

**MINUTES OF THE REGULAR MEETING
OF THE BOARD OF DIRECTORS OF THE
CASTRO VALLEY SANITARY DISTRICT
HELD ON MAY 1, 2007**

[1. *Call to Order, Roll Call and Pledge of Allegiance.*]

The regular meeting of the Board of Directors of the Castro Valley Sanitary District was called to order by President Waespi at 6:30 p.m., Tuesday, May 1, 2007, at the District Office. The Pledge of Allegiance was led by President Waespi.

ROLL CALL:

PRESENT: DIRECTORS Daniel Akagi, Harry Francis, Ralph Johnson,
Timothy McGowan and Dennis Waespi

ABSENT: None

LATE: None

Staff in attendance:
Roland Williams, Jr., General Manager
Anthony Varni, District Counsel
Barbara Nagy, Recording Secretary

Others in attendance are listed on the attached attendance sheet.

[2. *President's Comments.*]

President Waespi:

- congratulated staff and all those involved in the Community Clean-up held April 28th, noting there were 850 volunteers who cleaned ten CVUSD sites plus five public sites. 35 cu. yds. of yard waste were cleared and composted, and 4 cu. yds. of litter were collected. Prior to the clean-up day, the District hosted a free paper shredding event for all businesses in Alameda County. 1,625 boxes of sensitive documents representing 24 tons of paper diverted from landfill were shredded. In addition, 50 cu. yds. of cardboard and other recyclables were collected and recycled. Member Francis stated when he stopped by the District he noticed the SureShred trucks were very noisy. Manager Williams replied it was late in the day and staff knew it was

- coming and, therefore, there was no disruption to District operations. There was a constant stream of drop-offs and many requests from residents for a like event.
- stated Oro Loma's annual Poster Contest reaped 2,700 entries, adding the awards ceremony is May 22nd at 6:30 p.m. at the Marina Community Center. Tickets are available.
 - reminded all of the East Bay Regional Park District's Leadership Breakfast May 17th, 8-9:45 a.m. All are invited.
 - stated the HARD golf tournament will be held July 11th.
 - reminded everyone the Back to the Natives Garden Tour is this Sunday, May 6th. The District's Bay Friendly Garden is featured.
 - stated next week is International Compost Week.

[3. *Consent Calendar.*]

The Consent Calendar contained: A. Minutes of Regular Meeting on April 3, 2007; B. Accounts Payable List for the Regular Meeting of April 3, 2007; C. Monthly Statements of Operations for February 2007; D. Monthly Reports on District Investments and Deposits for February 2007; E. Collection System/Field Maintenance Reports for March 2007; F. Engineering Projects Report for April 2007; G. Solid Waste Projects Report for April 2007; H. Report of OLSD Construction Committee Meeting on April 11, 2007; I. Report of ACWMA Meeting on April 25, 2007; J. Report of EBDA Commission Meeting on April 26, 2007.

President Waespi asked if there were any items to be discussed. Manager Williams stated the Vac-Con truck returned to the District after several weeks of repairs. Member McGowan inquired as to when the new hydro unit would arrive. Manager Williams replied we are waiting on the truck which should be ready within the next 30 days.

There being no further discussion, a motion was made by Member Francis to accept the Consent Calendar. The motion was seconded by Member Johnson and passed on a 5 – 0 vote.

[4. *Board Expenditures and Event Attendance Approval.*]

President Waespi asked if there were any questions regarding Board Expenditures. There were none.

President Waespi stated there are two opportunities for local events, one being "LAFCo 101" on Thursday, May 17th and, the East Bay Regional Park District's Leadership Breakfast on

the same day. Member Francis noted the Eden Area Livability meeting is tomorrow. President Waespi added the CSDA Special Legislative Days is a two-day event in Sacramento.

There being no further discussion, a motion was made by Member McGowan to approve Board Expenditures, one paid member to attend LAFCO 101 and, up to five paid Board Members to attend the Legislative Conference. The motion was seconded by Member Akagi and passed on a 5 - 0 vote.

