

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

Thursday, October 14, 2021

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 was present at the Westborough Water District Office, in addition to participating in the teleconference.

The meeting was called to order at 7:38 p.m.

1. ROLL CALL:

Directors Present:

Janet Medina
Perry Bautista
Don Amuzie
Julie Richards
Thomas Chambers

Directors Absent: None.

Staff Present:

Johnny Kennedy, Field Supervisor
Patricia Mairena, General Manager,
Michael Conneran, Attorney

Visitors Present: Joubin Pakpour, Engineer- Pakpour Consulting
Dayna Louie, Attorney - Hanson Bridgett, LLP
Sophia Garcia - Redistricting Partners

President Chambers welcomed newly appointed directors Amuzie and Richards and thanked them for joining the Board.

2. PLEDGE OF ALLEGIANCE: Led by Director Medina.

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

6. BUSINESS (NEW):

A. Consideration of Resolution 637, Declaring that District Meetings will Continue to be Held Via Teleconference.

Before taking up the Consent Calendar, President Chambers moved Item 6.A - Consideration of Resolution 637, Declaring that District Meetings will Continue to be Held Via Teleconference, to be done first. President Chambers gave an overview as to how the District Board Meetings meet the requirements for continuing to social distance by teleconferencing. President Chambers also pointed out that the District will need to re-adopt this resolution every 30 days. Attorney Conneran also gave an overview as to how the Governor’s Executive Order was expiring, and the Legislature had acted by passing these provisions as an emergency measure which would need to be re-adopted every 30 days and in the case the District was to have meetings that were more than 30 days apart, there will be a need for a special meeting to re-adopt these measures. Attorney Conneran recommended a motion to approve the resolution.

Director Medina moved to approve Resolution no. 637, seconded by Director Bautista with the above correction.

Roll Call

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

The motion was carried unanimously.

3. CONSENT CALENDAR:

Attorney Conneran pointed out he had one edit to the minutes on page 3.A1.3 in the middle of the page. Attorney Conneran read the original sentence and corrected the sentence to “Attorney Conneran confirmed that they would run in at-large races in 2022, and the other directors running for a four-year term would run in district races.” Attorney Conneran offered a quick explanation on the transition of at-large to district races.

President Chambers pointed out one edit on page 3.A1.8, second paragraph. President Chambers stated the sentence instead should read “President Chambers commented that he would like to add an additional number to the report – per capita, per day consumption. Richards with the above corrections.

Although the State prohibited diverting water from the streams, they plan on granting exceptions for health and safety for up to 55 gallons per capita per day.”

Director Bautista moved to approve the consent calendar, seconded by Director

Attorney Conneran clarified to Director Amuzie that since he was not present at the last board meeting, he could rely on his fellow board members’ recollections to determine his vote.

Roll Call

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

Director Medina	Temporarily lost her connection to the meeting and was unable to vote.
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The motion was passed by four votes.

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.

General Manager Mairena gave an overview of the Board’s rejection of the previous offer made by Crown Castle because they had asked to do away with the CPI escalations to a flat 3% escalations. General Mairena explained to the Board the new offer would provide for a \$450 increase to the monthly lease amount for the additional 69 square feet of land without any other changes to the existing agreement. General Manager Mairena asked for advice from Attorney Conneran since the item was also listed under closed session.

Attorney Conneran explained the reason why Crown Castle was asking to add a generator to the site, which he thought was a good thing due to the extended power outages and people being upset about losing their cell service due to lack of power to the cell site. Attorney Conneran expressed that this would be a positive thing for the Community and Crown Castle had basically accepted our terms. He told the Board they had the option to discuss this in more detail in Closed Session but unless the Board felt it was necessary, they could take a vote, and if approved, amend the agreement to add the additional 69 square feet.

Director Bautista moved to approve the Lease Agreement Proposal from Crown Castle for Additional 69 Square Feet of Land at the Skyline Tank Site, seconded by Director Medina.

Roll Call

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

The motion was carried unanimously.

