

MINUTES OF THE REGULAR MEETING
OF THE DISTRICT BOARD
MT. VIEW SANITARY DISTRICT
FEBRUARY 10, 2022

The District Board of the Mt. View Sanitary District convened a regular session of the Mt. View Sanitary District Board of Directors in a virtual meeting online via Zoom at <https://us02web.zoom.us/j/84451234567> on February 10, 2022, at 6:31 p.m.

1. ROLL CALL OF DIRECTORS

PRESENT: Directors Stanley R. Caldwell, and Gregory T. Pyka, Vice President Brian A. Danley, and President David P. Maggi
ABSENT: Director Melody LaBella
Also Present: STAFF –District Manager Lilia M. Corona, District Engineer Chris D. Elliott, CFO/Administrative Services Manager Denise D. Gray, Environmental Services Manager Stacey Ambrose, Board Secretary Stephanie L. Seregin, and District Legal Counsel J. Daniel Adams
PUBLIC: None

2. PUBLIC COMMENT

None

President Maggi pulled item 3G Virtual Meetings from the Consent Calendar for Board discussion.

G. VIRTUAL MEETINGS - CONSIDER ADOPTION OF RESOLUTION NO.1547-2022
AUTHORIZING THE DISTRICT TO CONTINUE TO CONDUCT VIRTUAL BOARD
AND COMMITTEE MEETINGS

District Counsel Dan Adams reported the issue for discussion is whether to return to in-person meetings or continue meeting virtually. It has recently been announced that the current County Covid Restrictions regarding masks will expire effective February 16, 2022, and not be extended. Specifically, according to the Contra Costa County website, the county will lift the local

indoor masking order on February 16, 2022. After the local masking order is lifted, people who aren't fully vaccinated will still need to wear masks in indoor public settings under the State of California's face covering order which remains in effect after February 16th.

By consensus, the Board of Directors determined they wish to continue meeting virtually.

It was moved by Director Pyka, seconded by President Maggi, to adopt Resolution No. 1547-2022, authorizing the District to continue to conduct Virtual Board and Committee meetings.

Motion carried by the following vote:

AYES:	Directors Caldwell, and Pyka, Vice President Danley, and President Maggi
NOES:	None
ABSENT:	Director LaBella
ABSTAIN:	None

3. CONSENT CALENDAR

- A. APPROVE THE MINUTES OF THE JANUARY 12, 2022 SPECIAL BOARD MEETING
- B. APPROVE THE MINUTES OF THE JANUARY 13, 2022 REGULAR BOARD MEETING
- C. RATIFY APPROVAL OF GENERAL FUND 3409 CHECK NUMBERS 59124 THROUGH 59176 DATED JANUARY 11, 2022
- D. RATIFY APPROVAL OF GENERAL FUND 3409 CHECK NUMBERS 59177 THROUGH 59222 DATED JANUARY 27, 2022
- E. RATIFY APPROVAL OF CAPITAL OUTLAY FUND 3412 PAYMENT ORDER NUMBERS 3060 THROUGH 3063 DATED JANUARY 11, 2022
- F. RATIFY APPROVAL OF CAPITAL OUTLAY FUND 3412 PAYMENT ORDER NUMBERS 3064 THROUGH 3065 DATED JANUARY 27, 2022

It was moved by Director Pyka, seconded by Vice President Danley, to approve Consent Calendar Items 3A to 3F.

Motion carried by the following vote:

AYES:	Directors Caldwell, and Pyka, Vice President Danley, and President Maggi
NOES:	None
ABSENT:	Director LaBella
ABSTAIN:	None

4. NEW BUSINESS

A. POLICIES: CUSTOMER RELATIONS & PUBLIC COMPLAINTS, INFORMATION TECHNOLOGY & ELECTRONIC COMMUNICATION, SOCIAL MEDIA & WEBSITE, PUBLIC RECORDS ACCESS

1. REPORT FROM STAFF

District Manager Corona reported that policy review and revision is intended to bring the District practices in line with industry best practices and Federal and State law and streamline processes to increase efficiency and effectiveness. Therefore, the following policy revisions are recommended.

