

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

**Thursday, February 9, 2023**

*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  
Perry Bautista  
Tom Chambers  
Julie Richards  
Janet Medina

Staff Present: Michael Conneran, Attorney  
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 Bautista.

**3. CONSENT CALENDAR:**

President Medina asked the Board if there was any discussion.

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

Roll Call

Director Amuzie	Aye
Director Bautista	Aye
Director Chambers	Aye

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Director Richards	Aye
Director Medina	Aye

The motion was carried unanimously.

**4. PUBLIC COMMENT:** None.

**5. BUSINESS (OLD):**

**A. Review/Approve Issuance of Request for Proposals for Water and Sewer Rate Study.**

General Manager Mairena stated that at the May 13, 2021, meeting, the Board had approved issuance of a Request for Proposal (RFP) for the Water and Sewer Rate Study with certain revisions that were to be made by former General Manager Barrow and Attorney Conneran. General Manager Mairena displayed that RFP document with her mark ups on the areas needing these revisions.

Director Chambers pointed out that the section on Scope of Services should only include a 5-year financial plan, and not a 10, 15, and 20, as stated on the document that was included in the board packet. Director Chambers also stated that the same change should be made under the section of Multi-Year Revenue and Expenditure Model.

General Manager Mairena mentioned Mr. Barrow was unable to follow up with Mid-Peninsula Water District regarding the Electronic Rate model, but that was something she could take care of.

General Manager Mairena indicated that per a previous the Board's decision, she had removed the section on Rate Assistance Program from the document that was included on the board packet. Ms. Mairena asked Attorney Conneran to confirm that the District could not use rate payers' funds for this purpose. Attorney Conneran confirmed this and stated that the only revenues that could be used would be property taxes or income generated from the cell tower leases. Director Chambers asked if the section on Equity had the same issue and if so, should it be removed. Attorney Conneran agreed that unless the Board was planning to look at that other income for this purpose, then, this section would be unnecessary.

Director Chambers stated that he had an issue with not having a water and sewer CIP as the District only had a list of potential projects. Director Chambers mentioned that in order to get the RFP on the street, the RFP should state that the District's water and sewer Capital Improvement Program would be made available on our website and that the District anticipates

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spending x dollars for water and y dollars for sewer projects for capital improvements per year. Director Chambers mentioned that the main thing the contractor should be interested in is how much the District wants to spend every year. Director Chambers also stated that he would like to delay approval of the RFP for a month and hopefully by then, also approve the CIP, or at the very least, provide the annual dollar amount and continue to work on the CIP which would be provided at a later date.

Director Chambers also discussed the section on Water Commodity Charges/Sewer Rate Charges. He stated that he would like to change “for tiered water commodity charges” to “for single tier and multi-tier water commodity charges.” Mr. Chambers provided additional explanations as to why he would prefer to maintain flat rates vs. tiered rates and mentioned his concern for legal challenges to the tiered rates.

Attorney Conneran recommended that the Board have an idea of what the CIP would be before it releases the RFP, since that would represent what the District wants to do, so the contractor can help the District achieve that goal. Attorney Conneran thought the optimal thing was for the District to have a CIP list, like in past years. Director Chambers replied he would like to have not just a list, but a schedule on what projects will be done each year and how much will be spent. General Manager Mairena stated the Capital Improvements Committee was working on prioritizing the water projects, but he was not sure that the District would have a sewer CIP list ready by the next meeting.

Attorney Conneran commented that if the projects in any year had an uneven financing aspect, the advisor would guide the District and may suggest raising the rates evenly for the five-year period in order to fund an uneven series of expenditures over the five-year period. Director Chambers replied that some of these projects could be multi-year projects.

Attorney Conneran agreed with Director Chambers on the single tier vs. the multi-tier, as it was less risky and simpler, with less risk of legal challenges.

Director Richards asked General Manager Mairena about her own service area and multi-tier rates. General Manager Mairena replied that the District currently only used a flat rate, but she was aware of the issues multi-tier rates would cause, specially to larger households, as that was the case during the drought of the 1980s, so she too would prefer for the District to stay with single tier rates. Director Chambers asked if perhaps the multi-tier rates reference should be removed from the RFP.

