

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

**BOARD OF DIRECTORS MEETING
June 14, 2017**

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 Sunnyside Avenue, Campbell, California.

Roll Call

1. Present: Directors – Manny Cappello, Steven Leonardis, Ken Yeager, and Paul Resnikoff, Chairperson.

Absent: Director Rowena Turner.

Staff: Jon Newby, District Manager and Engineer; Edward H. Oyama, Director of Engineering and Operations; Sarah Quiter, District Counsel; David Mehretu, Of 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 May 10, 2017.

Motion by/Second by: Yeager/Cappello to approve the minutes of the previous meeting.
Motion passed unanimously.

Oral Communications

3. None.

Written Communications

4. None.

Reports (Items to be taken in one motion)

5. San Jose/Santa Clara Regional Wastewater Facility: Minutes of the April 13, 2017 regular meeting of the Treatment Plant Advisory Committee.
6. Investment of District Funds: Report on Commingled Funds Invested by the County of Santa Clara for West Valley Sanitation District, as of April 30, 2017; and report from County Controller as of March 31, 2017.
7. Consolidated Income and Expense Statement of West Valley Sanitation District for the period ended April 30, 2017.
8. Status report on District goals and manager's objectives.

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Motion by/Second by: Yeager/Cappello to accept the Reports, items 5 – 8. Motion passed unanimously.

Unfinished Business

9. Revisions to District Ordinance Code. Second reading and adoption of Ordinance No. 146, AN ORDINANCE OF THE WEST VALLEY SANITATION DISTRICT BOARD OF DIRECTORS AMENDING CHAPTERS 1, 6, 7, 9, 10, AND 13 OF THE DISTRICT'S ORDINANCE CODE AND ADDING CHAPTER 14 TO THE DISTRICT ORDINANCE.

Motion by/Second by: Yeager/Cappello to adopt Ordinance No. 146 amending Chapters 1, 6, 7, 9, 10 and 13 of the District's Ordinance Code and adding Chapter 14 to the District Ordinance. Motion passed unanimously.

Public Hearings

10. Public Hearing to consider the collection of delinquent fees on the tax roll. A: Open the hearing and receive comments on the collection of certain delinquent fees and charges for Fiscal Year 2016-2017. B: Adopt Resolution No. 17.06.13, 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 2017-2018 FISCAL YEAR TAX ROLL. Public hearing opened with Mr. Matthew Constantino, Counsel for APN 532-14-031, is in attendance to dispute the delinquent fees. Mr. Constantino claimed that the pool contractor should be liable for the damages on District's sewer pipes. District staff explained property owners are responsible for matters occurring on their property. Property owners who invite contractors on their property to perform work are liable for works done by the contractors. Under the District's Ordinance, the property owners are obligated to maintain their private sewers to ensure they do not cause damage to the connected public sewers. Mr. Dan Davis, representing APN 404-28-022, requested the District to allow continuation of monthly payment of the delinquent fees until the entire amount is fully paid. After staff explained the delinquent fees process, Mr. Davis withdrew his request.

Motion by/Second by: Yeager/Cappello to approve the collection of delinquent fees and charges for on the 2017-2018 Fiscal Year Tax Roll and adopt Resolution No. 17.06.13. Motion passed unanimously.

Consent Calendar (Items to be taken in one motion)

11. Approval of payment of invoices, May 11, 2017 – June 14, 2017.
12. Reauthorization of the retiree medical benefits for Fiscal Year 2017-2018. Approve the renewal of the Post-Retirement Health Insurance Benefits Policy for Fiscal Year 2017-2018, setting the maximum monthly benefit at \$673.90, the lowest-cost plan available to the District for each eligible retiree.

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13. July – December 2017 Board Meeting schedule. Adopt the proposed Board Meeting schedule for July – December 2017, including the cancellation of the July meetings.
14. California Association of Sanitation Agencies Conference. Authorize directors and executive staff to attend the California Association of Sanitation Agencies Conference, August 22-24, 2017, in San Diego, California.
15. Fiscal Year 2017-2018 blanket purchase orders. Approve the issuance of Fiscal Year 2017-2018 Blanket Purchase Orders of \$30,000 and above to the following vendors for the amounts shown.
 - Bartle Wells Associates – \$45,000
 - Cooper Industries - \$50,000 (5-Year Contract)
 - County of Santa Clara Communications - \$50,000
 - DKF Solutions Group, LLC - \$45,000
 - Owen Equipment Sales - \$45,000
 - Singer Associates, Inc. - \$100,000
 - Stepford Inc. - \$116,109 (Multiple POs)
 - Valley Oil Company - \$60,000
 - WECO Industries, LLC - \$55,000
16. Purchase of 2017 CUES DUC CCTV Inspection Van. Authorize the purchase of a 2017 CUES DUC CCTV Inspection Van from WECO Industries (Vacaville, CA) for the amount of \$330,144.21 and provide authorization for \$15,000.00 in contingency for possible adjustments in DMV fees, taxes, necessary modification, and/or the addition of optional equipment and features.
17. Engineering services for University Avenue/Winchester Boulevard Sewer Rehabilitation (Blossom Hill Road to Route 85) Project. Authorize the District Manager to issue Task Order 17-01 to Brown and Caldwell for a not-to-exceed amount of \$168,420 for engineering services during construction associated with University Avenue/Winchester Boulevard Sewer Rehabilitation (Blossom Hill Road to Route 85) Project.

Motion by/Second by: Yeager/Leonardis to approve Consent Calendar, items 11-17. Motion passed unanimously.

