

**MINUTES OF THE REGULAR MEETING
OF THE BOARD OF DIRECTORS OF THE
CASTRO VALLEY SANITARY DISTRICT
HELD ON SEPTEMBER 4, 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, September 4, 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:

- welcomed all to the meeting
- reminded the Board of the Fall Festival sign-up sheet and hopes everyone will be able to attend.
- stated there is a Solid Waste Committee meeting September 13th at 6:00 p.m. and, the Alameda County Recycling Board meeting will be held in the District Board Room the same evening at 7:00 p.m.

[3. *Consent Calendar.*]

The Consent Calendar contained: A. Minutes of Special Meeting on July 23, 2007; B. Report of ACSDA Meeting on July 11, 2007; C. Report of EBDA Commission Meeting on July 19, 2007; D. Minutes of Regular Meeting on August 7, 2007; E Accounts Payable List for the Regular Meeting of September 4, 2007; F. Monthly Statement of Operations for June 2007; G. Monthly Report on District Investments and Deposits for June 2007; H. Collection System/Field Maintenance Report for July 2007; I. Engineering Projects Report for August 2007; J. Solid

Waste Projects Report for August 2007; K. Report of OLSD Construction Committee Meetings on August 8 & 14, 2007; L. Report of Solid Waste Committee Meeting on August 14, 2007; M. Report of CASA Conference held August 15-18, 2007; N. Report of EBDA Commission Meeting on August 23, 2007.

President Waespi asked if there were any items to be discussed. Manager Williams stated the Board has Item B. Report of ACSDA Meeting on July 11, 2007, before them. The attached minutes were prepared by Ro Aguilar, ACSDA Secretary. Manager Williams then pulled Item F. Monthly Statement of Operations for June 2007, stating due to several questions posed by a Board Member, a Budget and Long Range Planning Committee meeting will need to be held to clarify several items on the report.

There being no further discussion, a motion was made by Member McGowan to accept the Consent Calendar, excluding Item F. The motion was seconded by Member Akagi 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. Then he asked if there were any upcoming meetings or events to discuss. Member Francis inquired as to whether Board Members will be paid to attend the Fall Festival. Manager Williams stated they have been in the past; as Board Members you are there to represent the District. He added this year the District will be sharing a booth with Waste Management with only one CVSD staff member and one Board Member working at a time, so there is heavier involvement by the Board.

Manager Williams asked if any Board Members would be attending the TAC tour of the BLT Transfer Station on September 21st, and would it be a paid event. President Waespi responded yes there is interest, but he feels it should not be a compensated event. Member Johnson also stated he would be interested in attending.

There being no further discussion, a motion was made by Member McGowan to approve Board Expenditures and authorize paid attendance at the Fall Festival. The motion was seconded by Member Johnson and passed on a 5 - 0 vote.

[5. Items from the Public.]

There were none.

[6. Presentation of Petitions.]

There were none.

[7. Regular Calendar.]

A. RESOLUTION NO. 3144 – NOMINATING RALPH JOHNSON TO THE ALTERNATE MEMBER SETA REPRESENTING SPECIAL DISTRICTS ON THE ALAMEDA COUNTY LOCAL AGENCY FORMATION COMMISSION.

President Waespi read the resolution in its entirety and added he would be most happy to lobby on Member Johnson's behalf. Member Johnson stated several of his qualifications including his knowledge of and involvement with special districts.

President Waespi confirmed he will attend and vote on behalf of the District at the ISDSC meeting on November 7, 2007.

There being no further discussion, Member Akagi made a motion to adopt the Resolution. The motion was seconded by Member McGowan and passed on a roll call vote 5 - 0.

ROLL CALL

AYES: DIRECTORS Akagi, Francis, Johnson, McGowan and Waespi
NOES: None
ABSENT: None

MOTION CARRIED

The entire Board congratulated Member Johnson.

B. RESOLUTION NO. 3145 – RECOGNIZING HAYWARD AREA RECREATION AND PARK DISTRICT FOR ITS PUBLIC SERVICE TO THE CASTRO VALLEY SANITARY DISTRICT.

President Waespi read the resolution in its entirety. Karl Zabel of HARD was present and expressed his appreciation for the grant to encourage more recycling in Castro Valley.

There being no further discussion, Member Francis made a motion to adopt the Resolution. The motion was seconded by Member Johnson and passed on a roll call vote 5 - 0.

ROLL CALL

AYES: DIRECTORS Akagi, Francis, Johnson, McGowan and Waespi
NOES: None
ABSENT: None

MOTION CARRIED

C. RESOLUTION NO. 3149 – ACCEPTING THE GRANT OF EASEMENT FROM MARIE J. ALCORN, TRUSTEE OF TRUST “A” OF THE GEORGE BENNETT ALCORN AND MARIE JOHNSON ALCORN DECLARATION OF TRUST DATED APRIL 14, 1988, AND MARIE J. ALCORN AND GREGORY C. ALCORN, CO-TRUSTEES OF TRUST “B” OF THE GEORGE BENNETT ALCORN AND MARIE JOHNSON ALCORN DECLARATION OF TRUST DATED APRIL 14, 1988, AND AUTHORIZING THE DISTRICT SECRETARY TO ATTACH THERETO THE WRITTEN ACCEPTANCE OF THE DISTRICT (TR 7305, ALCORN PROPERTY).

