

BAYSHORE SANITARY DISTRICT
MINUTES
Meeting of May 25, 2023

Opening of Meeting and Roll Call:

The meeting was called to order at 7:10 P.M.

Present: Constantino, Gallagher, Rizzi, Sy, Tonna
Absent: None
Staff: Maintenance Director Landi, Engineer Yeager, District Clerk Landi, Counsel Mog and Erin Corvinova, SFPUC Financial Planning Director

Oral and Written Communications: (Concerning matters not on the Agenda; no action will be taken nor will extended discussion be permitted.)

- (1) Communications from members of the public
None
- (2) Communications from members of the District Board and Staff
None
- (3) Acknowledgment of recent correspondence to the District
None

At this time the agenda was taken out of order.

Old Business:

(16) Outstanding SFPUC invoice
Counsel Mog provided a brief recap of the circumstances surrounding the FY 20-21 annual billing. The billing method that had been used since the inception of the contract was changed without notice or agreement. The outstanding amount less late fees is \$91,304. The Board proposed a 50% payment but that offer was rejected. The District offered to pay the outstanding amount over two years and was advised that interest would be applied the second year.

Director Tonna pointed out that the SFPUC wants to abide by the late fee section of the contract but not about the fee calculation methodology being changed. He also pointed out that we budget for expenses and then have to answer to our constituents when we spend more than budgeted. Ms. Corvinova said the calculation is fair and equitable and that she takes responsibility for the change. The District's position is that the change in calculation is really an amendment to the contract. In Counsel's Mog opinion the contract was interpreted in one way for a number of years and to change that interpretation would require an amendment. That argument has gone on deaf ears. President Gallagher asked why that particular year was chosen to make the change. The reply was something along the lines that Ms. Corvinova believed the calculation with regard to debt service had been calculated in an incorrect way. She added that in her opinion the District had not been responsive. It was pointed out that, unbeknownst to us, our first letter via USPS protesting the methodology was never opened by staff since they were working remotely.

Director Constantino said that the sticking point for the District is that we should have been made aware of the new calculation method before we were sent a bill.

When contract negotiations begin next year this very unfortunate incident points out the need for more precise language with regard to amendments, methodologies, how to resolve disputes, etc. The Board thanked Ms. Corvinova for attending the meeting.

Closed Session:

(19) Significant exposure to litigation pursuant to §54956.9(b): one case

The Closed Session was opened at 7:47 P.M. and closed at 8:08 P.M. No reportable action was taken.

Consent Agenda: *(Any member of the Board or the public can request that an item be removed from the Consent Agenda. If there are no objections all items are voted upon by one motion.)*

(4) Minutes of the April 27, 2023 meeting

(5) Payment authorization for bills and compensation

(6) Accept April, 2023 report on District's current financial status

(7) Accept April, 2023 checking account reconciliation

A motion was made by Director Sy, seconded by Director Constantino and passed by voice vote to approve items 4-7.

Board Reports – consideration of matters relating to:

(8) President Gallagher

(a) LAFCo: They have approved their Fiscal Year 23-24 budget.

(b) CSDA – Local Chapter: No report.

(9) Daly City: Director Rizzi told the Board that Lawson Hall has been sold. He will no longer be able to post agendas there but will ask management at the Boys & Girls Club if he may post there.

(10) Brisbane: No report.

Staff Reports:

(11) Maintenance Director – consideration of matters relating to:

(a) Monthly report on District operations and maintenance: Prior to the start of the meeting there was an issue with indication of a high wetwell level; however, no alarm was activated. It appears to be okay now but will be monitored.

Today Telstar Instruments conducted the flow meter calibration and cleaned all the panels.

We have been experiencing heavy debris and rags in Pump #1. It has had to be pulled twice to be cleared and it is again pumping low; will monitor.

We have received a revised quote for pump replacement from Pump Repair Service. The best pump, in Mr. Landi's opinion, is the Fairbanks Morse which is \$56,000 and would take about 24 weeks for delivery.

Ace Fire Equipment and Service Company serviced the extinguishers earlier this week.

(b) Generator cleaning service: Today the diesel fuel tank was filled at the request of Dynamic Fuel Service who will be performing the cleaning service on June 9.

(12) District Engineer – consideration of matters relating to:

(a) April meter reading data: The average daily flow was 264,484 gallons and there was only 1/10th of an inch of rain.

(b) Various cabling projects: Daly City will be issuing potholing permits. We will require that they pothole and find the force main all along Bayshore Boulevard.

(c) Point Martin Phase 1 & 2: They have submitted building utility plans for the model homes and they have revised their schedule indicating a March, 2026 completion date.

(d) Annual Sewer Service Charges: The water data has been obtained from Daly City, Brisbane and San Francisco and it has been entered by EDS. Preliminarily there looks to be an increase of about \$75,000 as compared to FY 22-23. The usage at the Cow Palace was high but we suspect that is due to increased events compared to the Covid years.

(e) Bus storage facility – Beatty and 101: This parcel behind Recology is currently vacant. There is a proposal to use it to park San Francisco school busses. This would be similar to what Google did for a while in that they are not going to run water or sewer to the parcel. They will be using portable restrooms and it is supposed to be temporary. The Engineer has not seen the formal proposal.

(f) The Baylands Specific Plan Revised Notice of Preparation of an EIR: Engineer Yeager provided a PowerPoint presentation. There are a number of issues that will significantly impact the District. He will submit a letter to Brisbane addressing our concerns. The environmental team needs to meet with the District.

(g) SSMP revisions: The Engineer's presentation continued with discussion of the revised SSMP. Since we contract with North San Mateo County Sanitation District (NSMCSD)/Daly City for maintenance and emergency response we would like to incorporate their plan into ours. The changes in the Sewer Emergency Response Plan must be reported to the State by June 6. The portions of the document that have been changed or amended were reviewed. Mr. Yeager reported that he and the Maintenance Director developed an emergency plan for the Carlyle Pump Station and force main.

(h) North San Mateo County Sanitation District Maintenance Contract: There was recently a meeting with staff from NSMCSD to discuss the SSMP, compliance to regulations and also the upcoming amendment to the maintenance contract.

(13) District Counsel – consideration of matters relating to:

No report

(14) District Clerk – consideration of matters relating to:

No report.

Old Business:

(15) Community outreach – newsletter – no update: This is hold for the time being. Director Sy said she has updated her draft and will provide a copy to the Clerk.

New Business:

(17) Approval of Revised Sanitary Sewer Management Plan

A motion was made by Director Tonna to approve the Revised SSMP. The motion was seconded by Director Sy and unanimously passed by voice vote.

(18) Reports on other matters: no action will be taken

There was discussion regarding the June and July meetings. There was consensus to hold a Special Meeting & Budget Workshop on June 15, 2023 at 6:00 P.M. and cancel the June 22, 2023 Regular Meeting. Since two Directors will be unable to attend the July 27th meeting it was cancelled and instead there will be a Special Meeting on July 20, 2023 at 7:00 P.M.

Adjournment:

The meeting was adjourned at 9:51 P.M.

Submitted by Joann Landi

/s/ Iris Gallagher
President

/s/ Norman Rizzi
Secretary