Attorney Conneran asked General Manager Mairena if she had any data on what percentage of customers used water at different consumption levels, as he thought that a big differential would possibly be an argument for multi-tier rates. Ms. Mairena replied she did not have that data in front of her, but that she could certainly provide it. Director Chambers

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mentioned that several years ago he had done a distribution of the usage and his recollection was that it was not spread as much, and in addition, customers did not do a lot of irrigation, so generally, our consumption was lower than other districts. General Manager Mairena stated that the BAWSCA Survey listed the District's monthly average usage as 5.2 HCF per household.

Director Chambers strongly recommended that all the directors view the BAWSCA Survey. He mentioned there are five other BAWSCA agencies that only bill flat rates. Those agencies are: ACWD, East Palo Alto, Millbrae, Milpitas, and Santa Clara. General Manager Mairena thought Millbrae's RFP would be good to look at, since they were smaller.

President Medina asked if there were any comments from other directors on what they would like to do. Director Bautista stated he would like to table the RFP to the next meeting and was also in favor of keeping a flat-rate and having a CIP in place prior to making any decisions.

General Manager Mairena displayed the CIP list of water projects which was reviewed and grouped in three categories: High, Medium, and Low by the Capital Improvement Committee and former General Manager, Darryl Barrow. Ms. Mairena suggested having a separate meeting with the Board to prioritize the projects that were grouped in the high-ranking category. Director Chambers suggested to include former General Manager Barrow in this meeting. General Manager Mairena mentioned that she had sent a list of four projects submitted by the Sanitation District to Pakpour Consulting, and asked them for a proposal, so that these could be added in the same format to the sewer CIP list. President Medina stated that it would be nice to have that separate meeting with the Board and also include the sewer CIP. Director Chambers concurred and asked if a date should be picked.

President Medina asked if item 5.A should be tabled until the next meeting, and possibly the Capital Improvement Committee could meet to review the sewer list in between. Ms. Medina thought several things should happen before having a CIP meeting with the Board.

Director Chambers moved to table the Issuance of Request for Proposals for Water and Sewer Rate Study, seconded by Director Bautista.

Roll Call

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

The motion was carried unanimously.

**6. BUSINESS (NEW):**

**A. Review/Approve Proposal from C.J. Brown & Company CPAs for Auditing Services.**

First, General Manager Mairena wanted to clarify that the audited reports had not yet been on the agenda due to the GASB 87 Lease Implementation requirement that a Lease Summary and Schedules be provided by our CPAs to our auditors. Both had been going back and forth, but she was confident the report would be ready for the next board meeting. Ms. Mairena mentioned that this audit was the last one covered under the current agreement, so she had requested a new proposal for future years. General Manager Mairena reviewed the new proposal figures for the years 2023 thru 2027, with a cost ranging from \$22,400 to \$25,008. Ms. Mairena pointed out that she had reviewed an old proposal that was provided to a neighboring water district for the years 2018 thru 2020, and their cost ranged from \$26,900 to \$28,300. General Manager Mairena thought the proposal the District had received from our current auditors was pretty reasonable in comparison, and she recommended approval. Ms. Mairena also mentioned that the company was now called C.J. Brown and Company, as Charles Fedak had officially retired.

Director Chambers asked if it would be possible for the auditor to make his presentation via Zoom or if that would be a violation of the Brown Act. Attorney Conneran stated that non-board members could appear via Zoom and that would not affect the Brown Act compliance. Director Chambers thought that would save them traveling expenses. General Manager Mairena replied that she thought the District had the capability and she would be checking with Jeff, the auditor and suggest it.

Director Chambers moved to approve the Proposal from C.J. Brown & Company for Auditing Services, seconded by Director Richards.

Roll Call

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

The motion was carried unanimously.