[5. *Items from the Public.*]

Sharon Pipkins and Sherry Johnson from Palomares Elementary School stated CVSD and Palomares have partnered with two Project Earth events in the past. Palomares is now striving to create a Science Expo to third graders all over Castro Valley with 28 exhibitors. The school is going to be requesting a \$2,500 donation for recycled milk jug benches and tables and portable microphone systems to be used after this school year. This request will be considered at the June Board meeting. The ladies thanked the Board for their time.

Hera Alikian stated she received both CVSD's and OLSD's Prop 218 Postcard notices, adding that Oro Loma has no rate increases scheduled for the next fiscal year, while Castro Valley is increasing sewer service charges in all areas. Ms. Alikian stated she will be writing a letter of protest. She added that CVSD is proposing a sizable increase and she is concerned for the commercial users adding, promises were made. She is also concerned that there is not adequate communication, noting the CUAC needs to address the usage-based system. President Waespi thanked Ms. Alikian for her comments. Member Johnson stated you must look at the history. CVSD's rates will only be slightly higher than OLSD. OLSD has had 3-4 years to plan for the capital improvement project, whereas CVSD is just getting started to replenish Reserves after paying cash for the project. It is not a fair comparison, adding he believes this is the end of a two-year increase. Member McGowan reminded all that the District opted for a five-year plan to slowly increase sewer service charges to cover the capital improvement projects.

Manager Williams made two comments; the first being the OLSD Board possibly made a short-sited decision not to raise rates this year and, they have seen a tremendous number of connections during the past two years adding a large amount of capital, whereas Castro Valley is closer to build-out. There is a difference in philosophy between the two districts regarding rate structure.

President Waespi stated it is tough to raise rates noting many other jurisdictions are considerably higher than Castro Valley.

[6. *Presentation of Petitions.*]

There were none.

[7. Regular Calendar.]

A. Report of Solid Waste Committee Meeting on April 10, 2007.

Manager Williams stated Board Members have the written report. The biodegradable tray pilot program was a success at Jensen Ranch Elementary and the District is working on a program to keep schools from using styrofoam trays.

Manager Williams stated the subject of an e-waste hauler for the E-Waste Collection Event 2007 is the next item on the agenda. Member McGowan asked if the District plans to partner with a non-profit or will staff run the event. Manager Williams replied staff plans to manage the event to ensure its continuing high quality.

Member Francis inquired about the Fast Cash for Food Scraps program asking if staff has gone out just one time. Manager Williams replied yes, with a successful outcome of seven winners. Press releases were sent to the papers and there will be a total of ten opportunities for residents to participate and win. Member McGowan noted that this particular program was the incentive one of his neighbors needed to begin placing food scraps in his green waste cart.

There being no further discussion, a motion was made by Member Francis to accept the report. The motion was seconded by Member Johnson and passed on a 5 – 0 vote.

1. E-Waste Recycler.

President Waespi stated the Solid Waste Committee recommends entering into a contract with Direct Computer Disposal for recycling and support services at the District's E-Waste Collection Event 2007. Last year the District received \$6,000 from this event; this year the District looks to gain \$10,000. Member Johnson asked if this is just for electronics or will fluorescent bulbs and batteries be included. Manager Williams replied all will be included, adding the District is still working on HHW's charge to take those items as he feels it is not right. The District is doing their work collecting the items. The District should not have to pay HHW.

There being no further discussion, a motion was made by Member McGowan to enter into a contract with Direct Computer Disposal for recycling and support services at the District's E-Waste Collection Event 2007. The motion was seconded by Member Johnson and passed on a 5 – 0 vote.

B. Donation Requests (four).

1. Stanton Elementary School.

President Waespi stated Stanton Elementary is a good group of people who have supported the District in our programs. Their request for one ClearStream Recycler fits the District's Mission and Vision Statements.

There being no further discussion, Member Johnson made a motion to donate one ClearStream Recycler to Stanton Elementary School. The motion was seconded by Member Francis and passed on a 5 – 0 vote.

