

**BAYSHORE SANITARY DISTRICT
MINUTES**

Regular Meeting of February 25, 2010

Opening of Meeting:

The meeting was called to order by President Gallagher at 7:01 P.M.

Roll Call:

Present: Gallagher, Quinteros, Rizzi, Swanbeck, Tonna
Absent: None
Staff: Clerk Landi, District Counsel Bakker, Maintenance Director Landi

Oral and Written Communications:

- (1) Communications from members of the public
None
- (2) Communications from members of the District Board and Staff
None
- (3) Acknowledgment of recent correspondence to the District

Copies were provided to the Board in their monthly meeting packet.

Consent Items: (Any member of the Board or the public can request that an item be removed from the consent agenda. If there are no objections all items are voted upon by one motion.)

- (4) Minutes of the Regular Meeting of January 28, 2010
- (5) Payment authorization for bills and compensation
- (6) Accept 1/31/10 monthly report on District's current financial status
- (7) Accept January, 2010 checking account statement reconciliation

A motion was made by Director Quinteros, seconded by Director Swanbeck and unanimously passed by voice vote to approve the Consent items which include payment by check numbers 4942-4956.

Board Reports – consideration of matters relating to:

- (8) President Gallagher

a. LAFCO: The meeting was February 17th. Preliminary Municipal Reviews for Redwood City, Belmont and San Carlos were to be considered. However, they were continued to the next meeting. San Mateo County asked for LAFCo to weigh in on consolidating ten separate sewer districts in the County. This request was made as the

result of the terms of a settlement agreement with Baykeepers. The districts are located all over the County so it would not be feasible to consolidate. Therefore, LAFCo denied the request. The Maintenance Director pointed out that the districts are already under one entity—San Mateo County—and each district has a different rate structure. The other business discussed was the appointment of a public member. Howard Jones is currently the public member but is not seeking reappointment.

b. CSDA: Met February 2nd. There was a vote to replace the former Chapter President. There were two candidates and the vote resulted in a tie. One candidate, Don Horsley, conceded resulting in the election of Ric Lohman of Granada Sanitary District.

(9) City of Daly City: Director Rizzi said the City has still not issued any information regarding the condominium project at the site of the former El Rancho Market.

(10) City of Brisbane: President Gallagher reported that she attended a CAG meeting and CAG Board meeting. The CAG meeting included a presentation on vapor intrusion. The CAG can't do much until the EIR is issued.

Staff Reports:

(11) **Maintenance Director** -- consideration of matters relating to:

a. Monthly report on District operations and maintenance: The monthly report is self explanatory. As reported in January, there was a problem with Pump #2. It was pulled for repair which was the first time since installation. The pump is now back in service and is operating very efficiently. The cost for the overhaul will be approximately \$10,000. Mr. Landi provided some specific information regarding the various parts of the pump and the problem experienced with Pump #2.

The District received a call from Daly City in regard to the paving on Carter Street. The bids were opened today and the successful contractor bid \$300.00 for each manhole. The District has 3-4 manholes within the project area. The work will be done under the City contract and the District will be billed.

The SFPUC has made several visits to the station recently in its attempt to figure out a second mechanism to measure flow. The Maintenance Director explained the new process in regard to readings taken on each Friday that enable the District Engineer to compute the measured vs. calculated flow. This has been done for two months and the difference is negligible. He said this seems to be a good double checking system.

(12) **District Engineer** – consideration of matters relating to: *(In the Engineer's absence the following information was taken from the monthly report.)*

a. Geosyntec - Brisbane Landfill: The District has received the Class 4 permit and associated fee. The permit cannot be issued until we receive a copy of their SFPUC permit.

- b. Tunnel Avenue sewer update: We submitted the results of our independent testing to the SFPUC and advised that we do not feel that further action is required.
- c. Kinder Morgan: The District has received the Class 4 permit and associated fee. The permit cannot be issued until we receive a copy of their SFPUC permit.
- d. Civtel – Class 4 permit: Have requested a schedule for the construction of the Bayshore gap tie-in.
- e. SFPUC – Carlyle Pump Station: The SFPUC requested plans giving the dimensions of the Carlyle Pump Station. Provided the plans as well as the results of the draw down test performed in July, 2006.
- f. January meter reading data: The computations were provided in the monthly report.
- g. Conflict of interest discussion: This was discussed at the January meeting. There seemed to be agreement that there would not be a conflict but a decision was deferred due to the absence of two directors. The Board came to consensus that Kennedy/Jenks providing services limited to hydro-geological studies for the City of Brisbane and/or Universal Paragon Corporation (UPC), does not pose a conflict of interest at this time. It is understood that Engineer Yeager would not personally be working on this project. The Board also agreed that should a conflict arise during the course of providing service re the hydro-geological study, that Mr. Yeager will continue to serve the District as District Engineer and if an engineer has to be replaced, it would be the engineer providing service to Brisbane and/or UPC.

(13) **District Counsel** – consideration of matters relating to:
No report

(14) **District Clerk** – consideration of matters relating to:

- a. SB 90/State Mandated Cost Program, Brown Act Reform – update: The Clerk said that she has reviewed the 34 page instruction booklet and determined that four forms are needed for each fiscal year claim. She has completed the 2005-06 claim but is waiting to hear from the State Controller to be assigned a claimant identification number.

Old Business:

(15) CWEA Conference 4/20-23 in Sacramento

The Maintenance Director reviewed the topics offered at various sessions. Director Tonna will attend the Conference.

New Business:

(16) Reports on other matters; no action will be taken

The Maintenance Director reported that there have been a flurry of settlements in suits filed by Baykeeper vs. various agencies and cities. It raises the question as to what the Regional Water Quality Control Board is doing relative to monitoring reported overflows. There was discussion about what Baykeeper appears to be using the settlement funds for and how those funds could be better spent by the entity to make system improvements. District Counsel said that there is language that allows private parties to enforce the Clean Water Act, receive settlements and have their attorney fees paid.

Closed Session:

- (17) Conference with Legal Counsel – existing litigation (Subdivision [a] of Section 54956.9)
Bayshore Sanitary District v. City & County of San Francisco, San Francisco
Public Utilities Commission: Case No. CGC 07-469434

The Closed Session began at 7:44 P.M. and ended at 8:01 P.M. No reportable action was taken during the Closed Session.

Adjournment:

A motion was made by Director Tonna, seconded by Director Swanbeck and passed to adjourn the meeting at 8:02 P.M. The next meeting is March 25, 2010.