



1902 - Serving Our Community for over 115 Years - 2021

**WEST BAY SANITARY DISTRICT
MINUTES OF THE REGULAR MEETING OF THE DISTRICT BOARD
WEDNESDAY, DECEMBER 8, 2021 AT 7:00 P.M.**

1. Call to Order

President Dehn called the meeting to order at 7:02 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, and Werness and Condotti by Zoom

Others Present: Tammy DelBene – Recology, Rick Simonson – HF&H, Dave Richardson – Woodard & Curran, Julia Au and TJ Carter – Rethink Waste, Sheldon Chavan and Paul Pham – Chavan & Assoc.

2. Communications from the Public: None.

3. Public Hearing: Consideration of Proposed Solid Waste/Recycling Collection Rates for the Year 2022

Motion to Open by: Thiele-Sardiña 2nd by: Moritz Vote: AYE: 5 NAY: 0 Abstain: 0

Discussion/Comments: District Manager Ramirez gave a brief report on the proposed rates and expressed that commercial rates were not increasing this year.

Motion to Close by: Walker 2nd by: Thiele-Sardiña Vote: AYE: 5 NAY: 0 Abstain: 0

4. Consider Resolution to Approve Solid Waste/Recycling Collection Rates Effective January 1, 2022, and adoption of the rates for “Rates for Other Services”

Motion to Approve by: Thiele-Sardiña 2nd by: Walker Vote: AYE: 4 NAY: 0 Abstain: 0

Discussion/Comments: None.

5. **Consider a General Regulation Amending the Code of General Regulations to Add Section 303 to Article III, Adopting and Incorporating a Mandatory Organic Waste Disposal Reduction Ordinance by Reference as Appendix “A” to the Code of General Regulations to Comply with Senate Bill (SB) 1383, *California’s Short-Lived Climate Pollutants Reduction Act (2016)*, and to Add Section 1004(f) to Article X to Establish the County of San Mateo’s Enforcement Authority for Edible Food Recovery Pursuant to the Mandatory Organic Waste Disposal Reduction Ordinance**

Motion to Approve by: Moritz 2nd by: Thiele-Sardiña Vote: AYE: 5 NAY: 0 Abstain: 0

Discussion/Comments: District Manager Ramirez reported that District Counsel Condotti has reviewed the draft ordinance as well as SBWMA’s legal counsel.

6. **Consider Resolution Approving the Implementation of SB 1383 Memorandum of Understanding (MOU) with the South Bayside Waste Management Authority (SBWMA)**

Motion to Approve by: Otte 2nd by: Thiele-Sardiña Vote: AYE: 5 NAY: 0 Abstain: 0

Discussion/Comments: None.

7. **Consider Resolution Approving Memorandum of Understanding (MOU) with San Mateo County Office of Sustainability for Implementation of Senate Bill (SB) 1383 Compliant Edible Food Recovery Program**

Motion to Approve by: Moritz 2nd by: Otte Vote: AYE: 5 NAY: 0 Abstain: 0

Discussion/Comments: None.

8. **Discussion and Acceptance of the HF&H Recycled Water Financial Plan for the Bayfront Recycled Water Facility**

Discussion/Comments: Rick Simonson of HF& H reported on the projected costs of the Bayfront Recycled Water Project including the capital costs to construct the facility. He went on to report that there are many interested parties including the Willow Village project in which peak demand is projected at approximately 44% of the total capacity or approximately \$33M of the total cost. District Manger Ramirez reported that Willow Village representatives are on board with the project and have agreed to pay their share. Board consensus was to accept the Recycled Water Financial Plan for the Bayfront Recycled Water Facility. The next step is to complete the draft agreement with developers who are interested in recycled water.

9. Consider Resolution Authorizing District Manager to Submit a Clean Water State Revolving Fund Application for the “Avy Altschul Pump Station” and Approve the Reimbursement Resolution to Manage the Funding if Awarded

Motion to Approve by: Walker 2nd by: Otte Vote: AYE: 5 NAY: 0 Abstain: 0

Discussion/Comments: District Manager Ramirez reported that these resolutions are necessary to apply for a State Revolving Fund (SRF) loan for the project. He also reported that the school district has approved the proposed location of the pump station.

10. Consent Calendar

CONSIDERATION OF ITEM(S) REMOVED FROM THE CONSENT CALENDAR

Discussion/Comments: None.

