

*Revised***MINUTES OF THE REGULAR MEETING
OF THE
BOARD OF DIRECTORS****Thursday, December 9, 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 remotely.

The meeting was called to order at 7:35 p.m.

1. ROLL CALL:

Directors Present:

Perry Bautista
Janet Medina
Don Amuzie
Julie Richards
Thomas Chambers

Directors Absent: None.

Staff Present:

Johnny Kennedy, Field Supervisor
Michael Conneran, Attorney
Patricia Mairena, General ManagerVisitors Present: Dayna Louie, Attorney - Hanson Bridgett, LLP
Liz Stitt, Manager - Redistricting Partners

For the record, General Manager Mairena pointed out that she was 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 Medina.**3. SPECIAL ORDER OF BUSINESS:****A. Consideration of Resolution 642, Declaring that District Meetings will Continue to be Held Via Teleconference.**

President Chambers asked Attorney Conneran to comment on this resolution. Attorney Conneran stated this was just a periodic resolution to extend the District's use of the procedure

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that was authorized under AB 361 to continue to meet remotely thru the pandemic as long as there was ongoing indication that social distancing was required for public health reasons, and he recommended approval of this resolution.

President Chambers told the Board he would entertain a motion to approve this resolution, and a discussion could follow if needed.

Director Amuzie moved to approve Resolution 642, Declaring that District Meetings will Continue to be Held Via Teleconference, seconded by Director Richards.

Roll Call

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

The motion was carried unanimously.

4. ELECTION OF OFFICERS FOR PRESIDENT AND VICE PRESIDENT:

President Chambers declared the offices for President and Vice President vacant.

Director Medina moved to nominate Director Bautista for President, seconded by Director Richards.

President Chambers inquired if there were any other nominees, since there were none, he declared the nominations closed, and asked for General Manager Mairena to conduct roll call.

Roll Call

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

The motion was carried unanimously.

General Manager Mairena and other board members congratulated President Bautista.

President Bautista thanked Director Chambers for a good job done as President of the Board for the past year.

General Manager Mairena told the Board that the District had an award that was yet to be delivered and will be presenting it to former President Chambers for his work and dedication as President of the Board of Directors. Director Chambers stated he would be glad to pick it up.

President Bautista opened the floor for nominations for Vice President.

Director Chambers moved to nominate Director Medina for Vice President.

President Bautista asked if there were any other motions. General Manager Mairena inquired about getting a second for the motion. Director Chambers stated there should be one.

President Bautista restated Director Medina had been nominated for Vice President and was there a second; Director Richards moved to second the nomination.

President Bautista expressed that we may have gone out of order and with no other nominations, closed the nominations. Attorney Conneran stated it was fine and President Bautista asked General Manager Mairena to conduct roll call.

Roll Call

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

The motion was carried unanimously.

President Bautista and others congratulated Vice President Medina.

5. CONSENT CALENDAR:

Attorney Conneran pointed out he had some edits to the minutes:

1. Page 5.A.1.4, item B, second to last line of the paragraph: replaced the word "after" with the word "if" to read "if a disaster was to occur".
2. Page 5.A.1.5, 4th paragraph, 2nd line: added last name to Engineer Brandon "Laurie".

3. Page 5.A.1.6, 3rd paragraph, last line: “permitted” should read “permitting”.

4. Page 5.A.1.6, item D, 1st line: added a comma after “Engineer Pakpour stated that,” and replaced the word “previous” with “previously”.

5. Page 5.A.1.6, item D, 2nd line: added the word “of” to “the coating of the exterior”.

President Bautista asked the Board if there were any other comments or corrections to the Consent Calendar.

Director Chambers moved to approve the Consent Calendar with the stated corrections to the minutes, seconded by Director Medina.

Roll Call

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

The motion was carried unanimously.

6. PUBLIC COMMENT: None.

7. BUSINESS (OLD): None.

8. BUSINESS (NEW):

A. Consideration to Adopt Resolution to Schedule a Special Meeting (Prior to January 13, 2022, Regular Board Meeting) to Continue Holding District Meetings Via Teleconference.