B. Field Supervisor's Anniversary of 20 Years of Service.

General Manager Mairena stated she would ask Field Supervisor Kennedy to come to the board room now. Ms. Mairena stated that Johnny's anniversary had been back in August, but due to virtual meetings, the Board had not been able to present Johnny his award. General Manager Mairena read the writing on the award and presented it to Johnny on behalf of the Board and the District. Everyone congratulated Johnny on his 20 years of service.

6. BUSINESS (NEW):

B. Presentation by Redistricting Partners on Zone-Based Elections Process and Scheduling of Public Hearings.

General Manager Mairena gave an overview to the newly appointed Directors of the work Redistricting Partners will be doing for the District which is to create different districts within the District for purposes of having district representation. General Manager Mairena stated the District had approved an agreement with Redistricting Partners and introduced Sofia Garcia, the GIS - Outreach Director.

Ms. Garcia gave a slide presentation on Redistricting 101, including the following:

- What is Redistricting?
- State and Federal Voting Acts Right
- What is Gerrymandering?
- Traditional Districting/Redistricting Principles
- Census Data
- Public Hearing Schedule

Ms. Garcia also presented a suggested timeline for upcoming Board meetings:

- January – Public Hearing
- February – Draft Maps
- March-April – Finalize Maps

Afterwards, President Chambers mentioned the Chronicle had reported the District only had three census blocks and wanted to know if that would present a problem in creating five districts. Ms. Garcia replied that without looking at the article he was referring to, she could only assume the Chronicle was talking about Census tracts; Census blocks were smaller than Census tracks. She said she could provide the Board a map showing the Census blocks in the District. President Chambers asked if the presentation could be sent to Staff so it could be forwarded to the entire Board; Ms. Garcia agreed.

General Manager Mairena inquired if the Public Hearing dates needed to be set up now. Attorney Conneran asked Ms. Garcia to talk about the Hearing schedule. Ms. Garcia stated the District had a 90-day conversion and not 30-day, and this was the first meeting, so the District had three months from now. She would work the schedule and get back to the Board with the specifics. President Chambers asked what the due date to provide the file to San Mateo County was; Attorney Conneran replied it was May 22, 2022.

Director Bautista asked if the ideal situation was to create five districts with one director representing each district; Ms. Garcia agreed. Director Bautista inquired whether, in the event no one ran for a couple of the districts, could the other three board members appoint directors for the other two districts, and would they have to be from those districts that were not originally represented by a candidate. Ms. Garcia stated that would be a decision of the Board and Redistricting Partners was only there with assisting the Board with creating the five districts.

Attorney Conneran commented on how initially the 2022 election would only have candidates for the districts that have a four-year term; the other seats would proceed to the next election. Those districts would have a director, but they would have been elected at-large. In 2024, these directors would need to run in-districts. If nobody were to run for those seats, the Board could appoint, but it would need to be someone who lived in those districts.

President Chambers stated we should use zone instead of district, which would make it less confusing, so if the District was not to get any candidate for a zone, the Board would need to solicit candidates for that zone for appointment.

Ms. Garcia stated a seating member would not have their term lessen and if there were members who were not up for re-election until 2024, they would stay on their seat, but when they were up for re-election, they would have to run in the zone they were in. President

Chambers clarified that only if their zone was up for re-election because there was the possibility that in the 2022 election, another board member in that zone had already been elected and their seat was not up for re-election until 2026. Ms. Garcia agreed and commented that a board member running in 2022 at-large could elect to run in a zone, but that was optional. Ms. Garcia also confirmed that if the District did not receive a CVRA letter, the deadline was May 12, 2022, and the Board did not have to adhere to the 90-day period. Attorney Conneran confirmed the District had not received such letter.

Attorney Conneran asked Ms. Garcia about some instances in which you are not allowed to consider whether or not a zone had an incumbent and to confirm the rule was not applicable to this situation. Ms. Garcia confirmed that the District's jurisdiction was permitted to consider incumbents during the zone-based process. She also commented that it was in their Best Practices to not know the addresses of the incumbents and not to receive incumbents' files.

President Chambers thanked Ms. Garcia for her presentation and for educating the Board.

