

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

Thursday, November 10, 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
Janet Medina
Julie Richards
Perry Bautista

Staff Present:

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

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 Medina.

3. SPECIAL ORDER OF BUSINESS:

A. Consideration of Resolution 665, Declaring that District Meetings will Continue to be Held Via Teleconference.

Attorney Conneran stated that the District is still able to operate under the Governor's Emergency Order which is coming to an end in late February. Attorney Conneran noted that thru that and the provisions of AB 361, the Board could adopt this resolution to authorize their continued meeting in a hybrid mode via teleconference, and he recommended adopting this

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resolution.

Director Chambers moved to approve Resolution 665, 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 Chambers mentioned that he had emailed General Manager Mairena with a couple of changes to the minutes:

- Page 4A.1.10, the last paragraph should state the “November meeting” and not the October meeting.
- Also, on the same paragraph, they (the Policy Committee) “recommended” the board approve the Investment Policy (since the PPC can only make a recommendation and not approve it).

Director Chambers moved to approve the Consent Calendar with the previously mentioned changes, 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.

5. **PUBLIC COMMENT:** None.

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

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

General Manager Mairena mentioned Director Chambers' report on the Community Workshop that was held on October 17th via Zoom, which was attended by the majority of the board members and was included in the board packet. General Manager Mairena also mentioned the letter of response to the MSR that was prepared with the assistance of Attorneys Conneran and Louie. Ms. Mairena stated that she had received the final MSR yesterday and had included it in the board packet. General Manager Mairena referred to the MSR and stated she had emailed some updates and corrections to Executive Officer, Rob Bartoli, which included the most current UWMP, census population information, adding the City of SF - San Bruno Jail as an affected agency, and changing the Assistant General Manager position to Office Supervisor. Ms. Mairena indicated Mr. Bartoli had made the revisions, which were redlined on the document. General Manager Mairena also mentioned that she had a phone conversation with Mr. Bartoli and had told him about the Raker Act, which only allows public agencies to get water from the Hetch Hetchy System, and that the District would not be able to get that water if it was taken over by Cal Water, a private entity.

Director Chambers stated that Nicole Sandkulla from BAWSCA had confirmed that Cal Water would be unable to buy additional water and they were pretty much maxed out, since they are only able to get water from Calaveras Reservoir and the local watersheds.

General Manager Mairena stated that the letter of response to the MSR had not been mailed out yet and it was being presented to the Board for review and comments. Ms. Mairena told the Board that Mr. Bartoli was aware the letter was being sent out to LAFCo after tonight's board meeting, and he would add it to the LAFCo's packet as an addendum.

General Manager Mairena pointed out that after the last board meeting, she had directed John Davidson to contact LiftOff to include a section on the District's website to put the board packets, and the November's meeting board packet was already added, right next to the board agenda.

President Bautista stated if there was no more discussion on the letter, the General Manager was free to send it out. Attorney Conneran confirmed that no motion was needed, since this was not an action item, and the Board was just providing input.

7. BUSINESS (NEW):

A. Review and Acceptance of Claims Reimbursement from ACWA JPIA for Pipe Repair – Loss of September 9, 2021, Claim #22-289 in the amount of \$51,285.88.

General Manager Mairena reviewed the report she had placed on the board packet and recapped the facts, since both Directors Amuzie and Richards had just joined the Board at the time the incident happened. General Manager Mairena stated the claim had been opened by JPIA on October 18, 2021, for the repairs to the roadway caused by the sinkhole, and after months of communications with JPIA, they had offered to reimburse the District \$51,285.88 out of the original \$74,135.37.

Director Chambers moved to accept the Claims Reimbursement from ACWA JPIA for Pipe Repair – Loss of September 9, 2021, Claim #22-289 in the amount of \$51,285.88, 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. Resolution No. 666, Adopting Policies and Procedures for Award of Contracts and for Bidding Requirements.

General Manager Mairena reminded the Board that it had been a few months since Director Amuzie had questioned the spending limits of the General Manager and the Board had directed her to investigate the limits for neighboring District General Managers. General Manager Mairena stated that she had consulted with Attorney Conneran, and he had recommended also reviewing the current existing policies.

