The District Board of the Mt. View Sanitary District convened in a regular session at its regular place of meeting, Mt. View Sanitary District Meeting Room, 3800 Arthur Road, Martinez, County of Contra Costa, State of California, on October 8, 2009, at 6:30 p.m.

ROLL CALL OF DIRECTORS

PRESENT: Directors David P. Maggi, Elmer "Al" J. Schaal and Randell E. Williams, Vice President Stanley R. Caldwell and President Gregory T. Pyka

ABSENT: None

Also Present: STAFF – District Manager Michael D. Roe, Secretary Sheri L. Riddle, District Engineer Randolph W. Leptien, District Counsel J. Daniel Adams, and Consulting Engineer W. Edward Nute

PUBLIC – None

PUBLIC COMMENT

None

CONSIDER ADOPTION OF MOTIONS APPROVING MINUTES, CHECKS, AND PAYMENT ORDERS

1. CONSIDER ADOPTION OF A MOTION APPROVING MINUTES

   A. SEPTEMBER 10, 2009 REGULAR BOARD MEETING

   It was moved by Vice President Caldwell, seconded by Director Schaal, to approve the minutes of the September 10, 2009 regular board meeting.

   Motion carried by the following vote:

   AYES: Directors Maggi, Schaal, and Williams, Vice President Caldwell and President Pyka

   NOES: None

   ABSENT: None

   ABSTAIN: None
B. SEPTEMBER 17, 2009 SPECIAL BOARD MEETING

It was moved by President Pyka, seconded by Director Williams, to approve the minutes of the September 17, 2009 special board meeting.

Motion carried by the following vote:

AYES: Directors Maggi, Schaal, and Williams, Vice President Caldwell and President Pyka

NOES: None

ABSENT: None

ABSTAIN: None

2. GENERAL FUND 3409 - CONSIDER ADOPTION OF A MOTION APPROVING CHECKS DATED OCTOBER 9, 2009

After discussion, it was moved by Director Schaal, seconded by Director Maggi, to approve the General Fund 3409 checks dated October 9, 2009.

Motion carried by the following vote:

AYES: Directors Maggi, Schaal, and Williams, Vice President Caldwell and President Pyka

NOES: None

ABSENT: None

ABSTAIN: None

3. FACILITIES REHABILITATION FUND 3410 – CONSIDER ADOPTION OF A MOTION APPROVING PAYMENT ORDERS NUMBERS 291 THROUGH 293

It was moved by Vice President Caldwell, seconded by Director Williams, to approve Facilities Rehabilitation Fund 3410 Payment Order Numbers 291 through 293.

Motion carried by the following vote:

AYES: Directors Maggi, Schaal, and Williams, Vice President Caldwell and President Pyka

NOES: None

ABSENT: None

ABSTAIN: None
4. CAPITAL OUTLAY FUND 3412 – CONSIDER ADOPTION OF A MOTION APPROVING PAYMENT ORDER NUMBERS 2151 THROUGH 2153

It was moved by Vice President Caldwell, seconded by President Pyka, to approved Capital Outlay Fund 3412 Payment Order numbers 2151 through 2153.

Motion carried by the following vote:

AYES: Directors Maggi, Schaal, and Williams, Vice President Caldwell and President Pyka

NOES: None

ABSENT: None

ABSTAIN: None

CLOSED SESSION

5. CONFERENCE WITH LEGAL COUNSEL– ANTICIPATED LITIGATION–INITIATION OF LITIGATION PURSUANT TO SUBDIVISION (c) OF GOVERNMENT CODE SECTION 54956.9 (one case)

REPORT OUT OF CLOSED SESSION

A closed session was conducted from 6:37 p.m. to 7:40 p.m. President Pyka reported that the Consulting Engineer and Legal Counsel gave reports and the Board gave direction.

PUBLIC HEARING

6. APPLICATION OF AT&T FOR SITE LEASE

A. REPORT FROM STAFF

   Attorney Adams stated Technical Services Manager Chang is conducting the negotiations with Black Dot, the representative for AT&T. Ms. Chang, has reported she is awaiting a response. Attorney Adams recommended the Board open the Public Hearing, receive any public testimony and then continue the Public Hearing to Thursday, November 12, 2009, at 6:30 p.m.