2. *Eden Medical Center Foundation Star Struck 13 fundraiser.*

President Waespi noted that as wonderful of a cause this is to raise funds for mammography equipment, it unfortunately does not meet the District's criteria for a donation. Member Johnson added that individual donations may be made to the cause.

There being no further discussion, Member McGowan made a motion to reject this donation request. The motion was seconded by Member Johnson and passed on a 5 – 0 vote.

3. *Castro Valley High School Booster Club – weight room equipment.*

President Waespi stated this is the same situation as the former request, adding it too is a good cause. Member Johnson mentioned that the school could ask for specific recycled content items, which could possibly be funded.

There being no further discussion, Member McGowan made a motion to reject this donation request. The motion was seconded by Member Francis and passed on a 5 – 0 vote.

4. *Castro Valley Rotary Club – refuse and ClearStream Recyclers.*

President Waespi stated this is another ClearStream Recycler request along with refuse carts for use at the Castro Valley Rotary Chili Cook-off. This is a loan (donating the plastic bags). Member McGowan asked if a roll-off dumpster had been requested for this event. Manager Williams answered not this year.

There being no further discussion, a motion was made by Member Johnson to approve this request. The motion was seconded by Member Francis and passed on a 5 – 0 vote.

Manager Williams felt a discussion regarding Donation Requests was warranted as the District receives numerous requests during the year. His hope is that the policy may be revised so that staff can filter requests and present the ones that match District Vision and Mission Statements to the Board for consideration. There could be a check box on the form to describe how it meets our mission. Also, the issue of requests for ClearStream Recyclers appears to be an automatic approval and do these really need to come before the Board. It was suggested that revisions to the Donation Policy be discussed at a future Workshop. President Waespi concurred. Manager Williams informed the Board that the \$500 donation to the Rowell Ranch Rodeo which was approved at the April meeting could not come out of Used Oil Grant funds. It will come out of Measure D. Member Francis stated the idea is good, and that staff could report on who is requesting donations and who was denied.

C. Report of Personnel Committee Meeting on April 25, 2007.

Manager Williams stated On-Call Payment was the first issue discussed. Currently on-call personnel does not get paid for the first three hours on a call-back. This is not in compliance as employees may not volunteer their time. If called back, it is customary to be paid. If just fielding a phone call, there is no additional compensation. Changes to the On-Call policy were explored and will come before the Board in the next item.

Manager Williams stated Engineering Technician, Melody Knapp, tendered her resignation effective May 31, 2007. Associate Engineer, Yanni Demitri, announced his resignation at a staff meeting on April 23rd, with his last day being May 4, 2007. Possible solutions to fill vacancies are for ET Tyree Jackson to move to the regular position and recruit for a long-term temporary. Staff reviewed the list from the ET recruitment in January and found one viable candidate; however, she is not interested in the position. Therefore, the District will recruit for one ET. Manager Williams wishes to replace the AE with an outside consultant, and has been working with Dr. Jeff Lewandowski, whom he recommends. The Committee concurred with these approaches.

Manager Williams then stated it is also time to hire a regular Collection System Maintenance Worker/Trainee to fill out the crew, as Elliott Johnson's six month trial period is nearing the end.

Discussion ensued regarding the hiring of a consultant for the AE position. Member McGowan had concerns regarding not going out with an RFP for consulting services. Manager Williams stated he has confidence in Dr. Lewandowski and his knowledge of the District to complete tasks that are urgent. Member Johnson added that District Engineers are becoming a thing of the past. There are many opportunities out there and the District only offers a one-man show with no chance for advancement except to General Manager, as well as a salary issue within the industry. Manager Williams recommends going forward with Dr. Lewandowski and reassess the situation in one year. Member Johnson asked if a couple of calls could be made to other consultants. Member McGowan stated he would be ok with that. President Waespi stated he wants to see the work completed.

There being no further discussion, Member Akagi made a motion to accept the report. The motion was seconded by Member Francis and passed on a 5 – 0 vote.

