

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

Thursday, October 13, 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:

Janet Medina
Tom Chambers
Julie Richards
Perry Bautista
Don Amuzie (*joined later in the meeting*)

Staff Present: Patricia Mairena, General Manager
Catherine Groves, Attorney
Wendy Bellinger, Office Supervisor

Visitors Present: None

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

Attorney Groves stated that it was still permissible for the Board of Directors to continue to reenact this resolution. Attorney Groves mentioned that AB 2449 had recently passed but it did not change any of the rules until January 1, 2024, so at this point, the Board was still allowed to enact this resolution and continue meeting remotely.

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Director Chambers stated that he was in favor of this resolution but perhaps the Board may want to consider meeting in person soon and let General Manager Mairena know their thoughts. Director Chambers commented that unless the virus got worse, BAWSCA was considering meeting in person, and he knew of other agencies that were already doing so.

President Bautista mentioned that General Manager Mairena was planning on reopening the lobby to customers after the holidays, possibly in January, and he felt that it would be suitable to also start the in-person board meetings around that time too. Director Chambers replied that the November and December meetings would be via Zoom and virus permitting, January would be an in-person meeting.

Director Chambers moved to approve Resolution 664, 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 Richards	Aye
Director Bautista	Aye

The motion was carried unanimously.

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

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.

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6. BUSINESS (OLD): None.

7. BUSINESS (NEW):

A. LAFCo - Westborough Water District Municipal Service Review (MSR).

President Bautista reported that Directors Chambers, Amuzie, and he, along with General Manager Mairena had attended the LAFCo meeting on September 21, 2022. President Bautista stated that LAFCo was pretty much planning on leaving everything as it was and wait until the November 16th meeting for a final vote. He mentioned that there was a virtual Community Workshop scheduled for October 17th and the information was provided on the board packet, in case any board members wanted to join in. President Bautista also reported that there were four items that had stuck with him and commented on them:

1. Budget narrative
2. Staff reports for board packet items
3. Video recordings of meetings on website
4. Multi-year Capital Improvement Program

Director Chambers also commented on these items and stated that the Budget Committee could provide a summary of any budget change proposals. He stated that Mr. Bartoli did not realize how involved board members were and how thin District staff was. Director Chambers asked Attorney Groves about replying to LAFCo. Director Groves stated that the Board could reply and let LAFCo know if they agree with their recommendations or not, but it was not necessary to do it by October 17th. With regards to posting videos of the board meetings, Director Chambers stated that unless the District was to invest mega bucks on a recording system, there would be no Zoom meeting recordings starting with the January, 2023 meeting.

President Bautista told the Board that Vice Chair Draper had complimented the District for “looking forward” and making decisions for the future.

Director Amuzie stated that he thought it was a good idea for the District to have good cooperation with the City of South San Francisco.

Director Chambers commented on the LAFCo report and how they were working off an outdated Urban Water Management Plan (UWMP) and population data. He stated that on pages 23 and 24, LAFCo had messed up on their paragraph numbering as there were two recommendations labeled #2. Director Chambers stated that the City of South San Francisco did not provide water services but contracted with CalWater, and he did not see any benefits for turning District facilities to CalWater, but he did see a couple of potential downfalls:

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1. CalWater is not a public agency, hence, not eligible for Hetch Hetchy water (as stated in the Raker Act) and San Francisco has worked around that by selling the Calaveras and Crystal Springs water to them, which were local supply sources. Currently, CalWater uses 23% of all BAWSCA member agencies' water demand. Director Chambers also stated that he was not sure if there would be any problems with the use of municipal bonds for financing, as only public agencies could issue tax free bonds.
2. For sewer, with regard to LAFCo's idea that both the District and the City of South San Francisco could use the same rate structure, Director Chambers stated that the methodology for calculating sewer charges was very different, and he thought the District would need to approach the City of South San Francisco to see if this was realistic and if they would even want to do it.
3. Director Chambers also mentioned that the City Council of South San Francisco would not be able to set the water rates as these are regulated by the PUC for CalWater.

Director Chambers told the Board that the reorganization recommendations could be cleared after the report was final by contacting the City of South San Francisco and asking them if this was something they would want to do, and if they did, the District could look further into the three pitfalls he mentioned before.

President Bautista asked Attorney Groves for clarification as to what a subsidiary district was and whether this would be similar to what the North San Mateo County Sanitation District was to the City of Daly City. Attorney Groves mentioned she had not heard that term before, but she did believe that he was right, and essentially the City Council would serve as the Board if the District was to become a subsidiary district. Director Chambers affirmed the information Attorney Groves provided and stated that the District would lose its CSDA status since in order to join, the District would have to be an independent district.

