

**DUBLIN SAN RAMON SERVICES DISTRICT**  
**MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS**

**September 3, 2019**

**1. CALL TO ORDER**

A regular meeting of the Board of Directors was called to order at 6 p.m. by President Misheloff.

**2. PLEDGE TO THE FLAG**

**3. ROLL CALL**

Boardmembers present at start of meeting:

President Madelyne A. (Maddi) Misheloff, Vice President Edward R. Duarte, Director Ann Marie Johnson, Director Richard M. Halket, and Director Georgean M. Vonheeder-Leopold.

District staff present: Dan McIntyre, General Manager; Michelle Gallardo, Human Resources & Risk Supervisor; Judy Zavadil, Engineering Services Manager/District Engineer; Jeff Carson, Operations Manager; Carl P.A. Nelson, General Counsel; and Nicole Genzale, Executive Services Supervisor/District Secretary.

**4. SPECIAL ANNOUNCEMENTS/ACTIVITIES**

New Employee Introductions:

Steven Anderson, Operator-in-Training  
Derrick Pearson, Operator-in-Training

**5. PUBLIC COMMENT (MEETING OPEN TO THE PUBLIC) – 6:04 p.m. No public comment was received.**

**6. REPORTS**

**6.A. Reports by General Manager and Staff**

- Event Calendar – General Manager McIntyre reported on the following:
  - A DSRSD/Central Contra Costa Sanitary District (Central San) Liaison Committee meeting will be held tomorrow, September 4, at Central San in Martinez.
- Correspondence to and from the Board on an Item not on the Agenda

<b>Date</b>	<b>Format</b>	<b>From</b>	<b>To</b>	<b>Subject</b>	<b>Response</b>
August 2019	Letter	Zone 7 Water Agency Director Sarah Palmer	President Misheloff	Candidacy Information for Association of California Water Agencies Election	N/A
8/20/19	Letter	Michele Levine, Government Finance Officers Association	President Misheloff	Certificate of Achievement for 2018 Comprehensive Annual Financial Report	N/A

6.B. Joint Powers Authority and Committee Reports  
LAVWMA – August 21, 2019

President Misheloff invited comments on recent JPA activities. Directors felt the available staff reports adequately covered the many matters considered at the JPA meeting and made a few comments about some of the JPA activities.

6.C. Agenda Management (consider order of items) – No changes were made.

7. CLOSED SESSION

At 6:07 p.m. the Board went into Closed Session.

7A. Conference with Legal Counsel – Anticipated Litigation  
Significant Exposure to Litigation Pursuant to Government Code Section 54956.9(d)(2):  
Two Potential Cases

Engineering Services Manager Zavadil exited Closed Session Item 7.A at 6:15 p.m.

8. REPORT FROM CLOSED SESSION

At 6:21 p.m. the Board came out of Closed Session. President Misheloff announced that there was no reportable action.

9. CONSENT CALENDAR

Director Vonheeder-Leopold MOVED for approval of the items on the Consent Calendar. Vice President Duarte SECONDED the MOTION, which CARRIED with FIVE AYES.

9.A. Regular Meeting Minutes of August 6, 2019 – Approved

9.B. Accept Regular and Recurring Report: Warrant List – Approved

10. BOARD BUSINESS

10.A. Approve Continuation of Emergency Action Procurement by General Manager for Repair of the District Office and Find that the Need for the District Office Flooding Emergency Still Exists

Engineering Services Manager Zavadil reviewed the item for the Board and described some of the planned repairs and renovations.

Director Johnson MOVED to Approve Continuation of Emergency Action Procurement by General Manager for Repair of the District Office and Find that the Need for the District Office Flooding Emergency Still Exists. Director Halket SECONDED the MOTION, which CARRIED with FIVE AYES.

10.B. Approve Continuation of Emergency Action Procurement by General Manager for Repair of the Jeffrey G. Hansen Water Recycling Plant and Find that the Need for the Electrical Power Supply Failure Emergency Still Exists

Operations Manager Carson reviewed the item for the Board.

Director Vonheeder-Leopold MOVED to Approve Continuation of Emergency Action Procurement by General Manager for Repair of the Jeffrey G. Hansen Water Recycling Plant and Find that the Need for the Electrical Power Supply Failure Emergency Still Exists. Vice President Duarte SECONDED the MOTION, which CARRIED with FIVE AYES.

10.C. Discuss Candidates' Statement Costs Policy and Provide Direction

Executive Services Supervisor/District Secretary Genzale reviewed the item for the Board. She further explained the May 2020 deadline for adopting a revised policy, as the policy accompanies the Board's June 2020 resolution to consolidate its November 2020 area-based election with Alameda and Contra Costa Counties.

Director Vonheeder-Leopold stated she objected to the statement in the background information included in the Summary and Recommendation "...the Board determined that the public interest best be served by transitioning to an area-based election system ...", as she does not believe this transition was in the best interest of the District's constituents, however, she did agree that taking this course of action "...avoiding the risks and costs of defending a CVRA lawsuit." was in the public's best interest.

The Board determined the candidate's statement cost should be equal for candidates in all divisions, regardless if the division represents one or two counties. The Board directed staff to prepare a revised policy for the Board's approval specifying that candidates who file a candidate statement will be required to pay a deposit of \$250 to the first, and, perhaps only county his/her division represents, and \$0 to the second county, if the division represents both counties. The District would coordinate with both counties to ensure candidates are charged correctly per the revised policy, and would be responsible for any remaining costs charged by the counties.

