

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

June 15, 2021

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 3 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 6:05 p.m. by Vice President Halket.

2. PLEDGE TO THE FLAG

3. ROLL CALL

Boardmembers present at start of meeting:

Vice President Richard M. Halket, Director Marisol Rubio, and Director Arun Goel.

Director Georgean M. Vonheeder-Leopold entered the meeting at 6:07 p.m.

President Ann Marie Johnson was absent.

District staff present: Dan McIntyre, General Manager; Jan Lee, Assistant General Manager; Carol Atwood, Administrative Services Director/Treasurer; Judy Zavadil, Engineering Services Director/District Engineer; Jeff Carson, Operations Director; Douglas E. Coty, General Counsel; and Nicole Genzale, Executive Services Supervisor/District Secretary.

4. SPECIAL ANNOUNCEMENTS/ACTIVITIES

New Employee Introductions:

Mariza Sobejana-Loth, Administrative Assistant II

Aubrey Gehmlich, Administrative Assistant II

Presentation of Transparency Certificate of Excellence by Special District Leadership Foundation/California Special Districts Association Field Representative Colleen Haley.

5. PUBLIC COMMENT (MEETING OPEN TO THE PUBLIC) – 6:20 p.m. No public comment was received.

6. AGENDA MANAGEMENT (CONSIDER ORDER OF ITEMS) – No changes were made.

7. CONSENT CALENDAR

Director Vonheeder-Leopold MOVED for approval of the item on the Consent Calendar. Director Rubio SECONDED the MOTION, which CARRIED with FOUR AYES and ONE ABSENT (Johnson) per roll call vote.

7.A. Approve Regular Meeting Minutes of June 1, 2021 – Approved

8. BOARD BUSINESS

8.A. Receive a Presentation on Safe Return to Onsite Work Plan and Provide Direction, 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 and gave a presentation on the District's Safe Return to Onsite Work Plan. The presentation was added as supplemental materials to the agenda on the District website. The presentation reviewed the District's response to the pandemic emergency and explained the four key elements of the Plan:

1. Modifications to COVID Plans and Protocols
2. Phased Return of Remote Workers
3. Reopening District Facilities to the Public
4. Resuming In-person Board Meetings

The Board and staff discussed various aspects of the Plan. The Board expressed its preference to resume in-person Board meetings after emergency restrictions have lifted and directed staff to target late September/early October for its first onsite Board meeting. The Board expressed its satisfaction with the Plan and directed staff to proceed with it as presented.

Director Rubio 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 SECOND the MOTION, which CARRIED with FOUR AYES and ONE ABSENT (Johnson) per roll call vote.

8.B. Review District Practice with Board Actions Taken by Resolutions and Provide Direction as Recommended

Management Analyst I Vivian Chiu reviewed the item for the Board. The Board and staff discussed the possible impacts from reducing the use of resolutions for certain item approvals, and the manner in which an item's historical information is preserved in the agenda packet and Board minutes. The Board was satisfied that streamlining the agenda management process to reduce unnecessary resolutions (which currently account for approximately 40% of resolutions produced) would not sacrifice important background and contextual information for Board actions. The Board directed staff to proceed with implementing the proposed recommendations.

Director Vonheeder-Leopold MOVED to: 1) Approve Terminating the Practice of Preparing Resolutions for Actions not Requiring or Necessitating a Resolution and Transitioning such Actions to Board Action by Motion, Effective with the Next Board Agenda, and 2) Add Language to Guidelines for Conducting District Business Policy to be Revised Later this Year to Outline the Use of the Three Types of Board Actions – Ordinance, Resolution, and Motion. Director Goel SECONDED the MOTION, which CARRIED with FOUR AYES and ONE ABSENT (Johnson) per roll call vote.

8.C. Public Hearing: Receive Public Comments, and Adopt 2020 Urban Water Management Plan, Water Storage Contingency Plan, and Addendum to 2015 Urban Water

Vice President Halket announced the item and declared the Public Hearing open.

Engineering Services Director Zavadil reviewed the item for the Board.

Vice President Halket inquired if there were any comments from the public. There was no public comment received. There was no discussion by the Board. Vice President Halket declared the Public Hearing closed.

Director Rubio MOVED to Adopt Resolution No. 37-21, Adopting the 2020 Urban Water Management Plan, and to Adopt Resolution No. 38-21, Adopting the Addendum to the 2015 Urban Water Management Plan. Director Vonheeder-Leopold SECONDED the MOTION, which CARRIED with FOUR AYES and ONE ABSENT (Johnson) per roll call vote.

