

**WEST VALLEY SANITATION DISTRICT
OF SANTA CLARA COUNTY, CALIFORNIA**

**BOARD OF DIRECTORS MEETING
SEPTEMBER 12, 2007**

The Board of Directors of West Valley Sanitation District of Santa Clara County, California, convenes this day in regular session at 6:00 p.m. at the district office, 100 East Sunnyoaks Avenue, Campbell, California, with the following members present: Donald R. Burr, Diane McNutt, Chuck Page, Ken Yeager, and David Baxter, Chairperson. Staff present are Robert R. Reid, District Manager and Engineer; Charles T. Kilian, District Counsel; Peter V. Sevcik, Director of Engineering and Operations; and Joanna Fuller, Secretary.

The minutes of the previous meeting are approved as presented.

Oral communications: This portion of the meeting is set aside for persons wishing to address the board on any matter not on the agenda. There is no public comment.

Written communications: A letter was received from former District Manager Stephen H. Goodman thanking the board for renewing the retirement medical benefit for 2007-08. A letter was also received from Robert Kass, Public Works Director in the City of Campbell, acknowledging the outstanding work of Cheri Donnelly, Program Director of the West Valley Clean Water Program.

The following reports are submitted for action in one motion:

San Jose/Santa Clara Water Pollution Control Plant: Minutes of the August 9, 2007, meeting of the Treatment Plant Advisory Committee.

Final Budget of West Valley Sanitation District for Fiscal Year 2007-08.

Annual listing of vendors paid a cumulative total of \$20,000.00 or more during fiscal year 2006-07.

The reports are accepted.

There is no unfinished business to come before the board.

Consent Calendar: The following items are submitted for action in one motion:

Approval of payment of bills and ratification of payroll summaries of July 29, August 12, and August 26, 2007.

California Public Employees Retirement System (CalPERS): The following actions are taken in order to implement the "2.5% @ 55" contract amendment, as negotiated in the current Memorandum of Understanding:

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(a) Approval of AMENDMENT TO CONTRACT BETWEEN THE BOARD OF ADMINISTRATION, CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM, AND THE BOARD OF DIRECTORS, WEST VALLEY SANITATION DISTRICT OF SANTA CLARA COUNTY; and adoption of RESOLUTION No. 07.09.23, RESOLUTION AUTHORIZING CONTRACT AMENDMENT. The amendment revises the district's CalPERS contract to provide Section 21354.4 (2.5% at 55 Full and Modified Formula) for miscellaneous employees.

(b) Adoption of RESOLUTION No. 07.09.24, RESOLUTION OF THE BOARD OF DIRECTORS OF WEST VALLEY SANITATION DISTRICT OF SANTA CLARA COUNTY PROVIDING FOR EMPLOYER-PAID MEMBER CONTRIBUTIONS PURSUANT TO GOVERNMENT CODE SECTION 20691. Resolution provides for payment of 5% of the employee contributions by the district and 3% by the employee.

(c) Adoption of RESOLUTION No. 07.09.25, RESOLUTION OF THE BOARD OF DIRECTORS OF WEST VALLEY SANITATION DISTRICT OF SANTA CLARA COUNTY PROVIDING FOR "EMPLOYER PICK-UP" PURSUANT TO IRC SECTION 414(H)(2). Resolution provides for the employee contributions to be made on a "pre-tax" basis.

The effective date of the CalPERS contract amendment and the associated resolutions is September 24, 2007.

Los Gatos-Winchester Basin No. 7, Area 3 Sewer Rehabilitation Project: Adoption of RESOLUTION No. 07.09.26, A RESOLUTION ACCEPTING COMPLETION OF WORK AND DIRECTING DISTRICT MANAGER/ENGINEER TO FILE NOTICE OF COMPLETION; approval of Progress Payment No. 4 to D'Arcy & Harty Construction, Inc., in the amount of \$48,917.21; and authorization for release of retention in the amount of \$95,078.28, sixty days after filing the notice of completion.

Congress Hall Lane Sewer Stabilization Project: Adoption of RESOLUTION NO. 07.09.27, RESOLUTION ACCEPTING COMPLETION OF WORK AND DIRECTING DISTRICT MANAGER/ENGINEER TO FILE NOTICE OF COMPLETION; approval of Progress Payment No. 2 to Soil Engineering Construction, Inc., in the amount of \$8,550.00; and authorization for release of retention in the amount of \$10,221.00 sixty days after filing the notice of completion.

Authorization for chairperson to execute RELEASE OF COVENANTS RUNNING WITH THE LAND with property owners in the district's Septic System Abandonment Program:

<u>APN</u>	<u>Owner</u>	<u>Location</u>
389-13-019	Friis	18597 Paseo Lado, Saratoga

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The consent calendar is approved unanimously.

Under New Business, the manager reports that staff and legal counsel have reviewed the current ordinance code and have developed amendments to meet changing operational and legal requirements. There are three areas that require revision: First, the transfer of the Town of Los Gatos sewer system to the district requires that certain ordinance sections referring to the Town sewers need to be deleted. Another revision clarifies the requirements for a backflow protection device, and the third revision increases the manager's purchasing authority from \$20,000 to \$30,000 without prior board approval. Upon staff's recommendation, ORDINANCE NO. 134, AN ORDINANCE OF THE BOARD OF DIRECTORS OF WEST VALLEY SANITATION DISTRICT OF SANTA CLARA COUNTY AMENDING VARIOUS SECTIONS OF THE DISTRICT'S ORDINANCE CODE TO REFLECT OPERATIONAL CHANGES is introduced; further reading is waived and the ordinance is introduced by title only. Second reading and adoption of the ordinance is scheduled for the October 10, 2007, board meeting.

The second item of new business is the approval of a salary adjustment for the unrepresented management employees, pursuant to guidelines adopted by the board in November 2003. The policy guidelines state that the salaries shall be adjusted within 90 days of any changes in salary ranges of classified employees. In keeping with this policy, the manager recommends a salary adjustment of 4% for the unrepresented management employees, effective September 24, 2007. The manager's recommendation is approved. The closed session scheduled for discussion of this matter is not necessary.

Under Directors' Items, the board expresses its gratitude to Peter V. Sevcik, Director of Engineering and Operations, for a job well done, and wishes him well in his new position at Nipomo Community Services District. Mr. Sevcik thanks the board for their support during his five years at the district.

There being no further items of business, the meeting is adjourned at 6:12 p.m.

DAVID BAXTER, CHAIRPERSON

Attest:

Secretary