

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

**BOARD OF DIRECTORS MEETING
MARCH 28, 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, and David Baxter, Chairperson. Director Ken Yeager is absent. 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: No written communications have been received.

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

San Jose/Santa Clara Water Pollution Control Plant: Minutes of the February 8, 2007, meeting of the Treatment Plant Advisory Committee.

Investment of District Funds: The Report on Commingled Funds Invested by the County of Santa Clara for West Valley Sanitation District, as of February 28, 2007.

Consolidated Income and Expense Statement of West Valley Sanitation District for the period ended February 28, 2007.

The reports are accepted.

There is no unfinished business to come before the board.

HEARING

A hearing has been scheduled for the appeal of Virginia Turner Hess, 111 Via De Tesoros, Los Gatos, regarding district's sewer lateral and cleanout requirements. The appeal has been requested pursuant to Section 11.050 of the district's ordinance code. The background is as follows: In response to the property owner's request for sewer maintenance, district staff determined that there was no visible property line cleanout and, following discovery of a buried cleanout, determined that the configuration did not conform to district standards. The staff advised property owners that the district would not maintain the line until the cleanout had been brought into compliance. The appellant disagreed with this determination and filed an appeal pursuant to the provisions of the

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district's ordinance code. The appellants, Virginia Turner Hess and Randy Hess, are present to address the board. Director Donald R. Burr recuses himself from the hearing because of his relationship to the principle of Burr Plumbing, the plumber who performed work on the subject lateral. The board receives comments and listens to the concerns of Mr. and Mrs. Hess, as well as staff's response. During discussion staff reports that the matter will be resolved in time, as the district is committed to a sewer rehabilitation project in the Hess's neighborhood in the next three to five years, at which time the building sewers will be brought up to current standards at the district's expense. Following discussion and review, the board upholds staff's determination and denies the appeal. The board directs District Counsel to prepare appropriate findings for the board's action at the next board meeting.

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

Approval of payment of bills and ratification of payroll. A list of bills due for payment and payroll summary of February 25, 2007.

Adoption of RESOLUTION NO. 07.03.06, RESOLUTION OF THE BOARD OF DIRECTORS OF WEST VALLEY SANITATION DISTRICT OF SANTA CLARA COUNTY SETTING A TIME AND PLACE OF PUBLIC HEARING TO CONSIDER COLLECTION OF THE STORM DRAIN MANAGEMENT FEE FOR FISCAL YEAR 2007-08. There is no change proposed in the storm drain program fees. The hearing date is scheduled for May 23, 2007, at 6:00 p.m.

Authorization for board and executive staff to attend the California Association of Sanitation Agencies conference, May 2-5, 2007, in Napa.

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>
288-23-042	Bernal	1871 McBain, Santa Clara County
378-25-009	Stewart	11970 Walbrook Drive, Saratoga

FY 2005-06 Sanitary Sewer Repair Project, Various Locations: Approval of Progress Payment No. 3, to Pacific Underground Construction, Inc., in the amount of \$120,802.88.

Los Gatos-Winchester Basin No. 7, Area 4, Sanitary Sewer Rehabilitation Project: Approval of proposal from Cotton, Shires & Associates, Inc., for professional geotechnical services, at a total cost of \$32,500.00.

The consent calendar is approved.

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The resolutions setting time and place of public hearings for the proposed budget and hillside zone fee have been removed from the consent calendar for separate action. In order to accommodate boardmembers' schedules, the board agrees to convene the May 9 meeting at 5:30 p.m. rather than 6:00 p.m. The resolutions setting time and place of hearing are adopted as amended:

Adoption of RESOLUTION No. 07.03.04, RESOLUTION OF THE BOARD OF DIRECTORS OF WEST VALLEY SANITATION DISTRICT OF SANTA CLARA COUNTY SETTING A TIME AND PLACE OF PUBLIC HEARING TO CONSIDER THE ADOPTION OF THE DISTRICT'S PROPOSED OPERATIONS BUDGET FOR FISCAL YEAR 2007-08. The first hearing is scheduled for May 9; second hearing and adoption scheduled for May 23, 2007. The May 9 meeting is scheduled to convene at 5:30 p.m.

Adoption of RESOLUTION No. 07.03.05, RESOLUTION OF THE BOARD OF DIRECTORS OF WEST VALLEY SANITATION DISTRICT OF SANTA CLARA COUNTY SETTING A TIME AND PLACE OF PUBLIC HEARING TO CONSIDER CONTINUATION OF THE HILLSIDE SEWER MAINTENANCE ZONE FEE FOR FISCAL YEAR 2007-08. There is no change proposed in the hillside fee of \$50.00 per year for each connected property in the hillside zone. The hearing date is scheduled for May 9, 2007, at 5:30 p.m.

There is no new business to come before the board.

The board adjourns to a closed session pursuant to Government Code Section 54957.6, personnel matters: Contract negotiations with employee bargaining units represented by the Millmen and Industrial Carpenters Local 262. District's personnel consultant, Craig Jory, is present in the closed session.

The board reconvenes in open session and the reports that no action was taken.

There are no Directors' reports, announcements, or questions.

There being no further items to come before the board, the meeting is adjourned at 7:35 p.m.

DAVID BAXTER, CHAIRPERSON

Attest:

Secretary