

**LAVWMA**  
**Livermore-Amador Valley Water Management Agency**  
**Minutes**  
**Regular Meeting of Board of Directors**  
**Wednesday, November 17, 2021**

**Pursuant to AB 361, this was a web meeting available to participants and the public through the following link: <https://us02web.zoom.us/j/85151664279>  
6:00 p.m.**

**1. Call to Order**

Chair Ann Marie Johnson called the meeting to order at 6:01 p.m.

**2. Pledge of Allegiance**

The Pledge of Allegiance was recited.

**3. Roll Call**

Board Members Present: Chair Ann Marie Johnson; Vice Chair Julie Testa; and Directors Valerie Arkin, Gina Bonanno, Bob Carling, and Arun Goel

Board Members Absent: None

Staff Present: General Counsel Alexandra Barnhill, Treasurer Carol Atwood, DSRSD Wastewater Treatment Plant Operations Superintendent Virgil Sevilla, and General Manager Chuck Weir

Staff Absent: None

Others Present: David Alvey, Maze & Associates

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

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 the September 29, 2021 LAVWMA Board Meetings

**Director Carling motioned, seconded by Director Arkin, to approve Consent Calendar Item No. 6.a.**

There were no comments from the public. The Motion passed unanimously (6 – 0) by a roll call vote.

## **7. 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**

General Counsel Barnhill described this issue, including the expiration of the Governor's Executive Order that temporarily allowed remote meetings, the recent passage of AB 361 allowing public agencies to continue to meet remotely provided that certain findings (describing the health and safety reasons justifying remote participation) can be made, and an order from the Contra Costa County Public Health Department recommending that public meetings be held remotely to reduce the spread of COVID-19. The end result is that, so long as the findings can continue to be made, remote meetings will be allowed until January 1, 2024, when AB 361 will sunset. A resolution similar to the one proposed making the necessary findings will need to be approved at each regular meeting and some minor changes in the procedures for accepting public comments will be required.

**Director Bonanno motioned, seconded by Director Goel, to approve Resolution No. 21-09 Authorizing Continued Remote Teleconference Meetings of the Legislative Bodies of the Livermore-Amador Valley Water Management Agency Pursuant to Brown Act Provisions.**

There were no comments from the public. The Motion passed unanimously (6 – 0) by a roll call vote.

## **8. Financial Reporting for the Fiscal Year Ending June 30, 2021**

Treasurer Atwood provide a summary of the financial reports and noted two items. The first item is that there will be a credit from PG&E for over \$89,000 due to a billing error. The second item is that EBDA is now invoicing only twice per year such that the expenses for EBDA are higher than last year but will balance out by the end of the year. Director Bonanno asked about the PG&E refund. General Manager Weir explained that we reviewed the bills and noted that PG&E had reverted back to an old rate structure for four months on Feeder B. He called the local representative and they agreed to look into the matter and correct as needed. The result was the credit noted by Treasurer Atwood. This was an information item only requiring no action by the Board.

## **9. Acceptance of Audit Report for Fiscal Year Ending June 30, 2021**

Treasurer Atwood introduced David Alvey, Audit Partner, Maze & Associates. His firm conducted the audit of LAVWMA's finances for FYE21. He briefly discussed the process used and noted that this was a clean audit opinion. Mr. Alvey also discussed the Memorandum on Internal Control and Required Communications (MOIC) and noted that no issues were identified by their audit. He complimented Treasurer Atwood and her staff for their efforts to properly manage LAVWMA's finances.

**Director Goel motioned, seconded by Director Testa, to accept the Audit Report for the Fiscal Year Ending June 30, 2021.**

There were no comments from the public. The Motion passed unanimously (6 – 0) by a roll call vote.

## **10. LAVWMA Quarterly Report of Operations, 1<sup>st</sup> Quarter, FY2021-2022**

General Manager Weir provided an overview of the report and noted that charts for electricity use and expenses do not yet reflect the \$89,000 credit from PG&E. He stated that the next quarterly report will reflect that change. He thanked Virgil Sevilla and his staff for their efforts to operate the pump station only during off peak periods to avoid having to pay for demand and power charges during partial peak and peak periods.

