

LAVWMA
Livermore-Amador Valley Water Management Agency
Minutes
Regular Meeting of Board of Directors
Wednesday, May 16, 2018
Dublin San Ramon Services District Board Room
7051 Dublin Boulevard, Dublin, California
6:00 p.m.

1. Call to Order

Chair Bob Woerner called the meeting to order at 6:00 p.m.

2. Pledge of Allegiance

3. Roll Call

Board Members Present: Chair Woerner, Directors Duarte, Misheloff, Olson, and Pentin

Board Members Absent: Marchand

Staff Present: General Counsel Alexandra Barnhill, General Manager Chuck Weir, Treasurer Carol Atwood, Administrative Assistant and Recording Secretary, Sue Montague

Staff Absent: None

Others Present: Jeff Carson, DSRSD; Helen Ling, City of Livermore;

4. Order of Agenda

There were no changes to the order of the agenda.

5. Comments from the Public

There were no comments from the public.

6. Consent Calendar

- a. Minutes of February 21, 2018 LAVWMA Board Meeting

Director Misheloff motioned, seconded by Director Pentin to approve Consent Calendar Item Nos. 6.a.

The Motion passed unanimously (5-0).

7. Annual board Rotation – Elect Chair and Vice Chair for FY2018/19

Mr. Weir explained that if the current rotation was followed that the next Chair would be from DSRSD and the next Vice Chair would be from Pleasanton. The new terms will commence July 1, 2017.

Director Olson nominated Vice Chair Misheloff for Chair and Director Pentin for Vice Chair, seconded by Director Duarte.

Vice Chair Misheloff was unanimously elected as Chair and Director Pentin was unanimously elected as Vice Chair for the period July 1, 2018 - June 30, 2019 (5-0).

8. Financial Reporting for the Fiscal Year Ending June 30, 2018

Ms. Atwood provided a summary of the financial statements for the period ending June 30, 2018. She noted that all items are tracking as expected through the third quarter of the year. This was an information item requiring no action by the Board.

9. LAVWMA Quarterly Reports of Operations, 3rd Quarter, FY2017-2018

The Board reviewed the Report. Director Misheloff asked about the high expenses for professional services. The General Manager responded that he had the same question and obtained detail on the expenses from DSRSD accounting staff. He determined that several items, including the rebuild of two motors, replacement of the street lights at the pump station, and replacement of the main breakers at the pump station should have been charged to the joint use replacement fund. This has been corrected and will be reflected in the next report.

Chair Woerner asked about staff efforts to control the pump operation to improve energy efficiency. Jeff Carson explained the history of manual versus automatic control of the pumps and how staff continues to fine tune the system to result in the lowest electrical costs possible.

The Board was informed of a possible enforcement action by the Regional Water Board as a result of the discharge from the San Leandro Sample Station (SLSS) to San Lorenzo Creek. Staff will be meeting with Water Board officials in late June 2018. Changes made to ensure this incident will not occur in the future include increased staffing and replacement of the SCADA system at the SLSS.

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

10 Proposed Operating and Capital Budget for Fiscal Year 2018/19

The General Manager provided an overview of the operating and capital budget. The operating budget is 2% less than last year based on actual expenses for FY2017/18. The overall budget is an increase of 35% over last year due to plans to pay off the EBDA debt. This onetime expense will save at least \$800,000 in interest. All member agencies are in support of this action.

Staff also discussed a meeting with Alameda County Public Works Agency (ACPWA) that could result in ACPWA using LAVWMA effluent during wet weather to remove sediment from Don Castro Reservoir. There is also a possibility that brine from advanced treatment could be discharged through this system to marsh projects along the edge of the Bay. ACPWA is looking for grant funds to assist in the development of this project. Staff will continue to keep the Board informed as this project progresses.

Chair Woerner asked about the spread between estimated versus actual costs in the chart included in the budget document. He noted that the spread is very consistent and asked if it could

be tightened up. Staff replied that it would look closely at future estimates.

Director Misheloff motioned, seconded by Director Olson to approve the Proposed Operating and Capital Budget for Fiscal Year 2018/19.

The motion passed unanimously (5-0).

11. Update and Response to Various Legal and Legislative Issues

The General Manager and General Counsel updated the Board on legislation of interest. LAVWMA sent an “oppose” letter for SB 831. The bill has now been amended to allow water and sanitary districts to collect connection and capacity fees for certain accessory dwelling units. The bill still prohibits the collection of impact fees which will be detrimental to other public agencies.

General Counsel updated the Board on a California Supreme Court decision (*Dynamex Operations West, Inc. v. Superior Court of Los Angeles*) adopting an “ABC” test for determining whether a worker is an employee or an independent contractor, which has the practical effect of limiting the use of independent contractors by California employers. The most problematic element of the test is part “B”, wherein the contracting entity must affirmatively prove that the worker performs work that is outside the usual course of the hiring entity’s business. Although the decision only applies to the specific case in question, it is conceivable that all LAVWMA contractors could be deemed employees should such a precedent be broadly applied. Staff will continue to update the Board on this issue as more information becomes available.

12. General Manager’s Report

Mr. Weir referred to the list of activities in his report. He provided a brief summary of the following items: pump purchase and a possible solution to the seal issue, asset management, the new EBDA General Manager and efforts to update and revise EBDA Joint Powers Agreement, LAVWMA’s records management project, and a report on monitoring constituents of emerging concern in recycled water. The most recent action item lists were also included in his report. This was an information item only requiring no action by the Board.

13. Matters From/For Board Members

None.

14. Closed Session

At 6:47 p.m. the Board adjourned to Closed Session for the following items:

Conference with Legal Counsel – Anticipated Litigation

Initiation of litigation pursuant to Government Code §54956.9(d)(4) (one case).

15. Public Report from Closed Session

At 7:10 p.m. the Board reconvened to Regular Session. Ms. Barnhill stated that there was no reportable action.

16. Next Regular Board Meeting, Wednesday, August 15, 2018

17. Adjournment

There being no further action, Chair Woerner adjourned the meeting at 7:12 p.m.

Minutes Approved by the Board August 15, 2018.

A handwritten signature in black ink, appearing to read "Charles V. Weir". The signature is written in a cursive style with a large, prominent initial "C".

Charles V. Weir
General Manager

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