

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

**BOARD OF DIRECTORS MEETING
MAY 12, 2010**

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: Dan Furtado, Diane McNutt, Chuck Page, Don Perry, and Ken Yeager, Chairperson. Staff present are Robert R. Reid, District Manager and Engineer; Douglas B. Aikins, Interim District Counsel; Edward H. Oyama, 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 presented for action in one motion:

San Jose/Santa Clara Water Pollution Control Plant: Minutes of the April 8, 2010, 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 March 31, 2010.

Consolidated Income and Expense Statement of West Valley Sanitation District for the period ended March 31, 2010.

California Association of Sanitation Agencies: Report on the conference held in Newport Beach, April 28-30.

Proposed Rate Increase Hearing: Status report on inquiries and protests received as a result of the Proposition 218 notice.

The reports are accepted.

Under unfinished business, staff reports on the results of bids and award of contract for the Fairview Plaza Sewer Extension Project. Upon staff recommendation, the contract is awarded to the low bidder, D'Arcy & Harty Construction, for their bid price of \$315,625; and a construction contingency of \$31,563 is approved.

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The second item of unfinished business is the Overlook Road Sewer Extension Project. Staff recommends rejecting all bids, revising the specifications, and rebidding the project. Staff recommendation is approved.

PUBLIC HEARING

Storm Drain Management Program: A public hearing has been scheduled to consider adoption of the Storm Drain Management Program and related fee structure for fiscal year 2010-2011. Notice of the hearing has been published and posted, and a copy of the report has been made available for public review. No comment has been received, and no one from the public is present to address the board. The ordinance establishing the storm drain management program requires that the program be reviewed annually at a public hearing. The manager has prepared a summary of the program accomplishments for the 2009-2010 year and the proposed activities for 2010-2011. The fees, work plans, and program budgets for the three cities have been approved by their respective city councils. There is no fee increase proposed for 2010-2011. The chair opens the public hearing and notes there is no one from the public present to address the board. The chair closes the hearing, and the board adopts Resolution No. 10.5.30, Resolution of the Board of Directors of West Valley Sanitation District of Santa Clara County Approving Service Charges Pursuant to Health and Safety Code Section 5471 Et Seq. The resolution adopts the storm drain management program and fees for fiscal year 2010-2011 in the cities of Campbell, Los Gatos, and Monte Sereno.

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

Approval of payment of invoices, April 22 to May 12, 2010.

Authorization for sale or disposal of surplus supplies and equipment pursuant to Section 4.160 of the District's Ordinance Code.

Quito Basin No. 8 Sewer Rehabilitation Project: Adoption of RESOLUTION NO. 10.05.31, RESOLUTION ACCEPTING COMPLETION OF WORK AND DIRECTING MANAGER AND ENGINEER TO FILE NOTICE OF COMPLETION; approval of Progress Payment No. 9 to K. J. Woods Construction, Inc., in the amount of \$24,976.13; and authorization to release retention of \$69,437.95 sixty days after filing Notice of Completion.

The Consent Calendar is approved unanimously.

There is no new business.

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CLOSED SESSION: The board adjourns to closed session pursuant to Government Code Sections listed below:

(1) Government Code Section 54957.6, conference with labor negotiator. The District's designated representative is Craig Jory. The employee organization in current negotiations is the Millmen and Industrial Carpenters Local 262.

(2) Government Code Section 54957: Consideration of appointment of District Legal Counsel. Interviews before the board of candidates for the position of District Counsel.

The board reconvenes in open session at 7:40 p.m. and reports as follows:

(1) Direction was given to the District's labor negotiator concerning negotiations with employee groups represented by the Millmen and Industrial Carpenters Local 262; and

(2) Directors Furtado and Page were appointed to a subcommittee to meet with the District Manager to negotiate a contract for legal services with the candidate selected for appointment as District Counsel.

There being no further items of business, the meeting is adjourned at 7:45 p.m.

KEN YEAGER, CHAIRPERSON

Attest:

Secretary