



*1902 - Serving Our Community for over 115 Years - 2021*

**WEST BAY SANITARY DISTRICT  
MINUTES OF THE REGULAR MEETING OF THE DISTRICT BOARD  
WEDNESDAY, MAY 12, 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, Treasurer Thiele-Sardiña, Director Moritz, Director Otte

BOARD MEMBERS ABSENT: None

STAFF MEMBERS PRESENT: Ramirez, Fisher, Beyer, Condotti by Zoom

Others Present: Barbara Beard with MIG, Christina Lau with MIG, Tammy Delbene with Recology, Tay Peterson with MIG, Joe La Mariana with SBWMA, and resident, Chris Buja.

- 2. Communications from the Public:** Resident Chris Buja asked about the timeframe for the reimbursement agreement payments for certain connections. District Manager Ramirez explained that payments are made only after projects are finalized by the District. The District Manager and Finance Manager will address Mr. Buja's concern.

**3. Consideration to Adopt Resolution Certifying the Final Environmental Impact Report and Adopt the Mitigation Monitoring and Reporting Program for the Flow Equalization & Resource Recovery Facility Levee Improvement and the Bayfront Recycled Water Treatment Facility Project**

Motion to Approve by: Moritz 2<sup>nd</sup> by: Sardiña Vote: AYE: 5 NAY: 0 Abstain: 0

Comments: Rich Laureta with Freyer & Laureta presented a report on the EIR as well as Barbara Beard with MIG. President Dehn asked if MIG had a list of entities who received the EIR, specifically Menlo Park. Ms. Beard confirmed the City of Menlo Park received a copy of the EIR but did not comment during the EIR comment period. Mr. Laureta and Ms. Beard reported that most of the comments for the project were favorable.

**4. Consideration to Adopt Resolution Approving the Flow Equalization & Resource Recovery Facility Levee Improvement and the Bayfront Recycled Water Treatment Facility**

Motion to Approve by: Sardiña 2<sup>nd</sup> by: Otte Vote: AYE: 5 NAY: 0 Abstain: 0

Comments: None.

5. **1) Adoption of a Resolution to Amend West Bay Sanitary District Amended and Restated Franchise Agreement with Recology San Mateo to Add an Additional Route for Collection of Bulky Items and Abandoned Waste, and 2) Adoption of a Resolution approving a Third Amendment to the South Bayside Waste Management Authority (SBWMA) Joint Powers Authority Agreement (Agreement) for the Purpose of Updating and Conforming Provisions of the Agreement**

1) Motion to Approve by: Moritz 2<sup>nd</sup> by: Sardiña Vote: AYE: 5 NAY: 0 Abstain: 0  
2) Motion to Approve by: Walker 2<sup>nd</sup> by: Otte Vote: AYE: 5 NAY: 0 Abstain: 0

Comments: Joe La Mariana Executive Director of SBWMA reported on the two items and why the Board should consider adoption of the resolutions. The fiscal impact for resolution number 1 is \$12,121.00.

6. ***Consent Calendar***

Motion to Approve by: Walker 2<sup>nd</sup> by: Sardiña Vote: AYE: 5 NAY: 0 Abstain: 0

**CONSIDERATION OF ITEM(S) REMOVED FROM THE CONSENT CALENDAR**

Comments: None.

- A. Approval of Minutes for Regular meeting April 28, 2021
- B. Approval of the Financial Activity Report Authorizing Payment of Certain Bills and Salaries and Consideration of Other Financial Matters thru April 30, 2021
- C. WBSD Operations and Maintenance Report – April 2021
- D. Town of Los Altos Hills Operations and Maintenance Report for Work Performed by WBSD – April 2021
- E. Town of Woodside Operations and Maintenance Report for Work Performed by WBSD – April 2021
- F. Consider Resolution Authorizing the President and Secretary to Enter into Agreement Creating Covenants Running With the Land for 30 Cheyenne Point, Portola Valley
- G. Consideration of Resolution Authorizing President and Secretary of the District Board to Enter into Reimbursement Agreement Between the Bandel and Paula Carano Trust and the West Bay Sanitary District
- H. Consideration of Resolution Authorizing President and Secretary of the District Board to Enter into Reimbursement Agreement Between Rebecca Flynn, Alexander Moissis & William Kelly and the West Bay Sanitary District

7. **Consider Authorizing the District Manager to enter into Agreement for Engineering and Geotechnical Services for the “New Metal Storage Building” with Freyer & Laureta, Inc.**

Motion to Approve by: Otte 2<sup>nd</sup> by: Walker Vote: AYE: 5 NAY: 0 Abstain: 0

Comments: None.

8. **Consider a General Regulation Amending the Code of General Regulations for Section 901. Sewer Connection Charges (03) Charges by Type of Connection – Accessory Dwelling**

Motion to Approve by: Sardiña 2<sup>nd</sup> by: Otte Vote: AYE:5 NAY: 0 Abstain: 0

Comments: District Counsel, Tony Condotti reported on the new state law language required for Accessory Dwelling Units (ADU) and the need to amend the Code of General Regulations.