General Manager Mairena reported that she had reviewed older minutes to gather additional information on LAFCo's recommendation to join the City of South San Francisco Sewer System and she wanted to share information she found on the minutes of the November 9, 1995 board meeting. She stated the minutes referenced a letter from the City of South San Francisco which was written in response to a LAFCo review. The discussion by the Board was centered on the cost to the District to connect to the City's sewer system: \$9 million dollars to connect to the City's system, an additional cost of buying into their system of about \$5 million per every 1 million gallons per day of sewage to expand the City's treatment plant, and approximately \$60,000 for a study on connecting the sewer to their plant. General Manager Mairena also reported that this did not happen because the District did not have the extra \$10

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to \$12 million to connect to the City's sewer system. In addition, General Manager Mairena recalled that there were also concerns about the EPA possibly not allowing the extra treated sewage to be disposed in the Bay. Director Chambers commented that there could also be issues with algae bloom.

General Manger Mairena stated that these were 1995 numbers, and the present cost would be much higher today, and she wanted to mention this in the event that the District needed to reply further to LAFCo on joining the City's sewer system.

No action was taken.

B. Review/Approve Revisions to District's Personnel Manual.

President Bautista told the Board that everyone had received a red-lined copy of the proposed District's Personnel Manual. President Bautista addressed Attorney Groves for clarification on page 7.B.7, under Time Cards, where it stated the "Supervisor or General Manager being able to make changes only after such changes were authorized in writing by the employee." Attorney Groves replied she was not certain because it was a labor and employment attorney who had worked with Attorney Conneran, but her take on this was that there would have to be a conversation between the General Manager (or Supervisor) and the employee to make any changes to a time card.

Director Chambers asked why the General Manager position was being removed from the Safety-Sensitive Employees List. General Manager Mairena replied that she was advised by former General Manager Barrow, to remove herself from the list, since she did not drive a District owned vehicle, nor operated any equipment, such as the VacCon. Ms. Mairena stated that she had also run this by the Personnel Committee to get their input, and they had been in agreement with doing so. Director Chambers asked if the removal was also related to her getting a monthly vehicle allowance instead of a District owned vehicle and General Manager Mairena concurred. Director Chambers stated that since she supervised employees, she should be able to drive a District truck. General Manager Mairena replied she had no problem being on the Safety-Sensitive Employee List and that it was probably a good idea in the event that the next general manager drove a District owned vehicle or equipment, then the District would not need to add the position back.

Director Amuzie inquired about the time clock system the employees used. General Manager Mairena replied that the employees used a daily log detailing their work. President Bautista commented it was an honor system. Director Amuzie asked about getting an electronic time clock since this was the year 2022. Director Chambers commented the District did not need to get a time clock and do maintenance on it, and if anyone falsified records, you

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would just fire the employee. President Bautista inquired if there had been any problems, and General Manager Mairena replied that in her 35 years there had been no problems.

Director Chambers moved to approve the Revisions to the District’s Personnel Manual with the exception of adding the General Manager position back in the Safety-Sensitive Employees List, 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. List of Goals for General Manager for 2022-2023.

President Bautista commented that the General Manager had a list of goals for 2022-2023 and he wanted to suggest adding the list of recommendations made by LAFCo which were previously discussed. General Manager Mairena replied that she could definitely work on putting the board packets on the website; however, she needed to make sure these were machine readable in order to be ADA compliant.

Director Chambers stated he would like to add to the list for her to work on the financial policies such as the policy on reserves and the budget narrative. Director Chambers asked General Manager Mairena about the Water Loss Program being on the original list but not on this list. General Manager Mairena replied that she had just completed it today and logged in to the Water Resources Control Board to submit the report.

President Bautista asked the Board if anyone else had anything to add to the General Manager’s List of Goals.

Director Amuzie stated that the Board should add the wording “other duties as assigned” because of the unforeseen. Attorney Groves asked General Manager Mairena her thoughts and if something similar was handled by former General Manager Barrow. Ms. Mairena stated that this was a list that was used by the Board as part of measuring her performance during her evaluation and that of course, when unforeseen things would come up, she would deal with them. Director Chambers stated that this was only one of the four or five sections of the General Manager evaluation, and this list was not her job description, it was a

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list of special things the Board wanted her to work on during 2022-2023. Director Chambers stated that “other duties as assigned” was too general and could not be measured.

