

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

**BOARD OF DIRECTORS MEETING
April 14, 2021**

The Board of Directors of West Valley Sanitation District of Santa Clara County, California, convenes this day in regular session at 5:00 p.m. Pursuant to the provisions of California Governor's Executive Orders No. N-25-20 and N-29-20, which suspend portions of the Brown Act, this meeting will be conducted by teleconference only. No physical location will be available for this meeting. Members of the public may participate in this meeting on Zoom at <https://zoom.us/j/97539642687> or by calling in at 1-669-900-6833 and entering Meeting ID 97539642687# when prompted. This meeting agenda is available online at <http://www.westvalleysan.org/>

Roll Call

1. Present: Directors – Paul Resnikoff, Maria Ristow, Mike Wasserman, Yan Zhao, and Rowena Turner, Chairperson.

Absent: Director – None.

Staff: Jon Newby, District Manager and Engineer; Edward H. Oyama, Director of Engineering and Operations; Laura McKinney, District Counsel; J. Tom Boer and Ann Marie Mortimer, Litigation Counsels; and Lesha Luu, Secretary

Closed Session

2. Conference with Legal Counsel – regarding existing litigation. (Pursuant to Government Code § 54956.9) Name of case: *County Sanitation District, West Valley Sanitation District, Cupertino Sanitary District, and The City of Milpitas v. The City of San Jose, The City of Santa Clara, and Does 1 Through 50, Inclusive*, Santa Clara Superior Court Case No. 18CV325480.

Convene in Open Session

3. The Board convenes in open session at 5:37 p.m. Nothing to report out.

Oral Communications

4. None.

Written Communications

5. None

Public Hearings

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6. First of the two Public Hearings to consider the District's Proposed Budget for Fiscal Year 2021-2022. The second hearing and adoption is scheduled for May 12, 2021. Open the public hearing and receive comments on the West Valley Sanitation District Proposed Budget for Fiscal Year 2021-2022. Continue the public hearing to the Board Meeting of Wednesday, May 12, 2021, to allow for further comments or modifications. District Manager and Engineer reported the Proposed Budget for Fiscal Year 2021-2022 decreased from \$46.7 million to \$40.4 million from the previous fiscal year. The most notable change from the District's previous fiscal year overall budget is the reduction in the City of San Jose/Santa Clara Regional Wastewater Facility operating budget of \$2.3 million and \$5.2 million from capital improvement budget offset by a slight increase in District's operating costs due to a \$380,000 increase in insurance premium and additional legal services, \$200,000 in salaries and benefits reflecting COLA adjustment on the labor contracts, and \$640,000 increase in capital improvements. District revenues are projected to be \$36 million. The District continues to stay on track to spend the remaining 2019 revenue bonds proceeds for one-time capital expenditures. All Board's questions and concerns were satisfied by staff. The Public Hearing is opened. No public comment was received.

Motion by/Second by: Wasserman/Ristow to close the public hearing and approve the continuation of the second hearing and adoption of the West Valley Sanitation District Proposed Budget for Fiscal Year 2021-2022 at the Board Meeting on Wednesday, May 12, 2021. Motion passed by the following vote:

AYES: Resnikoff, Ristow, Turner, Wasserman, and Zhao.
NOES: None
ABSENT: None.

Unfinished Business

7. None.

Consent Calendar (Items to be taken in one motion)

8. Previous meeting minutes. Approve the minutes for the Regular Board of Directors Meeting on March 10, 2021.
9. Treatment Plant Advisory Committee meeting minutes. Accept the minutes for the Regular Meeting of the Treatment Plant Advisory Committee of the San Jose/Santa Clara Regional Wastewater Facility on February 11, 2021.
10. Investment Report. Approve the report on comingled funds invested by the County of Santa Clara for West Valley Sanitation District, as of February 28, 2021; and report from County Controller as of December 31, 2020.