1030 – Customer Relations and Public Complaints - the subjects of Customer Relations and Public Complaints were combined into one policy. Section numbers were removed, language regarding polite, courteous, prompt, and attentive attitude toward every customer, vendor, or contractor was added.

2700 – Information Technology and Electronic Communication – policy name was changed, section numbers were removed, and the policy was simplified.

2710 – Social Media & Website - Policy & Procedure 3600 – Website was combined with Social Media in Policy & Procedure 2710 – the section numbers were removed, only authorized individuals may post to District website or social media sites, and guidance for deletion of inappropriate social media postings was added.

3600 – Policy & Procedure 3600-Website - is recommended for deletion.

3320 – Public Records Access - section numbers were removed, and internal procedures simplified.

2. CONSIDER ADOPTION OF A MOTION APPROVING POLICIES AND PROCEDURES:

- a. 1030 – CUSTOMER RELATIONS & PUBLIC COMPLAINTS
- b. 2700 – INFORMATION TECHNOLOGY & ELECTRONIC COMMUNICATION
- c. 2710 – SOCIAL MEDIA & WEBSITE
- d. 3320 – PUBLIC RECORDS ACCESS

3. CONSIDER ADOPTION OF A MOTION DELETING POLICIES AND PROCEDURES 3600 – WEBSITE, WHICH WAS CONSOLIDATED TO 2710 – SOCIAL MEDIA & WEBSITE

It was moved by Director Caldwell, seconded by Vice President Danley, to adopt a motion approving Policies and Procedures 1030 – Customer Relations and Public Complaints, 2700 – Information Technology and Electronic Communication, 2710 – Social Media & Website, 3320 – Public Records Access; and, delete Policy & Procedure 3600-Website.

Motion carried by the following vote:

AYES:	Directors Caldwell, and Pyka, Vice President Danley and President Maggi
NOES:	None
ABSENT:	Director LaBella
ABSTAIN:	None

**B. CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
ANNOUNCEMENT OF UPCOMING SPECIAL DISTRICT VACANCY'S ON
LAFCO, CALL FOR NOMINATIONS AND FOR NAMES OF VOTING DELEGATES**

1. REPORT FROM STAFF

District Manager Corona reported that LAFCO advised all independent special districts that the terms of two Special District Members on

the Contra Costa Local Agency Formation Commission (LAFCO) will expire May 2, 2022. If the Board chooses to make a nomination, it must be accompanied by a resolution and transmitted to LAFCO by March 4, 2022. The alternate Special District seat is currently held by Director Stanley R. Caldwell, who is seeking reappointment

The Board is also being asked to review and update the District's representative and alternate representative on the Independent Special District Selection Committee (ISDSC), who can vote on behalf of the District.

A list of Independent Special Districts Selection Committee representatives provided by LAFCO identifies President Maggi as MVSD's Independent Special District Selection Committee (ISDSC) representative and Vice President Danley as the alternate ISDSC representative to vote on behalf of the District.

2. DISCUSS AND CONSIDER NOMINATION OF CANDIDATE(S) TO FILL ONE SPECIAL DISTRICT MEMBER REGULAR SEAT AND ALTERNATE SPECIAL DISTRICT SEAT ON CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION (LAFCO)
3. CONSIDER ADOPTION OF RESOLUTION NO. 1548-2022 NOMINATING A CANDIDATE TO FILL THE SPECIAL DISTRICT REGULAR SEAT AND/OR THE ALTERNATE SPECIAL DISTRICT SEAT ON LAFCO

It was moved by Vice President Danley, seconded by President Maggi, to adopt Resolution No. 1548-2022, nominating Director Stanley Caldwell to fill the Special District alternate seat on LAFCO.

