

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

Thursday, July 8, 2021

Note: Due to COVID-19, this meeting was conducted as a teleconference pursuant to the provisions of the Governor's Executive Orders N-25-20 and N-29-20, which suspend certain requirements of the Ralph M. Brown Act. Directors participated remotely, but the public was welcome to attend the meeting in person, as the General Manger was present at the Westborough Water District Office.

The meeting was called to order at 7:32 p.m.

1. ROLL CALL:

Directors Present:

Janet Medina
Karema Al-Arabi
Perry Bautista
Thomas Chambers

Directors Absent: Excused absence, Director Irwin.

Staff Present:

General Manager, Patricia Mairena
Attorney, Michael Conneran

Visitors Present: Joubin Pakpour
Darryl Barrow

2. PLEDGE OF ALLEGIANCE: Led by Director Al-Arabi.

3. CONSENT CALENDAR:

Attorney Conneran asked the minutes to be corrected on page 3.A.2, section A, third line; the word coated should be replaced with the word coded.

Director Medina moved to approve the consent calendar with correction to the minutes, seconded by Director Al-Arabi.

Roll Call

Director Medina	Aye
Director Al-Arabi	Aye
Director Bautista	Aye
President Chambers	Aye

The motion was carried unanimously.

4. **PUBLIC COMMENT:** None.

5. **BUSINESS (OLD):**

A. Review/Approve Lease Agreement Proposal from Crown Castle for Additional 69 Square Feet of Land at the Skyline Tank Site.

This matter was discussed after Closed Session.

After Closed Session, the Board of Directors instructed General Manager Mairena to notify Crown Castle that the Board had decided not to accept their latest offer, and instead, they will keep the existing agreement until it expires.

B. Consideration to Continue Video Conferences or Hold in Person Board Meetings.

This matter was skipped and discussed after item 5.A.

After a brief discussion and polling amongst the Board members, Director Medina made a motion to resume in person board meetings effective with the August 12, 2021, meeting, seconded by Director Bautista.

Roll Call

Director Medina	Aye
Director Al-Arabi	Aye
Director Bautista	Aye
President Chambers	Aye

The motion was carried unanimously.

6. BUSINESS (NEW):

A. PUBLIC HEARING: Consideration of Increase in Sewer Rates from \$9.87 up to \$10.30, Ordinance No. 72.

President Chambers opened the Public Hearing for Consideration of Increase in Sewer Rates.

General Manager Mairena reported four letters of protest had been received and forwarded to the Board for review. Attorney Conneran stated that two of the letters received focused only on the proposed water meter increases, and the other two letters protested all the proposed increases; however, the letters received were not a sufficient number to prevent the Board from acting on the sewer increase or on any of the proposed increases.

With no comments from the Public, President Chambers closed the Public Hearing.

President Chambers stated the increase was needed to balance the District budget and to offset the increase to the District by the North San Mateo County Sanitation District (NSMCSD). General Manager Mairena stated she had emailed the NSMCSD to verify the increase had in fact been approved, and she had received confirmation.

Director Bautista moved to approve Ordinance No. 72, Authorizing the Increase in Sewer Rates from \$9.87 to \$10.30, seconded by Director Medina.

Roll Call

Director Medina	Aye
Director Al-Arabi	Aye
Director Bautista	Aye
President Chambers	Aye

The motion was carried unanimously.

B. PUBLIC HEARING: Consideration of Adoption of Report of Sewer Service Charges to be Collected on Tax Rolls and Requesting Their Collection by the County of San Mateo, Resolution No. 627.

President Chambers opened the Public Hearing for the Adoption of Report of Sewer Service Charges to be Collected on Tax Rolls and Request their Collection.

General Manager Mairena stated she had sent the file with the detailed sewer service charges to the Board for their review.

With no comments from the Public, President Chambers closed the Public Hearing.

Director Medina commented about the report being so complex and that it was very helpful to see the full report. Attorney Conneran told Board that this report is what we need to send to the county every year in order to collect the sewer charges, and given the circumstances of the meeting, we felt it was important for the Board to get the full report by email, since it is customarily provided at the meeting.

