

**EAST PALO ALTO SANITARY DISTRICT
BOARD OF DIRECTORS
REGULAR BOARD MEETING MINUTES
April 2, 2009**

1. Call to Order

2. A Regular Board Meeting of the East Palo Alto Sanitary District was called to order by Director Savage on Thursday, April 2, 2009, at 7:01 p.m. The meeting was held at the East Palo Alto Sanitary District Office located at the East Palo Alto Sanitary District Office located at 901 Weeks Street, East Palo Alto, California.

Directors Present

Joan Sykes-Miessi
Edrick Haggans
Glenda Savage
Goro Mitchell
Betsy Yanez

Staff Present

Lee Hawkins, General Manager
Karen Maxey, Administrative Services Director
Micheline Wegem, Accountant
Malathy Subramanian, Legal Counsel

3. Communications from the Public

There were none.

4. Agenda Amendments

There were no changes to the agenda.

5. Consideration/Approval of February 14, 2009, Special Board Meeting Minutes and March 5, 2009, Regular Board Meeting Minutes

Motion: Director Haggans moved, seconded by Director Yanez, to approve the minutes of the February 14, 2009, Special Board Meeting and the March 5, 2009, Regular Board Meeting. Motion unanimously approved.

6. Consideration/Approval of Resolution No. 967 Approving Withdrawal Orders and Authorizing Payment of Certain Bills

Motion: Director Haggans moved, seconded by Director Sykes-Miessi, to approve Resolution 967 Approving Withdrawal Orders and Authorizing Payment of Certain Bills. Motion unanimously approved.

7. Consideration/Approval of a Customer Claim for Reimbursement for 211 Daphne Way

Mrs. Sims, 211 Daphne Way, informed the Board that she had a problem at her house on Super Bowl Sunday and that the day before the Super Bowl, Sanitary staff was

April 2, 2009

Page 1

cleaning out drainage and then water backed up in her bathroom. Her husband called to get the District staff back but they were already on another call. Her son called a plumber to have the problem taken care of and then she found out her neighbor had the same problem but the Sanitary District staff took care of that problem. She would like to get staff to come out and televise the pipes to see what the problem is and also to get reimbursed for her plumber expenses.

Mrs. Sims' son commented that the District staff was flushing out the sewer systems a week prior to the Super Bowl, and he called to have someone come out on Tuesday, but no one came out. He wrote a letter and the next day someone was out and explained what had happened. The plumber informed them that something was flushed in their line. He also asked that the Board approve the reimbursement for his parents.

General Manager Lee Hawkins explained that the crew responded and found there was not a conforming cleanout and thus the line could not be serviced.

Herman Bok Green explained that staff flushed on Monday or Tuesday so he could not say the work staff did had anything to do with the Sims' problem. He believes the plumber provided the Sims with the wrong information as to what caused the back up.

Mr. Hawkins reported that all the information was provided to the District Engineer and the result of his review was that the backup was not the result of the District.

Director Savage questioned whether anyone had gone under the house to look at the pipes.

Mrs. Sim's son indicated that the plumber went under the house but did not find any problems with the plumbing.

Mr. Hawkins explained that the District staff is unable to do anything when there is a nonconforming cleanout.

Director Savage suggested that the Board discuss the issue and make a determination within a few days.

Director Mitchell pointed out that the bill for the plumber was \$700.

Mr. Hawkins noted that if the District staff cannot find the cleanout, then the problem is the homeowner's.

Director Sykes-Miessi understood the Sims' issue since they had called the District on Tuesday and no one responded. They felt that if someone had come out before Super Bowl Sunday, they would have known that the District would not be able to find the line.

Director Savage was inclined to consider a shared cost. Director Yanez supported that thought.

Director Mitchell expressed concern about setting a precedent.

Mr. Bok reiterated that if there is no conforming cleanout, the staff is unable to do any work.

Legal Counsel Malathy Subramanian shared Director Mitchell's concerns about setting precedent.

Mr. Hawkins explained that whether the Board approved or denied the claim, it would still go to the insurance carrier.

Motion: Director Mitchell moved, seconded by Director Haggans that the claim be denied because of possible legal and economic precedent.

Motion carried by roll call vote:

AYES: Mitchell, Haggans, Sykes-Miessi, Yanez, Savage
NOES: None.

Director Sykes-Miessi suggested that rate payers need to be educated about responsibility relating to sewers.

Director Mitchell also suggested having a liability waiver.

8. Consideration/Approval of Date for 70th Anniversary Celebration

Mr. Hawkins announced that August 29 has been suggested as the date for the 70th Anniversary Celebration. The time would be 12 noon to 5 p.m.

Motion: Director Mitchell moved, seconded by Director Yanez that August 29 is the date selected for the 70th Anniversary Celebration. Motion passed unanimously.

Director Sykes-Miessi questioned whether staff had a sense of the type of activities that would be planned for the celebration.

Mr. Hawkins said the Committee will be meeting and discussing the celebration.

Director Savage noted that the event focus would be multi-cultural.

9. Manager's Report

Mr. Hawkins talked about applications for capital projects with use of stimulus funds; waiting to hear back on that. The downstairs project is finished but awaiting final approvals from the City. When the occupancy permit is issued, the bonds will be released to the contractor. Staff is still working with the City to create a partnership on the FOG program, the grease drop off.

10. Committee Reports

a) Engineering

Director Haggans reported that the Engineering Committee discussed streets that would be televised.

b) Finance

Director Savage reported that the Finance Committee met and paid the bills.

c) Human Resources – No report

d) Intergovernmental – No report

e) Facilities – No report

Director Savage reported that the Facilities Committee met and talked about the 70th Anniversary Celebration.

11. Oral & Written Communication

There were no written or oral communications.

12. Future Agenda

13. Adjournment

The meeting adjourned at ____ p.m.

APPROVED:

/s/Glenda Savage
Board President

/s/Joan Sykes-Miessi
Board Secretary