B. CONDUCT CONTINUED PUBLIC HEARING

   1) OPEN CONTINUED PUBLIC HEARING

   President Pyka opened the Public Hearing.

   2) RECEIVE PUBLIC TESTIMONY
There was no public testimony.

3) CONTINUE PUBLIC HEARING TO NOVEMBER 12, 2009 AT 6:30 PM

President Pyka continued the Public Hearing to Thursday, November 12, 2009, at 6:30 p.m.

OLD BUSINESS

7. FINANCE COMMITTEE REPORT
   A. REPORT FROM FINANCE COMMITTEE WITH REGARD TO THE DISTRICT'S UPDATED 5-YEAR FINANCIAL PROJECTION

   Vice President Caldwell stated a written report was provided this evening prior to the meeting. He reported the Committee received a report from Tom Gaffney of Bartle Wells Associates who has indicated the District currently does not need a rate increase to pay for Other Post Employment Benefits (OPEB). The Finance Committee set aside $100,000 over 2 fiscal years, so we are only $22,000 short in the current budget to cover what would need to be set aside this fiscal year to pre-fund OPEB. The plant audit will have to be finalized before the District can determine future capital improvement costs and finalize the Capital Improvement Plan (CIP). No rate increase is needed now, but the District will need to revisit the issue later to determine how to best fund the CIP. Funding could include a rate increase, borrowing in the form of bonds or certificates of participation, or a combination. The Finance Committee is in line with the views of Tom Gaffney, but would like to hold another committee meeting to determine which trust fund the District should invest in before presenting its final findings. At this meeting the Committee will be considering information presented by the Public Agency Retirement System (PARS).

   Director Schaal stated the Committee thought no decision was needed regarding the option to pre-fund OPEB until the Committee meets with PARS and PERS on the funding alternatives.

   District Manager Roe reported that the Committee had to look at the 5 year CIP plan in order to determine the size a future rate increase would need to be to fund both future CIP projects and to Pre-fund OPEB. The tables the Committee reviewed provided several options for future decisions regarding funding the CIP but the Committee and staff couldn’t come to definitive conclusions regarding funding the CIP as certain research and studies need to be completed, particularly the system reliability study for the plant planned for later this year. District Manager Roe stated Mr. Gaffney spoke to the benefits of prefunding and noted it removes financial uncertainty.

   Vice President Caldwell stated the Committee’s intention is to recommend prefunding 100% of the OPEB.
District Manager Roe reviewed the need for a second committee meeting to receive a presentation from the PARS representative regarding its OPEB trust. Vice President Caldwell stated the Committee recommends there be a second meeting as well. The Board concurred that another Finance Committee meeting should be conducted to receive a presentation from the PARS representative.

B. OPEB FUNDING

1. REPORT FROM FINANCE COMMITTEE REGARDING FUNDING FOR OTHER POST EMPLOYMENT BENEFITS (OPEB)

A report from the Finance Committee on the funding for OPEB was provided in conjunction with the report for Item 7A. This item was continued to the November 12, 2009, regular board meeting.

2. CONSIDER WHETHER TO PREFUND OPEB AND IF SO AT WHAT LEVEL OR WHETHER TO CONTINUE WITH THE PAY-AS-YOU-GO METHOD AND PROVIDE DIRECTION TO STAFF

This item was continued to the November 12, 2009, regular board meeting.

NEW BUSINESS

8. DISTRICT MANAGER'S PERFORMANCE GOALS AND OBJECTIVES

A. REPORT FROM STAFF

District Manager Roe stated that in September the Board received and reviewed a table derived from the Strategic Plan related to goals and objectives for the District Manager. Mr. Brent Ives has prepared and provided a document detailing the District Manager’s goals and objectives to be considered by the Board for approval.

Director Schaal stated that on Page 1, where items are bulleted, he believed “Leadership” should be bulleted also. Director Schaal inquired as to the definition of “aligned organization” on Page 2. District Manager Roe suggested that perhaps this item needs to be rescheduled for closed session. President Pyka noted this item was already discussed in the September closed session. Attorney Adams stated that ultimately the goals and objectives will be part of the discussion during an evaluation of the District Manager and this “aligned organization” can be discussed at that time.

