

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

**Thursday, June 9, 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 District staff was present at the Westborough Water District Office.***

The meeting was called to order at 7:34 p.m.

**1. ROLL CALL:**

Directors Present:

Don Amuzie  
Janet Medina  
Tom Chambers  
Perry Bautista  
Julie Richards (*joined in late briefly*)

Staff Present:

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

Visitors Present:

Manuel Guzman, Selerum

For the record, General Manager Mairena stated that Office Supervisor Bellinger 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 Chambers.

**3. SPECIAL ORDER OF BUSINESS:**

**A. Consideration of Resolution 651, Declaring that District Meetings will Continue to be Held Via Teleconference.**

Attorney Conneran indicated the Board is continuing to meet in a remote configuration due to the COVID 19 pandemic. He stated there continues to be recommendations to social distance and the Board qualifies to meet under the provisions that were adopted under AB 361. Attorney Conneran also stated he recommended approval of the attached resolution.

Two of Ten  
Minutes of the Regular Meeting of the Board of Directors  
Thursday, June 9, 2022

Director Chambers moved to approve Resolution 651, Declaring that District Meetings will Continue to be Held Via Teleconference, seconded by Director Medina.

Roll Call

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

The motion was carried 4 to 0, with Director Richards being absent.

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

Roll Call

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

The motion was carried 4 to 0, with Director Richards being absent.

**5. PUBLIC COMMENT:** None.

**6. BUSINESS (OLD):** None.

**7. BUSINESS (NEW):**

**C. Cybersecurity Report to the Westborough Water District Board of Directors as Detailed on Letter Dated December 10, 2020, to Superior Court of California, County of San Mateo Regarding San Mateo Civil Grand Jury Report: "Ransomware: It is Not Enough to Think You Are Protected."**

Three of Ten  
Minutes of the Regular Meeting of the Board of Directors  
Thursday, June 9, 2022

Director Chambers inquired if we would be moving item 7.C to be discussed first, in Closed Session. President Bautista agreed to change the order of the agenda and review this item first. The Board proceeded to meet in closed session, returning at 8:41 pm.

**A. Review/Approve 2022/2023 Capital Improvement Program.**

General Manager Mairena reminded the Board that at their last meeting, they had reviewed a couple of proposed sewer projects: one was the Rowntree Sewer Pump Station Improvements (budgeted amount = \$175K) and the Westborough Lift Station (budgeted amount = \$25K). General Manager Mairena reported that she had a virtual meeting set up with the NSMCSD for the following week to review these projects, and they had indicated that the budgeted amount reported previously to the Board was adequate. For the water projects, General Manager Mairena stated that the Board had also reviewed the additional work needed for Skyline Tank No. 3, but she did not have an updated amount at this time. General Manager Mairena asked if the Board would want to approve a flat amount as previously suggested by Director Chambers. General Manager Mairena asked Director Chambers and the rest of the Board how they felt about this.

Director Chambers commented that his one concern was cash and that all the projects were great, but the District only had \$2 million in reserve, and with the budgets getting bigger, he worried about any emergency expenses. He stated he had no problem with the sewer projects and the other two small water projects: emergency hoses (budgeted amount = \$3K) and drain pump (budgeted amount = \$6K), which he thought should be expensed out, if not depreciated. Director Chambers expressed his concern about Skyline Tank No. 3 because the previously stated budgeted amount was \$1 million, and though the tank's roof definitely needs to be fixed, the seismic upgrades may need to be postponed until the District has enough funds to do so. Director Chambers expressed that the District could approve the work needed for Skyline Tank No. 3, except for the seismic improvements. Director Chambers stated that the District should not fill Skyline Tank No.3 until the capacity was needed; thus, preventing condensation and rusting, which will preserve the tank. Director Chambers also stated that he would like to hear staff's feelings on leaving the tank empty for a year and postpone the seismic upgrades, but still continue to do work on the tank to preserve its exterior, interior, and the roof.