- A. Approval of Minutes for Regular meeting November 10, 2021
- B. Approval of the Financial Activity Report Authorizing Payment of Certain Bills and Salaries and Consideration of Other Financial Matters thru November 30, 2021
- C. WBSD Operations and Maintenance Report – November 2021
- D. Town of Los Altos Hills Operations and Maintenance Report for Work Performed by WBSD – November 2021
- E. Town of Woodside Operations and Maintenance Report for Work Performed by WBSD – November 2021
- F. Consider Resolution Authorizing the President and Secretary to Enter into Agreement Creating Covenants Running With the Land for 160 Fawn Lane, Portola Valley
- G. Consider Resolution Accepting Deed of Easement Pursuant to Class 3 Sewer Permit No. 1131 for the Construction of Wastewater Facilities for 20 Navajo Pl, Portola Valley, California
- H. Consider Accepting Sewer Facilities Constructed Pursuant to Class 3 Sewer Permit No. 1131 for the Construction of Wastewater Facilities for 20 Navajo Place, Portola Valley, California
- I. Consider Authorizing the District Manager to Issue Class 3 Sewer Permit No. 1607 for the Construction of Wastewater Facilities for 4 Navajo Pl, Portola Valley, California
- J. Consider Authorizing the District Manager to Issue Class 3 Sewer Permit No. 1613 for the Construction of Wastewater Facilities for 305 Cervantes Rd, Portola Valley, California
- K. Consider Approval of Resolution Authorizing District to Implement Teleconferenced Public Meetings Pursuant to Assembly Bill 361

Motion to Approve by: Thiele-Sardiña 2nd by: Otte Vote: AYE: 5 NAY: 0 Abstain: 0

11. District Manager's Report

Discussion/Comments: District Manager Ramirez reported that the sewer service charge and connection rate study is underway. He also reported that the annual newsletter will appear in the December 31 edition of the Almanac and that outreach on non-flushable wipes is continuing on the Facebook and YouTube platforms. He continued to report that the Metal Storage Building roof is now complete and the electrical portion is beginning. He also reported that the November 22 Board meeting will be cancelled and the next meeting will be on January 12. In addition, District Manager Ramirez reported on a recent in-house force main repair in Portola Valley. The complete District Manager's written report is in the December 8, 2021 agenda packet.

12. Consider Adopting the District's Audited Financial Statements for the Year Ended June 30, 2021

Motion to Approve by: Walker 2nd by: Moritz Vote: AYE: 5 NAY: 0 Abstain: 0

Discussion/Comments: District Finance Manger Fisher and Paul Pham of Chavan & Associates presented the FY 2020-21 audit highlights to the Board.

13. Consider a General Regulation Amending the Code of General Regulations for the adoption of Updated Silicon Valley Clean Water Local Limits to be Included in the West Bay Sanitary District Code of General Regulations

Motion to Approve by: Otte 2nd by: Thiele-Sardiña Vote: AYE: 5 NAY: 0 Abstain: 0

Discussion/Comments: District Manager Ramirez reported that the amendment to the General Regulation mirrors Silicon Valley Clean Water (SVCW) local limits recently approved by their Commission.

14. Consider Resolution to Elect to the District Board, President, and Secretary, and Appoint a Treasurer and Consider Appointment of Committee Appointees and Alternates

Motion to Approve by: Otte 2nd by: Thiele-Sardiña Vote: AYE: 5 NAY: 0 Abstain: 0

Discussion/Comments: The Board elected: Fran Dehn, President; David Walker Secretary; Roy Thiele-Sardiña, Treasurer. George Otte, SVCW Commissioner; Ned Moritz, SVCW Alternate; Fran Dehn, SBWMA Board of Directors, George Otte, Alternate SBWMA Board; Ned Moritz and Roy Thiele-Sardiña, Finance Advisory Committee; Fran Dehn and Roy Thiele-Sardiña, Recycled Water Advisory Committee.

15. December 8th Update Report on District Response to Corona Virus

Discussion/Comments: District Manager Ramirez reported that on November 8, 2021 the District Manager and Safety Officer (Water Quality Manager) held training regarding the COVID-19 vaccine mandate. Staff has been submitting proof of vaccination to Human Resources since the training was held.

16. Report and Discussion on Sharon Heights Recycled Water Plant

Discussion/Comments: District Manager Ramirez reported that 5.2 million gallons were treated however, nothing was delivered due to rain and cool weather. He also reported that he will be working with District Legal Counsel on a solar power agreement for the plant which will require easements and site leases with Sharon Heights Golf and Country Club, as well as, the solar power company.

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

Discussion/Comments: District Manager Ramirez reported that the Willow Village representatives are reviewing the draft MOU for this project. He also reported that the National Fish & Wildlife Foundation has awarded the District a \$3.9M grant for the Levee Project.

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

Discussion/Comments: President Dehn gave an update on Recology's fleet, in addition to the status with plastics and other commodities SBWMA is working through.

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

Discussion/Comments: Director Otte reported that three change orders will be considered at the upcoming Commission meeting.

20. Closed Session

Entered closed session at 9:12 p.m. Left closed session at 9:57 p.m.

A. CONF. WITH LABOR NEGOTIATORS (Cal. Govt. Code § 54957.6)
Agency designated representatives: District Manager/Legal Counsel
Represented, Unrepresented & Exempt employees

B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION/CONF. WITH LABOR
NEGOTIATORS
Agency designated representatives: Board President/Legal Counsel
Unrepresented employee: District Manager

C. 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

Reportable action: None.

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

Discussion/Comments: None.

22. Adjournment Time: The meeting was adjourned at 9:58 PM

/s/ David A. Walker
Secretary