

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

**Thursday, August 11, 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  
Perry Bautista  
Janet Medina  
Julie Richards (*joined later in the meeting*)

Staff Present:

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

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 659, Declaring that District Meetings will Continue to be Held Via Teleconference.**

Attorney Conneran indicated that once again the Board was being asked to approve a resolution, making the required findings in accordance with AB 361 in order for the Board of Directors to continue to participate remotely due to the COVID 19 pandemic. Attorney Conneran stated he recommended approval of this resolution.

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Director Chambers moved to approve Resolution 659, 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

The motion was carried 4 to 0.

**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 commented that this report was for year-end, so he would like to do a little review. Director Chambers stated the report showed about 2 million in cash reserves, which is what is recommended for the District to have. Director Chambers also stated the “profit” which is generated for capital improvements was about \$242,000 below what had been planned, but it was mostly due to water sales being \$323,000 below what was planned, although water expenses were also down \$276,000, plus the additional expenses related to the two transmission main breaks. Director Chambers thought that overall, the District had done pretty well and hoped that next year’s would be better.

General Manager Mairena pointed out that a large HOA web payment of \$31,526.85 had being returned unpaid, and since the PUWC had already deposited those funds to the District’s bank account, the District had to pay them back after being invoiced. Ms. Mairena reported that the new HOA management company ended up paying the balance due to the District; however, the PUWC deducted the \$31,526.85 from the next round of web payments on June 4, 2022; hence, the amount reported on the financial report for Cash should had been higher and Accounts Receivable lower. General Manager Mairena stated that the PUWC had been made aware of this and will soon be refunding the funds to the District.

President Bautista inquired about an entry from the Postal Service on page 4D.2. Office Supervisor Bellinger explained that the entry was a reversal for a check that had been voided due to double invoicing by the Postal Service.

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

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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.

5. **PUBLIC COMMENT:** None.

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

7. **BUSINESS (NEW):**

A. **Review/Approve Resolution No.660, Confirming the Statement of Investment Policy.**

Attorney Conneran told the Board that last month the Board was asked to approve a resolution for the investment firm and provide a copy of the Investment Policy. Attorney Conneran realized then that although there had been no changes, it had been a long time since the policy had been presented to the Board. Attorney Conneran stated it is a good practice to regularly do this, and we were simply bringing the current Statement of Investment Policy to the Board to reconfirm so it is on record. Attorney Conneran pointed out the investment options were very limited, and these were very safe investments.

Director Chambers commented the policy referred to an Investment Committee and perhaps it should be re-titled the Budget Committee, if that was what the Board wanted, or rename the committee Budget/Investment Committee. Attorney Conneran stated the Investment Committee could be the same members of the Budget Committee who would only meet when needed. President Bautista would need to make appointments to that committee.

Director Chambers moved to approve Resolution No.660, Confirming the Statement of Investment Policy, 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.

**B. Authorization for General Manager to Submit Response Regarding Amended Conflict of Interest Code to the San Mateo County Assessor-County Clerk-Recorder.**

General Manager Mairena reported that she had received the correspondence on the board packet requesting a response by September 1<sup>st</sup>. General Manager Mairena stated she had reviewed this item with both Attorneys Conneran and Louie and was told that no resolution by the Board was needed, only an approval to allow her to submit the form to the County.

Attorney Conneran confirmed that there was no change needed, only a motion to authorize General Manager to submit the biennial review form. General Manager Mairena verified that the only box to be checked on the form was the "No amendment is required."

Director Chambers moved to authorize General Manager Mairena to Submit a Response Regarding the Amended Conflict of Interest Code to the San Mateo County Assessor-County Clerk-Recorder, 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.

**C. Review/Approve Resolution No. 661, Adopting and Restating the Rate and Fee Schedule.**

General Manager Mairena stated that each time there was a change in rates, the Rate and Fee Schedule would need to be readopted, so Attorney Conneran had prepared a resolution and made the necessary revisions to the Rate and Fee Schedule that was included on the board packet.

Attorney Conneran explained that the revisions had been minor, only to reflect the specific changes that were made at the last meeting, so as to have an accurate Rate and Fee Schedule in case anyone wanted to look at it.

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Director Amuzie inquired if the document would need to be filed with another organization. Attorney Conneran replied it was only for the District, but occasionally, someone like the Grand Jury or others may ask for it. Attorney Conneran thought it was a good practice.

Director Chambers moved to Approve Resolution No. 661, Adopting and Restating the Rate and Fee Schedule, 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.

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

President Bautista asked the Board if anyone was interested in attending this program.

General Manager Mairena mentioned that she had checked online earlier today, but there was still no additional description of the program. Director Chambers expressed that perhaps, the Board should postpone making a decision until the September meeting, so that they know what they would be approving.

President Bautista asked General Manager Mairena if there was a cutoff date for registration. Ms. Mairena replied that information was not provided yet.

The Board decided to table this item until the September board meeting.