General Manager Mairena reported that she had checked on a couple of things: first, as part of the agreement with Euro Management Services and after completion of the exterior coating of the tank, the District would need to fill the tank, in order to verify that there were no issues, such as pinholes, etcetera. Secondly, Ms. Mairena stated she had discussed this matter with former General Manager Barrow, and his thoughts were that by keeping the tank empty and based on the District's daily consumption of .9M gallons per day during the summer months, the District would only have two days of water supply in an emergency. He also, asked

to consider that with only tanks 1 and 2 pumping to a maximum of 25 feet as suggested by the District engineer, the District would only have 2.75 M gallons of water and that at the lowest operating level, this would be 2.2 M gallons of water, so would this be a reasonable amount for water consumption and firefighting. Director Chambers inquired that since tanks 1 and 2 did not need seismic upgrades, why could they not be filled to capacity. General Manager Mairena replied that she did not have a straight answer and suggested to postpone making a decision on whether or not to fill up the tank until consulting with both former General Manager Barrow and District Engineer, Joubin Pakpour whether the tanks 1 and 2 could be filled to full capacity.

Director Amuzie inquired about the additional capacity from the Daly City intertie. General Manager Mairena stated the intertie would need to be tested, as it had not been used for years. Director Chambers stated the District also had additional .5M gallon capacity from the Christen Hill tank; although in an emergency, North Coast County Water had priority.

Director Chambers moved to approve both sewer projects: the Rowntree Sewer Pump Station Improvements (budgeted amount = \$175K) and the Westborough Lift Station (budgeted amount = \$25K), and investigate fixing the roof on Skyline Tank No. 3, but hold off on the seismic improvements until the District could afford it, seconded by Director Medina.

Roll Call

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

The motion was carried 4 to 0, with Director Richards being absent.

**B. Review/Approve 2022/2023 Operating Budget.**

General Manager Mairena reported that nothing had changed with the Budget that was reviewed with the Board at the last meeting in May, except she had updated the year-to-date figures to reflect the most current data up to March 2022.

Director Chambers moved to approve the 2022/2023 Budget, seconded by Director Medina.

Roll Call

Director Amuzie	Aye
Director Chambers	Aye
Director Medina	Aye

Five of Ten  
Minutes of the Regular Meeting of the Board of Directors  
Thursday, June 9, 2022

Director Bautista	Aye
Director Richards	Absent

The motion was carried 4 to 0, with Director Richards being absent.

**D. Approval for Office Supervisor to Participate in the ACWA/JPIA Professional Development Program (PDP) – Supervisory Basics.**

General Manager Mairena reported that at the last Personnel Committee meeting, there had been a discussion about having Office Supervisor Bellinger join the ACWA/JPIA Professional Development Program (PDP) - Supervisory Basics specialty. General Manager Mairena gave an overview of the program which she had also completed in the past, and stated it was a very good program.

Director Medina inquired as to how long it would take for Office Supervisor Bellinger to complete the program. General Manager Mairena replied that it would depend on when the classes were offered, as some of them were now virtual, and Ms. Bellinger would be doing it at her own pace, so it may take a few months for her to complete.

President Bautista stated that since General Manager Mairena did not have a General Manager Assistant, this would be a good step in the right direction for Ms. Bellinger. Director Chambers agreed that JPIA has really good programs towards not making mistakes, and he really respected their trainings, so it would be a good thing for Ms. Bellinger.

Director Chambers moved to approve Office Supervisor Bellinger to Participate in the ACWA/JPIA Professional Development Program (PDP) – Supervisory Basics, seconded by Director Medina.

Roll Call

Director Amuzie	Aye
Director Chambers	Aye
Director Medina	Aye
Director Richards	Aye ( <i>Director Richards joined in momentarily and voted</i> )
Director Bautista	Aye

The motion was carried unanimously.

**E. Consideration of Cost-of-Living and Salary Adjustment for District Employees.  
Review/Approve 2022/2023 Capital Improvement Program.**

General Manager Mairena stated she had sent the Board a memo with her recommendations. Ms. Mairena also stated that she had conducted performance reviews with staff, provided feedback, and established goals for the upcoming year. Ms. Mairena reported the COLA for this year was 6.5% and she was also recommending an additional 1.5% merit increase for employees, except for Field Worker Armstrong, who was still working on getting his D2 license as requested by former General Manager Barrow, but once he was to pass the certification exam, she asked the Board to also authorize a 1.5% merit increase for him.

Director Amuzie inquired if the COLA was every year. General Manager Mairena replied that it was done every year based on the Consumer Price Index for the San Francisco-Oakland-Hayward area. Ms. Mairena stated that in past years, any employee who had at least a standard performance evaluation had received the COLA and anyone who had a higher performance, would generally get a merit increase.

