

BAYSHORE SANITARY DISTRICT

MINUTES

Regular Meeting of May 27, 2010

Opening of Meeting:

The meeting was called to order by President Gallagher at 7:05 P.M.

Roll Call:

Present: Gallagher, Quinteros, Rizzi, Swanbeck, Tonna

Absent: None

Staff: Clerk Landi, District Counsel Bakker, Maintenance Director Landi and District Engineer Yeager

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 in the monthly meeting packet. The President acknowledged receipt of a letter from the SFPUC .

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 April 22, 2010
- (5) Payment authorization for bills and compensation
- (6) Accept 4/30/10 monthly report on District's current financial status
- (7) Accept April, 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 4989-5005.

Board Reports – consideration of matters relating to:

- (8) President Gallagher

a. LAFCO: At the May meeting preliminary Municipal Service Reviews and Sphere of Influence for Redwood City and miscellaneous districts was delayed. The FY 2010-11 Budget was adopted.

As a member of CalLafco, the Commission voted regarding a realignment—Coastal, Inland, Northern and Southern regions. There would be 16 elected directors. LAFCo Commission approved this change. The Alternate Public Commissioner, Linda Craig, was appointed as the sitting Commissioner. A new Alternate Public Commissioner must now be selected.

Paul Perkovic, Director on the Montara Water & Sanitary Board, commented that LAFCo should become independent and not be housed in County buildings. He also spoke about consolidation of cities.

In regard to the selection of the Special District Member, alternate David Altscher was nominated by all responding Districts except two.

b. CSDA: This month's meeting was held on May 4th.

(9) City of Daly City: There was a community meeting that included a presentation by Universal Paragon and the High Speed Rail Authority. High Speed Rail would like to have a maintenance facility in the Baylands area. During this presentation it was learned that such a maintenance facility would operate 24/7. The Baylands plan begins with work in the northern portion of the land. However, securing water for the development remains a problem.

(10) City of Brisbane: No report.

(11) CWEA Conference: Director Tonna reported that the Conference was very informative. The choice of seminars was very appropriate and he found them very interesting; there was no wasted time. He said that in talking with people he met, he learned that the consultants supporting the Board are very well thought of in their industries. The Maintenance Director said that one seminar was about flow meters and dye calibration testing for flow meters. There was another seminar by the West Valley Sanitary District in Santa Clara County regarding their program for cleaning laterals.

Staff Reports:

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

a. Monthly report on District operations and maintenance: The monthly report is self explanatory. There were no service requests, the Station is operating properly and the Board Room was been painted and the carpeting cleaned. Discussed the various calculations on the new monthly flow report and which data is used to double check the flow rate.

(13) **District Engineer** – consideration of matters relating to:

a. Brisbane Landfill (Universal Paragon/Geosyntec): They have submitted a request to renew their Class 4 industrial discharge permit. The initial permit was issued in 2007, reissued in 2009; however, discharge did not occur until August, 2009. An administrative decision was made that this was a temporary discharge and no entitlement fee was levied. Other construction dewatering and initial remediation site permits have been issued as temporary with no capacity entitlement charged. The applicant believes the permit will be needed for approximately 5 more years. Does that make it permanent? Their discharge is rather significant @9 gpm. The annual sewer service

charge will be approximately \$30,000.00. Based on the current rate structure, the entitlement fee would be \$222,000. The capacity stays with the property as long as the annual minimum charge is paid. There is no provision in the Ordinance Code for a temporary entitlement. Per Counsel, the fee is calculated based on the investment made by current users and new users are buying into the system. It is based on a system wide approach not on which portion of the system or facilities your discharge impacts. After further discussion, the Engineer and Counsel were directed to confer and report to the Board at the June meeting with their recommendation on how to proceed. The Engineer pointed out that Universal Paragon/Geosyntec have a valid permit from San Francisco and that they are fulfilling their monitoring and reporting requirements.

b. April meter reading data: Covered under Maintenance Director's report.

c. SFPUC Crystal Springs Pipeline No. 2 Replacement: Project plans and the permit fee were submitted in 2008. The Engineer requested changes; however, the changes have not been made. The SFPUC is advertising for bids and has requested the District sign a document indicating there are no known conflicts with the District's utilities. This cannot be done since they have failed to address the issues in our 2008 letter. We don't know if there are conflicts because there was not enough information provided. We cannot sign the letter until we receive sufficient information to make an informed decision.

d. Midway Village: We were contacted by an architect for the Housing Authority. They are planning to convert an existing laundry area into a meeting room with a kitchen. The flow from the kitchen area is likely much less than the flow from the laundry facilities; no fees were levied for the conversion. They will be charged for one additional living unit since there is really no change in usage.

e. Annual Sewer Service Charge Report: The Engineer has all the data and is beginning to finalize the report. The report is on target to be ready for the June meeting.

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

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

a. SB 90/State Mandated Cost Program, Brown Act Reform – update: Nothing to report.

b. Saddleback delinquencies – update on collection action: Two delinquencies have been paid and one property has gone into foreclosure. The Clerk sent a letter to the bank handling the foreclosure but doesn't believe that will result in payment. A small claims court action will be filed on the fourth property which has not paid their FY 2008-2009 or 2009-2010 sewer service charges.

Old Business:
None

New Business:

(16) Consideration of FY 2009-2010 audit provider

The Clerk was instructed to contact Fechter Company and ask that they submit a proposal to conduct the audit.

(17) Set Fiscal Year 2010-11 Budget study session

There was agreement to begin at 3:30 on June 24th with a budget workshop followed by a meal break and then reconvene for the regular meeting.

(18) Agreement for Compensation to County of San Mateo for Collection of Special Assessments

The Clerk reported that the fees proposed to collect sewer service charges on the tax rolls has not increased from FY 2009-2010. A was made by Director Swanbeck, seconded by Director Rizzi and unanimously passed by voice vote to approve the agreement.

(19) Reports on other matters: no action will be taken

None

Closed Session:

(20) 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 8:38 P.M. and ended at 8:45 P.M. No reportable action was taken.

Adjournment:

A motion was made by Director Quinteros, seconded by Director Swanbeck and passed to adjourn the meeting at 8:45 P.M. The next meeting is June 24, 2010 at 3:30 P.M.