

**DUBLIN SAN RAMON SERVICES DISTRICT
MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS**

December 1, 2020

Pursuant to Governor Newsom’s Executive Orders N-25-20, N-29-20, and N-33-20, and local county health orders issued to address the COVID-19 pandemic, this Board meeting was held via Teams teleconference. The District Boardroom is closed to the public; however, the public may observe and comment by calling in to the teleconference meeting per the instructions provided on page 4 of the agenda. As required by the Brown Act, all votes were taken by roll call vote due to the attending Directors participating via teleconference.

1. CALL TO ORDER

A regular meeting of the Board of Directors was called to order at 6:12 p.m. by President Duarte.

2. PLEDGE TO THE FLAG

3. ROLL CALL

Boardmembers present at start of meeting:

President Edward R. Duarte, Vice President Ann Marie Johnson, Director Richard M. Halket, Director Georgean M. Vonheeder-Leopold and Director Dwight L. (Pat) Howard.

District staff present: Dan McIntyre, General Manager; Jan Lee, Assistant General Manager; Carol Atwood, Administrative Services Manager/Treasurer; Judy Zavadil, Engineering Services Manager/District Engineer; Jeff Carson, Operations Manager; Douglas E. Coty, General Counsel; and Vivian Chiu, Administrative Analyst I.

4. SPECIAL ANNOUNCEMENTS/ACTIVITIES

New Employee Introduction:

Zack Ruiz, Information Systems Technician II

5. PUBLIC COMMENT (MEETING OPEN TO THE PUBLIC) – 6:16 p.m. No public comment was received.

6. REPORTS

6.A. Reports by Staff

- Event Calendar – General Manager McIntyre reported on the following:
 - o A virtual WaterReuse Northern California chapter meeting will be held on Friday, December 4, from 10 a.m. to noon.
 - o A virtual regular Board meeting will be held on Tuesday, December 15, at 6 p.m. and the swearing in of two DSRSD Boardmembers will be held beforehand at 5:30 p.m.
 - o The January 5 Board meeting is being reviewed for possible cancellation.
- Correspondence to and from the Board on an Item not on the Agenda

Date	Format	From	To	Subject	Response
11/18/20	Email	Georgian Vonheeder-Leopold	DSRSD Board	DSRSD Presentation to Alameda County Special Districts Association	N/A

6.B. Joint Powers Authority and Committee Reports

LAVWMA – November 18, 2020

DERWA – November 23, 2020

DSRSD/City of Dublin Liaison – November 30, 2020

President Duarte invited comments on recent JPA/committee activities. Directors felt the available staff reports and verbal summaries of the discussions at the meetings adequately covered the many matters considered at the JPA/committee meetings and made a few comments about some of the JPA/committee activities.

6.C. Agenda Management (consider order of items) – No changes were made.

7. CONSENT CALENDAR

Director Halket MOVED for approval of the item on the Consent Calendar. Director Vonheeder-Leopold SECONDED the MOTION, which CARRIED with FIVE AYES per roll call vote.

7.A. Approve Regular Meeting Minutes of November 17, 2020 – Approved

8. BOARD BUSINESS

8.A. Approve Continuation of District's State of Emergency in Response to COVID-19 Pandemic by General Manager and Find that the Need for the District's State of Emergency Still Exists

Assistant General Manager Lee reviewed the item for the Board. She reported both Alameda and Contra Costa Counties are in the Tier 1 (purple tier), the most restrictive tier indicating widespread transmission. Out of 58 counties in California, 52 are now in the purple tier. The Governor recently implemented a curfew until December 21 to restrict non-essential activities. The order does not impact District business. The District may need to update its Exposure Control Plan in response to new OSHA (Occupational Safety and Health Administration) regulations.

Vice President Johnson MOVED to Approve Continuation of District's State of Emergency in Response to COVID-19 Pandemic by General Manager and Find that the Need for the District's State of Emergency Still Exists. Director Vonheeder-Leopold SECONDED the MOTION, which CARRIED with FIVE AYES per roll call vote.

8.B. Adopt Pay Schedule in Accordance with California Code of Regulations, Title 2, Section 570.5, Requirement for a Publicly Available Pay Schedule and Rescind Resolution No. 33-20

President Duarte read the following statement: In 2016, the Legislature added a provision to the Brown Act that requires that prior to taking final action on a salary

schedule that includes local agency executives, which as defined includes the District's Assistant General Manager and the District's three Senior Managers, "[t]he legislative body shall orally report a summary of [the] recommendation for ... final action on ... salary schedules ... of a local agency executive." The salary schedule that is before the Board in Item 8.B. includes the respective salaries of the three Senior Managers as adjusted, effective December 14, 2020, by a cost-of-living adjustment of 2.75%, as is specified in their respective Personal Services Agreements as amended to date. The Board approved Amendments No. 1 to each of the three Senior Manager's respective Personal Services Agreements, following an oral report, on November 7, 2017, which report appears in the minutes of the November 7, 2017 Board meeting. Item 8.B. also includes the salary of the Assistant General Manager by a cost-of-living increase of 2.75% and a merit increase of 5% per the Personal Services Agreement approved by the Board on February 4, 2020, following an oral report, on February 4, 2020, which report appears in the minutes of the February 4, 2020 Board meeting.

Administrative Services Manager Atwood reviewed the item for the Board. She reported the 2.75% cost-of-living increase applies to all bargaining units, the three Senior Managers, and the Assistant General Manager. She noted the General Manager has declined the cost-of-living increase for this year.

