

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

**September 7, 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 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 p.m. by President Johnson.

2. PLEDGE TO THE FLAG

3. ROLL CALL

Boardmembers present at start of meeting:

President Ann Marie Johnson, Vice President Richard M. Halket, Director Marisol Rubio, Director Arun Goel, and Director Georgean M. Vonheeder-Leopold.

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 – None

5. PUBLIC COMMENT (MEETING OPEN TO THE PUBLIC) – 6:02 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 FIVE AYES per roll call vote.

7.A. Approve Regular Meeting Minutes of August 17, 2021 – Approved

8. BOARD BUSINESS

8.A. Receive Presentation on Alameda County Local Agency Formation Commission Draft Countywide Municipal Services Review on Water, Wastewater, Flood Control, and Stormwater Services

Engineering Services Director Zavadil reviewed the item for the Board and introduced Ms. Rachel Jones, Executive Director of the Alameda County Local Agency Formation

Commission (LAFCO). Ms. Jones gave a presentation on LAFCO's purpose and its draft Municipal Services Review (MSR). The presentation will be added as supplemental materials to the agenda on the District website.

The Board, Ms. Jones, and staff discussed the MSR's influence over affected agencies and agencies' responsibilities to respond to MSR recommendations. They also discussed potential Tri-Valley utility services consolidation, water rights, interest in exploring desalination supply options, and interagency drought collaboration. Ms. Jones noted the MSR presented this evening captures 2015–2020, so does not reflect current drought issues. She confirmed she received comments from DSRSD staff and will incorporate those updates into the final MSR.

The Board thanked Ms. Jones for the presentation and encouraged LAFCO's recommendations for improved utility efficiencies.

- 8.B. 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.

The Board and staff discussed that the increase in variant cases could impact staff and Board meetings returning to the District Office in-person next month. Proposed legislation regarding the continuation of virtual meetings during state-declared emergencies is pending approval. Ms. Lee reported that if in-person meetings do resume in October, the logistics and technology would unfold in phases, with a physically spread out and basic technical approach initially, leading later into a more sophisticated format as conditions improve.

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 SECONDED the MOTION, which CARRIED with FIVE AYES per roll call vote.

- 8.C. First Reading of Ordinance Revising District Code Section 1.50.030 Regarding Discontinuation of Service and Adopt New Discontinuation of Residential Water Service for Nonpayment Policy

President Johnson read the title of the ordinance.

Director Vonheeder-Leopold MOVED to Waive Reading of Ordinance. Director Rubio SECONDED the MOTION, which CARRIED with FOUR AYES and ONE NO (Halket) per roll call vote.

Utility Billing and Customer Services Supervisor Kelly Richards reviewed the item for the Board and gave a presentation explaining the requirements of Senate Bill 998 (Water Shutoff Protection Act), the proposed changes to the District Code and proposed new policy, and procedural updates to align with this legislation. The presentation was added as supplemental materials to the agenda on the District website.

Ms. Richards explained that SB 998 updates the noticing mechanism for tenants and landlords, whereby notice will be provided to both the landlord and tenant. Tenants have the option to take over service without having to pay the landlord's delinquent fees, and multi-unit properties will not be shut off if the landlord does not pay the bill. There are also longer-term payment arrangements available as well as shutoff exemptions for customers meeting certain specific medical and financial requirements.

There was no public comment received.

The Board expressed its support for the proposed District Code changes and the new policy which will increase flexibility to work with customers struggling to pay their water bill.

Director Rubio MOVED to Schedule Adoption of the Ordinance Amending Section 1.50.030 of the District Code to Include Revisions Regarding Discontinuation of Services Due to Senate Bill 998 for September 21. Director Vonheeder-Leopold SECONDED the MOTION, which CARRIED with FIVE AYES per roll call vote.

Director Rubio MOVED to Approve Resolution No. 46-21, Adopting the Discontinuation of Residential Water Service for Nonpayment Policy. Director Vonheeder-Leopold SECONDED the MOTION, which CARRIED with FIVE AYES per roll call vote.

8.D. Receive Report on Water Supply Conditions and Provide Direction on Declaration of a Water Shortage Emergency

General Manager McIntyre reviewed the item for the Board.

The Board and staff discussed current supply conditions, conservation efforts, and customer conservation messaging. Earlier this year, Zone 7 Water Agency (Zone 7) and the retailers asked customers to conserve water use by 15%. The goal is cumulative across all customer accounts. The goal fell short at 7% conservation achieved; the savings reside in the State's water system.

Mr. McIntyre explained the customer messaging has not been as robust as during the 2014–2016 drought because the District's water wholesaler, Zone 7, has available supply. However, on September 1, the Zone 7 Board of Directors declared a drought emergency mandating 15% water use reduction in case conditions worsen due to a dry winter. If supply critically declines, an aggressive and expensive customer outreach effort by the Tri-Valley retailers would ensue early next year. Zone 7 could withhold water from its retailers in this case. He noted that conservation messaging could vary slightly across the Tri-Valley because multiple agencies serve the area.