Director Chambers stated he thought the merit increases were important because District employees did not get step increases like other organizations have, and he supported the recommendations made by the General Manager.

Director Chambers moved to approve the recommendations of COLA and merit increase as stated on General Manager Mairena's letter to the Board, seconded by Director Medina.

Roll Call

Director Amuzie	Aye
Director Chambers	Aye
Director Medina	Aye
Director Bautista	Aye
Director Richards	Absent ( <i>communication dropped</i> )

The motion was carried 4 to 0, with Director Richards being absent.

**8. WRITTEN COMMUNICATIONS: None**

**9. ATTORNEY'S REPORT:**

Attorney Conneran stated that in a number of counties in the State, due to increases in property tax collections, there are additional "Excess ERAF" funds, which some people in the State have targeted as a means to cover other costs. This proposal essentially takes money

Seven of Ten

Minutes of the Regular Meeting of the Board of Directors

Thursday, June 9, 2022

away from the cities, counties, and special districts in those counties, and uses it to fund some of the State's responsibility to reimburse cities and counties for lost revenues from the Vehicle License Fee (VLF). Attorney Conneran explained that after Governor Davis was recalled, Governor Schwarzenegger came in and cancelled what had been a significant increase in the VLF; thus, taking those funds from local agencies. So the State enacted a program known as the "VLF swap" to make the cities and counties whole. Attorney Conneran reviewed a trailer bill that was proposed which would grab the Excess ERAF money and use it to pay off the State's obligation under the VLF Swap. Attorney Conneran reported that this trailer bill is no longer being recommended; however, the proposed change to VLF put out language that led people at San Mateo County (SMC) to believe that the Excess ERAF money should never have gone to the special districts in the first place.

Attorney Conneran displayed a diagram labeled Excess ERAF VLF and the Insufficient ERAF-VLF Trailer Bill and reviewed the ERAF and Excess ERAF distribution process. Attorney Conneran noted that his office had been in touch with the County stating our position, and SMC was in the process of considering what to do. In addition, Attorney Conneran stated he had been in touch with several people at the CSDA who agree with this analysis, so he thought there was a good chance that the trailer bill will not move forward, and everything will go back as it was before. Attorney Conneran also stated he will be working with SMC on behalf of other clients and the District, if so desired, to make sure SMC takes a very clear position; otherwise, it may result in litigation.

Director Chambers commented on the meeting with the CSDA and their efforts. General Manager Mairena asked Attorney Conneran whether they should talk about working together on this matter. Attorney Conneran replied that the CSDA was assisting the San Mateo County agencies to band together, so there were a few different layers of advocacy. He stated that he had done an analysis and shared it with the CSDA, and they had concurred that his analysis was correct, so he provided a summary to SMC and offered to talk to them. Attorney Conneran hopes that all this will go away soon, but if more work needs to be done, he will be in touch with General Manager Mairena.

## **10. GENERAL MANAGER'S REPORT:**

### **A. Update on the Skyline Tank No. 3 Exterior Recoating Project.**

General Manager Mairena reviewed Pakpour's progress report on this project. Ms. Mairena stated that so far, Euro Style Management (ESM) had completed 87% of the work; however, just recently, Engineer Brandon Laurie had reached out to her to let her know that ESM had requested an extension of time due to materials shortages. Engineer Laurie notified General Manager Mairena that ESM would not be back at the site until June 13<sup>th</sup>, so they had

Eight of Ten

Minutes of the Regular Meeting of the Board of Directors

Thursday, June 9, 2022

asked for an additional 17 days (5 days due to weather, 2 days for existing tank conditions and repairs, and 10 days due to material shortages). General Manager Mairena reported that since the request seemed reasonable, she went ahead and signed Change Order no. 1, as there were no other options. Ms. Mairena also stated that the District had issued a second progress payment in the amount of \$65,930 excluding the retention. General Manager Mairena asked if there were any questions on the report.

Director Chambers told General Manager Mairena if filling the tank was part of the project, to do whatever needed to be done and just to keep in mind that more work needed to be done to the tank and we did not want to keep draining the tank. General Manager Mairena agreed, specially under the current drought conditions.