10.D. Adopt Revised Day of Service Policy and Rescind Resolution No. 52-16

Executive Services Supervisor/District Secretary Genzale reviewed the item for the Board.

Director Vonheeder-Leopold advised that she serves on the Alameda LAFCO (Local Agency Formation Commission) Board of Directors and is compensated by LAFCO for her service. The Board directed staff to add language to the policy clarifying that the District would not pay duplicative day of service compensation to Directors for activities, such as serving on the LAFCO Board of Directors, paid to the Director by another agency. The Board also discussed and agreed with the acceptable written report options, and requested staff clarify language regarding neighborhood meetings hosted at the wastewater treatment plant.

Director Halket MOVED to adopt Resolution No. 36-19, Revising the Day of Service Policy, and stated staff has authority to make necessary revisions prohibiting duplicative day of service compensation for activities paid for by another agency, such as LAFCO, and

*Rescinding Resolution No. 52-16.* Vice President Duarte SECONDED the MOTION, which CARRIED with FIVE AYES.

10.E. Discuss Day of Service Compensation and Provide Direction

General Manager McIntyre reviewed the item for the Board.

The Board agreed the day of service compensation should be reasonably increased after being at a reduced rate for eight years, and noted the new amount would help to attract qualified Board candidates. The Board also discussed and compared DSRSD's current day of service rate to current rates at neighboring water and sanitation agencies, and noted that DSRSD is the only agency that handles both water and wastewater lines of service.

General Counsel Nelson advised that should the Board direct staff to proceed with preparation of an ordinance to formally consider an increase, a public hearing with appropriate public noticing would be required ahead of such consideration. The new day of service compensation would become effective 60 days after adoption of said ordinance.

Director Vonheeder-Leopold MOVED to Direct Staff to Present an Ordinance to Propose an Increase in Compensation Paid to Directors and Set Compensation at \$200 per Day of Service. Vice President Duarte SECONDED the MOTION. Director Vonheeder-Leopold stated she intended the proposed increase would remain "flat" going forward, without the allowable 5% increase each year, thereafter. The Board took no action on the motion.

Director Halket made a substitute motion, and MOVED to Direct Staff to Present an Ordinance to Propose an Increase in Compensation Paid to Directors and Set Compensation at \$185 per Day of Service. Director Johnson SECONDED the MOTION, which FAILED with TWO AYES (Duarte, Halket), TWO NOES (Misheloff, Vonheeder-Leopold), and ONE ABSTENTION (Johnson).

President Misheloff MOVED to Direct Staff to Present an Ordinance to Propose an Increase in Compensation Paid to Directors and Set Compensation at \$195 per Day of Service. Director Halket SECONDED the MOTION, which CARRIED with FOUR AYES, and ONE ABSTENTION (Johnson).

10.F. Receive and Review Progress Report on the Strategic Plan for Fiscal Years Ending 2018 and 2019

General Manager McIntyre reviewed the item for the Board. The Board inquired about the District's ability to respond to emergencies and maintain business continuity (Strategic Goal #5) given displacement from the District Office (primary administrative offices and emergency command center location). Mr. McIntyre reported the necessary information technology "backbone" already exists and was proven successful in supporting operations for the emergency relocation to the Field Operations Facility, in Pleasanton, when the District Office flood occurred last November. One current drawback is the District's increased distance, and separation by freeway, from the cities of Dublin and San Ramon should a larger-scale emergency occur. The Board did not have further questions.

11. BOARDMEMBER ITEMS

- Submittal of Written Reports for Day of Service Events Attended by Directors

President Misheloff submitted a written report to Executive Services Supervisor/District Secretary Genzale. She reported that she attended the annual California Association of Sanitation Agencies (CASA) conference August 21–23, 2019 in San Diego. She summarized the activities and discussions at the conference.

Director Vonheeder-Leopold submitted written reports to Executive Services Supervisor/District Secretary Genzale. She reported that she attended the CASA Board of Directors teleconference meeting on August 8, the California Special Districts Association Alameda Chapter Executive Committee meeting on August 14 at the Castro Valley Sanitation District in Castro Valley, and the CASA annual conference August 21–23, 2019 in San Diego. She summarized the activities and discussions at the meetings. Based on sessions she attended at the CASA conference, she requested the following:

- Staff provide the Board with information regarding per- and polyfluoroalkyl substances (PFAS) pollutants
- Staff explore obtaining recycled water supply from breweries and storm water.

General Manager McIntyre stated staff plans to present information regarding PFAS to the Board this fall, and reported that storm water has been researched, but staff will look into the possible brewery supply alternative.

Director Johnson submitted a written report to Executive Services Supervisor/District Secretary Genzale. She reported that she attended the LAVWMA Board meeting on August 21, 2019. She summarized the activities and discussions at the meeting.

- Request New Agenda Item(s) Be Placed on a Future Board or Committee Agenda – None

12. CLOSED SESSION

At 7:21 p.m. the Board went into Closed Session.

12.A. Public Employee Performance Evaluation Pursuant to Government Code Section 54957  
Title: General Manager

13. REPORT FROM CLOSED SESSION

At 7:33 p.m. the Board came out of Closed Session. President Misheloff announced that there was no reportable action.

14. ADJOURNMENT

President Misheloff adjourned the meeting at 7:33 p.m.

Submitted by,

Nicole Genzale, CMC  
Executive Services Supervisor/District Secretary