Attorney Conneran gave an overview of AB 361 and the requirement for agencies to adopt a resolution every 30 days if they wished to continue holding meetings via teleconference during the pandemic; however, the Legislature did not consider the boards that met only once a month on a specific day, and that sometimes, their meetings would be more than 30 days apart. Attorney Conneran stated the next District board meeting would fall 35 days apart and it would be the Board’s preference if they wanted to schedule a special meeting

nearly to adopt the resolution, or they could assume the Legislature meant monthly (and not 30 days) which is what other districts have done. Attorney Conneran also stated he would only see a downside if the District was doing a major financial transaction, such as a bond issue, or something else where the District would want to make absolutely sure someone was not going to question it. Attorney Conneran stated he would be more than happy to prepare a resolution for the Board.

Director Chambers stated that he did not feel a special meeting was necessary, BAWSCA met every other month and their attorney felt that a motion at the beginning of the meeting was sufficient. He also stated that was the case for the regular BAWSCA meetings and the BAWSCA Board Policy committee meetings, both of which were public meetings, and the motion was part of the Consent Calendar.

President Bautista inquired if there were any other comments from other Board members.

Director Amuzie inquired if there was a reason for a couple of people not being able to attend the board meeting in person, perhaps limiting it to a maximum of three people. Attorney Conneran stated that could be problematic, as currently the meeting was remote in the sense that the Board attended the meeting on video and without an AB 361 resolution in place, the District would have to post agendas at the front door and allow any member of the public to come inside and sit anywhere your camera points, and a staff member would have to check vaccination records at the door; thus possibly creating problems. Attorney Conneran also stated the reason AB 361 was adopted was to facilitate the public's participation from home. Attorney Conneran specified that limiting the number of people attending the board meeting was not compatible with the Brown Act.

Director Richards commented that until the pandemic was over she was fine with remote access which allowed her to attend the board meetings.

Director Chambers commented that the public was still able to attend remotely just as the board members did.

No action was taken.

B. Public Hearing - Conversion from an At-Large Electoral System for Election of Members of the Board of Directors to One Based on Five Zones Pursuant to the California Voting Rights Act—Receive Public Input.

President Bautista opened the Public Hearing.

General Manager Mairena transferred the presentation to Liz Stitt from Redistricting Partners. Ms. Stitt introduced herself as a Redistricting Manager for Redistricting Partners and told the Board she would be presenting Redistricting 101. Ms. Stitt also told the Board the group was small enough so they could stop her during the presentation and ask questions.

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

- The California Voting Rights Act (CVRA)

The CVRA is a state law that prohibits the use of at-large elections in which voters district-wide are allowed to vote for everyone on the Board vs. district elections in which only one member can represent a district, and only people who live in that district can vote for that elected official.

- What is Districting

Districting is the initial process of creating election district boundaries. It determines who is eligible to run for office and who is eligible to vote in that specific election. In both cases, they must live in that district. This process does not determine how the water district is governed or how services between the water district and the public are managed.

- Traditional Districting/Redistricting Principles

Proper districting prevents a zone from being "Gerrymandered." Each zone should be equal in size per the latest census, be contiguous, maintain "communities of interest" together, and follow city and census designated place boundaries; zones should be kept compacted in appearance/function.

Ms. Stitt presented a map of the District and US census data population. The total District population is 13,486, which would be divided into five zones of 2,698 people with a 10% allowable deviation. Ms. Stitt pointed out the possibility of a federal Voting Rights Act section 2 issue due to the age of the 68% Asian population of the District, although she thought that by drawing majority and minority districts (zones), it may not be necessary to do a racially polarized analysis of the District, but once the lines were drawn, then the demographics created in these districts (zones) could be analyzed.

- How the public can participate in the process—through the following hearings.

- Public Hearing Schedule

Timeline for Upcoming Meetings:

January 13 th	Community Outreach Meeting
February 10 th	Presentation of Draft Maps
March 10 th	Vote on Final Map

President Bautista inquired if there were any questions from the Public. Since there were none, President Bautista closed the Public Hearing, and asked the Board if there were any questions.