Motion carried by the following vote:

AYES:	Directors Caldwell, and Pyka, Vice President Danley, and President Maggi
NOES:	None
ABSENT:	Director LaBella
ABSTAIN:	None

4. CONSIDER ADOPTION OF A MOTION DESIGNATING PRESIDENT MAGGI AS THE INDEPENDENT SPECIAL DISTRICT SELECTION COMMITTEE (ISDSC) REPRESENTATIVE AND ANOTHER MVSD DIRECTOR AS MVSD'S ALTERNATE TO THE LAFCO INDEPENDENT SPECIAL DISTRICT SELECTION COMMITTEE (ISDSC)

It was moved by Vice President Danley, seconded by Director Caldwell, to adopt a motion designating President Maggi as the Independent Special District Selection Committee (ISDSC) representative and Vice President Danley as MVSD's alternate to the LAFCO Independent Special District Selection Committee (ISDSC).

Motion carried by the following vote:

AYES:	Directors Caldwell, and Pyka, Vice President Danley and President Maggi
NOES:	None
ABSENT:	Director LaBella
ABSTAIN:	None

C. FISCAL YEAR 2021-2022 – 2ND QUARTER BUDGET REPORT

1. REPORT FROM STAFF

Administrative Services Manager Gray indicated her report represents the District's Fiscal Year 2021-2022 2nd Quarter budget review. Therefore, its focus is on the District's financial transactions from July 1, 2021, through December 31, 2021.

Ms. Gray reported that by December 31st, it is anticipated that each Fund should reflect expenditures of approximately fifty percent (50%) of the appropriated budget.

Ms. Gray stated the O&M Fund is on target. The Facilities Fund is under budget. Our Capital Fund is trailing with only ten percent (10%) spent in the second quarter, which is approximately eight percent (8%) more than the first quarter. The Debt Service Fund reflects interest paid on both the 2018 ISA (Installment Sales Agreement) and the 2021 IPC (Installment Purchase Contract).

In total, the District's Q2 expenditures are reasonable, with sixty-five percent (65.3%) of the budget remaining or approximately \$8M.

2. PROVIDE DIRECTION AS NECESSARY

The Board thanked Ms. Gray for her presentation.

D. ANNUAL REVIEW OF BOARD MEMBER COMPENSATION AND BENEFITS

1. REPORT FROM STAFF

District Manager Corona reported that Board Policy B-30 Board Member Compensation and Board Policy B-40 Board Member Benefits require the Board to conduct an annual public review of the Board Member's compensation and benefits. The review shall include all aspects of compensation and benefits, including but not limited to compensation for attendance at meetings, health care insurance costs, pension/deferred compensation, and expense reimbursements ("compensation/reimbursement"). This review will include consideration of the reasonableness of the compensation and benefits, whether they are in line with those of other Special Districts and whether any changes should be made.

2. REVIEW AND DETERMINE THE FOLLOWING:

- a) WHETHER THE DISTRICT'S CURRENT BOARD MEMBER COMPENSATION FOR EACH DAY'S ATTENDANCE AT MEETINGS AND/OR SERVICES RENDERED, BOARD MEMBER HEALTH CARE INSURANCE COSTS AND BENEFITS, BOARD MEMBER PENSION/DEFERRED COMPENSATION BENEFITS, AND BOARD MEMBER EXPENSE REIMBURSEMENTS ARE REASONABLE, IN LINE WITH THOSE OF OTHER SPECIAL DISTRICTS, AND WHETHER ANY CHANGES SHOULD BE MADE; AND,
- b) WHETHER THE DISTRICT'S CURRENT POLICY ON BOARD MEMBER PARTICIPATION ON "OTHER" BOARDS REQUIRES ANY CHANGE

Existing Board Member compensation is \$243.00 for each day's attendance at meetings of the Board, a Committee of the Board, or for each day's service rendered as a Director by request of the Board, not exceeding a total of six (6) days in any calendar month. Any approved change in Board Member Compensation shall be effective the following July 1.

