

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

**Thursday, December 14, 2023**

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  
Johnny Kennedy, Field Supervisor  
Joubin Pakpour, Pakpour Engineer  
Patricia Mairena, General Manager

Visitors Present: Sergio Medina

**2. PLEDGE OF ALLEGIANCE:** Led by Director Chambers.

**3. ELECTION OF OFFICERS FOR PRESIDENT AND VICE PRESIDENT:**

President Medina declared the offices for President and Vice President vacant, and opened the floor for nominations for President.

Director Bautista moved to nominate Director Chambers for President, seconded by Director Richards.

With no other nominations, the motion was carried unanimously.

Director Medina and other board members congratulated President Chambers.

President Chambers thanked Director Medina for a job well done as President of the Board for the past year and presented her with a token of the Board's appreciation.

President Chambers opened the floor for Vice President nominations.

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Director Medina moved to nominate Director Amuzie for Vice President, seconded by Director Bautista.

With no other nominations, the motion was carried unanimously.

**4. CONSENT CALENDAR:**

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

Director Bautista pointed out that a correction was needed on the last page of the November 9, 2023, minutes. Director Bautista noted that the meeting was adjourned by Vice President Chambers, not President Medina, who was absent for the meeting.

Director Medina moved to approve the Consent Calendar with the above correction to the minutes, seconded by Director Bautista.

The motion was carried unanimously.

**5. PUBLIC COMMENT:** None.

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

**7. BUSINESS (NEW):**

**A. Approve Agreement with Lechowicz and Tseng for the 2023 Water and Sewer Rate Study in the amount of \$51,920.**

Engineer Pakpour recalled to the Board that at the last board meeting, he had given an update on the status of the scope of work and contracting process, and he had asked for any comments that the Board may want to see incorporated to the final agreement with L&T. Engineer Pakpour mentioned that since the last meeting, the committee comprised of himself, General Manager Mairena, and Director Chambers, had met to review the scope, budget, and schedule, and consolidated all the comments. The committee then followed up with a meeting with L&T to present those comments which resulted in L&T revising their scope of work, maintaining the budget, updating their schedule, and making no changes to the proposed agreement. Engineer Pakpour stated that staff was ready to recommend to the Board to move forward with this agreement with L&T. Engineer Pakpour mentioned that in order to meet the July 1<sup>st</sup> rate increase date, the committee had tentatively scheduled a kickoff meeting for next Tuesday, December 19<sup>th</sup>, assuming Board's approval, and that in order to expedite the process, General Manager Mairena had already started providing the requested data. Engineer Pakpour

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commented that L&T understands that starting work is at their own risk, pending contract approval, but with the holidays ahead, we want them to make sure there would be no delays. Engineer Pakpour pointed out that throughout the entire process, L&T has been very responsive, so staff is very confident that they are the right firm for this job. Engineer Pakpour asked President Chambers, who was also involved with the selection process, if he had additional comments, but at this point staff was ready to recommend approval of the agreement with L&T for \$51,920.

President Chambers stated that he was looking forward to having a separate sewer and water rate structures, establishing reserve levels, and being able to fund a CIP to the levels stated on the RFP. Engineer Pakpour replied that the levels were stated on the scope of work. President Chambers asked Attorney Conneran if he was satisfied with the paperwork.

Attorney Conneran mentioned that the schedule was ambitious because we normally brought the rates to the Board in July. Engineer Pakpour replied that he would like to leave the schedule as it was in case L&T was to need the additional time.

Engineer Pakpour mentioned that with regards to the reserves, the scope of work did not have L&T developing a reserves policy, rather, L&T would provide the District with industry standards and incorporate them into the rate study at different reserves levels, and then once a level was selected, the Board could incorporate into a formal reserves policy.

Director Bautista moved to approve the Agreement with Lechowicz and Tseng for the 2023 Water and Sewer Rate Study in the amount of in the amount of \$51,920 , seconded by Director Medina.

The motion was carried unanimously.

**B. Letter Dated October 1, 2023, Consideration of Request for Billing Adjustment from Customer G. Young – 169 Valleyview Way.**

General Manager Mairena provided a report to the Board regarding customer Young's request for billing adjustment. General Manager Mairena explained that Mr. Young normally had extremely low usage which had suddenly increased, affecting two billing periods. General Manager Mairena mentioned that it looked like whatever was going on stopped once Mr. Young received the first high bill, and that District staff had conducted a leak test which showed there were no leaks present. General Manager Mairena stated that the meter had been replaced at the customer's request, and was later tested by staff, resulting in accurate meter registering. General Manager Mairena commented that as they age, meters tend to show lower readings. General Manager Mairena told the Board that Mr. Young had communicated

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that he normally travels to Nevada to visit relatives, but he turns off the house valve prior to leaving, so there would be no way anything was left running.

General Manager Mairena reported that staff had reviewed his first letter for billing adjustment and had granted adjustments based on the policy that the Board had previously approved which allowed for adjusting up to two bills, but Mr. Young was not happy with the adjustments granted which amounted to \$559.18, leaving a balance which Mr. Young was unwilling to pay, so he was told the matter would go to the Board for their review and decision.

President Chambers stated that the District still had to pay the SFPUC for the water that was registered by the meter, and he agreed with what had been done so far. President Chambers suggested that there are silent toilet leaks that do not show as puddle of water, but the water just goes down the drain, and through the meter. He mentioned that at the very least, Mr. Young should pay his regular bills amount, and then generate a payment plan for 6 months to a year to pay the remaining balance. President Chambers also stated that he felt bad this customer had a leak, but he did not feel it would be right for other customers to have to pay for the water that went through the meter.

Director Amuzie asked if the customer could get a formal meter test. Director Chambers stated that if requested, the customer should pay for the test.