8.D. Public Hearing: Approve Report of Delinquent Water and Sewer Charges and Direct the Levy and Collection of Delinquent Water and Sewer Charges on the 2021-2022 Alameda County and Contra Costa County Secured Property Tax Rolls

Vice President Halket announced the item and declared the Public Hearing open.

Utility Billing & Customer Services Supervisor Kelly Richards reviewed the item for the Board.

Vice President Halket inquired if there were any comments from the public. The following four (4) written comments were received and responded to by Ms. Richards and her staff:

No.	Date Received	Apparent Protest	Summary of Comments Made
SUMMARY OF COMMENTS RECEIVED <u>BEFORE</u> BOARD MEETING (SUMMARIZED VERBALLY BY STAFF DURING BOARD MEETING)			
1	6/14/21	No	<ul style="list-style-type: none"> Why is this change being considered? How will it affect rates?
2	6/15/21	Yes	<ul style="list-style-type: none"> CANNOT agree on the so called Public Hearing to put “delinquent utility billing water and sewer charges on the 2021–2022 Alameda County and Contra Costa County secured property tax rolls” for my property.

No.	Date Received	Apparent Protest	Summary of Comments Made
			<ul style="list-style-type: none"> • Tenant stopped paying rent. Unfair to have to take care of unpaid bills. • Tenants started paying the balance and created a payment arrangement.
3	6/15/21	Yes	<ul style="list-style-type: none"> • Reconsider plans to levy the property tax bills of commercial property owners whose tenants have prolonged delinquent balances. • Unfair burden on property owners • Consider cancellation of services first before trying to collect from the property owners
SUMMARY OF COMMENTS RECEIVED <u>AFTER</u> BOARD MEETING			
No.	Date Received	Apparent Protest	Summary of Comments Made
4	6/16/21	Yes	<ul style="list-style-type: none"> • Unfair to bill on the property tax roll. • Tenancy occupied; tenant should pay bills. • Turning property owners into collection agency for the District.

Speaker: Mr. Roy Ricklee (Owner of Residential Rental Property in Dublin) – Mr. Ricklee addressed the Board and explained his tenant has not been paying rent nor utility bills since the pandemic emergency began in March 2020. He requested the Board defer placing outstanding account charges on the property tax roll until the eviction moratorium is lifted later this year.

Speaker: Ms. Debbie Milichichi (Asset Manager for Fallon and Gateway Shopping Centers in Dublin) – Ms. Milichichi addressed the Board and echoed the request made by Mr. Ricklee due to non-payment of a commercial tenant.

Speaker: Ms. Shawnee Maxwell (San Ramon Resident) – Ms. Maxwell addressed the Board and inquired why she received a postcard from DSRSD when she receives water from East Bay Municipal Utility District. Vice President Halket advised that the postcard is related to agenda item 8.E. and was sent to San Ramon residents who receive wastewater services from DSRSD. Ms. Richards stated she will contact Ms. Maxwell tomorrow to review the postcard with her.

The Board and staff acknowledged the positive trend for internal collections of delinquent charges in the recent weeks leading up to this evening's public hearing – the outstanding charges have decreased from approximately \$100,000 to approximately \$40,000 due to staff efforts. The Board acknowledged differing customer circumstances are contributing to the remaining overdue charges for owner-occupied and tenant-occupied/commercial properties, including impacts from the pandemic emergency. Ms. Richards reported that approximately \$15,000 of the remaining overdue charges are for owner-occupied properties.

General Counsel Coty advised that the District cannot relieve overdue charges by waiving them nor by subsidizing them from other customers' rate revenue, but the

District can differentiate between customer groups in its collection efforts should it wish to consider alternatives.

The Board took no action on the item. The Board directed staff to bring this item back at the July 20 Board meeting placing just the delinquent charges for owner-occupied properties on the tax roll this year. The Board also directed that the delinquent charges for tenant-occupied/commercial properties continue to be pursued internally until the eviction moratorium ends and shutoffs for non-payment resume.

Vice President Halket declared the Public Hearing closed.

8.E. Public Hearing: Approve Annual Wastewater Service Charges Levy Report and Direct the Levy and Collection of Wastewater Service Charges on the 2021-2022 Alameda County and Contra Costa County Secured Property Tax Rolls

Vice President Halket announced the item and declared the Public Hearing open.