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11. Consolidated Income and Expense statement. Approve the Consolidated Income and Expense Statements for the period ended February 28, 2021.
12. Payment of invoices. Approve the payment of invoices for March 11, 2021 to April 14, 2021.
13. Congress Springs Road Geotechnical Monitoring – Cotton, Shires and Associates, Inc., Task Order 20-01, Amendment No. 1. Authorize the District Manager and Engineer to issue Amendment No. 1 to Task Order 20-01 to Cotton, Shires and Associates, Inc. in the amount of \$12,041 for a total task order amount of \$60,641 for the professional services associated with Congress Springs Road Geotechnical Monitoring effort.
14. 2019 Multi-Year Sewer Condition Assessment Project – Contract Change Order No. 1. Authorize the District Manager and Engineer to execute Change Order No. 1 for the 2019 Multi-Year Sewer Condition Assessment Project to National Plant Services in the amount of \$194,250 and extend the term of the contract by one fiscal year.
15. Acceptance of Sewerage System – Tract 10516, 1631 Hacienda Avenue, Campbell. Adopt Resolution No. 21.04.07, RESOLUTION ACCEPTING SEWERAGE SYSTEM INSTALLED BY HACIENDA STREET HOLDINGS, LLC., AND SITUATED WITHIN THE WEST VALLEY SANITATION DISTRICT OF SANTA CLARA COUNTY, STATE OF CALIFORNIA, described as:

Tract: 10516

Location: 1631 Hacienda Avenue, Campbell

Constructed by: Hacienda Street Holdings, LLC.

Motion by/Second by: Wasserman/Resnikoff to approve the Consent Calendar Items 8 to 15.
Motion passed by the following vote:

AYES: Resnikoff, Ristow, Turner, Wasserman, and Zhao.

NOES: None

ABSENT: None

New Business

16. None.

Directors' Items

17. There were no Director's reports, announcements, and questions.
18. District Manager and Engineer reported the Board of Directors annually review the District Manager's performance and compensation. Consistent with the policy adopted in January 2005 titled "Compensation Policy for District Manager and Engineer" The policy states that "an ad hoc subcommittee ... shall meet as necessary with the manager to review performance

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and compensation. The subcommittee will report to the Board of Directors and make recommendations in a timely manner for adjusting the manager's compensation. The subcommittee shall consist of the Board Chair and Vice-Chair or their designated alternates." To accommodate the schedule for adoption of the District's objectives and proposed budget, the District Manager requested the Board Chair and Vice-Chair, or designated alternates, to meet as a subcommittee with the District Manager to review his performance and compensation and report to the Board of Directors with the subcommittee's recommendations at the scheduled Board Meeting in June.

Motion by/Second by: Wasserman/Turner to appoint Directors Turner and Zhao as the ad hoc subcommittee. Motion passed by the following vote:

AYES: Resnikoff, Ristow, Turner, Wasserman, and Zhao.

NOES: None

ABSENT: None

District Manager and Engineer reported in June 2020 the Board adopted nine action items associated with objectives supporting the District's vision, mission, and goals. These adopted actions items are incorporated into the District's annual incentive program. Due to the declaration of the worldwide Pandemic, Federal, State and Local directives were issued which severely altered daily administration and operation. A reprioritization of work to ensure the District achieved the mission of protecting public health and environment was made. This resulted in a necessary deferral of several lower priority strategic plan action items. Five of the nine action items were affected due to re-prioritization of resources. These projects include CCTV storage, sewer service overflow documentation enhancement, sewer service construction specifications, outreach program and website update. Challenges continue in personnel operations – protecting staff from exposure, modification of work policy and procedures, absenteeism due to school closures, etc. These challenges disrupt District's ability to complete the action items. The District continues to operate 24/7 and successfully provide a safe work environment for employees to serve in-person through-out the Pandemic. Modification of the strategic plan is needed to allow the Board to recognize the contribution of staff in serving the community through-out the Pandemic. No modification will severely limit the program to approximately 50% accomplishment. The June 2021 strategic plan report will include recommendations for the Board to modify the Incentive Plan and incorporate the additional workload caused by the Pandemic in order to recognize employees who served throughout the Pandemic. The District Manager is very proud of the District employees in serving the community during the Pandemic.

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Adjournment

19. There being no further items of business, the meeting was adjourned at 5:53 p.m. The next Board Meeting is scheduled for May 12, 2021, at 5:00 p.m.

Signature on File

ROWENA TURNER, CHAIRPERSON

Attest:

Signature on File

Secretary