The Board had a discussion on various possible causes for the leak that could have happened while the customer was away.

Attorney Conneran mentioned that it was the Board's decision and that the policy the Board had established was a good one: paying for the water at the same rate we pay the SFPUC and that he did not see any reason to deviate from the policy.

Director Bautista asked how many gallons went through the meter; staffed replied that it was 150 HCF. Engineer Pakpour stated that that would be the equivalent of leaving a faucet on for a long period of time.

Director Medina moved to write a letter to customer Young letting him know the District will not deviate from the established Billing Adjustment Policy but will allow him up to one year to pay the remaining balance, and if desired, to provide him the meter for additional testing at his own expense, seconded by Director Bautista.

The motion was carried unanimously.

**C. Consideration of Holiday Bonus for District Employees.**

General Manger Mairena recommended giving District Employees a \$150 holiday bonus as everyone had done a very good job during the year as the District recovered from the drought and the pandemic. General Manager Mairena stated that this expense had been budget for, and she asked that she be excluded from consideration for the holiday bonus.

Director Bautista moved to approve a \$150 holiday bonus for District Employees, seconded by Director Medina.

The motion was carried unanimously.

**8. WRITTEN COMMUNICATIONS:** None

**9. ATTORNEY'S REPORT:**

Attorney Conneran reported on a case that was accepted for review by the U.S. Supreme Court: *Sheetz vs. County of El Dorado*. Attorney Conneran explained that this was a challenge to development fees under the *Nollan and Dolan*. Attorney Conneran explained in further detail what the challenge was about and how there might be a change requiring agencies to show a closer nexus between the fees sought from a developer and the impact of the development.

A decision by the U.S. Supreme Court in the case is scheduled to come out in the Spring.

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

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

General Manager Mairena reported that water consumption for November 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, which was good for our conservation plan, but not as good for the District's revenue.

**B. Response to Draft Municipal Service Review and Sphere of Influence Review for Westborough Water District - Follow up.**

General Manager Mairena reported on the letter she sent to LAFCo to follow up on the District's Response to the Draft Municipal Service Review (MSR) and Sphere of Influence (SOI) Review for the District. General Manager Mairena recalled to the Board that in her last communication with LAFCo Executive Director Rob Bartoli, it was agreed to follow up in the Fall, so that was the reason why she had decided to send him an update letting him know that the

District was in the process of conducting a rate study, finalizing the multi-year CIP, continuing to work on creating staff reports whenever possible due to our small staff size, and that once the rate study was completed, the District would be able to develop reserves policies. General Manager Mairena also mentioned that the District was working on the narratives for the next budget.

General Manager Mairena stated that she had reviewed the letter with Attorney Conneran to make sure everything stated was suitable to be shared with the LAFCo Commission, since Mr. Bartoli was planning on adding it to their agenda.

President Chambers stated he had one suggestion and handed out a worksheet with a multi-year CIP plan as an example of what could be used to provide to LAFCo. President Chambers told the Board that the year-to-year projects priority could be modified as priority changed and funds were to become available.

Engineer Pakpour explained that on a CIP, the District had a list of projects and pretty much you could back into a dollar amount, and that the Rate Study would flush out how much money you had for capital.

President Chambers stated that he would like to have a multi-year plan in place as soon as possible, because it would be too close to the end of the year if we were to wait for the Rate Study to be approved, and that afterwards, that multi-year plan could be modified if needed to. President Chambers also stated that per the SSMP, a sewer multi-year plan was also needed. President Chambers mentioned that the creation of a multi-year plan was on the General Manager's evaluation criteria.

General Manager Mairena suggested that the Capital Improvements Committee meet sometime in the early part of January to review all the projects and prioritize the list to be presented to the Board. General Manager Mairena pointed out that Skyline Tank no. 2 was on the bottom of the original list, and it would need to be moved to the top to comply with the deficiencies pointed out by the Water Sanitary Survey.

General Manager Mairena told the Board that she had agreed for Mr. Bartoli to share her letter with the LAFCo Commission and that she would update the Board on any comments she receives back.

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

- A. Report on BAWSCA Meeting of November 16, 2023 (Chambers).**

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President Chambers reviewed his report on the BAWSCA Meeting he attended and commented on the BAWSCA Anniversary Celebration.

Director Bautista asked President Chambers if the Mountain Tunnel was shutdown. President Chambers replied it was closed for maintenance.

**B. Report on ACWA/JPIA Conference, November 27 - November 30, 2023 (Amuzie).**

Director Amuzie thanked the Board for the opportunity to attend the ACWA/JPIA Conference. Director Amuzie reviewed his written report thoroughly with the Board.

President Chambers mentioned that he had attended an online JPIA Sexual Harassment training class via Webex, and that that JPIA will be switching their platform to Zoom due to connection issues.

President Chambers discussed an email he received from Jim Pruett of the Harbor District regarding a Zoom meeting held this morning to reactivate the CSDA with only a few people attending it. The group decided to hold the next meeting at nighttime. The next meeting is scheduled for January 16, 2024, at 7pm.

Director Amuzie inquired what his duties as Vice President were. General Manager Mairena replied that in the event the chair was not able to attend the board meeting, the Vice President would be in charge of chairing the meeting.

**12. CLOSED SESSION:**

The Board went into closed session at 8:46 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**

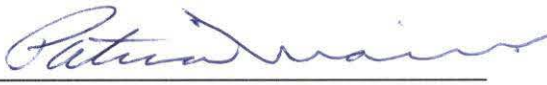
The Board reconvened from closed session at 8:57 p.m.

President Chambers reported that no reportable action was taken.

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**13. ADJOURNMENT:**

Without objection, President Chambers adjourned the meeting.  
Time 8:58 p.m.

  
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Secretary

  
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President

11 JAN 2024  
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Date