

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

**BOARD OF DIRECTORS MEETING
June 14, 2023**

The Board of Directors of West Valley Sanitation District of Santa Clara County, California, convenes this day in regular session at 5:01 p.m. at the District Office, 100 East Sunnyoaks Avenue, Campbell, California.

Roll Call

1. Present: Directors – Dan Furtado, Rob Moore, Chuck Page, Joe Simitian (exited at 5:25 p.m.), and Rowena Turner, Chairperson.

Staff: Jon Newby, District Manager and Engineer; Edward H. Oyama, Director of Engineering and Operations; Laura McKinney, District Counsel; Ann Marie Mortimer, Litigation Counsel; and Leshia Luu, Secretary.

Oral Communications

2. None.

Written Communications

3. None.

Public Hearings

4. None

Unfinished Business

5. None.

Consent Calendar (Items to be taken in one motion)

6. Previous meeting minutes. Approve the minutes for the Regular Board of Directors Meeting on May 10, 2023.
7. Treatment Plant Advisory Committee meeting minutes. Accept minutes for the Regular Meeting of the Treatment Plant Advisory Committee of the San Jose/Santa Clara Regional Wastewater Facility on February 9, 2023.
8. Investment Reports. Approve the report on commingled funds invested by the County of Santa Clara for West Valley Sanitation District, as of April 30, 2023; and report from County Controller as of March 31, 2023.

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9. Consolidated Income and Expense Statement. Approve the Consolidated Income and Expense Statement for the period ended April 30, 2023.
10. Payment of Invoices. Approve the payment of invoices for May 11, 2023 to June 14, 2023.
11. Status report on District goals and manager's objectives. Accept the report on the District's overall achievement of the adopted annual goals and objectives for Fiscal Year 2022-2023.
12. Post Retirement Insurance Benefits Policy revision. Approve the revised Post-Retirement Health Insurance Benefits Policy.
13. Fiscal Year 2023-2024 Blanket Purchase Orders. Approve the issuance of Fiscal Year 2023-2024 Blanket Purchase Orders \$35,000 and above to the following vendors for the recommended amounts shown.

City of Campbell - \$85,000
City of Saratoga - \$150,000
Town of Los Gatos - \$150,000
DKF Solutions Group, LLC - \$45,000
Owen Equipment Sales - \$75,000
WECO Industries, LLC - \$100,000

14. District policies update. Approve the updated policies: Policy and Compliant Procedure Against Harassment, Discrimination and Retaliation; and Workplace Violence Policy.

Motion by/Second by: Moore/Page to approve Consent Calendar Items 6-14. Motion passed by the following vote:

AYES: Furtado, Moore, Page, Simitian, Turner
NOES: None
ABSENT: None

Closed Session

15. The Board adjourns at 5:03 p.m. to closed session - The following directors were present: Dan Furtado, Rob Moore, Chuck Page, Joe Simitian, and Rowena Turner, Chairperson. Conference with Legal Counsel – regarding existing litigation. (Pursuant to Government Code § 54956.9) Name of case: *County Sanitation District, West Valley Sanitation District, Cupertino Sanitary District and The City of Milpitas v. The City of San Jose, The City of Santa Clara, and Does 1 Through 50, Inclusive*, Santa Clara Superior Court Case No. 18CV325480.
16. Public Employee Performance Evaluation. (Pursuant to Government Code § 54957(b)). Employee: District Manager and Engineer.

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Reconvene in Open Session

17. The Board reconvenes in Open Session at 6:10 p.m. Nothing to report out.

New Business

18. Amendments to District's Merit System Rules and Personnel Practices. Adopt Resolution No. 23.06.05, RESOLUTION OF THE BOARD OF DIRECTORS OF WEST VALLEY SANITATION DISTRICT OF SANTA CLARA COUNTY, CALIFORNIA, AMENDING THE MERIT SYSTEM RULES AND PERSONNEL PRACTICES.
19. Approval of memoranda of understanding with the District's two represented employee bargaining units, effective July 1, 2023 through June 30, 2028. A. Approve the Tentative Agreement with The Carpenters 46 Northern California Counties Conference Board on behalf of The Northern California Regional Council of Carpenters and Their Affiliated Local Unions. B. Adoption of Resolution No. 23.06.06, RESOLUTION OF THE BOARD OF DIRECTORS OF WEST VALLEY SANITATION DISTRICT OF SANTA CLARA COUNTY, CALIFORNIA, APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN WEST VALLEY SANITATION DISTRICT OF SANTA CLARA COUNTY, CALIFORNIA, AND THE CARPENTERS 46 NORTHERN CALIFORNIA COUNTIES CONFERENCE BOARD ON BEHALF OF THE NORTHERN CALIFORNIA REGIONAL COUNCIL OF CARPENTERS AND THEIR AFFILIATED LOCAL UNIONS, EFFECTIVE JULY 1, 2023 THROUGH JUNE 30, 2028: OPERATIONS/MAINTENANCE UNIT AND CLERICAL/TECHNICAL SUB-GROUP AND ADOPTING THE PAY SCHEDULES EFFECTIVE JULY 1, 2023. C. Adoption of Resolution No. 23.06.07, RESOLUTION OF THE BOARD OF DIRECTORS OF WEST VALLEY SANITATION DISTRICT OF SANTA CLARA COUNTY, CALIFORNIA, APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN WEST VALLEY SANITATION DISTRICT OF SANTA CLARA COUNTY, CALIFORNIA, AND THE CARPENTERS 46 NORTHERN CALIFORNIA COUNTIES CONFERENCE BOARD ON BEHALF OF THE NORTHERN CALIFORNIA REGIONAL COUNCIL OF CARPENTERS AND THEIR AFFILIATED LOCAL UNIONS, EFFECTIVE JULY 1, 2023 THROUGH JUNE 30, 2028: PROFESSIONAL AND SUPERVISORY UNIT AND ADOPTING THE PAY SCHEDULE EFFECTIVE JULY 1, 2023. D. Approve the revised job descriptions for Senior Maintenance Lead Worker and Maintenance Lead Worker positions.

