

**MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF DIRECTORS OF THE  
CASTRO VALLEY SANITARY DISTRICT**

**HELD ON JANUARY 6, 2004**

***[1. Call to order, Pledge of Allegiance and Roll Call.]***

The regular meeting of the Board of Directors of the Castro Valley Sanitary District was called to order by President Waespi at 6:35 p.m., Tuesday, January 6, 2004 at the District Office. The Pledge of Allegiance was lead by Member Elkaim.

**ROLL CALL:**

**PRESENT:** DIRECTORS Daniel Akagi, Meyer Elkaim, Harry Francis, Ralph Johnson, and Dennis Waespi

**ABSENT:** None

**LATE:** None

**Staff in attendance:**

Roland Williams, General Manager

Anthony Varni, Attorney

Noelle Hartshorn, Solid Waste Program Supervisor

Susan Ermitano, Recording Secretary

Others in attendance are listed on the attached attendance sheet.

***[2. Passing of the Gavel from 2003 President Waespi to 2004 President Johnson. Possible changes in Committee Assignments may be made.]***

President Waespi thanked the Board and staff for a wonderful year. Manager Williams stated at this time changes in Committee Assignments may be made. President Johnson stated he has not received any requests to change Committee assignments.

***[3. President's Comments.]***

President Johnson stated he has completed four years of service on the Board of Directors and is looking forward to his term as President. President Johnson stated he feels fortunate to have a professional

and competent staff to work with. President Johnson said there are four big challenges for the District this year, the Treatment Plant Restoration Project, Earth Day Celebration, Infrastructure Master Plan and the Board election in November.

**[4. *Consent Calendar.*]**

The Consent Calendar contained: A. Minutes of Regular Meeting on December 2, 2003; B. Minutes of Meeting Workshop on December 9, 2003; C. Accounts Payable List for the Regular Meeting of January 6, 2004; D. Monthly Statements of Operations for October 2003; E. Monthly Reports on District Investments and Deposits for October 2003; F. Monthly Reports on Residential Solid Waste and Recycling Programs for November 2003; G. Collection System/Field Maintenance Reports for November 2003; H. Report of OLSD Construction Committee Meeting on December 10, 2003; I. Report of ACWMA Meeting on December 17, 2003; J. Report of EBDA Commission Meeting on December 18, 2003.

Member Waespi pulled Item I. Report of ACWMA Meeting on December 17, 2003, stating the ACWMA meeting consisted of issues concerning the composting facility. Member Waespi distributed the 2004 District calendars at the ACWMA meeting and they were warmly accepted. Manager Williams provided Items C. & D. at the meeting as the Administrative Services Supervisor was out ill during the agenda preparation. A motion was made to accept the Consent Calendar by Member Elkaim, seconded by Member Francis and passed 5-0.

**[5. *Items from the public.*]**

A member from the public spoke regarding the Castro Valley Sanitary District's garbage rate increase as to whether the public was properly notified.

**[6. *Dave MacDonald of Waste Management of Alameda County will discuss Waste Management's Customer Service procedures.*]**

President Johnson stated Mr. Dave MacDonald was unable to attend the Board Meeting so this item will be tabled until the February Board meeting.

**[7. *Presentations of Petitions.*]**

**A. *[A letter was received from Rahim Amiri requesting waiver of additional annexation fees regarding 4992 Fraga Road.]***

Manager Williams stated on December 16, 2002 the District accepted Mr. Amiri's petition to be annexed into the District and to pay a deposit of \$6,400 for the cost of the proceedings. Mr. Rahim Amiri

is now protesting the District's notice of an additional \$2,485.45 for costs expended for annexation of 4992 Fraga Road into the Castro Valley Sanitary District. A motion was made to deny the petition requesting a waiver of the additional fee of \$2,485.45 and require payment to the District prior to sale of the property by Member Elkaim, seconded by Member Francis and passed 5-0.