President Pyka commented that some items in the goals and objects document are really expectations as opposed to goals. Director Williams stated that he recalled that the intent was to have the District Manager organize the District in a manner that would align with and provide the desired results intended by the Strategic Plan.
B. CONSIDER ADOPTION OF DISTRICT MANAGER'S GOALS AND OBJECTIVES AND AUTHORIZING ACKNOWLEDGMENT OF THE MEMORANDUM DESCRIBING THEM

It was moved by Director Williams, seconded by Director Maggi, to adopt the District Manager's Goals and Objectives as amended and authorizing acknowledgment of the memorandum describing them.

Motion carried by the following vote:

AYES: Directors Maggi, Schaal, and Williams, Vice President Caldwell and President Pyka
NOES: None
ABSENT: None
ABSTAIN: None

9. LAB STAFFING CONSIDERATIONS

A. REPORT FROM STAFF

District Manager Roe stated that, as previously reported, Aquatic Biologist/Analyst Bogaert has announced his retirement. Staff has reviewed the work that was necessary in the lab and the wetlands. After looking at this, it appears the District has an opportunity to bring in an Aquatic Biologist to work in the wetlands and help with the lab. We will then need to hire a Lead Lab Analyst. District Manager Roe recommended proceeding with hiring for the Aquatic Biologist/Analyst and Lead Lab Analyst. There is no financial impact as these are budgeted positions.

Vice President Caldwell inquired as to whether the District would continue to outsource lab work or make lab improvements. District Manager Roe stated the scope of lab services would be what we provide now. The Lead Lab Analyst position has been written, approved and provided for in the budget. District Manager Roe fielded questions from Board.

B. CONSIDER ADOPTION OF A MOTION AUTHORIZING THE HIRING OF AQUATIC BIOLOGIST/ANALYST AND LEAD LABORATORY ANALYST

After discussion, it was moved by Vice President Caldwell, seconded by President Pyka, to authorize the hiring of an Aquatic Biologist/Analyst and a Lead Lab Analyst.

Motion carried by the following vote:

AYES: Directors Maggi, Schaal, and Williams, Vice President Caldwell and President Pyka
NOES: None
ABSENT: None
ABSTAIN: None
10. CONSTRUCTION PROJECT PROGRESS REPORTS

A. PUMP STATION NO. 1 IMPROVEMENTS PROJECT

Engineer Leptien reported his written staff report addresses two active construction projects and a policy for future reports.

The contract documents for the Pump Station No. 1 Improvements projects have been signed. The preconstruction meeting has been held and the work is scheduled to begin at the end of this month.

B. TREATMENT PLANT PAVEMENT REPAIR PROJECT

Engineer Leptien noted the Treatment Plant Pavement Repair Project is a scaled-down version of a larger project which is addressing half of the area with crack sealing and dig outs. The contract has been awarded, the preconstruction meeting has been held and the work is scheduled to begin on October 19th and 20th.

C. DISCUSSION AND DIRECTION TO STAFF REGARDING BOARD POLICY FOR FUTURE CONSTRUCTION PROJECT PROGRESS REPORTING

Engineer Leptien inquired as to the Board's pleasure with regard to future reporting on construction projects. The District Board previously provided verbal direction to staff to provide ongoing reports on construction projects to the Board at each meeting. The reports used to be verbal only. Staff would like to know if the Board would prefer a separate written staff report as an agenda/packet item or a report that would be included in the monthly Engineer's Report, which would reduce the size of the packet. Engineer Leptien asked for the Board’s pleasure on the matter. Engineer Leptien further stated that staff’s recommendation is to include reports as separate agenda items in the District Manager’s discretion. District Manager Roe stated that if the project is going smoothly, the reporting could be streamlined. But if there were issues that arise that need Board action, the reports would be placed on the agenda.

The Board concurred with staff’s recommendation to streamline the reporting. The Board directed staff to provide reports on construction projects in the monthly Engineer’s Report, and to only provide separate written reports at the District Manager’s discretion should an issue arise that needs Board action.

