



1902 - Serving Our Community for over 115 Years - 2021

**WEST BAY SANITARY DISTRICT
MINUTES OF THE REGULAR MEETING OF THE DISTRICT BOARD
WEDNESDAY, APRIL 28, 2021 AT 7:00 P.M.**

1. Call to Order

President Dehn called the meeting to order at 7:00 PM

Roll Call

BOARD MEMBERS PRESENT: President Dehn, Secretary Walker, Director Moritz, Director Otte

BOARD MEMBERS ABSENT: Treasurer Thiele-Sardiña

STAFF MEMBERS PRESENT: Ramirez, Condotti by Zoom

Others Present: Gabe Sasser and Rick Simonson with HF&H, Arvind Akela with CWEA, Debra Fisher with West Bay, John Urbanowicz, Joe La Marina of SBWMA

2. Communications from the Public: None.

3. Public Hearing: Consideration of Proposed Increase in Sewer Service Charges for Fiscal Year 2021/22

Motion to Open by: Walker 2nd by: Moritz Vote: AYE: 4 NAY: 0 Abstain: 0

Comments: Rick Simonson of HF&H presented the rate study to the Board that was provided in the Proposition 218 Notice for the proposed sewer service charge increases. HF&H reported the District could have a 3.6% increase in Net District Operating Cost and approximately \$7M for capital improvements with rate approval. They went on to report the regional plant, SVCW, will require \$12M in Operating Expenses, exceeding the District's own operating expenses. District resident, John Urbanowicz, stated during the comment period that he disagreed with the increase to the STEP/Grinder rate. He stated he submitted a protest letter. The letter was received the day of the Public Hearing, so the Board did not have time to review the letter. The Board instructed staff to respond to Mr. Urbanowicz letter.

Motion to Close by: Walker 2nd by: Otte Vote: AYE: 4 NAY: 0 Abstain: 0

4. Consideration of a General Regulation Amending the Code of General Regulations and Establishing Sewer Service Charges for Fiscal Year 2021/22

Motion to Approve by: Moritz 2nd by: Walker Vote: AYE: 4 NAY: 0 Abstain: 0

Comments: None.

5. Public Hearing - Annexing Certain Territory Within the West Bay Sanitary District's On-Site Wastewater Disposal Zone – Lands of Murphy (30 Cheyenne Point, Portola Valley)

Motion to Open by: Moritz 2nd by: Otte Vote: AYE: 4 NAY: 0 Abstain: 0

Comments: Director Moritz noticed the Town of Portola Valley is requiring property owners to connect to the District's sewer system. District Manager Ramirez stated that the Town will require connection if the property is within two hundred feet of the District's system.

Motion to Close by: Moritz 2nd by: Otte Vote: AYE: 4 NAY: 0 Abstain: 0

6. Consideration of Adopting Resolution Ordering Annexation of Certain Parcels in the Territory of West Bay Sanitary District to the West Bay Sanitary District's On-Site Wastewater Disposal Zone Including Certain Determinations, Findings and Declarations of the District Board – Lands of Murphy (30 Cheyenne Point, Portola Valley)

Motion to Approve by: Moritz 2nd by: Walker Vote: AYE: 4 NAY: 0 Abstain: 0

Comments: None.

7. Consent Calendar

Motion to Approve by: Moritz 2nd by: Walker Vote: AYE: 4 NAY: 0 Abstain: 0

CONSIDERATION OF ITEM(S) REMOVED FROM THE CONSENT CALENDAR

Comments: None.

- A. Approval of Minutes for Regular meeting April 8, 2021
- B. Consideration of Authorizing the District Manager to Issue Class 3 Sewer Permit No. 1604 for the Construction of Wastewater Facilities for 160 Fawn Lane, Portola Valley, California
- C. Consideration of Authorizing the District Manager to Consent to the Abandonment of Public Utility Easement at 220 Atherton Avenue, Atherton
- D. Consideration of Accepting Sewer Facilities Constructed Pursuant to Class 3 Sewer Permit No. 1094 for the Construction of Wastewater Facilities for the Development at 1125 Merrill Street, and 506 & 556 Santa Cruz Avenue, Menlo Park
- E. Consideration of Accepting Sewer Facilities Constructed Pursuant to Class 3 Sewer Permit No. 1097 for the Construction of Wastewater Facilities for the Development at 846, 848 & 850 Portola Road, Portola Valley, California
- F. Consideration of Resolution Accepting Deed of Easement for 850 Portola Road, Portola Valley, California
- G. Consideration of Resolution Consenting to Annexation of Territory to the West Bay Sanitary District by the San Mateo County Local Agency Formation Commission – 30 Cheyenne Point, Portola Valley (077-242-190), Lands of Murphy