Attorney Conneran commented that the existing resolution was compared to a number of other clients' more recent documents, and the District's was an early generation of the same policy. Attorney Conneran mentioned he had gone ahead and updated the document, utilizing the same policies other clients in the county were using. Attorney Conneran also mentioned the new policy had a workable number of \$25,000 in addition to stating important practices and policies. Attorney Conneran stated he recommended approval of this revised policy.

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Director Chambers stated that after 34 years, it was a good time to update the policy.

Director Amuzie asked about the contingencies and what would happen if the President needed to sign but he was abroad. Attorney Conneran replied that the Vice Chair would act in his/her place; otherwise, DocuSign was accessible from anywhere.

Director Amuzie moved to approve Resolution No. 666, Adopting Policies and Procedures for Award of Contracts and for Bidding Requirements, 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.

C. Volvo Portable Generator Problems due to Possible Bad Fuel and Quote for Repairs.

Field Supervisor Kennedy told the Board that originally the Volvo generator had been delivered to the Skyline Tank Site, and California Generator had added minimal fuel, so the first time it was powered up, there was a low fuel indicator. Mr. Kennedy also told the Board the North San Mateo County Sanitation District (NSMCD) had provided additional fuel, but when California Generator tried doing a second start up, a low fuel indicator displayed again. Then when the generator was brought to the District Office, the NSMCD provided fuel once again. Field Supervisor Kennedy stated that the generator must have had about 400 gallons of fuel in its 500-gallon tank, so Dave from California Generator, pulled the gage or dip stick and it displayed a lot of dark buildup which indicated that it contained bad fuel. Mr. Kennedy stated we were unable to go back and figure out where the bad fuel had come from.

General Manager Mairena stated that California Generator had taken a sample of the fuel and sent it out for testing; however, the results came back stating the fuel was acceptable, but according to David and Tom from California Generator, they still recommended removing the fuel because they could smell lacquer in the sample; however, until now, they had yet to provide an official quote.

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General Manager Mairena stated she had talked to Tyrone Brown from Telstar, and that Dave from California Generator had mentioned to him that the removal of the bad fuel would cost \$15,000 to \$18,000, since it involved removing and disposing about eight 50-gallon barrels of fuel, in addition to adding a cleaning compound to remove the contaminants.

President Bautista inquired on the age of the generator. General Manager Mairena replied the generator was about three years old. Director Chambers stated that it also had very few running hours.

President Bautista asked if the warranty had run out. General Manager Mairena stated that she did not have a chance to check on it, but her thought was this would not be covered since it seemed to have been caused by something that was added. Ms. Mairena asked Attorney Conneran for his thoughts.

Attorney Conneran commented that he was not sure it was a defect of the product that had been provided to the District, but if we were able to prove that the bad fuel had been provided to us from the party that sold it to us, then we could place a claim against them. Attorney Conneran inquired if the generator had been under lock and key, and if it was possible for someone to have dumped something inside the fuel tank such as a paint solvent. Field Supervisor Kennedy replied that all the panels in the generator lock up. Attorney Conneran suggested checking into making an insurance claim.

Director Medina moved to approve up to \$25,000 to remove the bad fuel from the Volvo Portable Generator and possibly replace the fuel sensor and filters, 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.

D. ACWA General Session - November 30, 2022: Voting on Proposed Amended and Restated Bylaws of ACWA and Authorization to Complete Voter Designation Form.

President Bautista asked if anyone was attending the ACWA Conference. General Manager Mairena replied that Director Amuzie would be attending.

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President Bautista stated he would have to designate him as a representative for the District to vote and return the form to Donna. General Manager Mairena checked the Voter Designation Form which would need to be returned by November 29, 2022.

Attorney Conneran stated that since Director Amuzie was being designated as the voting representative and he would be voting on approving the by-laws at the General Session, the Board did not need to take action on this item.

Director Chambers mentioned that since Director Medina was the designated ACWA rep, maybe she should be the one designating Director Amuzie. General Manager Mairena clarified that Director Medina was the JPIA designated rep, and this was an ACWA voting representative designation.

8. WRITTEN COMMUNICATIONS:

A. Letter Dated October 20, 2022 from the Special Districts Leadership Foundation, Regarding the District Transparency Certificate of Excellence Approval.

General Manager Mairena explained that the District had attained this Transparency Certificate a few years back and it had to be renewed every three years. Ms. Mairena stated she had filed the application and it had been accepted on October the 20th, and the certificate had been presented to her in person at the CSDA Conference she had recently attended.