The Board directed staff to present the Water Shortage Emergency declaration at the September 21 Board meeting for approval.

8.E. First Reading of Ordinance Revising District Code Chapter 4.10 General Regulations and Protective Measures and Chapter 4.20 Potable Water Use and Protective Measures

President Johnson read the title of the ordinance.

Director Vonheeder-Leopold MOVED to Waive Reading of Ordinance. Director Rubio SECONDED the MOTION, which CARRIED with FOUR AYES and ONE NO (Halket) per roll call vote.

Engineering Services Director Zavadil reviewed the item for the Board.

There was no public comment received.

The Board and staff discussed the timing of the various water shortage stages, related customer outreach, and confirmed that the District's water-use restrictions enforcement and customer appeals processes will be similar to those during the 2014-16 drought emergency.

Vice President Halket MOVED to Schedule Adoption of the Ordinance Amending Sections 4.10.010, 4.10.020, 4.10.030, 4.20.010 of the District Code and Adding Sections 4.20.030, 4.20.040, 4.20.050, 4.20.060 to the District Code to Update Water Emergency and Water Shortage Emergency Provisions for September 21. Director Goel SECONDED the MOTION, which CARRIED with FIVE AYES per roll call vote.

The Board took a short recess at 7:29 p.m. and reconvened at 7:42 p.m. for Item 8.F.

8.F. Operation of a Joint Residential Recycled Water Fill Station in 2022

General Manager McIntyre reviewed the item for the Board.

The Board and staff discussed the roles of the partner agencies (DSRSD, City of Livermore, and City of Pleasanton) and aspects of the project such as the proposed design on the southwest section of the Gleason property, the feasibility of using other locations within the partners' service areas, and possible additional project costs. The Board also expressed concern for how long the District will extend use of its property. The Board acknowledged the community's expectation that the District establish a fill station if drought conditions escalate.

Director Vonheeder-Leopold MOVED to Direct Staff to Negotiate an Agreement with the City of Pleasanton and the City of Livermore to Develop and Operate a Joint Residential Recycled Water Fill Station in 2022 if Mandatory Conservation Restrictions are Enacted for Irrigation. Director Goel SECONDED the MOTION, which CARRIED with FIVE AYES per roll call vote.

9. REPORTS

9.A. Boardmember Items

- Joint Powers Authority and Committee Reports  
LAVWMA – August 18, 2021  
DSRSD/City of Dublin Liaison – August 19, 2021

President Johnson invited comments on recent JPA/committee activities. Directors felt the available staff reports adequately covered the many matters considered at

the JPA/committee meetings and made a few comments about some of the JPA/committee activities.

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

Director Rubio submitted written reports to Executive Services Supervisor/District Secretary Genzale. She reported that she attended the California Special Districts Association (CSDA) annual conference, including the Governance Foundations workshop, in Monterey from August 30 to September 2. She summarized the activities and discussions at the conference.

Director Vonheeder-Leopold submitted a written report to Executive Services Supervisor/District Secretary Genzale. She reported that she also attended the CSDA annual conference in Monterey from August 30 to September 2. She summarized the activities and discussions at the conference.

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

Director Goel requested an item be scheduled regarding desalination efforts in the Bay Area region, including related legislation and how the District can support it. Director Rubio echoed the request.

President Johnson requested staff provide a progress report on the required trainings completed by the Board and staff toward the SDLA District of Distinction Accreditation. General Manager McIntyre confirmed that District Secretary Genzale will include a progress report in this week's General Manager Report.

#### 9.B. Staff Reports

- Event Calendar – General Manager McIntyre reported on the following:
  - A special LAVWMA Board meeting will be held tomorrow evening (September 8) at 6 p.m.
- Correspondence to and from the Board on an Item not on the Agenda – None

#### 10. CLOSED SESSION

At 8:27 p.m. the Board went into Closed Session.

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

Agency Negotiators: Dan McIntyre, General Manager  
 Jan Lee, Assistant General Manager  
 Carol Atwood, Administrative Services Director  
 Michelle Gallardo, Human Resources and Risk Manager

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

Additional Attendees: Douglas E. Coty, General Counsel  
 Dania Torres Wong, Sloan Sakai Yeung & Wong LLP

10.B. Public Employee Performance Evaluation Pursuant to Government Code Section 54957  
Title: General Manager

11. REPORT FROM CLOSED SESSION

At 9:36 p.m. the Board came out of Closed Session. President Johnson announced that there was no reportable action.

12. ADJOURNMENT

President Johnson adjourned the meeting at 9:36 p.m.

Submitted by,

Nicole Genzale, CMC  
Executive Services Supervisor/District Secretary