9. **Consideration to Approve the Financial Statements FY 2020-21, Third Quarter Ending 3/31/2021**

Motion to Approve by: Sardiña 2<sup>nd</sup> by: Walker Vote: AYE: 5 NAY: 0 Abstain: 0

Comments: Finance Manager Fisher presented the Financial Statements FY 2020-21 to the Board for consideration.

10. **Consideration to Approve Payoff of District’s Unfunded Accrued Liability with California Public Employees Retirement System**

Motion to Approve by Sardiña 2<sup>nd</sup> by: Otte Vote: AYE: 5 NAY: 0 Abstain:

Comments: Finance Manager Fisher presented options to pay off the District’s Unfunded Accrued Liability (UAL) with CalPERS. The three options were discussed and the Board approved Option 3, to pay off the full UAL balance before June 30, 2021 to achieve the optimal savings.

11. **District Manager’s Report**

1) Comments: **Administrative:**

- a. Staff held a Budget workshop with the Board of Directors on May 5, 2021 where the Board provided input and direction. The proposed budget will be presented to the Board on June 9, 2021 Regular Board Meeting.
- b. 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 for the Board Meeting on May 12, 2021.
- c. District Manager is working with the Office Manager to reorganize the Administrative Staff to provide admin support to all department heads. Administrative staff returned to work in the office full time on May 3, 2021

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 Finance Manager is preparing a plan to pay down the District's CalPERS Unfunded Accrued Liability.

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 certification and approval.
- ii. Staff is working on presenting a paper on the Bayfront Ecotone Levee project at the Society for Ecological Restoration conference (SER). The conference is scheduled virtually and will take place in June 2021.

b. **Construction Capital Improvement Program (CIP)**

- i. Aztec Consultants has mobilized 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 and could begin to work on Ringwood Ave. in Menlo Park soon.
- iii. Freyer & Laureta is working on the Bay Front Improvement projects including the Influent Pump Station.

4) **Operations and Maintenance:**

a. **Collection System:**

- i. Crews have been working on Basin to Basin work in the District and in Los Altos Hills.

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. 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. After approving the EIR, the next step will be to enter into developer agreements with developers in the Bayfront Area.

c. **West Bay:**

- i. Staff is evaluating other agencies Operator In Training programs.

6) **Fleet and Facilities:**

a. **Vehicle Maintenance:**

- i. Staff is reviewing the option to lease certain hybrid vehicles and evaluating a long term plan to transition to more fuel efficient vehicles where it makes sense.

7) **Personnel:**

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

8) **Upcoming Events:**

- a. **Regular Board Meeting:** May 12, 2021
- b. **Next Regular Board meetings:** May 26, 2021

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

- a. **West Bay SSOs:** Zero SSOs for April 2021.
- b. **LAH Contract:** LAH had one SSO in April.
- c. **Town of Woodside Contract:** Staff should receive the amended agreement soon.
- d. **Revenue:** Late notices have been sent 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.

12. **Consideration to Approve Resolution Updating District Personnel Policies**

Motion to Approve by: Otte 2<sup>nd</sup> by: Walker Vote: AYE: 5 NAY: 0 Abstain: 0

Comments: District Manager Ramirez presented the updates to the Board for consideration.

13. **May 12<sup>th</sup> Update Report on District Response to Corona Virus**

Comments: District Manager Ramirez reported West Bay's front office staff is back to working in the office full time and are continuing to have the front office opened to the public Monday through Friday. Over 50% of all staff are now vaccinated.

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

Comments: District Manager Ramirez reported there has been a Comcast communication issue that is being resolved at the treatment plant. Water Quality Manager Beyer further reported that the Comcast problems began approximately 6 months ago and they were intermittent communication failures between the pump station and the treatment plant. Another issue was when it was discovered that a contractor at a nearby construction project hit a Comcast fiber leading to the plant. The District had Comcast change out many components leading into the plant to help solve some of the other connection issues. Beyer further reported other issues including low flows at the Phil Scott Pump Station. Low flows are primarily due to the COVID-19 stay at home order. SHGCC has requested and has offered to pay for a flow study at Avy and Altshul. Board consensus was to give direction to District Manager Ramirez that it is within his authority to approve such study.

**15. Discussion and Direction on Bayfront Recycled Water Project and Status Update**

Comments: District Manager Ramirez reported that the District's project has been selected to be featured by the Society Ecological Restoration Conference in June. District counsel Condotti is working on the recycled water code for the District. SRF application has been submitted to the State.

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

Comments: President Dehn reported the next meeting will be held on May 27<sup>th</sup>.

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

Comments: Director Otte reported the next Commission meeting will be held on May 17<sup>th</sup>.

**18. Closed Session**

Entered closed session at 9:23 p.m. Left closed session at 10:12 p.m.

Reportable action: None.

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

Agency designated representatives: District Manager/Legal Counsel  
Unrepresented & Exempt employees: Unrepresented & Exempt Staff

B. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION  
(Subdivision (a) of Section 54956.9)

Chan, Moreno, Vestnys, Pebbles v. WBSD – San Mateo County Court Case No. 19CIV07567

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

Comments: Secretary Walker requested the Board discuss ADU connection fees. Director Moritz requested a discussion on how the staff proposes to use funds in LAIF.

**20. Adjournment Time:** The meeting was adjourned at 10:20 PM

/s/ David A. Walker  
Secretary