

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

**BOARD OF DIRECTORS MEETING
June 12, 2013**

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: Marshall Anstandig, Steven Leonardis, Evan Low, Chuck Page, and Ken Yeager, Chairperson. Staff present are Jon Newby, District Manager and Engineer; Edward H. Oyama, Director of Engineer and Operations; Sarah Olinger, Deputy District Counsel; and Lesha Luu, Secretary.

The approval of minutes of the previous meeting is postponed to the August meeting. Board received comments from counsel to make changes in the minutes.

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:

Receipt of request to re-evaluate delinquent fees and charges from property owners Joe and Duan Wang. The property owners will have an opportunity to speak to the Board under Agenda Item #10.

Receipt of demand for reimbursement from Law Offices of Bustamante & Gagliasso on behalf of Sandy Harris. This item has been referred to legal counsel for further action and will be brought back at a later date.

Reports: The following items are submitted for action in one motion:

San Jose/Santa Clara Water Pollution Control Plant: minutes of the April 11, 2013 regular meeting of the Treatment Plant Advisory Committee.

Investment of District Funds: Report on Commingled Funds Invested by the County of Santa Clara for West Valley Sanitation District, as of April 30, 2013; and Report from County Controllers as of March 31, 2013.

Consolidated Income and Expense Statement of West Valley Sanitation District for the period ended April 30, 2013.

The reports are accepted.

Unfinished business: There is no unfinished business to come before the Board.

**WEST VALLEY SANITATION DISTRICT
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**BOARD OF DIRECTORS MEETING
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Public Hearings

Public hearing to consider adoption of RESOLUTION NO. 13.06.11, RESOLUTION OF THE BOARD OF DIRECTORS OF WEST VALLEY SANITATION DISTRICT OF SANTA CLARA COUNTY, CALIFORNIA, PROVIDING FOR THE COLLECTION OF CERTAIN DELINQUENT FEES AND CHARGES ON THE 2013-14 FISCAL YEAR TAX ROLL. Manager reported the District recovers its operating cost through levying of connection and capacity fees and collection of sewer service charges. The District continues to review and update the parcel database to insure permit is issued to property served by the District. Occasionally staff discovers parcels that do not have corresponding permits and uses that result in back charges being owed to the District. Each year the District works with the parcel owners to resolve charges owed to the District. If the District is unsuccessful, the delinquent fees may be collected on the tax roll. Manager stated that there is one correction after issuance of staff report. Mr. Lerman, listed on the Delinquent Fees and Charges Report, submitted payment of \$979.48. The District now has a total of three properties with delinquent fees for \$29,851.00 to be collected on next year's tax roll. All three properties were discovered during the recent Cambrian Annexation and are located in the Cambrian Area. According to District Ordinance 10.150 and 10.160, delinquent fees may be collected on the next year's tax roll. Before the District can place delinquent fees on the tax roll, the District must go through a public hearing process. The public hearing is opened for comments.

Public hearing was opened with two speakers in attendance. Joe and Duan Wang – Mr. and Mrs. Wang claimed they purchased their house in May 2007. Through District inspection, they were found to be illegally connected. The Wang's claim the illegal connection was made by the previous owners. The Wang's are willing to pay the sewer service fee from 2008 to 2012 of \$1,166.52 but claim the remaining \$9,294.00, which includes processing fee, connection fee and capacity fee, should be charged to the previous property owners. They are asking the Board to re-evaluate the charges on the bill.

With no other speakers in attendance, the public hearing is closed. After Board's review and discussion, agreement was made with the Wang's that they are to pay to the District sewer service fees from 2008 to 2012 of \$1,166.52 now. It was also agreed that the District waive one-half of the fees for processing, connection, and capacity. District is to send a revised invoice to the Wang's next week for a total of \$4,877.00. Payment is due to the District within 30 days. The Wang's agreed to the decision. The Wang's also stated that their parcel number on District correspondence is incorrect but the address is correct. District is to verify that the parcel number is correct.