Director Bautista inquired as to how long the District had been collecting sewer service charges on the tax rolls. Attorney Conneran told the Board it started with Ordinance no. 54, possibly about eight years ago. General Manager Mairena stated it may have been since 2008, but she would email the Board back to confirm.

Director Medina moved to approve Resolution No. 627, Authorizing the Adoption of Report of Sewer Service Charges to be Collected on Tax Rolls and Request their Collection, seconded by Director Al-Arabi.

Roll Call

Director Medina	Aye
Director Al-Arabi	Aye
Director Bautista	Aye
President Chambers	Aye

The motion was carried unanimously.

C. PUBLIC HEARING: Consideration of Water Rate Increase from \$6.48 up to \$7.28, Resolution No. 628.

President Chambers opened the Public Hearing for Consideration of Increase in Water Rates.

With no comments from the public, President Chambers closed the Public Hearing.

President Chambers commented the water rate increase from \$6.48 to \$7.28 would align with what other agencies in the BAWSCA regions are charging.

General Manager Mairena remind the Board about the letters of protest that were received addressing the water increase, along with all the other increases. President Chambers acknowledge the receipt of these letters.

Director Bautista moved to approve Resolution No. 628, Authorizing the Increase in Water Rates from \$6.48 to \$7.28, seconded by Director Medina.

Roll Call

Director Medina	Aye
Director Al-Arabi	Aye
Director Bautista	Aye
President Chambers	Aye

The motion was carried unanimously.

D. PUBLIC HEARING: Consideration of Increase in Water Meter Service Charges, Resolution No. 629.

President Chambers opened the Public Hearing for Consideration of Increase in Water Meter Service Charges.

President Chambers noted that the District had received the most protests related to this increase, a total of four letters. President Chambers also commented that we needed to generate the funds for the tank improvements (referring to the improvements to Skyline Tank no.3).

With no comments from the public, President Chambers closed the Public Hearing.

Director Medina moved to approve Resolution No. 629 authorizing the Increase in Water Meter Service Charges, seconded by Director Al-Arabi.

Roll Call

Director Medina	Aye
Director Bautista	Aye
Director Al-Arabi	Aye
President Chambers	Aye

The motion was carried unanimously.

E. Consideration to Approve Resolution No. 630, Establishing the Appropriation Limit Applicable to the District During Fiscal Year 2021-2022.

Attorney Conneran gave a brief background on the Gann Limit - Proposition 4 which limits the amount of funds public agencies can spend during a fiscal year. This limit is adjusted every year using a factor that includes personal income and the population of the area. Attorney Conneran also stated that the calculated limit for next year of \$12,032.81 was significantly above the amount the District currently spends.

Director Bautista moved to approve Resolution No. 630, Establishing the Appropriation Limit Applicable to the District During Fiscal Year 2021-2022, seconded by Director Medina.

Roll Call

Director Medina	Aye
Director Bautista	Aye
Director Al-Arabi	Aye
President Chambers	Aye

The motion was carried unanimously.

F. Consideration to Accept the Athy Drive Area Improvement Project as Complete and Authorizing the Recordation of a Notice of Completion, Resolution No. 631.

District Engineer Joubin Pakpour told the Board the project was completed last month, and the contractor had not asked for progress payments since they had a punch list but had opted to get paid at the end of the project when the list was completed. Mr. Pakpour recommended the Board accept the project as complete, which would kick in a two-year warranty period, and that General Manager Mairena, or someone from her Staff, should file a Notice of Completion with San Mateo County. Mr. Pakpour informed the Board the project had unusually ended up costing less than the final contract awarded amount by about \$3,300. Mr. Pakpour also stated that that the District had a 5% (or \$27,816.18) retention contingency for 25 days, in the event a vendor, supplier, etc. who was not paid would file a Stop Notice.

President Chambers inquired as to how the 5% contingency would reflect on the financial reports at year-end. General Manager Mairena stated most likely as a pending liability, but she would confirm with the District's CPA.

Director Bautista moved to approve Resolution No. 631, Consideration to Accept the Athy Drive Area Improvement Project as Complete and Authorizing the Recordation of a Notice of Completion, seconded by Director Al-Arabi.