1. PROVIDE DIRECTION AS NECESSARY OR, IN THE ALTERNATIVE, ADOPT A MOTION DECLARING THAT THE BOARD HAS CONDUCTED ITS ANNUAL REVIEW AND DETERMINED THAT THE CURRENT BOARD MEMBER COMPENSATION FOR EACH DAY'S ATTENDANCE AT MEETINGS AND/OR SERVICES RENDERED IS REASONABLE.

By consensus, the Board directed the District Manager to call for a public hearing in March to consider an increase to Board Member compensation by an amount proportionate to the change in CPI.

2. PROVIDE DIRECTION AS NECESSARY OR, IN THE ALTERNATIVE, ADOPT A MOTION DECLARING THAT THE BOARD HAS CONDUCTED ITS ANNUAL REVIEW AND DETERMINED THAT THE CURRENT BOARD MEMBER HEALTH CARE INSURANCE COSTS AND BENEFITS ARE REASONABLE.

The Board conducted its annual review and determined the current Board Member health care insurance costs and benefits are reasonable.

It was moved by Director Caldwell, seconded by President Maggi, to adopt a motion declaring that the Board has conducted its annual review and determined that the current Board Member health care insurance costs and benefits are reasonable.

Motion carried by the following vote:

AYES:	Directors Caldwell, and Pyka, Vice President Danley and President Maggi
NOES:	None
ABSENT:	Director LaBella
ABSTAIN:	None

3. PROVIDE DIRECTION AS NECESSARY OR, IN THE ALTERNATIVE, ADOPT A MOTION DECLARING THAT THE BOARD HAS CONDUCTED ITS ANNUAL REVIEW AND DETERMINED THAT THE CURRENT BOARD MEMBER PENSION/DEFERRED COMPENSATION BENEFITS ARE REASONABLE.

The Board conducted its annual review and determined the current Board Member pension/deferred compensation benefits are reasonable.

Director Caldwell made a motion, seconded by Vice President Danley, declaring that the Board has conducted its annual review and determined that the current Board Member pension/deferred compensation benefits are reasonable.

Motion carried by the following vote:

AYES:	Directors Caldwell, and Pyka, Vice President Danley and President Maggi
NOES:	None
ABSENT:	Director LaBella
ABSTAIN:	None

PROVIDE DIRECTION AS NECESSARY OR, IN THE ALTERNATIVE, ADOPT A MOTION DECLARING THAT THE BOARD HAS CONDUCTED ITS ANNUAL REVIEW AND DETERMINED THAT THE CURRENT BOARD MEMBER EXPENSE REIMBURSEMENT STANDARDS ARE REASONABLE.

The Board conducted its annual review and determined the current Board Member expense reimbursement standards are reasonable.

President Maggi made a motion, seconded by Vice President Danley, declaring that the Board has conducted its annual review and determined that the current Board Member expense reimbursement standards are reasonable.

Motion carried by the following vote:

AYES:	Directors Caldwell, and Pyka, Vice President Danley and President Maggi
NOES:	None
ABSENT:	Director LaBella
ABSTAIN:	None

4. PROVIDE DIRECTION AS NECESSARY OR, IN THE ALTERNATIVE, ADOPT A MOTION CONTINUING THE DISTRICT'S CURRENT POLICY ON BOARD MEMBER PARTICIPATION ON "OTHER" BOARDS.

The Board conducted its annual review and determined the current policy on Board Member participation on 'other' boards is reasonable.

President Maggi made a motion, seconded by Director Pyka, to adopt a motion continuing the District's current policy on Board Member participation on "other" boards.

Motion carried by the following vote:

AYES:	Directors Caldwell, and Pyka, Vice President Danley and President Maggi
NOES:	None
ABSENT:	Director LaBella
ABSTAIN:	None

5. DETERMINE IF THE BOARD WANTS TO INCREASE BOARD MEMBER COMPENSATION OR BENEFITS, AND IF SO, PROVIDE DIRECTION TO CALL FOR A PUBLIC HEARING ON THE MATTER.

By consensus, the Board directed the District Manager to call for a public hearing in March to consider an increase to Board Member compensation by an amount proportionate to the change in CPI.