C. Consideration to Authorize Virtual Attendance to ACWA 2021 Fall Conference, December 1 - 2, 2021.

President Chambers commented that virtual attendance was not an option that the Board had when it was presented to them a couple of months ago. Attorney Conneran suggested for experienced board members to share their experiences and what they learned with attending these conferences with the new board members. President Chambers gave an overview of his experiences with virtual sessions.

Attorney Conneran commented about the in-person meetings and how these were held in the Fall in Southern California and in the Spring in Northern California.

President Chambers mentioned that it would be hard to get hotels at this point, but if anyone was really interested in attending, the Board could consider it. He also reminded board members that they needed prior approval before attending any conferences.

Attorney Conneran stated there were a fair number of virtual sessions and these would be a good way for new board members to learn provided the Board approved it.

President Chambers stated that he would like to attend the virtual sessions.

Director Medina moved to authorize President Chambers to attend the virtual meetings of the ACWA Fall Conference 2021, on December 1 -2, 2021, seconded by Director Bautista.

Roll Call

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

The motion was carried unanimously.

D. Notice of ACWA General Session Membership Meeting - December 1, 2021, to Formally Nominate and Elect ACWA's President and Vice President for the 2022-2023 Term, and Voter Designation.

President Chambers offered to attend the meeting and vote for the ACWA President and Vice President. General Manager Mairena told the Board that on their packet, they had the information related to the election and voting process, and if the Board decided they could allow President Chambers to vote on behalf of the District.

Director Medina moved to authorize President Chambers to attend the General Session of the ACWA Fall Conference 2021, on December 1, 2021, and to allow him to vote for the President and Vice President on behalf of the Board, seconded by Director Bautista.

Roll Call

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

E. Letter Dated October 6, 2021, Consideration of Request for Billing Adjustment from Customer V. Shah - 2448 Williamsburg Court.

General Manager Mairena reviewed the letter from Ms. Varsha Shah that was on their board packet in which she was requesting an additional adjustment for her high September 15th bill in the amount of \$1,041.36. General Manager Mairena informed the Board she had previously reviewed her request and had granted her a \$419.76 credit adjustment following the Board's previously established guidelines, thus reducing her bill to \$621.60. General Manager Mairena told the Board Ms. Shah's usage had gone back to normal and that the meter had not been an issue, and most likely, there was something left running. Ms. Shah had asked General Manager Mairena about any other recourses and she was told to write a letter for the Board for their review.

President Chambers commented that past policy was to bill the customer for excess water at cost rather than the marked-up rate, and since the District had to pay for the water, she would have to pay for the water. President Chambers talked about the possibility of water theft if she had an exterior water spigot. President Chambers also inquired if the meter had already been replaced which General Manager Mairena confirmed it was replaced today, and the closing reading indicated the usage was just slightly above average. Ms. Mairena also confirmed the neighbors' usage was within their normal range.

Director Amuzie asked about sending the meter out for testing so that the customer would not come back later saying it was not working properly. Field Supervisor Kennedy confirmed that the meter had been tested in-house both at high and low flows and the meter had tested correctly.

Director Medina stated she appreciated Ms. Shah's letter and her concerns, and she thought it was good what the District had already done for her, but she concurred that the District had paid enough, and the bill should be left the way it was. President Chambers offered to extend the payment for three months without late charges. General Manager Mairena told the Board she had already offered Ms. Shah to extend the due date of her balance on the letter she previously sent to her and would certainly work with her on a payment arrangement. The Board took no action on this matter.

F. Report by General Manager Regarding the Emergency Repair of the District's 14" Main Transmission Line Located on Westborough Boulevard Eastbound Direction Below the 280 Freeway Overpass, and Emergency Expenditures.