Motion was made to approve adoption of RESOLUTION NO. 13.06.11, RESOLUTION OF THE BOARD OF DIRECTORS OF WEST VALLEY SANITATION DISTRICT OF SANTA CLARA COUNTY, CALIFORNIA, PROVIDING FOR THE COLLECTION OF CERTAIN DELINQUENT FEES AND CHARGES ON THE 2013-14 FISCAL YEAR TAX ROLL.

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

Approval of payment of invoices, May 9, 2013 – June 12, 2013.

Reauthorization of the Retiree Medical Benefits Policy for Fiscal Year 2013-2014. The maximum allowable benefit is the lowest-cost plan available to the District.

Adoption of Board Meeting Schedule for July – December 2013.

Authorization for Board and executive staff to attend the California Association of Sanitation Agencies Conference, August 21-24, 2013, in San Diego.

Authorization for chairperson to execute AGREEMENT AND COVENANTS RUNNING WITH THE LAND with property owners for participation in the Septic System Abandonment Program:

<u>APN</u>	<u>Owner</u>	<u>Location</u>
414-33-006	Buhr/Hua	353 Redding Road, Campbell

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

Memorandum of Understanding with Employee Bargaining Units:

Adoption of Resolution Approving a MEMORANDUM OF UNDERSTANDING BETWEEN WEST VALLEY SANITATION DISTRICT OF SANTA CLARA COUNTY, CALIFORNIA, AND THE NORTHERN CALIFORNIA REGIONAL COUNCIL OF CARPENTERS, THE CARPENTERS 46 NORTHERN CALIFORNIA COUNTIES CONFERENCE BOARD AND THEIR AFFILIATED LOCAL UNIONS, EFFECTIVE JULY 1, 2013 THROUGH JUNE 30, 2016; OPERATIONS/MAINTENANCE UNIT AND CLERICAL/TECHNICAL SUB-GROUP (Resolution No. 13.06.12).

Adoption of Resolution Approving a MEMORANDUM OF UNDERSTANDING BETWEEN WEST VALLEY SANITATION DISTRICT OF SANTA CLARA COUNTY, CALIFORNIA, AND THE NORTHERN CALIFORNIA REGIONAL COUNCIL OF CARPENTERS, THE CARPENTERS 46 NORTHERN CALIFORNIA COUNTIES CONFERENCE BOARD AND THEIR AFFILIATED LOCAL UNIONS, EFFECTIVE JULY 1, 2013 THROUGH JUNE 30, 2016: PROFESSIONAL AND SUPERVISORY UNIT (Resolution No. 13.06.13).

Approval of the issuance of Fiscal Year 2013-2014 Blanket Purchase Orders to the following vendors and amounts:

Valley Oil Company - \$75,000 (three-year commitment)
DKF Solutions Group, LLC - \$40,000
WECO Industries, LLC - \$69,000

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Adoption of RESOLUTIONS ACCEPTING SEWERAGE SYSTEM SITUATED WITHIN WEST VALLEY SANITATION DISTRICT OF SANTA CLARA COUNTY: Resolutions to accept sewer system for maintenance by the district:

Resolution No. 13.06.14
TRACT 9969, THE HIGHLAND OF LOS GATOS
Location: Shady Lane, Los Gatos
Constructed by: Davidon Homes

Resolution No. 13.06.15
381 PENNSYLVANIA AVENUE SEWER EXTENSION PROJECT
Location: 381 Pennsylvania Avenue, Los Gatos
Constructed by: Howell Development & Investment, Inc.

The Consent Calendar is approved.

New Business: There is no new business to come before the Board.

Closed Session: There is no closed session item to come before the Board.

District Manager's Report: District Manager reports that with the approval of the consent calendar, the new MOU's are approved with the representing bargaining units. This will change the compensation benefits of the bargaining units and the change will take place in the beginning of the next fiscal year. However, the unrepresented staff, which is composed of the District Manager and Directors, are not part of the MOU's for the bargaining units. District Manager will bring forth proposed changes for Board's consideration for the unrepresented staff in the August board meeting.

There being no further items of business, the meeting is adjourned at 6:37 p.m.

Signature on File

KEN YEAGER, CHAIRPERSON

Attest:

Signature on File

Secretary