

Revised

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

Thursday, November 9, 2023

The meeting was called to order at 7:30 p.m.

1. ROLL CALL:

Directors Present: Julie Richards
Perry Bautista
Tom Chambers

Directors Excused: Don Amuzie
Janet Medina

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

Visitors Present: Joubin Pakpour, Pakpour Engineer (via Zoom at 7:34 p.m.)

2. PLEDGE OF ALLEGIANCE: Led by Director Bautista.

3. CONSENT CALENDAR:

Vice President Chambers asked the Board if there were any issues with the Consent Calendar.

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

The motion was carried unanimously.

4. PUBLIC COMMENT: None.

5. BUSINESS (OLD): None.

6. BUSINESS (NEW):

A. Consideration to Approve Billing Rate Increase from District's Attorney, Effective December 1, 2023.

Attorney Conneran stated that it was a pleasure to work with the District for many years, and this increase would align with what other small San Mateo County districts were paying, as well as adjusting for inflation.

Vice President Chambers asked if there were any questions from the Board; otherwise, he would consider a motion.

Director Bautista moved to Approve the Billing Rate Increase from the District's Attorney, Effective December 1, 2023, seconded by Director Richards.

The motion was carried unanimously.

General Manager Mairena asked to move item A of the General Manager's Report next so that Engineer Joubin Pakpour who had joined the meeting virtually while on vacation could participate. Vice President Chambers agreed.

9. GENERAL MANAGER'S REPORT:

A. Update on the Request for Proposals for the Water and Sewer Rate Study.

Engineer Joubin Pakpour stated that this was only an informational update, and that the committee would come back to the Board on December for full recommendation. Engineer Pakpour gave a brief history to the Board and stated that back in August, the District had released its RFP for the preparation of a Water and Sewer Rate Study, and he had done a great deal of outreach with six consultants. Engineer Pakpour also stated that that he was pleased to report that the District had received three proposals from very reputable firms, and these had been reviewed and checked for completeness. Engineer Pakpour pointed out that in October, the Board had been updated of the three proposals received and asked for a volunteer from the Board to join the Selection Committee (composed of a director, General Manager Mairena and himself). Engineer Pakpour noted that Vice President Chambers had been appointed to this position. Engineer Pakpour reported that the committee had met in anticipation of the interviews with the consulting firms to review the proposals and that all three firms were interviewed on November 1st. Engineer Pakpour clarified that this was a Qualifications Based Selection (QBS) Process which meant that the selection would be based on the best qualified consultant for the job and not the lowest bidder, as it was done with construction projects in

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which for the most part, the District would be obligated to select the lowest cost proposal. Engineer Pakpour said that all three firms were ideal candidates and that he had personally worked with two out of these three firms, and that other BAWSCA agencies had worked with the third firm.

Engineer Pakpour gave an overview of the interview process in which each firm was allotted one hour consisting of a 30-minute presentation followed by a 15-20-minute Q&A, and at the end of the process, the consensus of the Selection Committee was that L&T (Lechowicz and Tzeng Municipal Consultants) was the best qualified firm to do the Rate Study for the District, as explained on his memo. Engineer Pakpour pointed out that L&T have worked with smaller agencies, such as the District and they themselves were a small firm, and in addition, the District would be working directly with one of its principals. Engineer Pakpour mentioned that General Manager Mairena had spoken to former Mid-Peninsula Water District, Tammy Rudock, to check their references.

General Manager Mairena shared with the Board her conversation with retired GM Rudock, who had worked with both L&T and one of the other agencies, and she had highly recommended L&T, specially for their work with smaller agencies. General Manager Mairena stated that since this would be the District's first Rate Study, it would be good to work with a smaller firm.

Vice President Chambers stated that he was very impressed by their financial background, and that L&T had done the study for Brisbane, who not only handle water and sewer for the City, but also water and sewer for Guadalupe Valley, and L&T had been able to fix their accounting problems, which also consisted of tiered rates that ended up being removed.

Engineer Pakpour stated that the next step would be for the Selection Committee to meet in the next month to review the scope and the budget and to make sure everything was good with regards to the scope and the proposed hours. Engineer Pakpour mentioned that L&T had already agreed to sign the District's agreement for professional services that was included with the RFP without any changes, and the hope was to come back to the full Board in December with a recommendation of approval of the contract with L&T.

Engineer Pakpour encouraged the Board to review all three proposals and to submit any comments as to anything they would like to add to the L&T scope, if possible before the December board meeting, but if not, these could be asked during that meeting.

Attorney Conneran asked if there were any changes made to L&T's scope of work, he would like to see the document at least one week before the December board meeting to allow him time to review it.

Regarding the schedule, Engineer Pakpour stated that the process would take about six months from the time notice was given to proceed to when the District may be able to implement those rates, so if the contract was to be approved in December, the District would be ready for the July board meeting, should the District choose to implement the new rates at that time. Engineer Pakpour stated that the schedule will be better defined as part of the formal contract.

Vice President Chambers and Attorney Conneran commented on the schedule L&T had submitted, which, per Engineer Pakpour, needed some tweaking and more milestones added to match what their scope stated. Attorney Conneran mentioned that a draft of the report would be nice to have at least one or two months before the annual rate-setting, or around March 2024, which would give everyone a chance to think about it, make comments, and plan for the first year.

Engineer Pakpour stated that next week he will be scheduling a virtual meeting with the Selection Committee the following week.

Vice President Chambers thanked Engineer Pakpour for his presentation.

6. BUSINESS (NEW):

B. Senior Field Maintenance Worker's Anniversary of 20 Years of Service.

General Manager Mairena displayed the service award she had ordered for Senior Maintenance Technician Carlos Arias' Anniversary of 20 Years of Service. General Manager Mairena told the Board that she will present it to Mr. Arias on behalf of the Board of Directors.