Roll Call

Director Medina	Aye
Director Bautista	Aye
Director Al-Arabi	Aye
President Chambers	Aye

The motion was carried unanimously.

G. Consideration to Authorize Attendance to ACWA 2021 Fall Conference, Pasadena, California, November 30 thru December 3, 2021.

General Manager Mairena informed the Board she had received an email from ACWA about in person conference attendance being resumed for the conference, and that she wanted to place this on the agenda due to the rooms usually filling up quickly.

President Chambers asked if any board members would be interested in attending the conference. There was no interest.

General Mairena told the Board she would update them if meeting also went virtual.

No action was taken.

H. Consideration to Approve Resolution No. 632, Thanking Darryl Barrow for His Dedication and Service to the District.

President Chambers commented on how much Darryl had done for the District and the Board, and that hopefully he was enjoying his retirement.

Director Al-Arabi moved to approve Resolution No. 632, Thanking Darryl Barrow for his dedication and service to the District, seconded by Director Medina.

Roll Call

Director Medina	Aye
Director Bautista	Aye
Director Al-Arabi	Aye
Director Chambers	Aye

The motion was carried unanimously.

Everyone who was present thanked Darryl.

7. WRITTEN COMMUNICATIONS:

A. Letter from JPIA Regarding Completion of the JPIA Human Resources Certification Program by General Manager, Patricia Mairena.

General Manager Mairena updated the Board that she had received a letter and a plaque from JPIA for her completion of the JPIA Human Resources Certification Program. President Chambers thanked her.

8. ATTORNEY'S REPORT: None.

9. GENERAL MANAGER'S REPORT:

A. BAWSCA Letter to ABAG

General Manager Mairena indicated she had received a request from BAWSCA for the District to send a letter to ABAG by July 20, 2021, commenting on their EIR plan for Plan Bay Area 2050.

Attorney Conneran stated every four years ABAG had the same renewal process, and he did not see why the Board needed to comment unless someone had something specific they wanted to express.

B. Governor Newsom's Announcement to Voluntarily Reduce Water Consumption by 15%.

General Manager Mairena reported that she had attended a BAWSCA meeting today, and Nicole Sandkulla mentioned an announcement being made that Governor Newsom had declared a drought proclamation that covers 50 of the 58 counties in California, including San Mateo and Santa Clara counties, and asking all people and businesses in California to voluntarily reduce water consumption by 15% due to the growing drought conditions.

President Chambers mentioned about an article and video on the Sacramento Bee with the Governors' announcement and discussion of a suspension of post 1914 water rater rights until drought is over.

10. ITEMS FROM BOARD OF DIRECTORS:

A. Letters of Resignation from Directors Al-Arabi and Irwin, and Consideration of Process to Fill Vacancies on the Board.

General Manager Mairena told the Board letters from both Directors Al-Arabi and Irwin were included in their board packets as well as a memo from Attorney Conneran on options available to the Board to fill the vacancies.

President Chambers stated he hoped to fill the vacancies by appointment.

General Manager Mairena asked Attorney Conneran how soon we can start the board member recruitment process.

After a brief discussion and presentation of a sample notice of board vacancy by Attorney Conneran, General Manager Mairena was directed to include a notice of board vacancies with the July 15, 2021, bills as well as posting the required notice that Attorney Conneran would revise and email to her.

President Chambers congratulated Director Al-Arabi and thank her for her service to the Board. Everyone who was present thanked her as well.

11. CLOSED SESSION:

A. Closed Session Pursuant to Government Code Section 54956.8

REAL PROPERTY NEGOTIATIONS

Property: Skyline Tank Site. Sharp Park Road, Pacifica, CA

Agency Negotiator: Darryl Barrow, General Manager


Under negotiation: Price and terms of lease

The Board went into Closed Session at 8:26 p.m. to discuss the Skyline Tank Site property.

Upon returning to open session, the Board gave direction to General Manager Mairena.

12. ADJOURNMENT:

Without objection, President Chambers adjourned meeting.
Time 8:31 p.m.



Secretary



President

08/16/2021

Date