8. District Manager's Report

CWEA President-Elect Arvind Akela attended the Board meeting to congratulate the Board for receiving the Collection System of the Year Award. Director Otte requested a copy of the CWEA award presentation. District Manager Ramirez, reported that the Board should consider approving a new Utility Worker position to support the Chief Plant Operation and the pump station crew. He also reported that past due sewer service charge invoices have been sent to property owners who have not paid their sewer service charge for FY20/21. District Manager Ramirez also discussed with the Board the purchase of the District's first electric vehicle or continue with a hybrid vehicle. The Board provided direction to continue with a hybrid vehicle for now while staff explores a long term plan to convert more of the fleet to a more sustainable source.

1) Comments: **Administrative:**

- a. Personnel Policy has been updated with the assistance of the Personnel Committee. The policy is now being reviewed by District's Counsel and should be ready by the May 12th, Board Meeting.
- b. The V.W. Housen and Associates EPA Sewer System Capacity Study has been delivered to the developers who paid for the analysis.
- c. District Manager is working with the Office Manager to reorganize the Administrative Staff to provide admin support to all department heads. Administrative staff will return to work in the office full time beginning on May 3rd.

2) **Finance:**

- a. The Finance Advisory Committee will be scheduled to review the Investment Policy once District Counsel has reviewed the revised draft policy.
- b. The District received the final large Sewer Service Charge payments from San Mateo County for a total of 9 million dollars. This is the final large payments from the County to cover FY20/21 expenses, other than a remnant check, which should arrive sometime in July.
- c. The 218 Public Hearing will be held on April 28, 2021 for FY21/22 Sewer Service Charges.
- d. The Finance Manager is providing Woodard & Curran financial information which will be used in the formal State Revolving Fund application for the proposed Bay Front Recycle Water Facility. Weekly meetings have been set up so to help with the lengthy process.

3) **CIP & IT Projects:**

a. **Levee Improvement Project:**

- i. The Environmental Impact Review for the Levee Improvement and Bayfront Recycled Water Treatment Facility Project at the Flow Equalization and Resource Recovery Facility (FERRF) will come to the Board for acceptance. The Board will be asked to accept the report now that the comment period has ended and comments have been addressed. Accepting the EIR will allow the District to proceed with Levee Improvements to protect against sea level rise and continue plans to build the Bayfront Recycled Water Facility.
- ii. Staff continues to work with SCWA on a Fish and Wildlife grant opportunities to help fund the Levee Improvement Project. A preliminary application has been submitted asking for approximately \$5,000,000 in grant funding towards the Levee Improvement Project. The SCWA requires a 50% match minimum.

b. Construction Capital Improvement Program (CIP)

- i. Aztec Consultants have begun to mobilize in preparation to build the Metal Storage Building at the Flow Equalization Resource Recovery Facility.
- ii. Precision Pipeline continues to work on this year's CIP project. The first construction site was on Gilbert Ave. in Menlo Park. They are currently working on easement pipelines off of Van Buren Road in Menlo Park.
- iii. Freyer & Laureta is working on the Bay Front Improvement projects including the Influent Pump Station.

4) Operations and Maintenance:

a. Collection System:

- i. California Water Environment Association (CWEA) has recognized West Bay for the state-wide Collection System of the Year award. A CWEA representative will attend the Board Meeting to congratulate West Bay for winning this very competitive award. The award recognizes excellence several areas including outstanding maintenance programs, regulatory compliance, safety & training procedures, and overall environmental stewardship and responsibility.
- ii. Crews have been working to uncover a manhole in an easement which is been buried for decades. The manhole was buried by about 6 feet of soil. The cone to the manhole was removed and a new barrel section and cone were added to bring the manhole up to grade. In-house Crews dug as much as 10 feet deep in order to properly reconstruct the manhole.

b. Training:

- i. Twenty two of the twenty four maintenance staff are now certified in CWEA Collection System Maintenance.

5) Water Quality:

a. Sharon Heights Golf and Country Club (SHGCC):

- i. Staff met with SHGCC and a solar company to explore a plan for solar power.
- ii. The recycled water plant has been operating well. Staff is regularly working with SHGCC staff to better predict their water requirements.

b. Bayfront Recycled Water Facility (BRWF):

- i. The Recycled Water Team met with the Recycled Water Ad Hoc Committee and District Counsel in a workshop to address several BRWF issues.
- ii. The next step will be to enter into developer agreements with developers in the Bayfront Area.

c. West Bay:

- i. Staff is continuing to evaluate personnel needs to support the Chief Plant Operator (CPO) with the District's recycled water efforts, due to regulatory requirements and staffing overlap; as well as the STEP and Grinder Pump Systems. A Utility Maintenance Worker is being considered to support both the pump station crew and the Chief Plant Operator.

