

**LAVWMA**  
**Livermore-Amador Valley Water Management Agency**  
**Minutes**

**Special Meeting of Board of Directors**

**Wednesday, February 15, 2023**

**Pursuant to AB 361, this was a web meeting available to participants and the public through the following link: <https://us02web.zoom.us/j/89962740578>**

**6:00 p.m.**

**1. Call to Order**

Chair Julie Testa called the meeting to order at 6:00 p.m.

**2. Pledge of Allegiance**

The Pledge of Allegiance, led by Director Goel, was recited.

**3. Roll Call**

Board Members Present: Chair Julie Testa; Vice Chair Bob Carling; and Directors Arun Goel, Ann Marie Johnson, and Jeff Nibert

Staff Present: General Counsel Alexandra Barnhill, Treasurer Carol Atwood, DSRSD Operations Director Jeff Carson, DSRSD Administrative Assistant Sheree Davis, Livermore Water Resources Manager Anthony Smith, and General Manager Chuck Weir

Others: Livermore City Council Member Evan Branning; Ryan Gunstream, Noresco

**4. Order of Agenda/Acknowledgement of Posting**

Item No. 7, Annual Board Rotation – Elect Chair and Vice Chair for the Reminder of FY2022/23 and for FY2023/24 was removed from the agenda. It was decided to consider the Annual Board Rotation at the May 17, 2023 meeting.

**5. Comments from the Public**

There were no comments from the public.

**6. Consent Calendar**

- a. Board Meeting Minutes for the November 16, 2023 meeting.
- b. Consider Adopting a Resolution Authorizing Continued Remote Teleconference Meetings of the Legislative Bodies of the Livermore-Amador Valley Water Management Agency Pursuant to Brown Act Provisions

**Vice Chair Carling motioned, seconded by Director Goel, to approve Consent Calendar**

**Item Nos. 6.a and 6.b.**

There were no comments from the public. The Motion passed unanimously (5 – 0) by a roll call vote.

**7. Annual Board Rotation**

This item was not discussed and will be considered at the May 17, 2023 meeting.

## **8. Establish Protocols for Future Meetings**

General Counsel Barnhill outlined the options for future meetings. There are three primary options:

1. Adopt a protocol consistent with AB2449, allowing remote participation. A Zoom link would need to be provided for every meeting to allow remote participation by Directors and the public. The procedures are nuanced and compliance will require legal guidance.
2. Return to in person only meetings similar to what was done prior to COVID. Hand sanitizer is routinely available. Adequate social distancing will also be available when we return to the DSRSD Board meeting room. Masking would be at the discretion of each individual attending the meeting, unless otherwise directed by the Board.
3. Return to in person meetings but allow remote participation via traditional teleconference and/or AB 2449 on a limited basis subject to prior coordination with General Manager and General Counsel to ensure applicable requirements can be satisfied.

Board members discussed their preferences individually. Directors Goel, Johnson, Nibert, and Vice Chair Carling preferred a variation of Option No. 2, above, allowing remote teleconference participation pursuant to the Brown Act. Chair Testa preferred having the option to meet remotely but would support the direction of the Board.

**Director Johnson motioned, seconded by Vice Chair Carling to return to in person meetings like before COVID and that only remote phone participation would be allowed per the Brown Act.**

There were no comments from the public. The Motion passed unanimously (5 – 0) by a roll call vote.

## **9. Financial Reporting for the Fiscal Year Ending June 30, 2023**

Treasurer Atwood provided a summary of the second quarter financial report for the Fiscal Year Ending June 30, 2023. She noted that all expenses are tracking normally. A few items that are paid early in the year, such as the EBDA semiannual invoice and insurance are tracking high but will balance out by the end of the year. O&M expenses are at 42% of budget. She also reported on two additional items. The first item is the portfolio summary which now includes two T-Bills purchased through LAVWMA's new account at Charles Schwab. The interest rate for the quarter is 2.92% and will be significantly higher next quarter since the T-Bills were only recently purchased.

The second item is that there is an RFP out for a new audit firm for both LAVWMA and DSRSD. The issue of a new audit firm has been discussed with the Board over the past few meetings. The selection process was approved by both the Chair and Vice Chair. The RFP was sent to ten firms in the northern California. The responses are due February 20, 2023 and a recommendation will go to the DSRSD Board on March 7, 2023. The results of the selection process will be presented to the Board at the May 17, 2023 meeting.

This was an information item only requiring no action by the Board.

## **10. Resolution Adopting a Conflict of Interest Code for the Livermore-Amador Valley Water Management Agency and Rescinding the Prior Conflict of Interest Code**

The Conflict of Interest Code was last approved by the Board in August 2016 and was amended by the Fair Political Practices Commission (FPPC) in 2018. The FPPC recommends reviewing the code every five years. The current code is in compliance, but needs to be amended to add the recently approved position of Assistant Treasurer. That is the only change that is being recommended.

**Vice Chair Carling motioned, seconded by Director Goel to approve the Resolution Adopting a Conflict of Interest Code for the Livermore-Amador Valley Water Management Agency and Rescinding the Prior Conflict of Interest Code.**

There were no comments from the public. The Motion passed unanimously (5 – 0) by a roll call vote.

**11. LAVWMA Quarterly Report of Operations, 2nd Quarter, FY2022-2023**

General Manager Weir provided an overview of the report and noted the various charts showing pump performance, electrical usage, and maintenance activities. DSRSD Operations Director, Jeff Carson, provided an overview of operation of the pump station during the series of storms at the end of December 2022 and the beginning of January 2023. There were no issues and flow through EBDA was normal. This was an information item only requiring no action by the Board.

