



**MINUTES OF THE SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE RODEO SANITARY DISTRICT**  
**LOCATION: VIRTUAL MEETING**

A Regular Meeting of the Governing Board was held at 6:00 p.m. on January 11, 2022. 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 6:10 P.M.

**Directors Present:** Connie Batchelder, Richard Frakes\*, Janet Callaghan\*, Angela Noble\*

**Staff/Consultants Present:** Steve Beall, District Manager Nancy Lefebvre, District Administrator, Morgan Biggerstaff, District Counsel\*

**Absent:** Maureen Brennan

**Others Present-** Shawn Moberg, Janna Coverston, Bielle Moore representatives from Republic Services, **seven** members of the public participated via zoom also.

\*via video-conference

**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-**

Public comment was given by Janet P regarding the plaque on the District Administrative Building. Richard L suggested that the public visit the District's website and view the documents regarding the Director's pay.

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

None

#### 4) **REPORTS**

a) District Manager:

##### **Key Activities**

On December 13, 2021, Effluent Pump (EP) 4 had an electric motor failure. District staff scrambled to arrange for a crane to remove the motor from the pump to be placed on a truck to be taken to an appropriate repair facility. Typical repair time is two weeks or less. On December 22, 2021, EP 3 had a Variable Frequency Drive (VFD) failure. This was a significant problem. At the moment of the failure, due to very heavy rains, the flow through the treatment plant was approximately 3.0 million gallons per Day (MGD). The two-remaining low-flow pumps have a max output of about 2.0 MGD. The flow coming into the plant was 50% greater than the flow capacity leaving the plant. Staff was able to limit the influent flow to the treatment plant to approximately the same flow capability of the remaining low-low effluent pumps. The rain event passed and the very high flows subsided. District Staff was able to contact the motor repair facility and have the newly repaired motor for EP 4 delivered to the treatment plant. Concurrently, Telstar was contacted to ascertain the issue with the VFD for EP 3. Within a few hours, the motor was delivered and Telstar determined an electrical component of EP 3's VFD had failed. A crane had to be hired in order to lift the repaired motor into place on EP 4. Unfortunately, shortly after placing EP 4 back into service, the pump experienced a mechanical failure rendering the pump inoperable. Simultaneously, Telstar was able to implement a workaround of the failed EP 3 VFD. EP 4's VFD was used to control Effluent Pump 3; a very complex situation for RSD staff. District Staff hired a crane again to remove the broken EP 4 and found a suitable repair facility to determine its state. Depending on the complexity of the mechanical failure of EP 4, it could take a few weeks to as many as six months for the repair. Being back down to a single functional high flow pump, the District Manager procured and had delivered a diesel engine driven pump. It will be installed by Pacific Infrastructure. The diesel engine driven pump system has a rental cost of approximately \$12,000 per month.

##### **District Personnel**

Birthdays for December-Tim Gregor and Director Angie Noble

Anniversaries for December-Nancy Lefebvre- 11 years, Steve Beall- 19 years.

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

Staff troubleshooted and fixed the air brakes of the dump truck. Staff resolved Centrifuge breakdown by changing oil of its back drive. Staff replaced leaking tube assembly of one sodium hypochlorite metering pump.

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

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

**Budget and Finance Committee**

January 10, 2022-C. Batchelder (stipend), M. Brennan (absent)

**Administrative Committee-** None

**Solid Waste Committee**

January 5, 2022-J. Callaghan (stipend), A. Noble(stipend)

**5) CONSENT CALENDAR-**

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

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

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

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

7) **OLD BUSINESS:**

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

During this period, there has been no construction or administrative work on the project. The delay in obtaining the Human Machine Interface was delayed further due to the computer chip shortage.

8) **NEW BUSINESS:**

A) **ADOPTION OF RESOLUTION 2022-01 (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 Noble, seconded by Callaghan to adopt Resolution 2022-01, 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 January 11, 2022 through February 10, 2022, pursuant to Brown Act provisions. Motion passed by the following vote of the Board:

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

**8B) BOARD MEMBER COMPENSATION ADJUSTMENT (DISCUSSION AND ACTION)**

District Ordinance 2016-100 provides provisions to allow the District Board of Directors to implement a cost-of-living increase every January of the calendar year. The most recent index equates to a 5.2% change. District Ordinance states that the increase shall not exceed five (5) percent. Motion by Noble, seconded by Callaghan to forego a compensation adjustment. Motion passed by the following vote of the Board:

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

**8C) APPROVE MINUTES FOR SPECIAL BOARD MEETING NOVEMBER 30, 2021 (DISCUSSION AND ACTION)**

MOTION: By Callaghan, seconded by Noble to approve the November 30, 2021 Special Board Meeting Minutes. Motion passed by the following vote of the Board:

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

**8D) ADOPTION OF ORDINANCE NO. 2022-100 AMENDING ORDINANCE NO. 99-102 (DISCUSSION AND ACTION)**

Senate Bill 1383, the Short-lived Climate Pollutant Reduction Act of 2016 (SB 1383), requires local jurisdictions such as the District to enact an ordinance by 2022 that implements the various provisions laid out in SB 1383's implementing regulations with the goal of reducing the amount of organic waste that is sent to landfills by 75% by 2025. Pursuant to SB 1383, the District must provide organic waste collection services to all residents and businesses and must ensure that these organic materials are recycled using specified recycling facilities. The District must also: 1) educate residents and

business about collection requirements, including what materials to put in curbside bins; 2) ensure that all residents and businesses subscribe to and participate in organics curbside collection services; 3) implement an inspection and enforcement program; 4) maintain records demonstrating how residents and businesses, but also the District, is complying with the law; and 5) establish food recovery programs by ensuring commercial edible food generators within the jurisdiction enter into written agreements to donate food to food recovery organizations. In connection with the District's negotiation of a new franchise agreement with Richmond Sanitary Services, Inc. (RSS), District counsel and the attorney from RSS collaborated to create draft Ordinance No. 2022-100, which proposes to amend Ordinance 99-102 to bring the District into compliance with the provisions of SB 1383. The Board discussed the need to bring more education to the public on the recycling requirements. Representatives from Richmond Sanitary agreed and stated more information will be sent to all residents regarding recycling.

MOTION: By Frakes, seconded by Batchelder to adopt Ordinance No. 2022-100 amending Ordinance No. 9-102 to implement provisions of the Mandatory Organics Reduction Law, SB 1383. Motion passed by the following vote of the Board:

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

9A) **PUBLIC HEARING**

**PUBLIC HEARING TO CONSIDER PROPOSED INCREASE IN SOLID WASTE COLLECTION RATES FOR ALL DISTRICT CUSTOMERS, EFFECTIVE JANUARY 12, 2022.**

President Batchelder opened the Public Hearing at 7:18 p.m. The public was able to submit protest and comments via U.S. mail, email and personal delivery to the District office before and during the meeting. Manager Beall reported that eight written protests were received prior to the meeting. Seven people from the public attended the Public Hearing via zoom, six of which protested the rate increase. The following are comments from the public:

Erin attended the virtual meeting and expressed that the District and Republic not mistake lack of attendance for what the people are feeling. She said Republic has a monopoly grip on garbage and they are not acting in the community's best interest. She said they should be held to a better standard and the

rate increase is premature. Erin asked that the vote be postponed or extended until the District assures itself that it has adequately heard from the community. Manager Beall explained that the District properly noticed and will continue on with the process. Janet a customer also attending the virtual meeting stated the rates didn't make sense and two extra trucks was too much. Richard L suggested a request for proposals should have gone out to three companies. He stated the facts show the additional pick-ups are not warranted. He would like to see District delay additional pick-ups until more education. Manager Beall explained that the District is not required to put out to bid if satisfied with provider. Annie Z, said she didn't generate enough for weekly pick up and did not want the additional rate hike. Mike C liked the idea of the three cans being picked up every week. He stated it will reduce garbage flying around from excess blue cans. He stated that when it falls out it isn't picked up by collector.

After public comment concluded President Batchelder closed the hearing at 7:45 p.m.

Director Noble expressed concern with the composting requirement, a ten-year franchise agreement and the lack of customer service and customer education. Noble also preferred the District use CPI for future rate adjustments vs. WST. General Manager Moberg from Republic Services made a commitment to CPI instead of WST. CPI tracks lower than WST and previous franchise agreements used CPI. Moberg also explained that Rodeo can't subsidize rates with not much commercial billings, and stated that Rodeo rates are substantially lower than other cities.

MOTION: By Frakes seconded by Batchelder to adopt Resolution 2022-02, approving a new solid waste franchise agreement with Richmond Sanitary Service, Inc. and approving an increase in residential and commercial solid waste collection fees in accordance with the new franchise agreement.

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

Being that there was no quorum vote (4 needed) motion not carried. The District will notice another public hearing for March 8, 2022 for further discussion.

**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-**

14) **ADJOURNMENT**

Meeting adjourned at 8:54 p.m. The next meeting of the Rodeo Sanitary Board of Directors will be held on Tuesday February 8, 2022 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