**E. Special District LAFCo Election: Submit Written Nominations for the Alternate Special District Member and Authorization to Transmit the LAFCo Special District Member Ballot by Electronic Mail.**

General Manager Mairena reminded the Board that a couple of meetings back, action had been taken for the Special District Member, and this time it would be for the Alternate Special District Member. Ms. Mairena explained that the type of action would be the same as the last one, which was to authorize the President of the Board to transmit the ballot electronically.

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Director Chambers explained that Kati Martin used to be the alternate member, but since she had been elected the regular member to take Joshua Cosgrove's place, they were short an alternate. Director Chambers mentioned that nominations were also being sought but he had no recommendations. President Bautista asked him if he would be interested. Director Chambers replied he was not, as he had his hands full with BAWSCA.

Director Chambers moved to Authorize President Bautista to Transmit the LAFCo Alternate Special District Member Ballot by Electronic Mail, and to submit any nominations, if any, 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.

**F. 2021-2022 Civil Grand Jury Report - The Other Water Worry: Is Your Water Provider Prepared for the Big One?**

General Manager Mairena mentioned to the Board that a few months back, she had been contacted by the Grand Jury requesting an interview, and she had not been the only one, as the Grand Jury had reached out to other water districts in San Mateo County. Ms. Mairena stated the result was the report in the board packet. General Manager Mairena commented that the Grand Jury's concern was water emergencies and how the districts would respond. Ms. Mairena pointed out that one of the items the Grand Jury had listed was the amount of fuel the District had on stock to power the new generator and allow the District to be self-reliant for up to three days. General Manager Mairena also stated that she was having Field Supervisor Kennedy work on getting a fuel supplier for the generator.

Director Chambers pointed out that there were three recommendations the Grand Jury had made which included: emergency preparedness exercises and their documentation report, and fuel storage. Director Chambers stated that he had some reservations with the amount of fuel needed, since the pumps did not run 24 hours a day, and the District had a 7-day water supply. Director Chambers suggested working out a fuel supply agreement with either the North Coast County Water District or the North San Mateo County Sanitation District.

General Manager Mairena commented that she had previously received a draft copy which she was unable to share, and she had responded to the Grand Jury letting them

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know about the emergency response training exercises the District had done, including the deployment of the flexible pipe, and she even included copies of the newsletter articles with pictures. General Manager Mairena told the Board that perhaps the Grand Jury was looking for more recent training; however, she also told them that due to the pandemic, it had not been possible to resume emergency training exercises.

Director Amuzie inquired if the District had ever needed to pump water with the generator and if there were records of it. General Manager Mairena replied that the generator was purchased a couple of years back, and former General Manager Barrow had started the registration process before retirement, which she had to complete, and then proceeded to get an operating permit from the Bay Area Air Quality Management District. General Manager Mairena reported that the permit had recently been issued, so the District attempted to run the first start-up test earlier in the week, but both batteries and another part had failed and needed to be replaced. Ms. Mairena informed the Board that earlier today she was notified by Tyrone who performs the electrical work for the pumps, that the generator had passed the test and it was now ready for monthly startups. General Manager Mairena stated that Tyrone would be back soon to review procedures with field staff so they can be ready to power up the generator in the event of an emergency, and also instruct them on the recording of the logs they need to keep each time they run the generator.

There was a discussion between Director Amuzie and Director Chambers as to whether or not the company that sold the generator to the District could provide information on how much fuel was needed to power the generator for three days.

President Bautista inquired if there was any action needed at this time. Attorney Conneran replied that we needed to get back to the Grand Jury with our actions which are due within six months, or March 31, 2023.

Attorney Conneran asked General Manager Mairena if we were checking to see why the District was not invited to the training provided by San Mateo County. General Manager Mairena replied that an invitation had been sent a couple of years back and it would have gone to former General Manager Barrow, but she had already emailed the person in charge to make sure we would be included on the next exercises.

General Manager Mairena asked Attorney Conneran what the procedure would be on responding to the Grand Jury. Attorney Conneran replied that a response would be prepared, and the Board would vote and approve it before it was sent back to the Grand Jury. General Manager Mairena and Attorney Conneran will be working on the response.

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

General Manager Mairena stated that this was a draft copy which had been forwarded to Attorney Conneran for his review, and a response to the two comments would need to be made by September 6, 2022. Ms. Mairena pointed out the comments. The first comment dealt with the CIP and the second one with new developments and the infrastructure funding.

Attorney Conneran asked General Manager Mairena if she was aware of what version LAFCo was looking at. Ms. Mairena replied that it must have been sent when former General Manager Barrow was still with the District.

Director Chambers and Attorney Conneran asked if the list they were referring to was the one the Board had approved as living list from which to draw projects for future Capital Improvement Programs. Attorney Conneran suggested that a more proactive approach would be to get the long list prepared by Joubin and put it in the proper context: that these are improvements identified by our engineer and we will be taking them on as we have sufficient funds in the budget to undertake them. Director Chambers added to include the list of the projects recently approved a couple of months ago.

Regarding the second comment, Director Chambers noted that this item was almost non-applicable because the District was almost built out, and the District charges connection fees to cover the increase in wear and tear on our existing plan. Director Chambers also noted that these connections fees have to be used for capital facilities improvements.