Director Chambers asked about the citizens voting age population and whether that had to do with federal law because the State did not seem to care about the age of the population. Ms. Stiff confirmed age was something the federal government tracked to see if there were any Voting Rights Act non-compliance issues, and it was monitored by the Department of Justice.

President Bautista stated that on his 32 years of service to the Board and eight elections, he had only been challenged twice. Since there were only few people who would want to volunteer their service, he asked Ms. Stitt what would happen if, once the five zones were drawn, there were no candidates from two or three of the zones. He also mentioned that normally, the Board would appoint but he thought it would be a challenge in the future. Ms. Stitt agreed that would be an issue, especially for special districts, and unfortunately this was now the law, and we were districting to avoid any potential legal fines. She recommended reaching to neighboring associations to encourage someone to run.

Director Chambers expanded on slide 8 in Ms. Stitt's presentation, which stated that the CVRA prohibits the use of At Large Election Systems in local government if there was Racially Polarized Voting, and in President Bautista's position, the District has had so few elections that it would be hard to say we had Racially Polarized Voting, when there were no elections. Ms. Stitt stated she has seen smaller and smaller agencies being challenged by attorneys, and she saw it inevitable that all agencies will transfer over, as the heart of the CVRA was to encourage more diversity and more inclusion from neighborhoods.

Attorney Conneran commented that the initiation of the districting process would be phased in. Initially the District would have two seats (Bautista and Chambers) that would run in districts election in 2022. The two new directors (Amuzie and Richards) will also run for the remaining two years of their seats but in at-large elections. The seat held by Director Medina would not be up until 2024, and that is when the squeeze will be felt, since the seats for the two new directors will be up as well and all directors would be elected via districts.

C. Report on the Second Emergency Repair of the District’s 14” Main Transmission Line Located on Westborough Boulevard Eastbound Direction at Stop Light Intersection of I280 South Off-Ramp and Westborough Boulevard.

General Manager Mairena gave a brief presentation of the details of the second emergency repair of the District’s 14” main transmission line located on Westborough

Boulevard on the eastbound direction at the stop light intersection of Interstate 280 South off-ramp and Westborough Boulevard. Ms. Mairena reviewed general information as stated on her board packet report. General Manager Mairena asked Field Supervisor Kennedy to standby to provide additional information when the matter was discussed under closed session.

D. Consideration of Resolution 643, Approve Addendum to Employment Agreement with Darryl Barrow for a Limited Duration Appointment.

President Bautista asked Attorney Conneran to present this item.

Attorney Conneran reviewed the CalPERS statute, which limits the ability of agencies to hire management individuals who have recently retired unless certain findings have been made. These limits apply for a period of six months. With Darryl’s retirement, the Board had previously adopted a resolution which met these requirements and so far he had worked 48 hours, far less than the 960-maximum annual limit allowed. The desire was to extend this agreement for another six months and all the same findings were stated on this new resolution.

Director Chambers moved to approve Resolution 643, Approve Addendum to Employment Agreement with Darryl Barrow for a Limited Duration Appointment, seconded by Director Medina.

Roll Call

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

The motion was carried unanimously.

E. Consideration of Holiday Bonus for District Employees.

General Manager Mairena recommended giving District Employees a \$150 holiday bonus given their hard work during the pandemic, the influx of phone calls due to the rate and meter increases, and the two transmission main breaks. Ms. Mairena asked that she be excluded from the consideration for the holiday bonus.

Director Medina moved to approve a \$150 holiday bonus for District Employees in accordance with the wishes of the General Manager, seconded by Director Chambers.

Roll Call

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

The motion was carried unanimously.

General Manager Mairena thanked the Board for the generosity.

9. WRITTEN COMMUNICATIONS: None.

10. ATTORNEY'S REPORT: None.

11. GENERAL MANAGER'S REPORT:

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

General Manager Mairena apologized for sending this report to the Board today, but she was waiting for the SFPUC bill to determine the usage, plus she needed field staff to read the intertie meter due to the usage that had gone thru it since the 2nd hit to the 14" transmission main on December 2nd. Ms. Mairena stated the bill from SFPUC (11/04/21 to 12/06/21) was only for 22,948 HCF which was low due to the 14" transmission line being shut down and the usage from the NCCWD intertie was 4,191 HCF from 12/02/21 through 12/06/21. Ms. Mairena reported the total usage was 27,129 HCF, which was lower than last year's usage of 34,525 HCF (the per day usage comparison was 822.09 HCF for this month vs. 1078.91 HCF for the previous month).