Director Halket MOVED to adopt Resolution No. 60-20, Adopting a Pay Schedule in Accordance with California Code of Regulations, Title 2, Section 570.5, and Rescinding Resolution No. 33-20. Director Vonheeder-Leopold SECONDED the MOTION, which CARRIED with FIVE AYES per roll call vote.

- 8.C. Accept the Annual Report on Rate Stabilization Funds and Approve Transfers from the Regional Wastewater Operations Fund (Fund 300) to the Regional Wastewater Rate Stabilization Fund (Fund 305), the Water Rate Stabilization Fund (Fund 605) to the Water Operations Fund (Fund 600), and the Local Wastewater Operations Fund (Fund 200) to the Local Wastewater Rate Stabilization Fund (Fund 205)

Financial Services Supervisor Herman Chen reviewed the item for the Board. He explained at the end of each fiscal year, staff reviews the working capital of the Operations Funds and the Rate Stabilization Funds for the District's three enterprises and recommends fund transfers calculated according to the criteria set forth in the Financial Reserves policy. The minimum and maximum thresholds are based on budgeted operating expenses. Mr. Chen noted the Board approved consolidation of Capital Funds as part of the mid-cycle adjustments at its June 16 meeting, essentially moving all the operating expenses out of the Capital Funds into the Operations Funds. The consolidation increased the budgeted operating expenses and thereby increased the minimum and maximum reserve requirements. He summarized the three recommended fund transfers.

Director Howard MOVED to Accept the Annual Report on Rate Stabilization Funds and Approve Transfers from the Regional Wastewater Operations Fund (Fund 300) to the Regional Wastewater Rate Stabilization Fund (Fund 305), the Water Rate Stabilization Fund (Fund 605) to the Water Operations Fund (Fund 600), and the Local Wastewater Operations Fund (Fund 200) to the Local Wastewater Rate Stabilization Fund (Fund 205).

Director Vonheeder-Leopold SECONDED the MOTION, which CARRIED with FIVE AYES per roll call vote.

- 8.D. Accept Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2020 with Independent Auditor's Report and Memorandum on Internal Control and Required Communications for the Fiscal Year Ended June 30, 2020

Financial Services Supervisor Chen introduced Mr. David Alvey, CPA and Audit Partner from Maze and Associates, the firm that conducted the annual audit. Mr. Alvey provided an overview of the District's audit and reported the District received a clean opinion which is the highest level of assurance that an agency can receive. He pointed out a new Government Accounting Standards Board (GASB) Statement No. 95 extended the implementation dates of certain GASB provisions by one year to 18 months due to COVID. He thanked the District's Finance staff for their assistance.

The Board and Mr. Alvey discussed the procedural changes due to COVID. The Board acknowledged the positive report and thanked staff and Mr. Alvey for work well done.

Director Howard MOVED to Accept Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2020 with Independent Auditor's Report and Memorandum on Internal Control and Required Communications for the Fiscal Year Ended June 30, 2020. Director Vonheeder-Leopold SECONDED the MOTION, which CARRIED with FIVE AYES per roll call vote.

- 8.E. Approve Proclamation Honoring Edward "Ed" Duarte upon His Departure

Vice President Johnson read the proclamation. The Board and staff expressed appreciation for President Duarte's contributions to the District. He also received a plaque recognizing his "devoted leadership to the community and steadiness in the face of the Great Drought of 2014, the District Office Flood of 2018, and the Coronavirus Pandemic of 2020."

Director Howard MOVED to Approve a Proclamation Honoring Board Director Edward "Ed" Duarte upon His Departure. Director Vonheeder-Leopold SECONDED the MOTION, which CARRIED with FIVE AYES per roll call vote.

9. BOARDMEMBER ITEMS

- Submittal of Written Reports for Day of Service Events Attended by Directors

Director Vonheeder-Leopold submitted written reports to Administrative Analyst I Chiu. She reported that she attended the Alameda County Special Districts Association virtual membership meeting hosted by DSRSD on Wednesday, November 18. She summarized the activities and discussions at the meeting. She noted she also attended the DERWA and the DSRSD/City of Dublin Liaison meetings covered under Item 6.B. above.

- Request New Agenda Item(s) Be Placed on a Future Board or Committee Agenda

Director Howard suggested that the new Board may wish to discuss a different method for calculating fees for restaurants if a reduction of tables due to social distancing becomes

permanent. The Board commented DSRSD does not bill by square footage as the City of Pleasanton does.

10. CLOSED SESSION

At 7:05 p.m. the Board went into Closed Session.

10.A. Conference with Labor Negotiators – Pursuant to Government Code 54957.6

Agency Negotiators: Dan McIntyre, General Manager
Jan Lee, Assistant General Manager
Carol Atwood, Administrative Services Manager
Michelle Gallardo, Human Resources & Risk Supervisor
Samantha Koehler, Human Resources Analyst II

Employee Organizations: 1. Stationary Engineers, Local 39
2. Mid-Management Employees' Bargaining Unit
3. Professional Employees' Bargaining Unit
4. Confidential Employees' Bargaining Unit

Additional Attendees: Doug Coty, General Counsel
Katie Kaneko, Koff & Associates, Inc.
Dania Torres Wong, Sloan Sakai Yeung & Wong LLP

11. REPORT FROM CLOSED SESSION

At 8:43 p.m. the Board came out of Closed Session. President Duarte announced that there was no reportable action.

12. ADJOURNMENT

President Duarte adjourned the meeting at 8:43 p.m.

Submitted by,

Nicole Genzale, CMC
Executive Services Supervisor/District Secretary