**B. [A letter was received from Greg Hamilton of Pacific Sun Builders, Inc. regarding Castro Valley Inn, 3954 East Castro Valley Blvd., requesting a variance to waive connection fees.]**

Manager Williams stated Mr. Hamilton of Pacific Sun Builders, Inc., and Mr. Patel, owner/manager of the Castro Valley Inn, have requested a variance to Castro Valley Sanitary District Code Section 4113 (a)(4) which requires a connection fee for each dwelling unit served by the public sanitary sewerage system. Manager Williams stated the Castro Valley Inn, located at 3954 East Castro Valley Boulevard is a motel containing 47 guest rooms. The motel has recently undergone a remodel with an additional 14 newly constructed rooms.

Manager Williams stated the applicant is requesting the District revise its fee structure for motel room units. The proposed fee is to pay 20% of the \$8,500 per room new connection fee, a reduction of \$6,800 per room. District archives have records of the proposed construction dating as far back as January 1998. There was much discussion by the Board and staff with Mr. Hamilton of Pacific Sun Builders, Inc. Manager Williams stated the reason for the request of variance brought to the Board meeting tonight is different from what is on the agenda. Manager Williams recommended taking no action at this time until further research is conducted. President Johnson requested the information gathered be presented at the February Board meeting.

**[8. Regular Calendar.]**

**A. [Collection System Projects Report.]**

Manager Williams reported on the following items:

The pavement and replacement of roadways for the Alameda County Projects for 2003/2004 resulted in the raising of 90 manholes. To date staff has inspected and approved 90 manholes for a total cost of \$30,600.

Manager Williams stated staff has received training on the GIS & Hansen Integration. Manager Williams stated he would like to schedule a demonstration of the GIS & Hansen Integration to the Board conducted by the District's Associate Engineer, Bonnie Middleton.

The Grove Way Annexation is still pending, the District is waiting for signed documents from

homeowners.

The Loukos Place sewer improvement project started on December 8, 2003 and was completed on December 9, 2003. Two new manholes and backflow devices were successfully installed prior to the recent storm events.

***B. [Solid Waste Projects Report.]***

Solid Waste Program Supervisor Noelle Hartshorn reported on the following items:

The District's 4<sup>th</sup> Annual Recycled Art Contest Calendars have been mailed; extra calendars may be picked up at the front counter.

The Earth Day race route has been established for Earth Day 2004. Member Francis inquired if permission was received from Nate Miley to use a billboard to advertise. Ms. Hartshorn stated Mr. Miley's reply was that if the billboards are there, it is okay to use them.

The District's first Annual Report has arrived. Staff is requesting addresses to send the reports.

Staff made a presentation to seventy-five students at Redwood Christian School on December 16, which was followed up by a tour of the treatment plant the following day.

The District was chosen for the second year to host February's monthly Chamber of Commerce Mixer. Waste Management, Inc. has been asked to co-host.

***C. [RESOLUTION NO. 3054 - AWARDING CONTRACT FOR PUMP STATION NO. 7 REHABILITATION, DISTRICT PROJECT NO. 56 (2002-2).]***

A motion was made to adopt Resolution No. 3054 by Member Elkaim, seconded by Member Francis and passed on a roll call vote 5-0.

ROLL CALL:

AYES: DIRECTORS Akagi, Francis, Elkaim, Johnson and Waespi

NOES: None

ABSENT: None

MOTION CARRIED

***[D. RESOLUTION NO. 3059 - ACCEPTING COMPLETION AND DIRECTING FILING OF NOTICE OF COMPLETION, HALEY/ELROD CAPITAL SEWER***

***IMPROVEMENT, DISTRICT PROJECT NO. 59 (2002-9).]***

A motion was made to adopt Resolution No. 3059 by Member Elkaim, seconded by Member Akagi and passed 5-0.