District Manager reported on Items 18 and 19 as they are related to negotiations with the employee Union for reaching the Tentative Agreement. The District Manager reported that the Tentative Agreement addresses the MOU's, Merit System Rules revisions and work rule policies. The proposed MOUs and changes to the Merit System Rules mark a significant improvement toward ensuring fair and equitable compensation and benefits for District's employees, as well as establishing a framework for increasing individual accountability. These changes aim to foster a culture of ownership, motivation, and responsibility, leading to improved performance, goal alignment and a positive work environment.

Motion by/Second by: Furtado/Page to approve Items 18 and 19, adopt Resolution 23.03.05, amending the Merit System Rules and Personnel Practices and adopt Resolution 23.06.06 and 23.06.07, approving the Tentative Agreement, Memoranda of Understanding with the District's

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two represented employee bargaining units effective July 1, 2023 to June 30, 2028, and revised job descriptions. Motion passed unanimously.

20. Report of Ad hoc Subcommittee on District Manager's performance and consideration of term and compensation adjustment. Consider the Ad Hoc Subcommittee's recommendation for overall performance and approve the cost of living adjustment of 5.5% and extend the term of agreement for the District Manager and Engineer and amend the employment agreement by adopting Resolution No. 23.06.08, 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 SECTIONS 2.1 AND 5.1, RELATED TO TERM AND SALARY, EFFECTIVE JULY 1, 2023. The amended agreement extends the term of employment to June 30, 2028 and adjusts the compensation for the District Manager and Engineer by 5.5% increase to the salary beginning the first pay period in Fiscal Year 2023-2024. Director Turner reported that the Subcommittee's recommendation to consider the District Manager's overall performance and approve the cost-of-living adjustment of salary of 5.5% and extend the term of the employment agreement effective July 1, 2023 through June 30, 2028. The Board discussed this matter in closed session and do wish to adopt Resolution 23.06.08.

Motion by/Second by: Page/Furtado to adopt Resolution 23.06.08, approving District Manager and Engineer's cost-of-living adjustment of 5.5% and extending the term of the employment agreement effective July 1, 2023 to June 30, 2028. Motion passed unanimously.

21. Amendment to compensation plan for unrepresented employees. Adopt Resolution No. 23.06.09, 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, 2023. Adjusting the compensation for the Director of Administration and Information Services and the Director of Engineering and Operations by 5.5% increase to salary beginning with the first pay period in Fiscal Year 2023-2024. The District Manager reported that the Director of Engineering and the Director of Administration have played a crucial role in ensuring the District's smooth operation during this unusually high rainfall season, offering unwavering support to the District Manager. Their commitment to upholding the District's goals and objectives is evident in their implementation of regulations, policy development and enforcement, execution of initiatives, and efficient management of staff and work assignments. Considering their exceptional performance and to maintain equitable internal relationships and adhere to the Compensation Policy, it is warranted to provide a 5.5% cost-of-living adjustment for the unrepresented employees.

Motion by/Second by: Page/Moore to adopt Resolution 23.06.09, amending the compensation plan for unrepresented employees. Motion passed unanimously.

22. Strategic Plan and Objectives for Fiscal Year 2023-2024. Adopt the Annual Objectives and Action Items for Fiscal Year 2023-2024. District Manager reported that the District management conducted meetings to review achievements, studies, work plans, and policies. The resulting review and long-range goals formed the foundation for preparing proposed objectives and action

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items for Fiscal Year 2023-2024. The objectives include migrating the permitting system, organizing network files, improving business processes, responding to heavy rain impacts, enhancing training, and implementing Merit System Rules changes.

Motion by/Second by: Moore/Page to adopt the Annual Objectives and Action Items for Fiscal Year 2023-2024. Motion passed unanimously.

Directors' Items

23. Directors' reports, announcements, and questions. Director Furtado gave a report about CASA Conference to be held in August 2023, and announced that he will attend the conference. His alternate will attend the August Board of Directors meeting.
24. District Manager's report. The District Manger thanked the Board of Directors for the opportunity to serve the District for another five years. The Members of the Board of Directors are invited to the employee's recognition event to be held in July, date has not been determined. Board Members will receive an invitation and are encouraged to attend the event and meet the employees.

Adjournment

25. There being no further items of business, the meeting was adjourned at 6:21 p.m. The next Board Meeting is scheduled for August 9, 2023, at 5:00 p.m., at the District Office.

Signature on File

ROWENA TURNER, CHAIRPERSON

Attest:

Signature on File

Secretary