Attorney Conneran shared the list of CIP projects on our website and pointed out the column labeled "Complete" which probably refers to something internal from Pakpour Engineering. Director Chambers proposed removing that column. Attorney Conneran recommended when responding, the District should send a revised list and clarify that the "Complete" was an internal note from our engineers. General Manager Mairena mentioned to also include the new list of projects approved for this year. Attorney Conneran suggested adding a statement as to how we are addressing this long list of about \$38 million worth of projects and that the District is looking at ways to accelerate the District's Capital Improvement Program and looking for methods to finance them. Director Chambers added working on the most important projects first and that the one project that had been completed was Athy Drive.

Director Chambers suggested that on page 7-G.20, under Shared Services and Facilities, a couple of lines should be added stating that we share Christen Hill tank with the North Coast County Water District, and that we provide capacity from our Skyline water tanks and they provide capacity from their Christen Hill tank, so we can maintain proper pressure on our zones.



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Attorney Conneran pointed out that some information was missing on page 20 and perhaps it would be best to wait until the report was out in September to comment. Attorney Conneran stated General Manager Mairena and he would work on a response to their comments by the September 6, 2022, deadline.

**H. Consideration to Authorize General Manager's Attendance to the CSDA 2022 Board Secretary/Clerk Conference, Monterey, California, November 7 - 9, 2022.**

General Manager Mairena stated that she had previously talked to Attorney Conneran about getting additional training as a Board Secretary/Clerk and she had felt that this would be good training. Ms. Mairena also stated that she had applied for a scholarship to attend it and it had been granted; however, the District would be reimbursed after attendance was verified and there would be overnight accommodations expenses.

Director Chambers moved to Authorize General Manager's Attendance to the CSDA 2022 Board Secretary/Clerk Conference, Monterey, California, November 7 - 9, 2022, 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.

**I. 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.

**8. WRITTEN COMMUNICATIONS: : None.**

**9. ATTORNEY'S REPORT:**

Attorney Conneran reported on a new bill passed in the legislature, AB 602, which would require water districts, whenever capacity charges or connection fees were to be increased, to do a nexus study just like cities have to do with developer fees. Attorney Conneran stated that nothing was needed if these charges/fees were not changing; however, if they were, then a consultant would need to do a study to determine what would need to be

collected from a developer of a new housing unit to make the District whole in order to pay for the potential future improvements that development was to include.

Director Chambers recalled that the District had done such a study about five years ago. Attorney Conneran stated that was all good, and the District had done more than it needed to.

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

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

General Manager Mairena reported that on August 5, 2022, Euro Style Management (ESM) had notified Pakpour that they had completed the punch list of the exterior recoating of Skyline Tank No. 3. Engineer Brandon Laurie emailed them back on August 8<sup>th</sup> to let them know that acceptance of the project would be postponed until the September board meeting. Ms. Mairena stated the reason for the delay was mostly due to weather conditions.

Director Chambers commented on the filing of the tank and asked some questions.

**B. Removal of Potentially Hazardous Tree at 2601 Tyrone Court, SSF.**

General Manager Mairena reported that the tree at 2601 Tyrone Court had been removed and surprisingly, the cost was only \$1,975; however, the invoice indicated there was no stump grinding, so Ms. Mairena contacted the homeowner to let him know he would need to take care of this in order for the District to reimburse him for the cost. The homeowner complied and Field Supervisor Kennedy confirmed the additional work had been done. General Manager Mairena displayed a picture of the area where the tree had been removed from.

**C. Report on District's Water Conservation for July 2022.**

General Manager Mairena reported on the water conservation efforts for July 2022 and presented worksheets comparing water consumption for the previous two years. Ms. Mairena commented the main reason for the increase in water consumption was due to the filling of Skyline Tank No. 3.

Director Chambers commented that this was either a 3.8% reduction or a 12.9% increase in usage, which turned out to be about 62 gallons per person per day, which he hoped was mostly due to the increase in usage from filling the tank and that our customers were still continuing to conserve.

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

**A. Report on BAWSCA Meeting of July 21, 2022 (Chambers).**

Director Chambers stated the report was in the board packet and he would be glad to expand on it. Director Chambers pointed out that San Francisco was big on conservation during the summer months; however, the District customers did not have the large amount of turf other districts do, and the City of SSF was not watering as much as they used to.

President Bautista inquired about the bugs for the healthy fish and the creation of wetlands. Director Chambers explained that the fish would be able to spend more time there and get bigger before being released downstream; hence, better chance of survival.

**12. CLOSED SESSION:**

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

**Title: General Manager**

Attorney Conneran took the Board to closed session at 8:38 p.m. to discuss the General Manager's performance evaluation and reconvened at 8:52 p.m.

Attorney Conneran summarized the Board's instructions and directed General Manager Mairena to complete a self-evaluation and get it to the Personnel Committee in ten days so that the Board would have a chance to review and evaluate it by the next board meeting. General Manager Mairena agreed and stated she was happy with her agreement, but that it did call for an annual evaluation and basically, she wanted their input on her performance.

**13. ADJOURNMENT:**

Without objection, President Bautista adjourned meeting.

Time 8:53 p.m.



Secretary

  
President

09/09/2022

Date