



## MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE RODEO SANITARY DISTRICT

NOVEMBER 9, 2021

PLACE: JOHN SWETT UNIFIED SCHOOL DISTRICT BOARD ROOM,  
400 PARKER AVENUE, RODEO, CA.

A Regular Meeting of the Governing Board was held at 1:00 p.m. on November 9, 2021. Pursuant to the authorizations provided by Government Code section 54953, this meeting was available telephonically, using the Zoom video conferencing system. One or more Directors attended via electronic means. 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 1:04 P.M.

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

Directors Angela Noble, Staff-District Legal Counsel Morgan Biggerstaff

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

President Connie Batchelder, Director Richard Frakes, Janet Callaghan, Maureen Brennan.

Staff- District Manager Steve Beall, District Administrator Nancy Lefebvre

**Absent-** None

**Others Present-** None

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-

Maureen Brennan inquired as to why Item 7B Phillips 66 Refinery Project District Risk had been removed from the agenda. This item will be put on the December Agenda for discussion.

### 3) CALL FOR REQUESTS TO CONSIDER ITEMS OUT OF ORDER-

None

#### 4) **REPORTS**

a) District Manager:

##### **Storm**

The District experienced the most water received during a single rain event in recent memory. In a 59 hour period the District received over 6 ½ inches of rain. This data was gathered from the Rodeo Hercules fire department weather station. The early morning hours of October 24<sup>th</sup> brought power surges and many outages to the District. Staff arrived at about 4:30 A.M. and began the storm protection regiment. The District Manager instructed staff to operate all standby power equipment during the storm. This allows the Districts facilities to experience “steady power”, rather than fluctuating power due to issues from a storm. This is essential as the District has experienced sensitive equipment failures during fluctuating power events during storms. Unfortunately, the first power surge destroyed a Variable Frequency Drive at the Influent Pump Station. District Staff have already ordered a replacement that will arrive in about a week. Other than the equipment failure, District staff and District facilities weathered the storm quite nicely.

##### **District Personnel**

The District has completed its recruitment for a new full-time permanent operator. The District has hired Dusty Garcia as a Grade II Operator. Dusty spent several years in Arizona as a grade 2 operator and has completed many of the lower division core courses for Civil Engineering.

Birthdays for October-Maureen Brennan..Happy Birthday!

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

The telescopic valve that skims the surface of the contact basin was clogged. A video inspection of the line revealed a piece of 2X4 wood obstructing the line. The addition of green debris brought about by the strong winds aggravated the problem. The six-inch valve controlling the skimmer line was also found to be broken. A new clean-out device was added to the line & the broken valve was replaced with a spare.

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

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

##### **Budget and Finance Committee**

November 8, 2021-C. Batchelder (stipend), M. Brennan (stipend)

**Administrative Committee-** None

**SOLID WASTE COMMITTEE**

October 13, 2021-J. Callaghan (stipend), M. Brennan (stipend)

**5) CONSENT CALENDAR-**

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

- 1. Expenditures October 2021 were reviewed by the Budget Committee.
- 2. October 2021 Financial Statements reviewed by the Budget Committee.

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

VOTE:   AYES:           Brennan, Noble, Callaghan, Frakes, Batchelder  
           NOES:            0  
           ABSENT:        0  
           ABSTAIN:      0

At 12:31 the meeting was paused due to brief technical difficulties.

**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 the following vote of the Board:

VOTE:   AYES:           Brennan, Noble, Callaghan, Frakes, Batchelder  
           NOES:            0  
           ABSENT:        0  
           ABSTAIN:      0

7)       **OLD BUSINESS:**

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

During this period, there has been no construction work on the project. The District is processing one final change order and coordinated a substantial final payment less a small retention for the OIT interface project element. The last remaining element is anticipated to be constructed by the end of November 2021.