C. Review/Approve Pump Repair Service Company Quote for Westborough Main Pump Station, Pump #2 to Repair the Floway Vertical Booster Pump and FE 150HP Motor.

General Manager Mairena reminded the Board that back in March 2023, the Board had approved the ordering of two bowl assemblies for this pump station. General Manager Mairena stated that the proposal in front of the Board was for the removal of the pumping equipment, the remaining repair of the pump using one of the bowl assemblies, and the rebuilding and reinstalling of the 150HP motor for pump #2.

Vice President Chambers asked if back in March the District had received a competitor bid. General Manager Mairena replied that Pump Repair had always performed the repairs to the pump stations and due to the shortages arising from COVID and the Ukraine War, the thought was to just order those bowl assemblies as soon as possible.

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Vice President Chambers asked if the District now had two operating pumps. Field Supervisor Kennedy confirmed that was the case, but as soon as the repairs were completed for pump #2, then pump #1 would be taken out-of-service and it would go through the same process.

Attorney Conneran asked if there was a contract between Pump Repair and the District. General Manager Mairena asked Field Maintenance Kennedy if he was aware of one, which he was not. General Manager Mairena stated that as far back as she remembered, they had always just been issued a purchase order. General Manager Mairena asked Attorney Conneran if he was okay with that. Attorney Conneran replied that it would be nice to have an agreement in place and that he wanted to make sure they were paying prevailing wages. Vice President Chambers asked Attorney Conneran if we should have a contract in place, which Attorney Conneran agreed. General Manager Mairena asked for a contingency in case prevailing wages were not included. Attorney Conneran suggested a 10% contingency.

Vice President Chambers told the Board that he was looking for a motion to approve.

Director Bautista moved to approve Pump Repair Service Company's Quote for Westborough Main Pump Station, Pump #2 to Repair the Floway Vertical Booster Pump and FE 150HP Motor in the amount of \$26,995.34, including a 10% contingency, seconded by Director Richards.

The motion was carried unanimously.

D. Report by General Manager Regarding the Emergency Repair of the District's 12" Main Located on Callan Boulevard at Meath Drive, and Emergency Expenditures.

This item was discussed later in the meeting under Closed-Session. No action was taken.

7. WRITTEN COMMUNICATIONS: None

8. ATTORNEY'S REPORT: None

9. GENERAL MANAGER'S REPORT:

B. Report on District's Water Conservation for October 2023.

General Manager Mairena reported that water consumption for October 2023 had gone

down in comparison to last month's and last year's consumption. General Manager Mairena displayed the comparison charts and stated that the usage was low, but she wanted to point-out that the District was currently finalizing the annual water loss report prepared by E-Source, and they had pointed out that the data indicated a possibility that the master meter may be under-registering. General Manager Mairena mentioned that some BAWSCA agencies were complaining that the SFPUC had not calibrated the meters for a while.

C. Report on Lowering the Levels from the Skyline Water Storage Tanks.

Field Supervisor Kennedy mentioned that the months of September and October were usually the warmest months for the District, and during that time, the levels of the tanks would need to be lowered to avoid a drop of the residuals and an increase in the nitrates. Field Supervisor Kennedy stated that this year had been different because the nitrates levels had gone much higher than he had ever seen in the past and the chlorine residuals had gone down. Field Supervisor Kennedy explained that at first, tank no.2 was isolated, and tanks no.1 and no.3 remained in service, then tank no.1 was also isolated, and as of today, only tank no.3 remained in service. Field Supervisor Kennedy reported that tank no.1 had been drained and cleaned, and today a company had disinfected it. Field Supervisor Kennedy mentioned that tank no.1 had been filled with over 5-feet of water and bacteriological samples were taken; the results were due within 24-hours. Field Supervisor Kennedy also reported that tank no.2 was almost fully drained, and the same process as tank no.1 will be followed, and that he anticipated to have two tanks in operation by next week.

Field Supervisor Kennedy mentioned that the system had been flushed and water samples had been taken, which had acceptable levels. Field Supervisor Kennedy reviewed the processes from the District's Nitrification Plan and the levels when the District should take action.

Field Supervisor Kennedy commented that the interior of tank no.1 was in amazingly good condition. General Manager Mairena mentioned that since the Sanitary Survey had indicated issues with tank no.2, the decision had been made to isolate that tank.

General Manager Mairena pointed out that this whole situation will need to be reviewed to come up with a better plan, and that the District was not the only agency having problems during the hotter months and the levels of residuals and nitrates. Field Supervisor Kennedy agreed and stated that the District will need to start earlier, perhaps in August, with a tank rotation to move the water faster. Field Supervisor Kennedy commented on how tank no.2 had the most problems, and it was the only one with the Pax mixer.

10. ITEMS FROM BOARD OF DIRECTORS: None

11. CLOSED SESSION:

The Board went into closed session at 8:12 p.m.


- A. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION**
Initiation of litigation pursuant to subdivision (d)(4) of Section 54956.9: One case
- B. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION (Paragraph (1) of subdivision (d) of Section 54956.9) Name of case: In re: Aqueous Film-Forming Foams Products Liability Litigation, U.S. Dist. Ct. of South Carolina, Case No. MDL No. 2:18-mn-2873**

The Board reconvened from closed session at 9:07 p.m.

Attorney Conneran reported the Board had met in closed session with legal counsel for a matter of anticipated litigation and also a matter of existing litigation as listed on the agenda, and that after discussion, gave direction to counsel on both matters.

12. ADJOURNMENT:


Without objection, Vice President Chambers adjourned the meeting.
Time 9:08 p.m.



Secretary



President



Date