6) Fleet and Facilities:

a. Vehicle Maintenance:

- i. The Ford C-Max hybrid assigned to the District Manager is up for replacement. The Board should have a discussion about purchasing its first full electric vehicle.

7) **Personnel:**

- i. The District's new Modification (Ex-Mod) factor is .76 well below the industry's standard. The Ex-Mod factor is the factor by which a standard workers compensation premium is multiplied to reflect an insured's actual loss experience.

8) **Upcoming Events:**

- a. **Regular Board Meeting:** April 28, 2021 (Treasurer, Thiele-Sardiña should be absent)
- b. **Budget Workshop:** May 5th, 2021
- c. **Next Regular Board meetings:** May 12th, 2021

9) **Misc./Action Items from Previous Meeting:**

- a. **West Bay SSOs:** Zero SSOs for March 2021.
- b. **LAH Contract:** LAH requested a contract extension for one year with a 3% rate increase. The District Manager has negotiated a 4% increase in order to recoup the Teamsters negotiated labor increase of 4% in the most recent contract.
- c. **Town of Woodside Contract:** Staff is negotiating a 4% increase rather than the customary 3% yearly increase. The 4% is based on labor negotiations.
- d. **Revenue:** Late notices have been send to rate payers who are over 90 days late in paying the Sewer Service Charge for FY20/21. These rate payers are billed manually. To-date the District is owed approximately \$31,682.52.

9. **Consideration to Adopt a Resolution to Amend and Extend the Maintenance Services Agreement Between West Bay Sanitary District and The Town Of Los Altos Hills For The Operation And Maintenance of The Los Altos Hills Sanitary Sewer System And Authorize The District Manager To Execute the Third Amendment to the Agreement**

Motion to Approve by: Walker 2nd by: Otte Vote: AYE: 4 NAY: 0 Abstain: 0

Comments: District Manager presented the highlights of the agreement which includes a 4% increase for 1 year.

10. **April 28th Update Report on District Response to Corona Virus**

Comments: District Manager Ramirez reported that approximately 50% of Staff have been vaccinated. Effective May 3rd the Administrative staff will begin to work in the office full time, rather than from home, as they have been doing for one to two days per week. The Board suggested that staff post COVID-19 vaccine availability in the common areas of District facilities.

11. **Report and Discussion on Sharon Heights Recycled Water Plant**

Comments: District Manager Ramirez reported that the first Recycled Water Annual Report has been submitted to the State Water Board and the next SHRWP O&M meeting will be held on May 11.

12. Discussion and Direction on Bayfront Recycled Water Project and Status Update

Comments: District Manager Ramirez reported that the EIR will be ready for consideration and certification at the May 12 Board meeting. He also reported that District Counsel Condotti is working on Recycled Water Code that is necessary for the project. He continued to report that staff and District Counsel will begin to work on developer agreements and that the SFR loan application has been submitted. Director Walker asked for clarity on certifying and approving the project. District Manager Ramirez stated the process will be included in the staff report prior to the Board approving the project and the EIR Dropbox link will be sent to the Board.

13. Report & Discussion on South Bayside Waste Management Authority (SBWMA)

Comments: President Dehn reported on the success of the SBWMA retreat via Zoom. She reported the retreat was engaging. Joe La Marina of SBWMA reported via Zoom on battery buy-back legislation. President Dehn also reported, she has joined the Authority's Legislative Committee.

14. Report, Discussion & Direction on Silicon Valley Clean Water (SVCW) and Discussion on SVCW CIP Program and Financing

Comments: Director Otte reported on the status of the Tunnel Boring Machine (TBM). He also reported that the TBM has a salvage value of \$1.95M. The \$1.9M has been credited back to the contractor saving the project this buy back amount.

15. Closed Session

Entered closed session at 9:05 p.m. Left closed session at 9:51 p.m.

Reportable action: None.

A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION/CONF. WITH LABOR NEGOTIATORS

Agency designated representatives: District Manager/Legal Counsel
Unrepresented employee: Unrepresented Staff

B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Cal. Govt. Code §54956.9(d))

Name of Case: *1740 Oak Avenue, LP v. West Bay Sanitary District, et al.* – SM CSC
Case No. 18CIV02183

16. Comments or Reports from Members of the District Board and Consider Items to be Placed on Future Agenda

Comments: None.

17. Adjournment Time: The meeting was adjourned at 9:53 PM

/s/ David A. Walker
Secretary