



**RODEO SANITARY DISTRICT  
MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS  
DISTRICT OFFICE, 800 SAN PABLO AVE, RODEO, CA**

**A Regular Meeting of the Governing Board was held at 1:00 p.m. on the 10th day of November 2020. In accordance with the Governor's Executive Order N-29-20, which suspended certain requirements of the Brown Act due to the ongoing COVID-19 pandemic, Board Members and some staff participated in this meeting via video conference. Members of the public were provided options to participate in the meeting as provided on the agenda.**

**1) ROLL CALL**

President Batchelder called the meeting to order at 1:06 P.M.

**The following members were present by video-conference:**

Directors Connie Batchelder, Angela Noble, Richard Frakes, Maureen Brennan, Vice President Janet Callaghan  
Staff-District Legal Counsel Carl Nelson and Morgan Biggerstaff

**Directors and Staff Present (in person):**

Staff- District Manager Steve Beall, District Administrator Nancy Lefebvre

**Absent-** None

**Others Via Zoom-**Richard L

**a) PLEDGE OF ALLEGIANCE TO THE FLAG-**District Manager Steve Beall led the pledge of allegiance.

**2) PUBLIC COMMENTS-Communication from the public on subjects not on the agenda-**

No public comment was received.

**3) CALL FOR REQUESTS TO CONSIDER ITEMS OUT OF ORDER- None**

**4) REPORTS**

a) District Manager:

**Request For Qualifications for Energy Services Companies**

Over the last several years, the District has met with a number of Energy Services Companies to investigate potentially developing an Energy Optimization Project. The District has met with Engie, Siemens, Honeywell, etc. Each time, the District would be

hesitant to simply sole-source any one company and enter into a Program Development Agreement. This type of agreement would lock the District to using that particular consultant for Engineering Services ultimately leading to Construction.

California Contract Law **loosely** allows this sort of arrangement. However, both the District Manager and District Counsel were not comfortable with this type of arrangement. The District has also been predominantly occupied with implementing Master Plan Projects. The District Manager developed a Request for Qualifications (RFQ) and sent it to nine Energy Services Companies. The District Manager utilized the Department of Energy for a list of Energy Services Companies that are preapproved for this type of work by the Department of Energy.

The RFQ is fairly self-explanatory and would have given the District the opportunity to evaluate consultants in a competitive format in order to select the consultant that best meets the District's needs. However, to the District's surprise, only one company submitted on the RFQ; Engie.

The District Manager requested guidance from the Board of Directors on how to proceed. There were several options which included:

- Instruct the District Manager to negotiate the Program Development Agreement to be brought before the Board for formal authorization (recommended).
- Instruct the Budget Committee to do the same.
- Reject RFQ response do nothing.

The sole purpose of developing any potential energy optimization project is for it to be a net zero cost to the District. The only way the District would move forward is if the project costs can be paid for by the savings from a reduction in annual energy use. Based on the information provided in Engie's response, Engie believes they can achieve this.

After lengthy discussion the Board decided to create an Ad hoc Energy Service Company Selection Committee of which Angie Noble and Connie Batchelder will head.

#### **District Personnel**

The District may have found an individual to become the District's next Operations Intern. Staff from Labor Ready have been utilized in order to perform grounds maintenance around the District's Wastewater Treatment Plant. One of the individuals sent to the District is a retired Army Paratrooper looking for work and a new career. The District is discussing the employment opportunity with this individual.

#### **Qualitative Report of Plant Operations**

The District was able to use a temporary operator from Operational Technical Services to assist while staff was out. The individual was a former plant manager at Pinole Wastewater Treatment Plant.

**Collection System Operation and Maintenance:** The District had no sewer calls for the month of October.

- a. Counsel for the District: None
- b) Secretary of the District: None
- c) Board Members:

**Budget and Finance Committee**

November 9, 2020-C. R. Frakes (stipend), C. Batchelder (absent)

**Administrative Committee-** None

**5) CONSENT CALENDAR-**

Staff Recommendation (Motion required): Adopt the consent calendar as recommended.

1. Expenditures October 2020 were reviewed by the Budget Committee.
2. October 2020 Financial Statements reviewed by the Budget Committee.

MOTION: By Noble, seconded by Frakes to approve the Consent Calendar. Motion passed by unanimous vote of the Board:

VOTE: AYE: 5 NOES: 0 ABSENT: 0 ABSTAIN: 0

**6) EMERGENCY SITUATIONS REQUIRING BOARD ACTION:**

Resolution 2020-03 requires Board action to continue the emergency provisions contained in the resolution.

