

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

**BOARD OF DIRECTORS MEETING
October 8, 2014**

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.

Roll Call

1. Present: Directors: Marshall Anstandig, Steven Leonardis, Chuck Page, Ken Yeager and Even Low, Chairperson.

Absent: None.

Staff: Jon Newby, District Manager and Engineer; Edward H. Oyama, Director of Engineering and Operations; Sarah Quiter, Deputy District Counsel; and Lesha Luu, Secretary.

Approval of Minutes of Previous Meeting

2. Approve the minutes of the regular meeting of the Board of Directors of September 10, 2014.

Mover/Seconder: Yeager/Page to approve the minutes of the previous meeting. Motion passed unanimously.

Abstain: Low.

Oral Communications

3. None.

Written Communications

4. Receipt of letter from Equity Office on the Pruneyard Shopping Center. Manager reported that on August 2014, the District notified Equity Office of the intent to assess additional sewer fees due to the change in use of the Pruneyard Shopping Center. The Pruneyard Shopping Center had originally been permitted under retail use when constructed. Since that time, tenant improvements have occurred without obtaining the necessary permits from the District and appropriate fees were not collected to reimburse the District for obtaining treatment plant capacity and constructing sufficient capacity in the collection system to provide service to the Pruneyard for the change in use. Equity Office has responded to the District's notification of additional fees being assessed. Staff is reviewing the additional

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

**BOARD OF DIRECTORS MEETING
October 8, 2014**

information and confirming the assessment of fees for the parcel. Upon staff's completion of the review, a final fee assessment will be completed and Equity Office will be provided a final assessment of fees owed. Staff expects to complete the review this month and will be able to send the final assessment and invoice to Equity Office for payment. All Board's questions and concerns were answered by staff.

Reports

5. San Jose/Santa Clara Regional Wastewater Facility: Minutes of the August 14, 2014 regular meeting of the Treatment Plant Advisory Committee.

Mover/Second: Page/Leonardis to approve the minutes of the August 14, 2014 regular meeting of the Treatment Plant Advisory Committee.

Unfinished Business

6. None

Public Hearings

7. None

Consent Calendar

8. Approval of payment of invoices, September 11, 2014 – October 8, 2014.

Mover/Second: Page/Leonardis to approve payment of invoices, September 11, 2014 – October 8, 2014.

New Business

9. Final Budget for Fiscal Year 2014-2015. Accept the amendments and approve the Final Budget for Fiscal Year 2014-2015. All questions and concerns of Board were answered by staff.

Mover/Second: Page/Anstandig to accept the amendments and approve the Final Budget for Fiscal Year 2014-2015.

10. Revisions to District Ordinance Code. (A) Introduction and first reading of ORDINANCE NO. 145, AN ORDINANCE OF THE WEST VALLEY SANITATION DISTRICT BOARD OF DIRECTORS AMENDING CHAPTERS 1, 6, AND 7 OF THE DISTRICT'S ORDINANCE CODE to bring the Code into compliance with the requirements of the San Jose/Santa Clara Water Pollution Control Plant and to clarify and update design, construction, and maintenance requirements for sewer

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

**BOARD OF DIRECTORS MEETING
October 8, 2014**

systems within the District. (B) Schedule second reading and adoption of Ordinance No. 145 for November 12, 2014. Manager reports the revisions to the Ordinance Code is primarily composed of two elements. (1) Revisions to Chapter 7 “Use of the Public Sewers, and (2) Chapter 6 “Design and Construction of Public Sewers”. Due to these revisions, Chapter 1 “Definitions” need to be revised. All questions and concerns of Board were answered by staff.

Mover/Seconder: Page/Anstandig to accept first reading of Ordinance No. 145 and schedule second reading and adoption of Ordinance No. 145 for November 12, 2014.

Closed Session

11. The Board adjourns at 6:15 p.m. to closed session for Conference with Legal Counsel – Anticipated Litigation Significant exposure to litigation pursuant to Government Code Section 54956.9(b)(1). Number of Potential Cases: 1.

Reconvene in Open Session

12. The Board reconvenes at 6:41 p.m. in open session and report on items discussed in closed session. No actions were taken by the Board.

Director’s Items

13. There were no Directors’ reports, announcements, or questions.
14. Manager reported he is working closely with the City of San Jose on their flow study program. District had completed an independent flow study through RMC which provided sites specific flow data. The City has been insistent on using a methodology where a countywide average is used to determine flow for all agencies. The City’s methodology results in overstating flow due to lower densities in the District’s service area when compared to the countywide average. District was successful in having Milpitas, Santa Clara and Cupertino support District’s position of a service area specific flow calculation. The City seems at this point to be supportive to this approach resulting in flow factors similar to RMC’s results. This item is expected to be agendized for TPAC by December.

It was reported a new TPAC member representing the District must be chosen before the District’s December Board meeting.

Adjournment

15. There being no further items of business, the meeting was adjourned at 6:46 p.m. The next board meeting is scheduled for November 12, 2014.

**WEST VALLEY SANITATION DISTRICT
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**BOARD OF DIRECTORS MEETING
October 8, 2014**

Signature on File

EVAN LOW, CHAIRPERSON

Attest:

Signature on File

Secretary