Financial Analyst Mayette Bailey reviewed the item for the Board.

Vice President Halket inquired if there were any comments from the public. Ms. Bailey reported that 31 comments were received up to this evening’s public hearing, but just 5 objected to the placement of the charges on the property tax roll. The following comments were received and responded to by Ms. Bailey:

Type of Comments	Total Received	Apparent Protest	Summary of Comments Made
SUMMARY OF COMMENTS RECEIVED BEFORE AGENDA PREPARATION DEADLINE 6/10/21 (SUMMARIZED VERBALLY BY STAFF DURING BOARD MEETING)			
Placement of service charge on property tax bill	4	Yes	<ul style="list-style-type: none"> • I want to express my concern with this increase in property tax • Our property tax is outrageous • This has been a difficult year and you continue to add to property taxes • You do not have the right to add any value to the property taxes without voter approval
Increase to service charge	6	No	<ul style="list-style-type: none"> • I am a Senior Citizen on a fixed income • I am on a small, fixed income • Property taxes are already high and will hurt the community if this happens • Do not raise water rates, there are many retired couples living in Dublin • There is a drought now
% of Increase related to salary & benefits	1	No	<ul style="list-style-type: none"> • What percent of the increase goes to salary and pension?

Type of Comments	Total Received	Apparent Protest	Summary of Comments Made	
Question about the charge	17	No	<ul style="list-style-type: none"> Is this an additional charge to existing charges? 	
Type of Comments	Total Received	Apparent Protest	Date Received	Summary of Comments Made
SUMMARY OF COMMENTS RECEIVED <u>AFTER</u> AGENDA PREPARATION DEADLINE				
Placement of service charge on property tax bill	2	Yes	6/11/21 6/16/21* (received after meeting)	<ul style="list-style-type: none"> Bureaucratic reason to grow government existence The tenant should pay the fees not the landlord
Question about the charge	3	No	6/14/21	<ul style="list-style-type: none"> Is this an additional charge to existing charges? How placement to tax roll affect rates
Total Comments = 32*				

Speaker: Mr. Tony Chiu – Mr. Chiu addressed the Board and inquired about the District’s wastewater rates. Due to Mr. Chiu’s audio difficulties, Vice President Halket requested Financial Services Manager Herman Chen contact Mr. Chiu tomorrow to provide direct assistance.

The Board and staff discussed and clarified that this annual agenda item is a required administrative step to place already established wastewater charges on the property tax rolls to facilitate collection and is not to approve new charges. The rate schedule for the current charges placed on the tax rolls was approved in 2017. Due to confusion expressed by some customers, staff stated that next year’s customer notification (postcard) will include additional information, so as not to be misconstrued as noticing new charges. General Manager McIntyre also noted that the District’s wastewater charges are much lower than most Bay Area wastewater agencies (30th out of 35).

Vice President Halket declared the Public Hearing closed.

Director Vonheeder-Leopold MOVED to Adopt Resolution No. 39-21, Approving the Annual Wastewater Service Charges Levy Report and Directing the Levy and Collection of Wastewater Service Charges on the Alameda County and Contra Costa County Secured Property Tax Rolls for 2021-2022. Director Rubio SECONDED the MOTION, which CARRIED with FOUR AYES and ONE ABSENT (Johnson) per roll call vote.

9. REPORTS

9.A. Boardmember Items

- Joint Powers Authority and Committee Reports – None

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

Director Vonheeder-Leopold submitted written reports to Executive Services Supervisor/District Secretary Genzale. She reported that she attended the California Association of Sanitation Agencies (CASA) Budget Committee meeting on June 3, the Alameda County Special Districts Association Executive Committee meeting on June 9, and the CASA Board of Directors meeting on June 10. She summarized the activities and discussions at the meetings.

Vice President Halket reported he will not be available to attend the July 20 Board meeting.

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

Vice President Halket requested that an item regarding the assessment of an employee teleworking policy be scheduled for an upcoming meeting once onsite operations have fully resumed.

9.B. Staff Reports

- Event Calendar – The July 6 Board meeting will be cancelled.
- Correspondence to and from the Board on an Item not on the Agenda – None

10. ADJOURNMENT

Vice President Halket adjourned the meeting at 8:07 p.m.

Submitted by,

Nicole Genzale, CMC
Executive Services Supervisor/District Secretary