11. SANITATION AND WATER AGENCIES OF CONTRA COSTA COUNTY MEETING – OCTOBER 15, 2009

A. REPORT FROM STAFF

District Manager Roe stated that on October 15, 2009, West County Wastewater District is hosting the Sanitation and Water Agencies of Contra Costa County (SWA). The meeting includes a tour of its new solar energy facility. District
Manager Roe stated he is planning on attending. He further stated that Director Maggi, who is the representative for the Board at these SWA meetings is not available to attend. District Manager Roe inquired as to whether the Board would like to authorize another Board Member's attendance at the meeting. Vice President Caldwell stated he would like to attend. Director Schaal would like to go without a stipend.

B. CONSIDER ADOPTION OF A MOTION DETERMINING THAT A DISTRICT REPRESENTATIVE’S ATTENDANCE AT THE SANITATION AND WATER AGENCIES OF CONTRA COSTA COUNTY MEETING ON OCTOBER 15, 2009 IS A SIGNIFICANT BENEFIT TO THE DISTRICT AND THEREFORE ITS OFFICIAL BUSINESS AND DIRECTING DISTRICT REPRESENTATIVE TO ATTEND

It was moved by President Pyka, seconded by Director Maggi, to determine that Vice President Caldwell and Director Schaal’s attendance at the Sanitation and Water Agencies of Contra Costa County meeting on October 15, 2009 is a significant benefit to the District and therefore its official business and directing them to attend. Secretary Riddle asked for clarification as to whether Vice President Caldwell is asking to receive a stipend for his attendance. Vice President Caldwell indicated he would not ask for a stipend for attendance at this meeting. The motion was amended to clarify that the approval for attendance at the SWA meeting included reimbursement of costs but no payment of stipend.

Motion carried by the following vote:

AYES: Directors Maggi, and Williams, Vice President Caldwell and President Pyka

NOES: None

ABSENT: None

ABSTAIN: Director Schaal

12. CONTRA COSTA CHAPTER OF THE CALIFORNIA SPECIAL DISTRICTS ASSOCIATION QUARTERLY MEETING – OCTOBER 19, 2009

A. REPORT FROM STAFF

District Manager Roe reported attendance at the quarterly meeting of Contra Costa Chapter of the California Special Districts Association on October 19, 2009 was on the agenda to determine if the District would want representation at the meeting. Vice President Caldwell has indicated he would like to attend the meeting.
B. CONSIDER ADOPTION OF A MOTION DETERMINING THAT VICE PRESIDENT CALDWELL’S ATTENDANCE AT THE CONTRA COSTA CHAPTER OF THE CALIFORNIA SPECIAL DISTRICTS ASSOCIATION MEETING ON OCTOBER 19, 2009 IS A SIGNIFICANT BENEFIT TO THE DISTRICT AND THEREFORE ITS OFFICIAL BUSINESS AND DIRECTING HIM TO ATTEND

It was moved by Director Schaal, seconded by Director Maggi, to authorize Vice President Caldwell’s attendance at the Contra Costa Chapter of the California Special Districts Association meeting on October 19, 2009 is a significant benefit to the District and therefore its official business and directing him to attend and to receive a stipend for said attendance.

Motion carried by the following vote:

AYES: Directors Maggi, Schaal, and Williams, Vice President Caldwell and President Pyka

NOES: None

ABSENT: None

ABSTAIN: None

13. CONSIDER PLACING CSDA BOARD OF DIRECTORS AND COMMITTEE MEETINGS ATTENDED BY VICE PRESIDENT CALDWELL ON BOARD AGENDAS FOR THE PURPOSE OF TRACKING HIS ATTENDANCE WITHOUT PAYMENT OF STIPEND

A. REPORT FROM STAFF

District Manager Roe reported Vice President Caldwell has asked this item to be placed on the agenda. He has requested that each CSDA Board of Directors and CSDA Committee meeting be placed on the agenda for tracking purposes. President Pyka suggested placing the reports on the meetings under Communications or Directors Reports on the agenda. A general discussion ensued.