**B. 2021-2022 Civil Grand Jury Report - The Other Water Worry: Is Your Water Provider Prepared for the Big One? – Review/Approve Proposal from Launch Consulting for Compliance Services.**

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General Manager Mairena provided a recap of how the Grand Jury had interviewed water agencies across San Mateo County to determine how well these were prepared for the Big One. There were several recommendations, but only the following three were made to the District:

- 1) The Grand Jury recommends that, by March 31, 2023, the water provider perform emergency preparedness exercises consistent with its emergency response plan.
- 2) The Grand Jury recommends that, by March 31, 2023, the water provider perform an analysis and document an After-Action Report consistent with its emergency response plan.
- 3) The Grand Jury recommends that, by March 31, 2023, the water provider develop plans to increase emergency fuel storage sufficient to provide emergency fuel for a period of at least three days.

General Manager Mairena stated that the Board had reviewed these findings back on August 11, 2022, and had agreed to draft a reply. Ms. Mairena also stated that with the March 31, 2023, deadline coming up, other agencies were also working on compliance, and that NCCWD's proposal had come in at over \$20,000 and the City of Daly City's was around \$12,000.

General Manager Mairena reported that Launch Consulting had assisted the District with the preparation of the Emergency Response Plan and the Risk and Resilience Assessment, so they were familiar with the District and had contacted her to assist with compliance. Ms. Mairena mentioned that the drill would involve an examination as to what happened when the 14" main transmission line was hit, document everything, and prepare an After-Action Report. In addition, a second drill would be done examining the failure in communication when Verizon cut the circuit and the District lost not only the phone lines and the internet, but also the SCADA system communications. General Manager Mairena stated that in addition, Launch will be assisting the District with finding vendors for supplying the District with emergency fuel for the generator. General Manager Mairena recommended approval of Launch's proposal so the District can comply with the Grand Jury recommendations by the due date.

Director Chambers commented on whether the three-day emergency fuel supply referred to running the generator 24 hours a day with a full load for the three days or as to how much diesel would take to pump a 3-day supply of 2.4 MG of water (or .8 MG used daily by the District). Director Chambers would also like to point out that the District has a seven-day water supply in storage at the tank site, so technically, the District does not need to pump for seven days. Mr. Chambers asked about the City of Daly City's fuel supply and stated he rather pay them, then pay a contractor. General Manager Mairena replied that Field Supervisor Kennedy was working on that.

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Attorney Conneran commented that the reasonable approach would be to calculate how much fuel it would take to pump enough water for three days.

Director Chambers thanked General Manager Mairena for putting together the Staff Report. Ms. Mairena commented that it was a good idea because it did clarify for everyone what was going on and helped them to understand the project.

Director Chambers moved to approve the Proposal from Launch Consulting for Compliance Services for \$11,120, seconded by Director Bautista.

Roll Call

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

The motion was carried unanimously.

**C. Review/Approve EKI's Proposal for Preparation of the Annual Water Supply and Demand Assessments (AWSDBAs) due to Department of Water Resources (DWR) by July 1, 2023.**

General Manager Mairena stated that this was the second year of having to do this assessment and it would now be a yearly requirement, so the District would have to budget annually for it. She commented that the State Water Resources Board would like updated data on the District's water use and how it would face any water shortages. General Manager Mairena also stated that the proposal was for \$9,500, since the deadline was coming up on July 1<sup>st</sup> and the District lacked resources to do it in-house, she recommended approval of this proposal.

Director Amuzie stated that based on the amount of the proposal, the General Manager should be able to make a decision. The General Manager replied that since there was still enough time and she would eventually need to report back to the Board, she had decided to add it to the agenda.

Attorney Conneran recommended that since the amount of the proposal did not state "cost not to exceed," perhaps the Board would want to add a \$500 contingency to the approval.

Director Chambers moved to approve EKI's Proposal for the Preparation of the Annual

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Water Supply and Demand Assessment (AWSDAs) due to the Department of Water Resources (DWR) by July 1, 2023, for \$9,500 plus a \$500 contingency, seconded by Director Amuzie.

Roll Call

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

The motion was carried unanimously.

