 p.m.

President Bautista asked General Manager Mairena what the Cost-of-Living Adjustment (COLA) for the employees had been. General Manager Mairena stated that it was 6.5%. President Bautista asked the Board if anyone had any comments.

Director Chambers stated that everyone felt that General Manager Mairena had done very well during a very challenging year. Director Chambers also stated that to be fair and with inflation going up, the compensation numbers stated on her agreement should be increased by the 6.5% COLA and though she had learned a lot and performed very well, any merit increases should be considered in future years.

General Mairena asked for clarification regarding the increase, as she was not clear whether the increase would be an additional 1.5% over the 5% her agreement called for, or an additional 6.5%. Attorney Conneran clarified the increase would be 6.5% over and above the numbers stated on the agreement and he proceeded to calculate the revised compensation for this year at \$235,950.75 and indicated that all the subsequent numbers would be revised by the 6.5% COLA as well.

Director Chambers moved to approve an Amendment to the Employment Agreement Between the Westborough Water District and Patricia Mairena revising the present compensation to \$235,950.75 and a 6.5% COLA increase to all the subsequent compensation numbers on the agreement, effective with the next payroll period, seconded by Director Medina.

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Roll Call

Director Amuzie	Aye
Director Chambers	Aye
Director Medina	Aye
Director Richards	Aye
Director Bautista	Aye

The motion was carried unanimously.

Director Chambers stated that he thought the Board should adopt General Manager Mairena's list of goals for the year 2022-2023 to have a basis for next year's review, as these were pretty well thought out. Director Chambers also stated his one issue was that we should prepare a CIP for both 5 years and 10 years prior to doing the Rate Study.

President Bautista directed General Manager Mairena to set up a Personnel Committee to discuss her goals and objectives for 2022-2023. He asked the directors to email him any additional goals they would like to add to the list.

13. ADJOURNMENT:

Without objection, President Bautista adjourned meeting.

Time 9:11 p.m.



Secretary



President



Date