Attorney Groves agreed that this list is not meant to be comprehensive and exhaustive, but it should state the key initiatives the Board would like their general manager to focus on for the next year, and of course, there were many things that were not on the list which would need to be accomplished as well.

President Bautista asked General Manger if she had her updated list. General Manger Mairena replied she did and would be adding the two items mentioned by Director Chambers: the budget summary and the financial reserves policy.

President Bautista asked Attorney Groves if there should be a motion and she agreed.

Director Chambers moved to approve the revised List of Goals for the General Manager for 2022-2023, including the budget summary and the financial reserves 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.

8. WRITTEN COMMUNICATIONS:

A. Correspondence from Kelvin Mulnar, City of South San Francisco Engineering Division Regarding 2304 Olympic Drive.

General Manager Mairena reported on an email she had received from Kelvin Mulnar on September 23, 2022, regarding 2304 Olympic Drive and an application that was received for building a new house. Ms. Mairena reviewed with the Board that this location was currently an empty lot at the corner of Olympic and Dublin and that there was history on this property going back to the early 1980s. General Manager Mairena stated that there used to be two houses in this lot and due to an underground river (or the like) the houses had lost their foundation and sank, so the District was sued along with the City of South San Francisco, and the developer. Ms. Mairena commented she had replied to Mr. Mulnar’s email letting him know this history and that she would have to run it by the District’s legal counsel, as she was certain there had

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been a monetary settlement, and the District would not like to undertake any additional liability, especially since they were plans for building a new house. General Manager Mairena also reported that the property had changed hands a couple of years back, and it now belonged to an investment company. General Manger Mairena stated she had consulted with Attorney Conneran, and per his advice, she then emailed Mr. Mulnar back letting him know that the District would request a geotechnical report to be done to make sure the property could safely be developed prior to any plan reviews, and letting him know that in the future, should problems re-emerge, the City could be the target of a lawsuit; hence, the importance of a thorough review of suitability for development. Director Chambers commented he hoped the District had legal protection.

Director Chambers stated there really was an underground creek running there, and he was not sure if the water went into a storm drain. General Manager Mairena replied there was a pipe that runs thru the lot with water running 24/7, draining to a storm drain, and the water was very corrosive, to the point that the pipes were very corroded.

President Bautista asked Attorney Groves who would have the rights to the water if there was an artesian well running underneath. Attorney Groves replied she did not have the answer and would have to get back to him. Both Director Chambers and General Manger Mairena replied that the District would not want that water, as the water was too corrosive.

President Bautista stated that under Written Communications, he also wanted to report that LAFCo had an alternate seat on their Board. Director Bautista stated there were three candidates running for that seat: Virginia Kiraly with the Harbor District, Donna Rutherford with the Mosquito Control District, and Chris Mickelsen with the Coastside County Water District (CCWD). President Bautista also stated he needed to return the ballot by October 17th, and he asked the Board if anyone knew any of the candidates as he was leaning towards the CCWD candidate since he would be knowledgeable on the water business. Director Chambers concurred and stated that Mr. Mickelsen was also a director representing CCWD on the BAWSCA Board. President Bautista told the Board if there were no objections, he would be voting for Mr. Mickelsen and would return the ballot before October 17th to the General Manager or probably by tomorrow.

9. ATTORNEY'S REPORT:

Attorney Groves reported on the new Brown Act legislation, AB 2449. Attorney Groves stated that the main take away at this point was that it would not change anything for at least a year and the Board could continue relying upon the Governor's State of Emergency and continue meeting remotely until it was lifted, or the State Legislature voted to rescind the State of Emergency. Attorney Groves stated that once AB 2249 went into effect on January 1, 2024,

the state of the law would be to go back to the old teleconference rules or use these new hybrid rules which are not as helpful as they were hoping for and were also very confusing.

Attorney Groves reviewed with the new board members that under the old teleconference rules, the majority of the Board members would have to be within the physical jurisdiction of the agency and any time there was any teleconferencing, those sites would need to be made available to the public, so for example, if a director was home, the director would have to open his/her home for the public to be able to participate on the meeting. Director Groves stated that due to health reasons, that rule had been suspended during the pandemic, but as of January 1, 2024, we would have to go back to the old rules and potentially to the new hybrid alternatives.

Attorney Groves mentioned that she would continue to update the Board and that they were working on a list of FAQs internally to identify the ambiguities on this law, and if anyone had any questions, to please send them to her.

General Manager Mairena stated that she would email Hanson and Bridgett LLP's communications alert to the Board so they could read about the new law.