**ROLL CALL:**

**AYES:** DIRECTORS Akagi, Francis, Elkaim, Johnson and Waespi

**NOES:** None

**ABSENT:** None

**MOTION CARRIED**

***[E. Mid-Year Budget Revisions.]***

Manager Williams stated the Amended 2003/2004 Budget is included in the agenda package. Manager Williams stated at the December 9, 2003 Board Workshop, four major changes were recommended to the budget which include: \$50,000 added to the Lateral Replacement Grant Program; the Sewage Treatment Operation and Maintenance budget line item has increased from \$1,071,000 to \$1,300,000; the actual audited cash reserves have been adjusted at June 30, 2003; \$125,000 of Capital Expenditures for Treatment Plant Capacity Restoration has been deferred until the next budget cycle. A motion was made to approve the Mid-year budget revision by Member Akagi, seconded by Member Francis and passed 5-0.

***[F. DRAFT ORDINANCE NO. 134 - AMENDING SECTIONS 5302, 5303 AND 5305 OF THE CASTRO VALLEY SANITARY DISTRICT CODE.]***

Manager Williams stated Draft Ordinance No. 134 was prepared to update the District's Code to conform with the Franchise Agreement with Waste Management Inc., dated May 2001. Pursuant to the Franchise Agreement, Waste Management, Inc., is entitled to a rate adjustment effective March 1, 2004. The Ordinance has been revised with a proposed adjustment of .95% to the established rates. Manager Williams stated a public hearing will be conducted at the February Board meeting and adopted thereafter. A motion was made to approve the draft revisions to the District Code by Member Akagi, seconded by Member Waespi and passed 5-0.

***[G. Candidate Statement Filing Fees for Election]***

Manager Williams stated this item is on the agenda for information requested by the Board regarding the cost of Candidates' Statement filing fees. Staff has contacted the County Registrar of Voters who advised the estimated costs for the 2001 election was \$777 per candidate, however the costs for the candidate filing fees may increase to as much as \$1,500 per candidate. Manager Williams stated the provisions in the law allow the District to set a candidate filing fee up to the actual cost set by the Registrar of Voters. The Board directed staff to research other jurisdictions and obtain additional information for the Board to make a decision by March or April 2004.

**[9. Communications.]**

**[A. A thank you letter for matching funds from the 2003 Recycled Art Contest from Creekside Middle School.]**

Solid Waste Program Supervisor Noelle Hartshorn stated the District received a letter from Creekside Middle School thanking us for matching funds for the students who were winners in the Recycled Art Contest.

**[10. Miscellaneous Items from Board Members and Staff.]**

Manager Williams stated a Personnel Committee meeting needs to be scheduled this month. Member Waespi and President Johnson stated they would be available on January 27, 2004 at 2:00 p.m.

Manager Williams stated a Solid Waste Ad Hoc Committee needs to be formed. President Johnson appointed Members Waespi and Francis to be Committee members. Manager Williams stated a Solid Waste Committee meeting needs to be scheduled with Waste Management, Inc. Solid Waste Program Supervisor Noelle Hartshorn will coordinate a date and time for the Solid Waste Ad Hoc Committee meeting.

Manager Williams congratulated Member Waespi on doing a great job during his term as President of the Board.

Member Elkaim stated he liked the Annual Report but the Financial page is confusing and looks like the District is in a deficit when it isn't. Manager Williams stated he will address this matter in the next Annual Report.

**[11. Adjournment to Closed Session (three items).]**

A motion to adjourn to closed session for legal advice from District legal counsel was made by Member Akagi, seconded by Member Francis and passed 5-0.

**[A. A motion was made by Member Waespi, seconded by Member Elkaim and passed 5-0 to reconvene to open meeting and report on any action taken in Closed Session.]**

President Johnson reported no action was taken in Closed Session.

**[12. Adjournment of Meeting.]**

There being no further business to come before the Board, the meeting was adjourned by President Johnson at approximately 9:51 p.m.

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Respectfully submitted,

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Meyer S. Elkaim,  
Secretary of the Sanitary Board