In light of the continuing existence of the COVID-19 pandemic, and Executive Order N-33-20 and the Contra Costa Health Officer Orders, and the need for the District Manager to remain authorized to take all actions necessary for the District to continuously provide essential services to the Rodeo community, and to take all reasonable steps to recover such costs from any and all available sources, and to make determinations, in response to Executive Order N-33-20 and the Contra Costa Health Officer Orders, regarding which District facilities comprise Essential Infrastructure, which District services are Essential Governmental Functions, which District employees and contractors comprise the Essential Workforce and are needed to continue providing Essential Governmental Functions, and to confirm:

- That the District wastewater treatment facility (“WWTP”) located at 800 San Pablo Avenue, Rodeo, and its other facilities used to provide continuous and uninterrupted collection, conveyance, and treatment of wastewater, are crucial infrastructure within the meaning of the Executive Order and Essential Infrastructure under the Health Officer Orders;
- That the continuous and uninterrupted collection, conveyance, and treatment of wastewater by the District is an Essential Governmental Function;

- That specified District employees and contractors comprise the Essential Workforce and are needed to continue providing Essential Governmental Functions,

MOTION: By Noble, seconded by Brennan, that Resolution 2020-03 Declaring Emergency and Delegating Authority in Response To COVID-19 pandemic remain in place. Motion passed by unanimous vote of the Board:

VOTE: AYES:5 NOES: 0 ABSENT: 0 ABSTAIN: 0

7) **OLD BUSINESS:**

A) **BAR SCREEN PROJECT UPDATE (DISCUSSION AND ACTION)**

The District continues to receive submittals for the Bar Screen Project The District Manager is distributing the submittals to the appropriate parties (Carollo Engineers, McMillan Jacobs Associates, District Staff).

During this period, the contractor continued work on installing the new isolation stop plates, grading and handrail rehabilitation, and structural repairs of the Headworks. The Contractor is about 90% complete with the installation of the Bar Screen and the Screw Conveyor. It is anticipated that the Headworks will return to service the week of November 16, 2020

B) **CONOCO PHILLIPS REFINERY PROJECT (DISCUSSION AND ACTION)**

At the request of the Board of Directors, a continuing discussion item will remain in the Board Packet until further notice. The discussion will revolve around the Conoco Phillips Refinery Project and risk to the District. The Board discussed Phillips 66 plans to generate more hydrogen to produce renewable fuels.

8) **NEW BUSINESS:**

A) **CONSULTING CONTRACT AMENDMENT FOR AS NEEDED CONSTRUCTION ASSISTANCE SERVICES ASSOCIATED WITH THE BAR SCREEN PROJECT (DISCUSSION AND ACTION)**

The District Manager requested an amendment to the contract with L.R. Paulsell Consulting for construction assistance services to be performed as part of the construction management activities for the Bar Screen Project.

Motion by Brennan, seconded by Noble to authorize the District Manager to amend the contract for the as needed construction services with L.R. Paulsell Consulting for a total contract amendment value up to \$75,000. Motion passed by the following vote of the Board:

VOTE: AYES: Batchelder, Callaghan, Brennan, Noble  
NOES: Frakes  
ABSENT: None  
ABSTAIN: None

**B) CONSULTING CONTRACTS FOR AS NEEDED CONSTRUCTION ASSISTANCE SERVICES ASSOCIATED WITH 2020 PRIORITY IMPROVEMENTS PROJECT CONSTRUCTION (DISCUSSION AND ACTION)**

A Board decision was requested regarding the potential award of two contracts for assistance to the District in the construction phase of the 2020 Priority Improvements Project. The first is a contract with Advanced Hydro Engineering for project management and Engineering Services During Construction (ESDC). The second is a contract with L.R. Paulsell Consulting for construction management and inspection services for the project. The total amount of the two contracts is \$45,000.

Motion by Brennan, seconded by Noble to authorize the District Manager to contract with the proposed consultants for the as needed construction assistance services contracts for a total contract value of up to \$45,000. Motion passed by unanimous vote of the Board:

VOTE: AYES:5 NOES: 0 ABSENT: 0 ABSTAIN: 0

**9) PUBLIC HEARING-**

**Public Hearing to consider adoption of Resolution 2020-10 directing staff to place delinquent Solid Waste Charges on the Contra Costa County Property Tax Roll, Record Certificates of Unpaid charges to establish liens on property.**

President Batchelder opened the Public Hearing at 2:06 p.m. President Batchelder closed the hearing at 1:09 p.m. No comments from the public.

MOTION: By Noble, seconded by Callaghan to adopt Resolution 2020-10 approving and directing collection of delinquent solid waste charges on the Contra Costa County Tax Roll, and a lien recorded against the properties, as set forth in the packet with updated list. Motion passed by unanimous vote of the Board:

VOTE: AYES:5 NOES: 0 ABSENT: 0 ABSTAIN: 0

10) **COMMUNICATION**

Relevant Communications to and from the District are included in the Board Packet.

11) **CLOSED SESSION-** None

12) **REPORT OUT OF CLOSED SESSION-**Nothing to report.

13) **SUGGESTIONS FOR FUTURE AGENDA ITEMS-** None

14) **ADJOURNMENT**

Meeting adjourned at 2:15 p.m. The next meeting of the Rodeo Sanitary Board of Directors will be held on Tuesday December 8, 2020 at 1:00 P.M.at Rodeo Sanitary District.

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Connie Batchelder, President  
Rodeo Sanitary District

Countersigned:

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Nancy Lefebvre, District Administrator  
Rodeo Sanitary District