Attorney Conneran gave background on obtaining this certificate and that a few years back, it had been a recommendation of the Grand Jury. General Manager Mairena concurred and stated that as part of the renewal application, she had submitted the entire packet to both Adrienne Carr, General Manager for North Coast County Water District, and Rob Bartoli, Executive Office for LAFCo, and once the application was approved, she had emailed the letter to Rob, and that was the reason he had added it to the final MSR.

General Manager Mairena reported that she had also emailed her CSDA Conference participant certificate to the Special District Leadership Foundation, and was told that by the middle of December, they should be mailing a reimbursement check to the District for her enrollment fee as part of the scholarship she had been granted by them.

General Manager Mairena stated that the Transparency Certificate will be displayed on the District's website. Attorney Conneran clarified that obtaining this certificate was not due to the District being singled out, but it had been a broad recommendation for all the special districts, and that the District was just continuing to do its part. General Manager Mairena mentioned that this certificate would be good until September 2025.

9. ATTORNEY'S REPORT:

Attorney Conneran reported on a couple of issues:

- Attorney Conneran commented on the legislation that was passed regarding hybrid meetings which provides another alternative, but not a very useful one. Attorney Conneran stated that the most important take away was that the Governor had indicated the Emergency Order he issued which supports the ability to meet in a hybrid fashion under AB 361 is coming to an end in late February, and that the Board should plan for the March meeting to be in person. Attorney Conneran also stated that he would provide additional information as there may be special cases when exceptions could be occasionally made for directors who cannot attend the meeting in person. Attorney Conneran pointed out that the old teleconference exception was still in place, but it may not be a very useful one since it required posting of the location where the director was participating from and opening it up to the public.
- Attorney Conneran commented on the amendments to the Levine Act, and that he did not feel it affected the District, as it pertained to people who did business with the District and made campaign contributions, so it limited the ability of directors (and now elected officials) to vote on matters that involved parties who had given to their campaigns. Attorney Conneran stated the law takes effect on January 1, 2023, but any contributions received in 2022 would potentially count, making directors ineligible to vote on these types of matters, and the FPPC (Fair Political Practices Commission) would be making a ruling on this next week. [Update: the FPPC voted that 2022 contributions would not count.]

10. GENERAL MANAGER'S REPORT:

A. Report on District's Water Conservation for October 2022.

General Manager Mairena reported on the water conservation efforts for October 2022 and presented worksheets comparing water consumption for the previous two years. General Manager Mairena explained that the usage for this period was slightly higher due to the District supplying water from November 1st through November 9th to the North Coast County Water District while they repaired a leak on their transmission line.

B. Intertie Water Deliveries to North Coast County Water District due to Transmission Line Repairs.

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Field Supervisor Johnny Kennedy reported that the District had started supplying water to the North Coast County Water District (NCCWD) on November 1st and had closed the valve on November 8th, but an hour later, received a phone call from Scott Dalton, Assistant General Manager, asking to open the valve again due to a drip leak being detected. Mr. Kennedy stated the valve was closed on November 9th and remained closed.

Director Chambers inquired if the District had been able to keep up with their demand with the two pumps, as well as ours. Field Supervisor Kennedy replied that it had been a bit worrisome because the second pump had failed to start, so the District was down to one single pump. Mr. Kennedy stated the solenoid was replaced and the pump was now back in service. Field Supervisor Kennedy also stated the District had been able to keep up with the one pump.

General Manager Mairena told the Board that a full report would be provided next month as to how much water was provided to the NCCWD and the total bill calculation.

11. ITEMS FROM BOARD OF DIRECTORS:

A. Report on CSDA San Mateo Chapter Meeting of October 26, 2022 (Chambers).

Director Chambers stated that his report for this meeting had been submitted and had been included in the second board packet that was sent to the Board.

Director Chambers mentioned that the next BAWSCA meeting of the full Board was next week and he would be reporting next month.

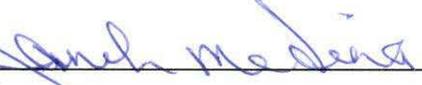
12. CLOSED SESSION: None.

13. ADJOURNMENT:

Without objection, President Bautista adjourned meeting.
Time 8:23 p.m.



Secretary



President

12/12/2022

Date