

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

HELD ON FEBRUARY 3, 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 Johnson at 6:30 p.m., Tuesday, February 3, 2004 at the District Office. The Pledge of Allegiance was lead by Member Waespi.

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. President's Comments.]

President Johnson stated a former employee of the Castro Valley Sanitary District, Del Herrera, passed away on January 20, 2004. Mr. Herrera worked as the District Inspector for 19 years from 1976 - 1995.

President Johnson stated two of the District's Collection System crew members received awards from CWEA. Tim Helton, Sr. was presented with the Collection System Person of the Year Award and Sergio Ramirez was presented with the Supervisor of the Year Award.

President Johnson stated General Manager Roland Williams and Engineering Technician Elliott

Johnson gave an excellent presentation on the District's Lateral Replacement Grant Program at the CASA Conference held January 21 - 24, 2004 in Palm Springs.

[3. *Open Public Hearing for Comments, Protests, or Objections to Ordinance No. 134, Amending Sections 5302, 5303 and 5305 of the Castro Valley Sanitary District Code.*]

There were no comments, protests or objections to Ordinance No. 134, Amending Sections 5302, 5303 and 5305 of the Castro Valley Sanitary District Code.

[4. *Close Public Hearing.*]

A motion was made to close the public hearing by Member Elkaim, seconded by Member Francis and passed 5-0.

[5. *GENERAL ORDER - FINDING AND DETERMINING THAT PUBLICATION AND POSTING OF NOTICE OF PUBLIC HEARING (for District Ordinance No. 134) HAS BEEN PROPERLY MADE.*]

A motion was made to adopt the General Order by Member Elkaim, seconded by Member Akagi 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

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

A motion was made to adopt Ordinance No. 134 by Member Waespi, seconded by Member Elkaim 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

[7. *Consent Calendar.*]

The Consent Calendar contained: A. Minutes of Regular Meeting on January 6, 2004; B. Accounts Payable List for the Regular Meeting of February 3, 2004; C. Monthly Statements of Operations for November 2003; D. Monthly Reports on District Investments and Deposits for November 2003; E. Monthly Reports on Residential Solid Waste and Recycling Programs for December 2003; F. Collection System/Field Maintenance Reports for December 2003; G. Report of ACSDA Meeting on January 14, 2004; H. Report of OLSD construction Committee Meeting on January 14, 2004; I. Report of Solid Waste Services Ad Hoc Committee Meeting on January 14, 2004; J. Report of EBDA Commission Meeting on January 15, 2004; K. Written and verbal reports of CASA Conference held January 21-24, 2004 will be provided at the meeting; L. Report of Personnel Committee Meeting on January 27, 2004; M. Report of ACWMA Meeting on January 28, 2004.

Member Elkaim pulled Item B. Accounts Payable List for Regular Meeting of February 3, 2004, inquiring why two partial permit refunds for Knuppe Place were issued. Manager Williams stated these refunds were due to overpayment of their sewer connection permit. Member Waespi pulled Item M. Report of ACWMA Meeting on January 28, 2004, stating the ACWMA meeting concentrated on the compost facility. Manager Williams pulled Item K. Written and verbal reports of CASA Conference held January 21-24, 2004 stating the reports were at their place. Manager Williams also stated if any Board Members would like to make a verbal report about CASA, now is the time. Member Francis stated he gained a lot of information at a session entitled "keep the public trust" presented by Mr. Mike Dillon. Member Francis stated this session was excellent as it pertained to Board Members and gratuities which can be received by the Board. A motion was made to accept the Consent Calendar by Member Elkaim, seconded by Member Akagi and passed 5-0.

[8. *Items from the public.*]

There were no items from the public.

[9. *A. J. Major of Vavrinek, Trine, Day & Co., LLP (District Auditor) will present information on GASB 34.*]

Manager Williams introduced A. J. Major of Vavrinek, Trine, Day & Co., LLP who presented the Board information on GASB 34. A. J. Major distributed a handout entitled "Overview of GASB 34 - Basic Financial Statements and Management's Discussion and Analysis - for State and Local Governments" to the Board which will be implemented at the end of this fiscal year.

[10. *Bob Hoffman of Carollo Engineers will give a Master Plan presentation.*]

Manager Williams introduced Bob Hoffmam, Tony Akel, and Shawn Dent from Carollo Engineers. Carollo Engineers presented the Board of Directors with a Master Plan Power Point Presentation

accompanied by a handout. Bob Hoffman discussed the goal of the Master Plan, Tony Akel discussed the current updates completed in the System, and Shawn Kent discussed the need for continuing the Master Planning Process.

[11. Presentations of Petitions.]

- A. ***[A letter was received from Redwood Chapel Community Church stating payment of sewer service fees have been paid under protest with a request to lower said fees.]***

Mr. Mark Gaither, a representative from Redwood Chapel and Redwood Christian Schools, spoke to the Board concerning the sewer service charge which is billed on the property tax roll. Manager Williams stated Redwood Chapel has submitted a letter to the District regarding payment of sewer service charges for the school located at 19300 Redwood Road in Castro Valley. The letter states the sewer service charge is being paid in protest and that consideration be given due to "special circumstances" concerning the land and its usage. Manager Williams stated prior to the District changing fees structure, the non-residential sewer service charge was based on classification. Schools are charged a flat fee of \$2,100.00. A new method has been adopted by the District but not yet implemented which measures the sewage based on water consumption. Manager Williams stated when this method is implemented this school would be charged \$1,000.00 more for a total of \$3,100.00. Mr. Mark Gaither stated he would take this new information back to the School Board.

[12. Regular Calendar.]