## **11. 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 discussed the status of the Motor Control Center (MCC) project and noted that it was nearing completion. The second MCC has not been installed and is undergoing testing now to ensure that all the controls operate properly. He also discussed the change orders that have been approved that total approximately \$39,000 or less than 2% of the contract price. He indicated that the project should be completed in early December.

General Manager Weir then discussed the status of negotiations with Trillium Pumps USA for the purchase of three vertical turbine pumps. He thanked General Counsel Barnhill and her colleague Christina Lawrence for their efforts in working with counsel for Trillium to reach an agreement that is acceptable to both parties. General Counsel Barnhill discussed their efforts with Trillium and that the process had been professional and cordial. Negotiations have settled on liquidated damages at \$2,000 per day with a cap of 25% of the contract price. The original contract had \$500 per day with no limit. In addition, LAVWMA has agreed on the possibility of a sliding incentive from 5-25% of the contract for early delivery and acceptance of the pumps. LAVWMA had originally offered a delivery date of 275 days. Trillium has requested 203 days for delivery after approval of the submittals. In addition Trillium has agreed to a warranty of eighteen months instead of twelve provided that LAVWMA installs the pumps within six months of delivery. The agreement should be fully executed before the end of November. Director Goel thanked staff for the successful conclusion to the negotiations and expressed his support for the sliding scale for early delivery. He also noted that the agreement could become a template for other agreements in the future. Director Arkin asked about negotiations with Peerless Pumps. General Manager Weir stated that no negotiations took place with Peerless since the process with Trillium was proceeding well. Director Carling also supported the idea of using the agreement as a template.

Lastly General Manager Weir discussed the San Leandro Sample Station (SLSS) project and indicated that a 30% design memorandum has been received. Due to findings from site visits and recommendations from DSRSD staff the estimated cost for the project has increased by approximately 40%. Since the project will extend into the next fiscal year there is no need to modify this year's budget. Contractor bids for the project will be received in time to determine the project cost for the FYE23 budget cycle.

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

## **12. Update and Response to Various Legal and Legislative Issues**

General Manager Weir provide an overview of the November updates from CASA and BACWA. He noted that the blanked permit amendment for chlorine residual has been approved by the Regional Board. When it takes effect dischargers to San Francisco Bay will be allowed to have some chlorine residual in their effluents, which will reduce costs for sodium bisulfate which is used for dechlorination. This applies to EBDA which will also save LAVWMA its share of dechlorination costs.

General Counsel Barnhill discussed SB 323 which provides for a 120-day statute of limitations for protests related to fee increases subject to Prop 218. She also discussed the Attorney General opinion related to Board members of a JPA and how they are required to act in the best interests of the JPA and not necessarily act as directed by their own agency and that receiving direction from the member agency can potentially create due process violations in certain contexts. She also noted that this generally does not apply to LAVWMA, as it does not have the opportunity to act as an adjudicatory decisionmaker, except in the case of out of area service agreements. Chair Johnson asked if the recent refunding process would have applied. Ms. Barnhill indicated that it is primarily related to property and employment issues.

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

## **13. General Manager's Report**

General Manager Weir highlighted several areas of his report, including asset management, records management, and succession planning. He indicated that a request for qualifications/proposal for a new General Manager would be available approximately one year in advance of his retirement. Director Bonanno asked about the Board's role in the selection process. General Counsel Barnhill stated that the last time, the Board reviewed the proposals, developed a short list, conducted the interviews, and made the selection. This was an information item only requiring no action by the Board.

## **14. Matters From/For Board Members**

There were no matters from the Board.

## **15. Next Regular Board Meeting, Wednesday, February 16, 2022 at 6:00 p.m.**

There was discussion concerning an in person or Zoom meeting in February. The official location is currently City of Pleasanton Council Chambers. Board members generally felt that remote meetings are preferred to be more efficient and cut down on travel time. General Counsel Barnhill also stated that the ability to continue to find a public health and safety need to meet remotely could depend on orders from the Governor, or the cities, counties or federal government.

**Chair Johnson motioned, seconded by Director Testa, to accept have the February 16, 2022 meeting via Zoom.**

There were no comments from the public. The Motion passed unanimously (6 – 0) by a roll call vote.

## **16. Adjournment**

There being no further action, Chair Johnson adjourned the meeting at 6:55 p.m.

Minutes Approved by the Board February 16, 2022.

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Charles V. Weir  
General Manager

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