General Manager Mairena gave a recap of the incident that happened on September 9, 2021, so to update the new Directors. She told the Board that Elite Underground, who was doing boring to install a fiberoptics pipe, had damaged the District's 14" transmission main which brings the water from the SFPUC to the District. Due to the pipe being Asbestos/Concrete (AC) pipe, the markings done by field staff were off and Elite Underground ended up nicking the pipe causing couplings to come loose. Repairs to the pipe could not be done by WWD staff because of the depth of the pipe (14 feet) and the required shoring. The contractor, MK Pipelines was not able to start the repairs until Caltrans issued an encroachment permit needed to close the freeway on-ramp and one of the off-ramp lanes. General Manager Mairena told the Board that finally, on September 17th, after going back and forth with Caltrans, an emergency permit was issued, but only after the City of South San Francisco notified the District of a sink hole forming on the area where the pipe was hit, and the sink hole getting bigger during the day. Since the District had been left without their main water supply, the intertie with North Coast County Water District had to be opened; it served the District from September 9th thru September 22nd, delivering approximately 12,498 HCF. General Manager Mairena reported that the cost of the repairs from MK Pipelines were \$74,135.37, which were

way above her limit, but they needed to be done. In addition, the District purchased six couplings at a cost of \$10,075.46, two of which were used for the repairs and the other four were to be placed on inventory. Ms. Mairena told the Board this had been an awakening experience that showed how fragile our system was, and that the District Engineer Joubin could discuss this on more detail.

Joubin Pakpour introduced himself to the new Directors as the District Engineer for the past ten years. He told the Board this was probably the most catastrophic event the District had experienced (at least in the past 20 or 25 years). He commended Johnny, Field Supervisor, for his quick actions and decision making and that at the end of the day, everything worked out as it was supposed to in a situation like this. He told the Board this was the best-case scenario, but as he has been telling the Board over the past ten years, the District's infrastructure is falling apart. It took a week to fix this one fracture, and after an earthquake, the District will have dozens of these situations. He stated that this happened in wonderful weather, when no one was on vacation and that this was the best-case scenario which still took seven to eight days to get the water back on. Joubin conveyed to the Board that the system was fragile, and the District pipes needed to be replaced. He also told the Board the Capital Improvement Program is in order of 39 million dollars to replace these mains and urged the Board to prioritize its infrastructure.

General Manager Mairena thanked Joubin and showed pictures of the repairs done by the contractor. President Chambers inquired if the temporary fire hydrant installed to flush the system was still in place. Field Supervisor Kennedy explained the fire hydrant was still there, but parts had been ordered to install a permanent blow-off valve which will allow access to flush the 14" line if ever needed.

Attorney Conneran inquired from a legal perspective about the markings of the pipe and whether blame could be placed on the fiberoptic boring company since they had come to the District through USA and asked us to mark the location; however, since the pipe was 14 feet deep and is not metal, the District did not have a good way of knowing where the pipe was located. Field Supervisor Kennedy confirmed that was the case and the best way to do it was to go from valve to valve, but in this case, there was a valve in front of the pump room and the next one was on the other side of Junipero Serra Blvd. Engineer Joubin suggested a conversation offline with staff since there may be some opportunity for compensation. Attorney Conneran agreed and asked about reimbursement for the sinkhole and that he was sure we would pursue everything we could with our insurance coverage. General Manager Mairena confirmed a claim had already been filed with JPIA for the repairs of the sinkhole, but JPIA would not cover the digging of the pipe to do the repairs. President Chambers asked if the \$74,000 included the repairs of the sinkhole and General Manager Mairena replied that the contractor was unable to separate the cost, so she had forwarded the entire invoice to JPIA for them to separate it.

Director Amuzie inquired about the District being a member of 811. Engineer Joubin confirmed that was the case and that the District receives the tickets and staff does the best to mark the facilities to the best of their abilities. In this case, the problem was that the District did not know exactly where the pipe was, and the markings were about 10 feet off. President Chambers clarified that there was a great distance between the two valves and the pipes were most likely installed before the freeway, and things probably changed. Director Amuzie conveyed that the District needs to be more proactive in making sure our system is safe. President Chambers replied that the District had learned a lot from this experience and the same contractor was now working by King and Glencourt, so Field Supervisor Kennedy had worked closely with them to make sure the pipe was located. General Manager Mairena told the Board that she had also emailed Elite Underground and had asked them to pothole prior to bringing any digging equipment so that we would not have a repeat of what had happened on Westborough Boulevard. Ms. Mairena also told the Board that Johnny had worked very hard at finding the pipe, since it was also an AC pipe.