**B)   RODEO SANITARY DISTRICT SOLID WASTE FRANCHISE (DISCUSSION AND ACTION)**

The Republic Services Proposal was received September 7, 2021 with subsequent revision received on September 24, 2021, on October 20, 2021 and finally the commercial rates on October 27, 2021. The Solid Waste Committee has met several times in September and October to discuss Republic Services Proposal and elements of Senate Bill 1383 implementation. The purpose of this Board Meeting was to review the residential and commercial rates and to provide clarity on any element contained within it or new programs to be implemented as part of Senate Bill 1383. The draft amended Franchise Agreement and Ordinance 99-102 will be presented to the Board at the December Board meeting. The public hearing will be on January 11, 2022 at 6:00 p.m. at the John Swett Unified School District Board Room. Correspondence from Republic discusses the rationale for the magnitude of the proposed rate increases as follows:

- Uniform adjustment of 23% is needed to provide the revenue requirement for appropriate service performance.
- To meet the revenue requirement, reductions in Commercial Service rates would necessitate an increase in Residential Service rates.

- The (current) proposed rates reflect no subsidy of Residential Service by Commercial Service customers and Commercial rates for 1-yard bins are 40% below the lowest rates for communities in our service area.
- Required SB 1383 compliance
- Allocated share of additional Recycling Coordinator position.
- Allocated share of new Organics Collection Route and Driver position.
- Required Container Contaminations Audits and reporting.
- Weekly recycling and organics collection.
- Bulky Item Collection.
- Public Education and Outreach
- Lost revenues from recyclable material sales (\$87,000/year)
- Increased operational costs outstripped annual CPI adjustments for the past several years.

The revenue shortfall resulting from utilization fo the Consumer Price Index as the measurable for annual rate adjustments is an on-going detractor. As was discussed and agreed, the Water-Sewer-Trash Index (WST) more accurately reflects operational costs associated with the waste management industry operations. Therefore, going forward, it is respectfully requested that WST Index be used as the measurable to calculate annual rate adjustments.

MOTION: By Batchelder, seconded by Brennan, the Board directed staff to prepare the Proposition 218 Notice as presented by the District Manager to the Board of Directors. Motion passed by the following vote of the Board:

VOTE:	AYES:	Brennan, Noble, Callaghan, Frakes, Batchelder
	NOES:	0
	ABSENT:	0
	ABSTAIN:	0

**8) NEW BUSINESS:**

**A) ADOPTION OF RESOLUTION 2021-08 (DISCUSSION AND ACTION)**

To continue holding virtual Board meetings for the next thirty days pursuant to Government Code Section 54953€, the Board of Directors of the Rodeo Sanitary District voted to adopt Resolution 2021-08.

MOTION: By Frakes, seconded by Callaghan to adopt Resoultion 2021-08, a resolution of the Board of Directors of the Rodeo Sanitary District proclaiming a local emergency persists, re-ratifying the proclamation of a state of emergency by Governor Newsom on March 4, 2020, and re-authorizing remote teleconference meetings of the legislative bodies of Rodeo Sanitary District for the period November 9, 2021 through December 9, 2021, pursuant to Brown Act provisions. Motion passed by the following vote of the Board:

VOTE:	AYES:	Brennan, Noble, Callaghan, Frakes, Batchelder
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NOES: 0  
ABSENT: 0  
ABSTAIN: 0

**8B) APPROVE MINUTES FOR REGULAR MEETING SEPTEMBER 14, 2021 (DISCUSSION AND ACTION)**

MOTION: By Callaghan, seconded by Brennan to approve the September 14, 2021 Special Board Meeting Minutes. Motion passed by the following vote of the Board:

VOTE: AYES: Brennan, Noble, Callaghan, Frakes, Batchelder  
NOES: 0  
ABSENT: 0  
ABSTAIN: 0

**9A) PUBLIC HEARING**

**Public Hearing to consider adoption of Resolution 2021-07 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 2:19 p.m. President Batchelder closed the hearing at 2:21 p.m. No comments were received from the public.

MOTION: By Callaghan, seconded by Frakes to adopt Resolution 2021-01 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: Brennan, Noble, Callaghan, Frakes, Batchelder  
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-**

Schedule November 30, 2021 Special Board Meeting.

14) **ADJOURNMENT**

Meeting adjourned at 2:55 p.m. The next meeting of the Rodeo Sanitary Board of Directors will be held on Tuesday November 30, 2021 at 1:00 P.M. at John Swett Unified School District Board Room.

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Connie Batchelder, President  
Rodeo Sanitary District

Countersigned:

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Nancy Lefebvre, District Administrator  
Rodeo Sanitary District