Manager Williams suggested both resolutions be discussed together and voted on separately. He referred to the memo confirming this is a 3.99 acre project which will hold 16 single-family dwellings. The first action, a Grant of Easement, has been reviewed and checked, meets all requirements and, fees have been paid.

The second action, Resolution No. 3150 is the actual improvements of 440 feet of sewer mainline; fees have been paid. The project has been through the review process and accepted.

Member Akagi questioned 440’ of sewer running length against a 250’ easement. Manager Williams presented plans and a decision was made to table both of these items until footages could be confirmed.

D. RESOLUTION NO. 3150 – APPROVING PLANS AND SPECIFICATIONS FOR SANITARY PUBLIC MAINLINE EXTENSION IN TRACT 7305 (ALCORN PROPERTY).

This item was tabled; see above.

E. Donation Request from Castro Valley Adult School.

Manager Williams stated this item came before the Board at the June Board meeting and was tabled pending further information to be provided by the Adult School. He stated he met with Judy Gestring of the Castro Valley Adult School and received a letter from her clarifying that all of the raised beds will be used for the planting of vegetables and not for flowers as well as contacting Orcaboard, whose representatives confirmed their products are made from 100% recycled content. The cost of the requested items is the same, whether ordered from Orcaboard or Northwest Builder’s Network.

Discussion ensued and it was decided that even though the project did not constitute a Bay Friendly Garden, its intent and recycled content of the raised bed garden and benches, which could be purchased with RPPP funds, meet District criteria. President Waespi also suggested that the project display some type of interpretive signage stating its content and the fact that it

was donated by the District. Manager Williams stated this is already part of the District's currently policy.

There being no further discussion, a motion was made by Member Akagi to fund the donation request of \$6,797 with the stipulation that interpretive signage with the source of material as well as District recognition be displayed. The motion was seconded by Member Johnson and passed on a 5 – 0 vote.

F. Minutes of Special Meeting on August 28, 2007.

Manager Williams stated two issues were on this agenda; the RFP and a closed session.

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

1. Draft Solid Waste Hauler RFP.

Manager Williams stated Ric Hutchinson from R3 Consulting Group was at the meeting to address any questions and concerns the Board may have regarding the RFP. Mr. Hutchinson stated he has scrutinized the document and tried to incorporate all previous comments by Board and staff. The document has been reviewed by District Counsel Varni, Manager Williams, Solid Waste Specialist II Lue and himself. He added that a mandatory pre-proposal meeting is set for October 1, 2007. After that, if minor modifications are necessary, addendums may be issued.

Board Members proceeded to make comments on specific line items in the RFP. Mr. Hutchinson and Manager Williams addressed each comment. Mr. Hutchinson stated the final version would be ready to present by Monday, September 10th, and would be released and available to prospective bidders at 2:00 p.m., Wednesday, September 12, 2007. Proposals will be due to the District 2:00 p.m., November 14, 2007.

(NOTE: MEMBER FRANCIS LEFT THE MEETING AT 8:15 P.M.)

District Counsel Varni stated he sent a letter of comments to the District and is satisfied with the compromises made. He added the comments made at this meeting were good.

Discussion ensued regarding the amount of the performance bond.

There being no further discussion, a motion was made by Member Akagi to direct the team to incorporate requested changes and accept the RFP. The motion was seconded by Member Johnson and passed on a 4 – 0 vote.

G. Adjournment to Closed Session (one item) in accordance with Government Code Section 54956.9(c) for the purpose of conferring with or receiving advice from legal counsel regarding potential litigation by CVSD.

A motion was made by Member Akagi to adjourn to Closed Session. The motion was seconded by Member Johnson and passed on a 4 – 0 vote.

1. Reconvene to Open Meeting and report on any action taken in Closed Session.

A motion was made by Member McGowan to reconvene to open session. The motion was seconded by Member Akagi and passed on a 4 – 0 vote. President Waespi reported no action was taken in Closed Session.

[8. Communications.]

Manager Williams presented a letter from the Alameda County Grand Jury requesting information regarding compensation and benefits received by the Castro Valley Sanitary District Board of Directors, adding that every special district in Alameda and Contra Costa Counties are receiving the same letter. The information is due September 21, 2007.

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

Manager Williams stated he will be off the next three days as his daughter, Tamara, is getting married this coming Saturday. Congratulations were offered.

A reminder was made regarding the Board Workshop set for September 18, 2007 at 6:00 p.m. Manager Williams stated topics for discussion would include Dr. Jeff Lewandowski's presentation on the status of current projects and plans for next year, streamlining operations, as well as a closed session to discuss upcoming MOU negotiations.

[10. Adjournment of Meeting.]

There being no further business to come before the Board, Member McGowan made a motion, seconded by Member Johnson and passed on a 4 - 0 vote, to adjourn the meeting at 8:55 p.m. by President Waespi.

Respectfully submitted,

Timothy McGowan,
Secretary of the Sanitary Board