1. On-Call Compensation.

This item was discussed after Item #2. President Waespi stated this item is before the Board as the District must have personnel on-call at all times. Currently, the MOU states the on-call person will carry a cell phone and take a District truck home and must be fit for work at all times. The on-call person currently is compensated \$30/night for MTWTH nights and,

\$35/night for FSS and holiday nights, with the first 3 hours of call-back at no additional pay. The Fair Labor Standards law does not allow for employees to volunteer their time without pay. Call-back pay is defined as responding to a call, not just taking a phone call. The proposal tonight is to correct the call-back issue and the recommendation is to pay two hours of overtime for a call-back, which is standard in the industry. Manager Williams added this has been going on for a long time and the District can no longer ask employees for volunteer labor. Member McGowan had sent an email to Manager Williams earlier in the day stating he was not comfortable with opening the MOU at this time; however, upon hearing the above, Member McGowan withdrew his objection. The issue of on-call compensation can be discussed at a future closed session; however, call-back pay must be acted upon tonight.

There being no further discussion, a motion was made by Member McGowan to change the MOU to allow overtime payments for return to work at two hours overtime/call-back or as much time as is spent on the call-back. The motion was seconded by Member Akagi and passed on a 5 – 0 vote.

2. Recruitment for Engineering Department.

This item was discussed prior to Item #1. President Waespi reiterated his concerns to complete the tasks at hand and suggested the District call two more consultants for phone interviews. Manager Williams had strong concerns over who the District would call and it's fairness, as well as the time constraints the District is facing. He added that Dr. Lewandowski's analysis of the District is very sound.

Manager Williams then discussed the ET position. It was decided to recruit for both Regular and Long-Term Temporary positions, hiring one person with the best candidate being placed in the Regular position.

There being no further discussion, Member Akagi made a motion to accept the time line, advertising for a Regular/Long-Term Temporary ET, as well as a Collection System Maintenance Worker/Trainee; and, in the interest of time, authorize the General Manager to enter into an agreement with Dr. Jeff Lewandowski for consulting services. The motion was seconded by Member Francis and passed on a 4 – 1 vote, with Member McGowan voting no.

D. Waste Management of Alameda County, Inc., Negotiations Update.

Manager Williams reminded all of the upcoming Town Hall Meeting on May 9th here at the District to inform the community where the District stands with the solid waste negotiations.

Manager Williams stated at the last meeting with Waste Management, negotiations broke off as the two agencies are too far apart financially. The District owes it to the public to go out with an RFP. Attorney Varni met with WMAC to gain a sense of where they are, adding there is some flexibility, but not adequate to not go out to bid. He added it is hard to compare CVSD

with OLSD as they do not have a food scrap program. Mr. Varni stated he wishes to maintain a good relationship with WMAC because of the transfer station and landfill elements involved.

Manager Williams stated he talked with consultant R3 regarding the next step in the process which will be to finalize a priority list. The possibility of the hauler traveling directly to the Altamont landfill with refuse instead of to the transfer station was discussed, bypassing the 15 mile rule. Manager Williams then presented a timeline beginning with the priority list going to the Board in June and ending with a decision by the Board in December or January of next year. More discussion took place regarding the transfer station.

[8. *Communications.*]

The 2006/2007 FY Property Tax Revenue statement was received from Alameda County. Manager Williams noted that ERAF 3 was rescinded; this being a good thing as the District can use the funds to replenish Treatment Plant Reserves. Member McGowan asked what the amount is. Manager Williams replied \$550,000.

[9. *Miscellaneous Comments from Board Members and Staff.*]

Manager Williams and Janette Stuart did such an excellent job on their presentation regarding Commercial Rates at the CWEA Conference in Ontario that they will make a repeat performance at the local CWEA dinner on June 7th.

[10. *Adjournment of Meeting.*]

There being no further business to come before the Board, Member Johnson made a motion, seconded by Member Akagi and passed on a 5 - 0 vote, to adjourn the meeting in honor of Manager Williams' birthday at 8:15 p.m. by President Waespi.

Respectfully submitted,

Timothy McGowan,
Secretary of the Sanitary Board