Closed Session

18. The Board adjourns at 6:38 p.m. to closed session - Conference with Legal Counsel – anticipated litigation. Initiation of litigation pursuant to Government Code § 54956.9(c) (one potential case). The following directors were present: Manny Cappello, Steven Leonardis, Paul Resnikoff, Ken Yeager. Absent: Rowena Turner.
19. Conference with Legal Counsel – existing litigation. Government Code § 54956.9(a) *West Valley Sanitation District v. East Bay Waterworks, Inc.*, Case No. 16CV300033.

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- 20 Conference with Labor Negotiators. Agency designated representatives: Ad Hoc Subcommittee – Director Paul Resnikoff and Director Rowena Turner. Employee: District Manager and Engineer.

Reconvene in Open Session

21. The Board reconvenes at 7:03 p.m. in open session. Nothing to report out.

New Business

22. Report of Ad Hoc Subcommittee on District Manager’s performance and consideration of compensation adjustments. Adopt Resolution No. 17.06.14, RESOLUTION OF THE BOARD OF DIRECTORS OF WEST VALLEY SANITATION DISTRICT OF SANTA CLARA COUNTY, CALIFORNIA, AMENDING THE DISTRICT MANAGER AND ENGINEER’S EMPLOYMENT AGREEMENT TO REVISE SECTION 5.1 AND 5.6 RELATED TO SALARY AND PAID TIME OFF, EFFECTIVE JULY 1, 2017. Adjusting the compensation for the District Manager and Engineer by 5.0% increase to the salary beginning with the first pay period in Fiscal Year 2017-2018, and adjusting the paid time off to an annual accrue rate of 15 days per year. The annual salary will be \$252,050.40.

Motion by/Second by: Cappello/Yeager to adopt Resolution No. 17.06.14, amending the District Manager and Engineer’s employment agreement. Motion passed unanimously.

23. Recommendation of compensation for unrepresented employees. Adopt Resolution No. 17.06.15, RESOLUTION OF THE BOARD OF DIRECTORS OF WEST VALLEY SANITATION DISTRICT OF SANTA CLARA COUNTY, CALIFORNIA, AMENDING A COMPENSATION PLAN FOR WEST VALLEY SANITATION DISTRICT MANAGEMENT (UNREPRESENTED) EMPLOYEES, EFFECTIVE JULY 1, 2017. Adjusting the compensation for the Director of Administration and Information Services and the Director of Engineering and Operations by 6.5% increase to salary beginning with the first pay period in Fiscal Year 2017-2018. All questions and concerns of the Board were answered by staff.

Motion by/Second by: Yeager/Cappello to adopt Resolution No. 17.06.15, amending a compensation plan for West Valley Sanitation District management employees. Motion passed unanimously.

24. Strategic plan and objectives for Fiscal Year 2017-2018. Adopt the annual Objectives and Action Items for Fiscal Year 2017-2018. The District Manager and Engineer reported that this year’s objectives emphasize on fiscal and financial health including rates and fees studies, debt financing, regulatory compliance of the District ordinance, and District’s future strategic plan. District is in its fifth year of the current 5-year strategic plan. One of the annual objectives and action items is to update the 5-year strategic plan, which will become the basis for directing future objectives. The Board recommended the District includes outreach and public communication programs in future initiatives. All questions and concerns of the Board were answered by staff.

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Motion by/Second by: Cappello/Yeager to adopt the Annual Objectives and Action Items for Fiscal Year 2017-2018. Motion passed unanimously.

25. Chapter 14 administrative fine and late charge amounts. Adopt Resolution No. 17.06.16, RESOLUTION OF THE BOARD OF DIRECTORS OF WEST VALLEY SANITATION DISTRICT OF SANTA CLARA COUNTY, CALIFORNIA, ADOPTING A SCHEDULE OF FINES AND LATE CHARGE PURSUANT TO SECTION 14.040 OF ORDINANCE NO. 146 TO ADDRESS VIOLATIONS OF THE WEST VALLEY SANITATION DISTRICT CODE. The District Manager and Engineer reported that the resolution established the schedule of fines and late charge to be imposed under Chapter 14 of the District Ordinance. The proposed fines will be imposed upon violation of the Ordinance.

Motion by/Second by: Cappello/Yeager to Adopt Resolution No. 17.06.16, adopting a schedule of fines and late charge pursuant to Section 14.040 of Ordinance No. 146. Motion passed unanimously.

26. Commercial Fats, Oils, And Grease Inspection Program. Authorize the District Manager and Engineer to execute an agreement with the City of San Jose for fats, oils, and grease inspection services in an amount not to exceed \$75,000. The District Manager and Engineer reported that the City of San Jose will discontinue the FOG inspections as of June 30, 2017. The District is negotiating with the City to provide assistance while transitioning the services so that inspections and compliance of FOG are not interrupted.

Motion by/Second by: Cappello/Yeager to authorize the District Manager and Engineer to execute an agreement with the City of San Jose for fats, oils, and grease inspection services. Motion passed unanimously.

Directors' Items

27. Director's reports, announcements, and questions. The Board directed staff to research, recommend, and report back at a future board meeting options and costs of issue a District email address and provide an electronic device to Board Members for use on District business.
28. District Manager's report. The District Manager and Engineer invited the Board Members to the District recognition lunch on June 22nd.

Announcement from the District Counsel. District Counsel, Ms. Sarah Quiter, announced that she is leaving Meyers Nave at the end of June and will no longer be the District Counsel. Ms. Quiter thanked the Board for the opportunities to serve the District. Meyers Nave will assign a new counsel to serve the District. The Board commended Ms. Quiter for her contributions and the excellent services provided to the District.

Adjournment

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29. There being no further items of business, the meeting was adjourned at 7:20 p.m. The next Board Meeting is scheduled for August 9, 2017 at 6:00 p.m.

Signature on File

PAUL RESNIKOFF, CHAIRPERSON

Attest:

Signature on File

Secretary