E. SELECTION OF DISTRICT MANAGER'S EVALUATION REVIEW INSTRUMENT

1. REPORT FROM STAFF

District Manager Corona reported that the District Manager Employment Contract and Board Policy B-170 both provide that an annual evaluation of the Manager's performance be conducted by the Board.

Ms. Corona's recommendation is for the Board to conduct the Manager's Annual Evaluation during the Regular Board Meeting on April 14, 2022, agreeing to the use of the District Manager's Evaluation Form provided with this items staff report as the method of evaluation and adopting the evaluation process described on the document entitled "Proposed April 2022 District Manager's Evaluation Procedure".

2. CONSIDER ADOPTION OF A MOTION ACCEPTING THE DISTRICT MANAGER'S RECOMMENDATION TO CONDUCT THE MANAGER'S ANNUAL EVALUATION DURING THE REGULAR BOARD MEETING ON APRIL 14, 2022, AGREEING TO THE USE OF THE ATTACHED DISTRICT MANAGER'S EVALUATION FORM AS THE METHOD OF EVALUATION AND ADOPTING THE EVALUATION PROCESS DESCRIBED ON THE ATTACHED DOCUMENT ENTITLED "*PROPOSED APRIL 2022 DISTRICT MANAGER'S EVALUATION PROCEDURE*".

It was moved by Director Caldwell, seconded by Director Pyka, to adopt a motion accepting the District Manager's recommendation to conduct the Manager's annual evaluation during the Regular Board Meeting on April 14, 2022, agreeing to the use of the attached District Manager's evaluation form as the method of evaluation and adopting the evaluation process described on the attached document entitled "*Proposed April 2022 District Manager's Evaluation procedure*".

Motion carried by the following vote:

AYES: Directors Caldwell, and Pyka, Vice President Danley and President Maggi
NOES: None
ABSENT: Director LaBella
ABSTAIN: None

F. DESIGNATION OF LABOR NEGOTIATOR(S)

1. REPORT FROM STAFF

The District's Board of Directors may address the compensation of an unrepresented employee, such as the District Manager, in Closed Session under the labor negotiation provisions of the Brown Act. In order to do so, the Board must, prior to going into the Closed Session, hold an Open Public Session in which it identifies its designated negotiator(s).

Staff's recommendation is to appoint one or more members of the Board of Directors as your negotiator(s) for the purpose of negotiations with the District Manager regarding compensation. The Board may designate all members of the Board as negotiators

2. APPOINT ONE OR MORE MEMBERS OF THE BOARD OF DIRECTORS AS ITS NEGOTIATOR(S) FOR THE PURPOSE OF NEGOTIATIONS WITH THE DISTRICT MANAGER REGARDING COMPENSATION. THE BOARD MAY DESIGNATE UP TO ALL MEMBERS OF THE BOARD AS NEGOTIATORS

By consensus, the Board appointed President Maggi and Vice President Danley as labor negotiators representing the Board of Directors for the purpose of negotiations with the District Manager regarding compensation.

It was moved by Director Caldwell, seconded by President Maggi, to appoint President Maggi and Vice President Danley as its negotiators for the purpose of negotiations with the District Manager regarding compensation.

Motion carried by the following vote:

AYES: Directors Caldwell, and Pyka, Vice President Danley and President Maggi
NOES: None
ABSENT: Director LaBella
ABSTAIN: None

G. RATIFICATION OF H.R. 2467 COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT (CERCLA) EXEMPTION REQUEST FOR CLEAN WATER PUBLIC OWNED TREATMENT WORKS (POTWS) LETTERS

1. REPORT FROM STAFF

District Manager Corona reported that District Resolution, 1249-2010, authorizes the District Manager, under certain circumstances when time is of the essence and with the consent of the Board President, to prepare and distribute an official District Position on legislative and other matters of importance to the District. Resolution 1249-2010 requires that any such letter be brought before the Board of Directors for ratification at the next regularly scheduled Board meeting after its distribution.

