



**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 8th day of December 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 1:02 P.M.

The following members were present by video-conference:

Directors Connie Batchelder, Vice President Janet Callaghan, Angela Noble, Secretary Richard Frakes, Maureen Brennan, Staff-, District Administrator Nancy Lefebvre, District Legal Counsel Morgan Biggerstaff

Directors and Staff Present (in person):

Staff- District Manager Steve Beall

Absent- None

Others Via Zoom-Brad Bartells, Mann, Urrutia, Nelson CPA's

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

Items 8A & 8B were taken out of order at this time in the meeting.

8A) SWEARING IN OF THREE RODEO SANITARY DISTRICT DIRECTORS AND SELECTION OF COMMITTEES FOR CALENDAR YEAR 2021 (DISCUSSION AND ACTION)

Vice President Janet Callaghan administered the Oath of Office to incumbent Board President Connie Batchelder. Connie Batchelder administered the Oath of Office to incumbent Board Vice President Janet Callaghan and incumbent Secretary Richard Franks.

The District Board decided to retain the Board President, Secretary, and Vice President positions in 2021. As a result, no election for Board Officers is required at this time.

Appointments were made and accepted for the following committees:
Code Development Committee: Connie Batchelder and Angela Noble
Budget Committee: Maureen Brennan and Connie Batchelder.
Solid Waste Committee: Janet Callaghan and Angela Noble, with Richard Frakes as an alternate.
Administrative Committee: Angela Noble and Janet Callaghan.
Energy Services Committee: Angela Noble and Connie Batchelder.

8B) ACCEPTANCE OF THE ANNUAL FINANCIAL REPORT WITH INDEPENDENT AUDITOR'S REPORT, MANAGEMENT REPORT, SAS 114 LETTER, AND GASB REPORT FOR THE YEAR ENDED JUNE 30, 2020 (Discussion and Action)

Brad Bartells of Mann, Urrutia, Nelson CPA's provided a presentation on the Financial Statements for the year ended June 30, 2020, including discussion of the required GASB 68 and journal entries. Based upon the audit procedures performed, Mann, Urrutia, Nelson CPA's and Associates, LLP has rendered their opinion that the District's financial statements present fairly the District's financial position at June 30, 2020. Mr. Bartells provided a review of the audit process and gave an unmodified "clean" audit opinion, which is the highest level of assurance that an agency can receive. Mr. Bartells highlighted that net pension liability under GASB 68 is overfunded, with a net pension asset of \$501,019. During the internal audit, no significant deficiencies were identified, as well as no compliance exceptions or audit adjustments. Questions from the Board were solicited and answered. The Board thanked Mr. Bartells for his presentation and congratulated staff on a job well done. MOTION: By Noble, seconded by Frakes to accept the Financial Statements for fiscal year ended June 30, 2020 and Independent Auditor's Report. Motion passed by unanimous vote of the Board:

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

4) REPORTS

a) District Manager:

Request For Qualifications for Energy Services Companies

The Energy Services Company Committee met in November to discuss the results of the District's Request for Qualifications and the next steps. The Committee instructed the District Manager to obtain a Project Development Agreement (PDA) from Engie to review and to provide to District Counsel for review. Currently, the District Manager and District Counsel are in the review process and hope to be completed the second week of December. Once this review is complete, the District Manager will send the PDA back to Engie for them to respond to any District comments. After this process is complete, the Committee will meet again to review the PDA prior to sending to the full Board for review. It is anticipated the PDA will be brought before the full Board of Directors at the January 2021 Board Meeting.

Personnel

The Districts Staff are celebrating three work anniversaries. Tim Gregor - five years, Nancy Lefebvre - 10 years, and Andrew Alva - 15 years. Congrats to all.

Birthdays for December - Tim Gregor and Angie Noble!

The District is still struggling to find an individual to become the Districts next Operations Intern. The District is pursuing some new leads and will report when new information is available.

Qualitative Report of Plant Operations

District Staff were able to stop the leak coming from the fitting primary and secondary containment of the sodium hypochlorite tank. This allowed the District to return the rental sodium hypochlorite tank after cleaning it thus ending the accumulation of rental fees.

District Staff are now required to spend approximately two hours per day "fishing rags out of the Primary Clarifier Scum Trough, the Clarifier Weirs, and the digester overflow box.

Collection System Operation and Maintenance: The District had two sewer calls for the month of November. One was a Non-RSD issue relating to a resident's home internal plumbing system and the other was an ongoing private lateral sewage discharge. The District has notified Contra Costa County Public Health Department.

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

Budget and Finance Committee

December 7, 2020- R. Frakes (stipend), C. Batchelder (stipend)

Energy Services Company Selection Committee

November 17, 2020- C. Batchelder (stipend), R. Frakes (stipend)

Administrative Committee- None

5) CONSENT CALENDAR-

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

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

MOTION: By Callaghan, 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 Frakes, 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 and is nearly complete with the work on installing the new isolation stop plates, grating 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. The Washer and Compactor and project electrical are all that remain for the Bar Screen. It is anticipated that the Headworks will return to service the week of December 7, 2020. It is anticipated the Bar Screen will be functional for Valentine's Day.

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 possible revisions to October and November Board Minutes regarding Conoco Phillips.

8) **NEW BUSINESS:**

A) Item 8A was taken out of order earlier in the meeting (see above)

B) Item 8B was taken out of order earlier in the meeting (see above)

C) **APPROVE MINUTES FOR REGULAR BOARD MEETING OCTOBER 13, 2020 (DISCUSSION AND ACTION)-Deferred**

D) **APPROVE MINUTES FOR REGULAR BOARD MEETING NOVEMBER 10, 2020 (DISCUSSION AND ACTION)-Deferred**

9) **PUBLIC HEARING- None**

10) **COMMUNICATION**

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

11) **CLOSED SESSION-**

1. CONFERENCE WITH LEGAL COUNSEL-- Consideration of initiation of litigation pursuant to paragraph (4) of Government Code §54956.9 (d): (1 potential case)

2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Pursuant to Govt. Code § 54957(b)(1)
Title: District Manager

The Board entered into the closed session via a breakout room at 2:14 p.m. and returned to open session at 2:40 p.m.

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

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

1. Easement Discussion

14) **ADJOURNMENT**

Meeting adjourned at 2:43 p.m. The next meeting of the Rodeo Sanitary Board of Directors will be held on Tuesday January 12, 2021 at 1:00 P.M.at Rodeo Sanitary District.

Connie Batchelder, President
Rodeo Sanitary District

Countersigned:

Nancy Lefebvre, District Administrator
Rodeo Sanitary District