Attorney Conneran asked to confirm that there were two things: one was the change order which was reasonable and since it was not a cost item the General Manager had the authority to grant, and second, the progress payment that the engineer had certified that EMS had done sufficient work to earn that fee with the proper retention. General Manager Mairena verified he was correct.

General Manager Mairena pointed out to the pictures that were on the board packet.

**B. Report on District's Water Conservation for May 2022.**

General Manager Mairena reported on the water conservation efforts for May 2022, which she thought were very good. She asked Director Chambers if he would like to comment.

Director Chambers stated that the District was down about 24% for the month and about 14.4% for the year, which was really good. He also reported that more importantly the GPD was 48, and the Chronicle had reported the State had started curtailments again, but exceptions could be applied if water was needed for health and safety reasons. He stated that the stated GPD for health and safety was 55 GPD. Director Chambers commented that the Water Control Board had requested that all agencies be in Tier 2, which the Board had approved back in August 2021.

General Manager Mairena told the Board that she will be reaching out to the Public Relations Committee to put another newsletter together to remind customers to continue to conserve water since the summer is approaching.

**11. ITEMS FROM BOARD OF DIRECTORS:**

**A. Report on ACWA/JPIA Conference, May 2 – May 5, 2022 (Amuzie).**



Nine of Ten

Minutes of the Regular Meeting of the Board of Directors  
Thursday, June 9, 2022

Director Amuzie thanked the Board for the opportunity to attend the ACWA/JPIA Conference and giving him the chance to learn more about the business by meeting with other players. Director Amuzie reviewed the highlights of his written report with the Board, stated that it was a good conference, and asked if there were any questions.

President Bautista thanked Director Amuzie for attending and representing the District.

**B. Report on BAWSCA Meeting of May 19, 2022 (Chambers).**

Director Chambers reported on the BAWSCA meeting he attended on May 19<sup>th</sup> and stated there was a lot of public comment, and they had reviewed the budget and work plan. He asked if there were any questions on his report.

**C. Report on CSDA San Mateo Chapter Meeting of May 25, 2022 (Chambers).**

Director Chambers commented that the meeting was one-sided because SMC was not represented and that Attorney Conneran had done a great job with the ERAF, and at the meeting, they had suggested to have the districts' legal people deal with the legal people at the County.

President Bautista asked Director Chambers if there had really been an ad placed on KCBS. Director Chambers stated that he had heard they did, and BAWSCA was getting identical emails, except for the person's name, so they had ended up with piles of emails. Director Chambers also stated that several of these emails refer to the BAWSCA lawsuit when in fact it is the San Joaquin Tributary Authority lawsuit.

**12. CLOSED SESSION**

**A. Closed Session: Pursuant to California Government Code Section 54957: Threat to Public Services or Facilities. Consultation with Security Consultant Selerum and District Counsel.**

The Board of Directors met in closed session at 7:39 p.m. Attorney Conneran reported that the Board had returned to Open Session at 8:41 p.m., having met in Closed Session with its Security Consultant to discuss information relative to a Grand Jury inquiry and there was no reportable action from this session.


Ten of Ten  
Minutes of the Regular Meeting of the Board of Directors  
Thursday, June 9, 2022

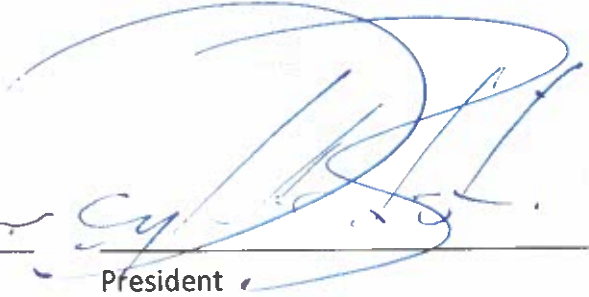
General Manager Mairena reported that Director Richards had tried to join the closed session, but she was unable to do so. Ms. Mairena had already texted her to make sure she would attempt to rejoin the Open Session.

Manuel Guzman, Security Consultant, excused himself from the session and General Manager Mairena thanked him for his presentation to the Board.

**13. ADJOURNMENT:**

Without objection, President Bautista adjourned meeting.  
Time 9:44 p.m.

  
\_\_\_\_\_  
Secretary

  
\_\_\_\_\_  
President

07/15/2022  
\_\_\_\_\_  
Date