B. PROVIDE DIRECTION TO STAFF

i. OCTOBER 23, 2009 FISCAL COMMITTEE

ii. OCTOBER 30, 2009 MEMBERSHIP COMMITTEE

After much discussion, the Board directed staff to list Vice President Caldwell’s written reports for the assorted CSDA meetings under Directors Reports if provided for the packet. Verbal reports would appear in board meeting minutes.
14. **POWERPOINT PRESENTATION OF THE SEPTEMBER 16, 2009 DELTA DISCOVERY VOYAGE**

District Manager Roe provided a PowerPoint presentation on the September 16, 2009 Delta Discovery Voyage. District Manager Roe expressed thanks to Kerstin Firmin for putting together the PowerPoint presentation and to Technical Services Manager Irene Change for assistance with the captions.

Attorney Adams asked if the Board would like to deviate from the order of the agenda and conduct the Closed Session last. He further suggested that perhaps we can list Closed Sessions at the end of the agenda on future agendas.

It was moved by Vice President Caldwell, seconded by President Pyka, to extend the meeting beyond 8:30 p.m.

Motion carried by the following vote:

**AYES:** Directors Schaal and Williams, Vice President Caldwell and President Pyka

**NOES:** Director Maggi

**ABSENT:** None

**ABSTAIN:** None

The Board agreed to deviate from the agenda and conduct Closed Session Agenda items 15 and 16 at the end of the meeting. The Board also directed that with the exception of attendance by a guest speaker where the Closed Session needs to occur earlier in the evening, future Closed Sessions will be listed at the end of the agenda.

The Board digressed to reports.

**REPORTS**

17. **DISTRICT MANAGER**

District Manager Roe provided a written report prior to the meeting. District Manager Roe provided reports on the following matters:

- Pump Station #4 ACL Status – The public comment period has ended. No comments were received. This may allow the Water Board’s Executive Officer to sign the ACL and it may not have to go before the full Water Board.
- Hazmat Inspection on October 2, 2009 – Inspections included the Hazmat Inventory and Business Plan, the Hazardous Waste Generator and the Pollution Prevention Clean Water Plan. No violations were cited. It was noted that the Spill Prevention Control and Countermeasure Plan is due for renewal in February 2010. This will need to be reviewed by an engineer.
- Sept 2009 Self-Monitoring Report – There were no violations or sanitary sewer overflows to report.
Household Hazardous Waste Collection Facility (HHWCF) - HHWCF is increasing its operating hours by adding Monday as a drop-off day. This decision follows a pilot study that determined that this would help prevent illegal dumping. The cost to the Mt. View Sanitary District for the increased level of service is estimated to be $2,000 to $4,000 per year.

Annual NPDES Inspection on September 16, 2009 – PG Environmental is the new inspector. The inspector noted transcription errors from lab source files to NPDES/ERS forms. None of these errors were of a magnitude to cause a reported value to change from compliance to non-compliance. The compliance section of the report will receive an “Unsatisfactory” grade due to the two previously reported coliform violations. Staff provided information to the inspector on the significant amount of work that had been completed on the UV System due to these exceedances.

CWEA 2009 Northern Regional Training Conference – Robert Martin and Steve Thompson attended. Mr. Martin provided a report in the packet.

Operator Certifications - Two operators have taken Operator Certification tests and will be notified of the results in January.

Potential future funding needs - Mr. Tom Gaffney of Bartle Wells Associates previously noted it is good to fund as you notice new developments. There was an article from the Contra Costa Times regarding the increased clarity of the bay due to dredging and lessening of mining impacts. However, due to decreasing sediment levels, sunlight is able to penetrate which causes nutrient and algae growth. This may necessitate a future closer look at POTWs for nutrient removal.

18. ENGINEER

Engineer Leptien reported on the following matters:

- Management meetings – Engineer Leptien complimented District Manager Roe on streamlining management meetings.
- Code drafting – Engineer Leptien provided an update.
- Pipeline condition rating system – Engineer Leptien provided an update.
- East Bay RV – A resolution to the problem is moving slowly as we are waiting for the County to make its next move.
- Whitley Burchett – Engineer Leptien provided an update on future loan applications and the Capital Improvement Plan (CIP).
- Treatment Plant Facilities – The draft request for proposals is being reviewed by Operations Manager Riddle.
- GIS – Engineer Leptien is hoping to have a presentation on the November agenda
- West Service Area – The plans have been revisited and they are about ready to be circulated to the District Manager and Fish and Game for review and comment. Engineer Leptien is not sure when the project will go out to bid. It depends on the CIP. He also will bring back to the Board the matter of how we treat the laterals on that project.
• Application for hydrogen pipeline into Shell – Engineer Leptien provided initial comments over a year ago. The EIR is almost 500 pages long. He will review as it affects the District.