President Chambers commented a lot of the delay was Caltrans because of the location of the repairs. He thanked staff for getting the pipe repaired and that is why the District needs reserves.

7. WRITTEN COMMUNICATIONS: None.

8. ATTORNEY'S REPORT: None.

9. GENERAL MANAGER'S REPORT:

A. Report on District's Water Conservation for September 2021.

General Manager Mairena stated this was a more difficult report to calculate because the bill from SFPUC (09/04/21 to 10/05/21) was only for 16,781 HCF which was very low due to the 14" transmission line being shut down and the usage from the NCCWD intertie was 12,498 HCF from 09/10/21 through 09/22/21. Ms. Mairena reported the total usage was 29,279 HCF, which was lower than last year's usage of 39,480 HCF by 10,201 HCF, provided the figures from the intertie were correct, since the District still had not received the bill from NCCWD.

President Chambers inquired if the District was not replacing the water from the intertie to NCCWD and instead, would just pay them for the water. Field Supervisor Kennedy confirmed that would be the case; he was concerned about the reporting to the State. General Manager Mairena stated that when she had reported the District's usage through the DRINC Portal today. Ms. Mairena stated she had reported the combined usage and had even reported the water loss since she was able to log in the SFPUC master meter and gotten the daily consumption which clearly showed usage during the break and when the pipe was flushed.

B. Report on BAWSCA Virtual Meeting of October 7, 2021.

General Manager Mairena reported that as a community, BAWSCA was not meeting the established conservation requirements. Ms. Mairena apologized for not having a full report available at this time.

C. Notice to Public Drinking Water Systems: Water Shutoff Moratorium Extended to December 31, 2021, and Report on Customer Arrearages.

General Manager Mairena reported the State Water Shutoff Moratorium had been extended to December 31, 2021. Ms. Mairena stated District staff had run an Age Listing Report and the balance owed for 60 days or more was \$10,158.70, including nine accounts which had not paid for a period of 180 days or more, amounting to \$2,704.92. Some of these accounts had already contacted the District because they had signed up with the State's program that paid the utilities; the District was waiting to hear back.

General Manager Mairena also reported that she had completed the State's Arrearages Survey and was in the process of completing the application to try to get some money from that program, not only for delinquent accounts but also for any expenses the District occurred related to COVID-19. General Manager Mairena stated when she submitted the survey, she calculated about \$40,000.

10. ITEMS FROM BOARD OF DIRECTORS:

A. Report on BAWSCA Meeting of September 16, 2021 (Chambers).

President Chambers stated the Board had his written report on the packet and the next meeting was not scheduled until November; although, they had a Board Policy Committee meeting yesterday.

President Chambers commented on BAWSCA's refinancing the bonds they took to pay San Francisco Water under the old water agreement so to try to save money. He also commented on the curtailment by San Francisco Water not allowing them to withdraw water from the Tuolumne River and the lawsuits by some agencies. San Francisco had done a study and what they were looking for was a 10% reduction from 2019-2020 with an intention of making it voluntary, possibly on November 9th; however, there would be a possibility of making it mandatory if the 10% reduction was not to be achieved. They would also declare a water shortage emergency which needed to be done to apply to the State for the 55 GPC per day health and safety exception, which would allow us to stay fairly level for at least two years of drought. They would also ask for access to the water bank storage.

Attorney Conneran questioned if the District's usage was not around 55 GPC which President Chambers confirmed that residential usage had gotten lower than that during the last drought. President Chambers commented that if the Governor was to declare a drought, the initial values set would have to be approved by all BAWSCA members; last time it took over a year to get it approved. Both the State and BAWSCA were working on the initial values.

11. CLOSED SESSION: None.

12. ADJOURNMENT:

Without objection, President Chambers adjourned meeting.
Time 9:41 p.m.



Secretary



President

15 Nov 2021

Date