10. GENERAL MANAGER'S REPORT:

A. Report on Sewer Backup at the District's Office.

General Manager Mairena told the Board that this was the same sewer backup she had mentioned at the last board meeting. General Manager Mairena reported that the sewer backup occurred at the District's office on September 8th and water came out at the base of the women's toilet. Ms. Mairena stated that she had staff contact the North San Mateo County Sanitation District (NSMCSD) and a crew of new employees had responded, worked on the basics, and advised staff to contact a plumbing company. General Manager Mairena said that District staff used a 50-foot snake to try to clear the problem but were unsuccessful, so staff contacted Discount Plumbing Rooter, who came the next day. Ms. Mairena also reported that after the plumbing company also snaked the line unsuccessfully, they went ahead and jetted it at a cost of \$1,495. General Manager Mairena also told the Board that since the water had spilled onto the hallway and the carpet, the entire office carpet was sanitized by COIT at a cost of \$500.

Ms. Mairena added that the problem reoccurred on October the 4th and since the job was still under warranty, Discount Plumbing Rooter came back and re-jetted the line but mentioned that if the problem was to reoccur, they would recommend deescalating the line at a cost of \$3,850. Former General Manager happened to stop by the District's office and advised General Manager Mairena to contact the NSMCSD again and ask if they could assist the

District in any way. General Manager Mairena emailed Kevin at the NSMCSD and asked if he could review the quote and the televised recording of the line, render his opinion, and possibly assist with the work, even if they were to charge for their hours. On October 11th, the NSMCSD sent a crew who televised the line again, found some issues from the cleanout outside Field Supervisor Kennedy's office, and jetted the line from the cleanout to the main. The NSMCSD felt very confident that they were able to clear any issues with the line. General Manger Mairena told the Board that since staff was able to contain the overflow, the carpet had not been affected this time.

B. Report on District's Water Conservation for September 2022.

General Manager Mairena reported on the water conservation efforts for September 2022 and presented worksheets comparing water consumption for the previous two years. Ms. Mairena commented that the conservation efforts had not been as good as the previous month and the District had purchased more water this month than the year before and also than the measurement year. General Manager Mairena stated that she had directed office staff to keep a close watch on the irrigation meters usage to make sure usage is not going up.

Director Chambers stated that he wanted to change the HCF to GPPD. Director Chambers mentioned that in the year 2019-2020 the average GPPD was 59.8, for 2020-2021 it was 51.29, and this year we are at 54.46, using the year-to-date totals, since the month-to-month usage has a lot more variability; thus, the District usage was down 9% from 2019-2020, which is the SFPUC guideline, and the District was short from the SFPUC goal of 10% reduction and definitely short from the Governor's 15% reduction, so we will need to do more.

Director Chambers commented on Senate Bill 1157, Hertzberg, which deals with outdoor and indoor use: indoor use is supposed to be 47 GPPD by 2025, and 42 GPPD by 2030. Director Chambers stated that it may be a challenge to meet those numbers given that there is not a lot of irrigation use in the District, but we should continue doing our best and hope for rain.

11. ITEMS FROM BOARD OF DIRECTORS:

A. Report on BAWSCA Meeting of September 15, 2022 (Chambers).

Director Chambers stated that his report for the September meeting was in the board packet if anyone had any questions.

Director Chambers mentioned that BAWSCA had a Policy Committee (BPC) meeting yesterday, so he knew what most likely would be on the November meeting: the voluntary agreement which was moving slowly. Director Chambers mentioned that the BPC had also

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recommended approval by the full Board of the Investment Policy that was presented to them. The BPC was also reviewing Tier 2 extensions. Director Chambers explained that Tier 2 is the procedure used to reduce the ISG (Individual Supply Guarantee) during a drought in order to meet the conservation demands that were in place. Director Chambers also stated that we have been operating under the Tier 2 for the first time during the past year and the Tier 2 allocations were initially set to expire in 2018 and had been extended year-by-year and will need to be extended again this year. Mr. Chambers stated that the new Tier 2 allocations would have to be approved unanimously by all 26 BAWSCA agencies, which would take a while to do, and possibly another year.

President Bautista asked Director Chambers if BAWSCA was investing in recycling water. Director Chambers replied that they were a 5% partner with the San Francisco Peninsula Recycling Water. Director Chambers stated that we wanted this to happen, as we need alternative water supplies.

12. CLOSED SESSION: None.

13. ADJOURNMENT:

Without objection, President Bautista adjourned meeting.
Time 8:43 p.m.



Secretary



President

11-16-2022

Date