

**EAST PALO ALTO SANITARY DISTRICT
BOARD OF DIRECTORS
REGULAR BOARD MEETING MINUTES
September 5, 2019**

1. **Call to Order**

A Regular Board meeting of the East Palo Alto Sanitary District was called to order by Director Savage on Thursday, September 5, 2019 at 7:02 p.m. The meeting was held at the East Palo Alto Sanitary District office located at 901 Weeks Street, East Palo Alto, California 94303.

2. **Roll Call**

Directors Present

Glenda Savage
Dennis Scherzer
Bethzabe Yanez

Staff Present

Akin Okupe - General Manager
Micheline Wegem - Accountant
Malathy Subramanian – District Counsel

The Board briefly recessed to await the arrival of Directors Mitchell and Sykes-Miessi and resumed at 7:05 p.m. upon the arrival of Director Mitchell.

Director Sykes-Miessi arrived at 7:22 p.m.

3. **Board Member Excused/Unexcused Absences**

There were no excused or unexcused absences.

4. **Communications from The Public**

There were no communications from the public.

5. **Agenda Amendments**

There were no agenda amendments.

6. **Consideration/Approval** of June 13, 2019 and August 6, 2019 Regular Board Meeting Minutes.

Regarding the minutes of June 13, 2019, Director Scherzer reiterated his request that the word “opined” in Item 11 be changed to “reported” to better reflect his statement. Approval was tabled pending this change.

Regarding the minutes of August 6, 2019, Director Scherzer requested that Item 8(e) include more detail.

Motion: Director Yanez moved, seconded by Director Scherzer, for approval of the August 6, 2019 Regular Board Meeting minutes subject to the revision requested in Item 8(e). Motion passed unanimously.

7. **Consideration/Approval** of **Resolution NO. 1249** Approving Withdrawals and Authorizing Payment of Bills

Motion: Director Yanez moved, seconded by Director Savage, for approval of Resolution No. 1249 approving withdrawals and authorizing payment of bills. Motion passed unanimously.

8. **Consideration/Discussion** of District Engineer and General Manager's Reports

Mr. Okupe reported as follows:

A) 1201 Runnymede

Phase One of the hydraulic impact evaluation has been completed and Freyer & Laureta is working on completing Phase Two of the assessment which is now underway.

B) University Plaza Phase II

This project is ongoing, with a flow meter evaluation currently underway to determine time of use data.

C) Office Lease of 903 Weeks Street, East Palo Alto, CA 94303

Advertisements for the 903 Weeks Street office space have been placed in both the newspaper and on various websites. Mr. Okupe has requested the formation of an ad hoc committee to evaluate the lease proposal.

D) Maintenance

There were no spills during the month of August.

9. **Consideration/Discussion/Approval** – Authorize the General Manager to enter into Development Agreement with EPA Arts Center regarding tie-in for 1765 E Bayshore Road.

Motion: Director Scherzer moved, seconded by Director Yanez, for approval to authorize the General Manager to enter into a development agreement with EPA Arts Center regarding tie-in for 1765 E. Bayshore Road. Motion passed unanimously.

10. **CLOSED SESSION:** Conference with Special Legal Counsel (Danielle Ochs) – Existing Litigation Government Code Section 54956.9(d)(1) Rodney Ryce v. East Palo Alto Sanitary District et. Al San Mateo County Case No. 16IV03076

The Board recessed at 7:43 p.m. and resumed at 7:47 p.m.

The Board entered into closed session at 7:47 p.m. and resumed at 8:08 p.m. There was no reportable action.

11. **Consideration/Discussion/Approval** – to Authorize General Manager to hire a Special Counsel (Mark Bonino) to investigate the conflict of interest of BBK regarding the District's Service Agreement with Special District Risk Management Authority (SDRMA), not to exceed \$5,000.

After a lengthy discussion, this item was put to a vote.

Motion: Director Mitchell moved for approval to authorize the General Manager to hire Special Counsel (Mark Bonino) to investigate the conflict of interest of BBK regarding the District's service agreement with Special District Risk Management Authority (SDRMA), not to exceed \$5,000. Motion died for lack of a second.

12. **Consideration/Discussion/Approval** – To authorize the General Manager to enter into contract with C2R Engineering Inc. not to exceed \$34,800 for the repair of District building and \$6,000 for contingency work.

Mr. Okupe requested Board approval to enter into contract with C2R Engineering Inc. to effectuate repairs, including a safety barrier, for damage caused when an automobile ran into the District building.

Director Scherzer suggested adding language to the motion to include receipt of written confirmation from the District's insurance carrier stating that the proposed security barrier is covered in the District's policy. Director Mitchell declined to include such language in bringing the motion.

Motion: Director Mitchell moved, seconded by Director Yanez, to authorize the General Manager to enter into contract with C2R Engineering Inc., not to exceed \$34,800 for the repair of the District building and \$6,000 for contingency work. Motion passed with one nay from Director Scherzer,

who stated that he would prefer written confirmation of coverage from the insurance carrier regarding placement of the security barrier.

13. **Consideration/Discussion/Approval** – formation of an ad hoc committee for public bidding of 903 Weeks Street East Palo Alto, CA 94303

Directors Savage and Sykes-Miessi made request to serve on the ad hoc committee for the public bidding of the 903 Weeks Street office space.

Motion: Director Sykes-Miessi moved, seconded by Director Savage, for approval of formation of a leasing committee for the public bidding of 903 Weeks Street East Palo Alto, CA 94303 including members President Glenda Savage and Board Director Sykes-Miessi. Motion passed unanimously.

14. **Consideration/Discussion/Approval** – To authorize the General Manager to enter into contract with San Mateo County Election Office, not to exceed \$3,000.00, to notify registered voters of the change in election date from June of 2020 to March of 2020

Motion: Director Sykes-Miessi moved, seconded by Director Mitchell, for approval to authorize the General Manager to enter into contract with the San Mateo County Election Office, not to exceed \$3,000.00, to notify registered voters of the change in election date from June of 2020 to March of 2020. Motion passed unanimously.

15. **Committee Reports and Approval of Meeting Minutes**

A) Engineering

Director Scherzer stated that the Committee did not meet during the month of August.

B) Finance

Director Yanez advised that the Committee met and paid bills.

C) Human Resources

Director Sykes-Miessi stated that the Committee did not meet during the month of August.

D) Intergovernmental

Director Yanez stated that the Committee did not meet during the month of August.

E) Public Relations

Director Scherzer stated that the Committee did not meet during the month of August.

F) Directors' Reports on Attendance at Conferences/Trainings

Board members reported on their attendance at the CASA conference.

16. **Oral & Written Communication**

Director Yanez will be out of town during the month of October.

17. **Future Agenda / Meetings**

The next meeting will be held on October 10, 2019 at 7:00 p.m.

- Draft language limiting Board member unannounced visits to EPASD
- Censure of Director Scherzer – November Board meeting

18. **Adjournment**

There being no further business, the meeting adjourned at 8:12 p.m.

APPROVED:

Board President

Board Secretary