**12. Project Status Reports – Motor Control Center Replacement Project, Purchase of Three Vertical Turbine Pumps, and the San Leandro Sample Station Improvements Project**

General Manager Weir noted that the Notice of Completion for the Motor Control Center Replacement Project has been recorded by the County and the final payment has been made to the contractor, Royal Electric. One warranty item was addressed within 24 hours. This project is now officially completed.

The pump order from Trillium is now due to be shipped May 31, 2023. That date has not changed in the last few months. A date for witness testing prior to shipment still needs to be scheduled.

The San Leandro Sample Station is proceeding. The front end specifications, with the exception of the schedule, have been completed. There were some issues regarding pedestrian traffic in the neighborhood that needed to be resolved with the City of San Leandro and the Homeowners Association. Final technical plans and specifications are expected from the design consultant HydroScience within the next few weeks. The final bid packet should be issued before the end of March 2023. A recommendation for award of the project to a contractor through the competitive bid process is expected to be presented to the Board at the May 17, 2023 meeting.

This was an information item only requiring no action by the Board.

**13. Project Status Reports – Review of Options to Address PG&E Electrical Service Reliability and Photo Voltaic / Battery Storage Options**

General Manager Weir Provided a summary of the issues related to PG&E electrical service reliability, including the fact that the second feeder is no longer capable of carrying the entire load of the pump station. As a result, options that are being considered include the following: 1) managing flows using existing storage at the pump station and treatment plants; 2) asking PG&E

to restore the second feeder to its original capacity; 3) purchase of a standby generator; 4) lease of a standby generator during periods of high flow; 5) working with the Regional Board to modify the permit to address these issues; and 6) a combination of these options. The most viable option at this time appears to be both item numbers 2 and 4.

A letter will be sent to appropriate parties at PG&E identifying the history of the capacity of the second feeder and the impacts this lack of capacity have on LAVWMA's ability to pump flows as well as the associated regulatory risk. It is unknown if there will even be a response from PG&E, much less the cost and schedule. Even if this option is viable, interim steps need to be taken to address pumping issues. During the recent storms, after much evaluation and discussion, General Manager Weir and Operations Director Carson decided to rent a 2MW generator for a one month period at a cost of \$48,000. This effort served both as evidence of a proactive approach as well as a proof of concept for renting a generator. Renting the generator also required renting a transformer and significant effort by DSRSD's electrical staff to make the proper connections. It has been determined that for the rental option to be productive a permanent transformer and connection modifications are necessary to improve safety as well as the time necessary to make the generator operational. The generator option was successfully tested and the unit operated three 500 HP pumps at a flow rate of over 19 MGD, which coincidentally is very close to the uninterruptible capacity with East Bay Dischargers Authority of 19.72 MGD. Additional information is still being gathered and a recommendation for a capital project may be presented to the Board for consideration at the May 17, 2023 meeting.

The General Manager also provided an update on the photo voltaic / battery storage option. As noted in the report from the Electrical Consultant, DTN Engineers, the battery storage option is not viable, but the solar panel option has the potential to offset close to 40% of the total energy consumption. The company that had been working with LAVWMA has opted to not provide a formal proposal. As a result, LAVWMA will likely issue its own RFP for a solar project. Issues regarding location are still being resolved with DSRSD. Additional information and a possible project recommendation will be presented to the Board at the May 17, 2023 meeting.

Member of the public Ryan Gunstream, Noresco, spoke on behalf of his company noting that they have many years of assisting public agencies address the same issue LAVWMA is facing through a design-build process. General Manager Weir expressed skepticism regarding that approach for LAVWMA but indicated he is willing to have further discussions.

This was an information item only requiring no action by the Board.

#### **14. Resolution Designating Authorized Representatives for FEMA and California OES Disaster Assistance**

General Manager Weir explained that following a significant disaster, such as a major earthquake, funding may become available from the state and federal governments. On a federal level the lead agency is the Federal Emergency Management Agency (FEMA); and the state counterpart is the California Office of Emergency Services (Cal OES). Official designees must be named through Board resolution in order to file the necessary paperwork for disaster relief. The resolution must be reapproved every three years and was last approved in 2019. The three positions named in the resolution are the LAVWMA General Manager, DSRSD Operations Director and LAVWMA General Counsel.

**Director Johnson motioned, seconded by Director Nibert, to approve a Resolution Designating Authorized Representatives for FEMA and California OES Disaster Assistance.**

There were no comments from the public. The Motion passed unanimously (5 – 0) by a roll call vote.

**15. Update and Response to Various Legal and Legislative Issues**

General Manager Weir provided an overview of the January 2023 updates from CASA and BACWA. These documents provide information related to all the regulatory issues facing wastewater treatment agencies, including nutrients, PFAS, and collection systems. General Counsel Barnhill noted that the legislature has been quiet but she expects there will be many bills of interest to report on at the next meeting.

This was an information item only requiring no action by the Board.

**12. General Manager's Report**

General Manager Weir highlighted several areas of his report, including asset management, succession planning, capital projects, and PG&E usage. The most recent PG&E bill was for \$293,000 due to the extreme wet weather events. DSRSD continues to do a great job in minimizing demand charges. Despite DSRSD's efforts, approximately \$40,000 of the month's total was due to the fact that DSRSD staff are now forced to keep the basins as low as possible in order to be ready for potential PG&E outages. This was an information item only requiring no action by the Board.

**13. Matters From/For Board Members**

There were no items from Board members.

**14. Next Regular Board Meeting, Wednesday, May 17, 2023 at 6:00 p.m.**

The next Board meeting will be held in person at DSRSD's Board Room.

There were no comments from the public.

**21. Adjournment**

There being no further action, Chair Testa adjourned the meeting at 7:35 p.m.

Minutes Approved by the Board May 17, 2023.

DocuSigned by:

Charles V. Weir

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Charles V. Weir  
General Manager