**D. Consideration to Approve Billing Rate Increase for Pakpour Consulting Group, Inc., Effective March 1, 2023.**

General Manager Mairena referred to the letter in the board packet from Pakpour Consulting Group requesting a billing rate increase due to the CPI and the new rates were stated in the letter. President Medina asked when the Board had approved the last increase for Pakpour. Ms. Mairena replied that it was back in March 2022, and stated that the Consumer Price Index (CPI) for this year had been much higher than last year's.

Director Bautista asked General Manager Mairena if it was usual for companies normally to increase above the CPI. General Manager Mairena replied that she has only done this twice, but she did not think it was unusual. In addition, the CPI was for December 2022, and when the District had granted the CPI for employees, it was a bit higher than that. President Medina suggested to keep an eye on the requested increases. Director Chambers replied that perhaps in the future, we should look at the competition.

Director Chambers moved to approve a Billing Rate Increase for Pakpour Consulting Group, Inc., Effective March 1, 2023, seconded by Director Bautista.

Director Chambers stated that General Manager Mairena should check on this matter in perhaps another nine months.

Roll Call

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



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The motion was carried unanimously.

**E. Scheduling Tour of the City of Daly City Wastewater Treatment Plant.**

General Manager Mairena stated that she had emailed the Board about their availability and possible tour dates suggested by Greg Krauss, Wastewater Treatment Plant Manager. The date that seemed to work best was February 22, 2023. Mr. Krauss had suggested a starting time of 1 p.m. with a lasting time of no more than one hour. Mr. Krauss had also stated that there were too many stairs, and he did not recommend participation for anyone with mobility issues. General Manager Mairena commented that although they do not have a virtual tour of the plant, pictures could be taken and shared with those who did not participate.

General Manager Mairena stated she would need to know who would be attending. Attorney Conneran confirmed that if three or more directors would be participating, then it would be a quorum, and the tour would need to be noticed as a meeting of the Board.

General Manager Mairena reported that Directors Amuzie, Chambers, and President Medina would like to participate, and due to mobility issues, Director Richards had withdrawn her interest in participating. Director Bautista declined to participate.

General Manager Mairena stated that she would be figuring something out because she wanted new staff members and those who have not participated before, to attend.

**F. Consideration to Move the May 11, 2023, Regular Board Meeting to May 4, 2023.**

General Manager Mairena reported that in past years, when there was an overlap between the regular board meeting and the ACWA/JPIA Conference, the board meeting would be moved to another date. It was her recommendation that the May 11, 2023, board meeting be moved to May 4, 2023.

Director Chambers moved to approve moving the May 11, 2023, Regular Board Meeting to May 4, 2023, seconded by Director Bautista.

Roll Call

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

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The motion was carried unanimously.

**7. WRITTEN COMMUNICATIONS:** None.

**8. ATTORNEY'S REPORT:**

**A. Discuss Return to In Person Board Meetings.**

Attorney Conneran presented a Brown Act Meeting Guidance sheet recapping the emergency order the Governor issued in response to the COVID pandemic that was followed up by the Legislature adopting AB 361 which allowed public agencies not to meet in person as long as there was an emergency order still in effect and there were recommendations for social distancing. The Governor had indicated that the emergency order will terminate as of February 28, 2023, so the March board meeting would have to be in person. Attorney Conneran stated that he had provided the Board with a guidance sheet which go over the new rules, and other than meeting in person, the old fashion way, there were two alternatives for remote participation.

1. Traditional Brown Act Teleconferencing Rule – any other location in which a director wished to participate from would have to be disclosed to the public and the public would need to be allowed to that location if they wished to attend the meeting. In addition, that location address would need to be posted on the agenda.
2. New Teleconference Alternatives for 2023 (AB 2449) – this new law is fairly complicated and not very useful. These rules do allow for remote participation for just cause or emergency circumstances but are limited on the number of times a director can use them, in addition to requiring other things, such as the quality of the technology and disclosing any adults who are present at the meeting.