   Director Schaal inquired as to how long the East Bay RV situation will continue. Engineer Leptien stated we are wise to follow the County on this matter and not expend District resources. A general discussion ensued. Attorney Adams stated a lien action is possible and could occur at later date. Attorney Adams reiterated that we don’t want to expend District resources at this time.

19. ATTORNEY

   None

20. SECRETARY

   None

21. DIRECTORS
   A. STANLEY R. CALDWELL - CSDA ANNUAL CONFERENCE, SEPTEMBER 21-24, 2009

   Director Schaal stated he thought Mr. Martin’s report on the CWEA training was great. It was a terrific report. He further stated that the financial reports looked great.

   Director Williams thanked the Finance Committee and staff for their hard work on the OPEB matter. He thanked District Manager Roe for his work on District Manager’s Goals and Objectives stating he thinks it is a great tool. He talked to Allied Waste because there are people going around removing recycling from dumpsters in his neighborhood and he thinks that this practice constitutes revenue that we are losing. Director Williams expressed thanks to Kerstin Firmin for the nice presentation and asked that his gratitude be relayed.

   Vice President Caldwell noted that recycling cart theft has happened before. He further stated that Ed Davies is the contact to report to at Allied Waste.

   Director Schaal stated the County may have an ordinance stating theft from recycling carts is illegal.

   Vice President Caldwell noted he provided a written report on the CASA Private Sewer Lateral Task Force after the agenda was completed in addition to his CSDA Annual Conference report which was included in the packet. He further noted that he forgot to mention in his CSDA conference report that the Alameda County Chapter was honored as Chapter of the Year for CSDA.
President Pyka stated he previously noticed the recycling trucks didn’t always empty the recyclables from the carts. He stated it looks like Allied Waste is being more diligent about making sure the carts are empty before they move to the next address.

22. BOARD ITEMS – LIMITED TO REQUESTS AND DIRECTIVES FOR FUTURE MEETINGS

None

CLOSED SESSION

15. CONFERENCE WITH LABOR NEGOTIATOR – GOVERNMENT CODE 54957.6
INSTRUCTIONS TO DISTRICT DESIGNATED NEGOTIATOR: DISTRICT COUNSEL
UNREPRESENTED EMPLOYEE: DISTRICT MANAGER

16. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
INITIATION OF LITIGATION PURSUANT TO SUBDIVISION (c) OF GOVERNMENT CODE SECTION 54956.9 (one case)

The District Manager and Engineer were excused from the first session (Agenda Item 15).

The Board Secretary was excused from both closed sessions (Agenda Items 15 & 16).

Closed sessions were held from 9:11 p.m. to 9:44 p.m.

REPORTS OUT OF CLOSED SESSION

President Pyka reported the Board received reports and gave direction to Legal Counsel and the Labor Negotiator.

COMMUNICATIONS – INFORMATION ONLY – NO ACTION NECESSARY

23. MT. VIEW SANITARY DISTRICT FY 2008-2009 4TH QUARTER BUDGET UPDATE
24. CONTRA COSTA CSDA DRAFT MINUTES OF JULY 20, 2009, QUARTERLY MEETING
25. LAFCO NOTICE AND AGENDA FOR LAFCO SPECIAL MEETING – OCTOBER 7, 2009 – FIRE AND EMERGENCY MEDICAL SERVICES AD-HOC COMMITTEE
26. REPORT FROM ROBERT MARTIN, OPERATOR-IN-TRAINING – CWEA 2009 NORTHERN REGIONAL TRAINING CONFERENCE, REDDING, CA
ADJOURNMENT – THE NEXT SCHEDULED MEETING IS A REGULAR MEETING ON THURSDAY, NOVEMBER 12, 2009 AT 6:30 P.M.

At 9:44 p.m., President Pyka adjourned the meeting.

Sheri L. Riddle, Board Secretary