Director Chambers stated he had done the math, and it showed a 45.6 GPD per capita and in comparison to the State's health and safety requirement of 50 GPD per capita, the District was in good shape. Director Chambers stated the District used to be at 67 GPD per capita per day, and that was not even all residential, it was total use. Director Chambers also stated that in January 2022, SFPUC will start a voluntary conversation and the base year will be 2019-2020, so the report may look different. Director Chambers thought these figures were good news. He was not sure how the measurement was going to be done, whether it would be calendar or fiscal, but if there was mandatory rationing, the District could sell its excess water allocation.

B. Report on Delinquent Customer Balances.

General Manager Mairena stated that she wanted to report she had filed the formal application for the State Water Resources Board's Arrearages Program. Ms. Mairena noted that although the original survey had asked for lost revenue and additional expenses incurred by the District due to COVID-19, the only allowable amount was the delinquent amounts or arrearages. The total amount that was submitted with the application was \$5,707.42, or \$548.78 for accounts in collections, \$4,991.82 for current customers, plus a \$166.82 for allowable administrative costs. General Manager Mairena also reported that three of these customers had also enrolled in the COVID-19 Rent Relief Program, and she was happy to report that the District had already received \$1,577.44 for two of these accounts. Ms. Mairena stated she was told during the application process that if a double payment was received for one of these accounts, we could use the extra funds for the customer's current balance. General Manager Mairena reported that overall, the District was in good shape with regards to delinquent balances.

12. ITEMS FROM BOARD OF DIRECTORS:

Director Chambers stated that his written reports summarized pretty much everything.

A. Report on BAWSCA Meeting of November 18, 2021 (Chambers).

Director Chambers talked about Tier 2 being discussed at the BAWSCA meeting, and that if we were to go in mandatory rationing, then Tier 2 would be implemented. Director Chambers stated we were on the hook for a 7.9% voluntary reduction, which could turn into a mandatory reduction in July, if the situation did not improve, and the measurement SFPUC will use is the 2019-2020 usage.

Director Chambers stated that he also attended the BAWSCA Board Policy meeting, and they were recommending the full board adopt an agreement in January for a company that will work on the Tier 2 allocations, which primarily will be done thru the water management representatives. Director Chambers also stated that this may take a year or two, then a proposal will need to be presented, and ultimately all BAWSCA agencies will need to approve these new allocations.

B. Report on ACWA Fall 2021 Conference, December 1 - 2, 2021 (Chambers).

Director Chambers stated that there were technical problems on the first day of the conference and he was still waiting for ACWA to upload the missed sessions on December 20th, and he could make a report on those sessions after that.

President Bautista asked a couple of questions related to the MID (Modesto Irrigation District) senior water rights and Purissima Hills' extreme water usage. There were a couple of comments from Director Chambers, Director Amuzie, Attorney Conneran, and General Manager Mairena on pre-1914 water rights and Purissima Hills customers' large lawns.

President Bautista thanked Director Chambers for the thoroughness of his reports.

13. CLOSED SESSION:

**A. Conference with Legal Counsel—Anticipated Litigation
Initiation of litigation pursuant to subdivision (d)(4) of Section 54956.9: One case.**

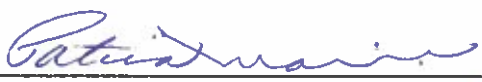
The Board went into closed session at 8:52 p.m.

The Board reconvened from closed session at 9:26 p.m.


Attorney Conneran reported the Board had met in closed session potentially initiating litigation, instructions were given to counsel, and there was no further reportable action.

14. ADJOURNMENT:

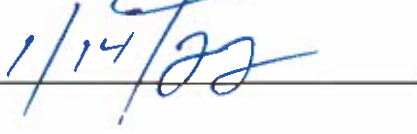
Without objection, President Bautista adjourned the meeting.
Time 9:27 p.m.



Secretary



President



Date