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

Manager Williams reported on the following items:

A Notice to Proceed will be issued at a preconstruction meeting scheduled with Valentine Corporation on February 5, 2004. A tentative start date for the project will be February 17, 2004.

Manager Williams stated the Grove Way Annexation is on this agenda but will be tabled. The District has received signed petitions and money from 3 of the 5 homeowners. The Grove Way Annexation should be on the March agenda if all petitions and payments are received.

Staff has prepared a Request for Proposals for the Wastewater Collection System Master Plan. The RFP will be discussed at the upcoming Construction Committee meeting.

A petition has been received by M.T.O. Shahmagsoudi requesting an out of service agreement

for 9.8 acres on Grassland Drive. Construction of a place of worship is planned under Measure D.

Associate Engineer, Bonnie Middleton reported there are currently 10 flow monitors which have been installed in the sewer collection system. An additional meter will be placed once it is received.

B. [Solid Waste Projects Report.]

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

The collection of holiday trees did not run as smoothly as anticipated, but all trees have been collected.

A list of those to receive copies of our annual report has been generated and the reports will be sent by the end of the month.

Earth Day is May 1, 2004 and Orchard Supply Hardware has donated \$1,000 in the form of an O.S.H. gift card to purchase Clean-Up supplies.

The District will host February's Chamber of Commerce Monthly Mixer on Thursday, February 19th, from 5:30 p.m. - 7:30 p.m. Staff will be promoting the District's Earth Day event to be held May 1, 2004 and Celebrating the District's 65th Anniversary.

An E-Waste Collection Day has been tentatively set for the 2004 Computer Roundup on Saturday, June 26, 2004.

Manager Williams stated the Solid Waste Monthly Report is now available to read on our website.

C. [RESOLUTION NO. 3060 - ADOPTING POLICY FOR INVESTMENT OF DISTRICT FUNDS.]

Manager Williams stated the General Manager/Treasurer of the District is required to annually prepare and submit a statement of investment policy, with any changes, to be considered by the Board at a public meeting. A motion was made to adopt Resolution No. 3060 by Member Elkaim, seconded by Member Akagi 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. 3057 - REQUEST THE LOCAL AGENCY FORMATION COMMISSION TO BEGIN PROCEEDINGS FOR THE ANNEXATION OF TERRITORY TO THE DISTRICT GROVE WAY ANNEXATION.]

President Johnson stated Resolution No. 3057 is tabled.

[E. Change in status of one District position, Solid Waste Program Supervisor, from Non-Exempt to Exempt.]

Manager Williams stated this item was discussed at the Personnel Committee meeting on January 27, 2004. The position's job description and federal wage-hour laws were reviewed and it was determined that the position is eligible to be considered exempt. A motion was made to change the classification of the Solid Waste Program Supervisor from non-exempt to an exempt position by Member Elkaim, seconded by Member Francis and passed 5-0.

[F. Candidate Statement Filing Fees for Election.]

Manager Williams stated at the January 6, 2004 Board meeting payment of Board Member Candidate's Statement Filing Fees was discussed and the Board directed staff to research other jurisdictions as to their policy on who pays fees. Manager Williams stated staff obtained information from four surrounding jurisdictions. Two of the four jurisdictions' Candidates pay the entire statement filing fee, the other two jurisdictions' Candidates pay a portion of the statement filing fee while the District pays the remainder.

Manager Williams stated the District proposes a policy for Candidate Statement Filing Fees. If the Board recommends requiring candidates to pay some or all of the fees, the District should devise an informational plan to advise the community and potential candidates prior to enacting any such change. After much discussion among the Board Members it was agreed that each Candidate would pay \$400.00 and the District would pay the remainder. A motion was made to tentatively set the Candidate Statement Filing Fees at \$400.00 by Member Elkaim, seconded by Member Akagi and passed 4-1 with Member Waespi voting no. This action will be ratified at the March meeting.

[G. Directors' Fees.]

Manager Williams stated Director's Fees were discussed at the December Workshop Meeting of the Board with a decision made to increase Director's fees in accordance with the December 31, 2003 CPI to match what the employees receive. A motion was made to increase Director's fees by 0.8% by Member Elkaim, seconded by Member Waespi and passed 4-1 with Member Francis voting no.

[13. Communications.]

Manager Williams stated a letter was received from a Castro Valley resident thanking Susan Ermitano, Tim Helton, Sr., and his crew for their assistance concerning a plumbing blockage problem at her home.

Manager Williams stated a notice was received from Alameda County stating the District would be receiving its portion of the property tax revenue for this fiscal year.

[14. Miscellaneous Items from Board Members and Staff.]

Member Waespi congratulated Roland Williams and Elliott Johnson for an excellent presentation at CASA on the Lateral Replacement Grant Program.

President Johnson stated the next Regular Board meeting will be held on March 9, 2004 instead of March 2nd as the Board Room will be used as a polling place.

[15. Adjournment to Closed Session (three items).]

A motion to adjourn to closed session for legal advice from District legal counsel was made by Member Elkaim, seconded by Member Akagi 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 the following:

District counsel is waiting for revised draft dismissal documents from EBMUD.

The Court has made a tentative opinion in the District's favor regarding the Shapell issue. General Manager and District counsel attended a hearing on the matter. Staff and counsel are awaiting a final opinion from the Court.

No information to report on the third item of Closed Session.

[16. Adjournment of Meeting.]

There being no further business to come before the Board, the meeting was adjourned by President Johnson at approximately 9:20 p.m.

Respectfully submitted,

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Meyer S. Elkaim,
Secretary of the Sanitary Board