Attorney Conneran commented that these requirements made the two alternatives not very workable, so if any directors had a situation and wanted to take advantage of that, they should call him or General Manager Mairena, who could talk to him to see how they could be accommodated it. Attorney Conneran concluded the District should just plan on meeting in person for the March meeting.

Director Amuzie asked if he were on vacation in Europe, would he be able to participate. Attorney Conneran replied that under the old Brown Act Rules, he could but would need to post the agenda on the door of his vacation location and allowed to come in anyone who happened to be there and wanted to participate. The restriction is that there should be a quorum of the legislative body within the boundaries of the agency.

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

**A. Report on District's Water Conservation for January 2023.**

General Manager Mairena presented the water conservation efforts for January 2023 which showed a drop in usage, and asked Director Chambers if he wanted to report. Director Chambers stated that when it rained, people do not consume as much water. Director Chambers reported that the usage was much lower but not quite as low as last year's but were getting pretty close.

Director Chambers mentioned that the SFPUC will be doing snow surveys in February, March, and April. In April, the SFPUC could conceivably call the drought over if the conditions are good, but they may also wait until June due to the surcharge being billed to their retail customers.

General Manager Mairena stated that at the BAWSCA meeting, they had said that San Francisco would probably wait until the State called off the drought before they took any action but overall, the supply of water in the Hetch Hetchy System reservoirs was very good.

**B. Report on Sewer Pipe at Westborough and Galway Drive (*item added*).**

General Manager Mairena displayed a picture of a sewer pipe at Westborough Blvd. and Galway Drive. MCI had directional boring done and had bored right through the pipe. The problem was discovered by the Sanitation Department during flushing because the water started backing up and they ended up televising the pipe, finding this issue.

General Manager Mairena stated that so far, no records of a USA ticket had been located, but the work was done by MCI, and they had taken the responsibility for the repairs. In addition, she had instructed Field Supervisor Kennedy to make sure our water pipe, which runs parallel to the sewer pipe, was marked properly and the contractor pot-holed to find it, since we do not want any cross-contamination. Ms. Mairena also reported that she had contacted Kelvin Mulnar from the City of South San Francisco Engineering Department to make them aware of the situation.

Attorney Conneran asked who was doing the repairs and stated that the District should be able to get any USA tickets. General Manager Mairena replied that the District was still investigating to see if a permit packet had come in. Ms. Mairena also stated the repairs were still being performed prior to the start of the board meeting and she will report back on this issue.

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

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**A. Report on BAWSCA Meeting of January 19, 2023 (Chambers).**

Director Chambers stated that his report for the BAWSCA meeting was on the board packet and asked if there were any questions.

Director Bautista asked how close the San Andreas Reservoir got to having a spill. Director Chambers replied that it was within 5 or 6 feet, which could have cause problems since it would have spilled into the San Mateo Creek which was already very full. Attorney Conneran commented that the only other way to empty it was to use the water.

Director Bautista asked what a VA was. Director Chambers replied it was a voluntary agreement which dealt with water rights and BAWSCA hoped to get it signed as early as March.

**B. Other Items from Board Members (*items added*).**

President Medina reported she had received a letter dated January 22, 2023, from BAWSCA asking if the Board had appointed anyone yet to the agency board. Ms. Medina asked General Manager Mairena if she had already replied or if she needed to reply. General Manager Mairena replied that she had taken care of this already and emailed them the minutes.

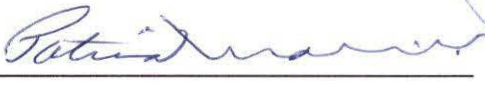
Director Chambers stated that even though San Francisco was still doing their budget, they were predicting an 11.6% increase in wholesale water rates, and that rates for 2025, 2026, and 2027 would have no increase, and afterwards, a 4% increase. Director Chambers stated that there used to be a balancing fund which help to subsidize the rates, but it is now gone. President Medina stated that this information would be good to put in a newsletter to alert our customers so that they could be prepared.

**11. CLOSED SESSION:** None.

**12. ADJOURNMENT:**

Without objection, President Medina adjourned the meeting.

Time 8:59 p.m.

  
Secretary

  
President

  
Date