Ms. Corona requests the Board adopt a motion ratifying the District's H.R. 2467 Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Exemption Request for Clean Water POTWs written to U.S. Senators Feinstein and Padilla.

2. CONSIDER ADOPTION OF MOTION RATIFYING THE DISTRICT'S H.R. 2467 COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT (CERCLA) EXEMPTION REQUEST FOR CLEAN WATER POTWS WRITTEN TO U.S. SENATORS FEINSTEIN AND PADILLA

It was moved by President Maggi, seconded by Vice President Danley, to adopt a motion ratifying the District's H.R. 2467 Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Exemption Request for Clean Water POTWS written to U.S. Senators Feinstein and Padilla.

Motion carried by the following vote:

AYES:	Directors Caldwell, and Pyka, Vice President Danley and President Maggi
NOES:	None
ABSENT:	Director LaBella
ABSTAIN:	None

5. REPORTS

R-1. DISTRICT MANAGER

District Manager Corona reported on the following items:

- COVID-19 Prevention Plan
- Republic Services Rate Increase
- Fiscal Year 2021-2022 2nd Quarter Performance Metrics

R-2. DISTRICT ENGINEER

His written report was referenced, and there were no questions.

R-3. CFO/ADMINISTRATIVE SERVICES MANAGER

Administrative Services Manager Gray referenced her written report and stated she would be happy to answer any questions. Director Caldwell thanked Ms. Gray again for her hard work on the budget, and President Maggi stated he was happy the District received the COVID-19 Fiscal Relief for Special Districts grant.

R-4. ENVIRONMENTAL SERVICES MANAGER

Environmental Services Manager Ambrose reported to the Board that the new Collections Maintenance Lead Keith Raynor was doing well in his new position and has been very proactive in working with the District's source control issues. In addition, Ms. Ambrose provided the Board with an update on the new NPDES permit.

R-5. WASTEWATER OPERATIONS MANAGER

None

R-6. DISTRICT LEGAL COUNSEL

District Legal Counsel Adams provided the Board with an update on the PICO Neighborhood Association Case; This California Voting Rights Act Case is under review by the California Supreme Court with no reported decision yet. Mr. Adams will continue to monitor the case and update the Board when a decision is published

R-7. BOARD SECRETARY

Board Secretary Seregin reminded the Board of the upcoming deadline to complete their ethics training.

R-8. DIRECTORS

R 8.01 DIRECTOR BRIAN A. DANLEY
None

R 8.02 DIRECTOR DAVID P. MAGGI
None

R 8.03 DIRECTOR GREGORY T. PYKA
None

R 8.04 DIRECTOR STANLEY R. CALDWELL
Director Caldwell provided updates on the following items:

- CSDA Meeting
- LAFCO Meeting

R 8.05 DIRECTOR MELODY LABELLA
Absent

6. COMMUNICATIONS

- A. BANK OF THE WEST MONTHLY STATEMENT
- B. LAIF MONTHLY STATEMENT
- C. LAIF QUARTERLY STATEMENT

7. FUTURE BOARD ITEMS

- A. REQUESTS AND DIRECTIVES FOR FUTURE MEETINGS

None

8. ADJOURNMENT

- A. THE NEXT SCHEDULED BOARD MEETING IS A REGULAR BOARD MEETING ON THURSDAY, MARCH 10, 2022 AT 6:30 P.M. THE NEXT MEETINGS ARE A PLANNING COMMITTEE MEETING ON FEBRUARY, 23, 2022 AT 1:00 P.M. AND A PERSONNEL COMMITTEE MEETING ON FEBRUARY, 24, 2022 AT 10:00 A.M.

President Maggi adjourned the meeting at 8:13 p.m. The next scheduled board meeting is a regular board meeting on Thursday, March 10, 2022 at 6:30 p.m. the next meetings are a Planning Committee meeting on

February, 23, 2022 at 1:00 p.m. and a Personnel Committee meeting on February 24, 2022 at 10:00 a.m.



Stephanie L. Seregin, Board Secretary