

CROCKETT SANITARY COMMISSION (CVSAN)

of the Crockett Community Services District

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MINUTES OF REGULAR MEETING OF APRIL 17, 2024.

1. CALL TO ORDER: The meeting was opened at 4:00 PM by Chair Manzione. Commissioners present include McDonald, Bartlebaugh, Manzione, and Wais. Trask was absent (excused). Commissioner Bartlebaugh left at 6:49 PM. Staff present: District Secretary (DS) Sonia Rivas, District Engineer (DE) Gaunt Murdock, Administrative Services Manager (ASM) Jena Goodman, and Sanitary Department Manager (SDM) James Barnhill.
2. REQUEST TO TAKE AGENDA ITEMS OUT OF ORDER: The Agenda was amended to accommodate item 4c. The property owner was notified of the April 17 hearing date in February but was inadvertently left out of the agenda. This action is permitted under California Government Code section 54954.2(b) by a two-thirds vote. The amended agenda was approved. (McDonald 1st, Bartlebaugh 2nd 4/0, 1 absent).
3. PUBLIC COMMENTS ON NON-AGENDA ITEMS: None.
4. PRELIMINARY REVIEW OF PUBLIC HEARINGS: There were no comments from the public. There was a discussion on which entity determines public hearing outcomes. DE Murdock reported that the District's former attorney stated that a public hearing had to be before an elected body of the Board. DE Engineer reported that the former District attorney had rewritten the District Code to address violations unenforceable under the current code but it was never approved. DS Rivas presented **District Code** section **1.08.010 Notice of Violation**. *A Notice of Violation may be recorded with the County Recorder upon specific approval of the District Board or as delegated to respective Commission with right of appeal to District Board. If a more specific provision concerning Notices of Violation contained elsewhere in this Code is applicable to a given circumstance, such more specific provision shall apply.* In previous discussions, it was determined that the Board is the only entity authorized to hold public meetings.

After a discussion on whether the letter should be addressed to the property owner or buyer, it was determined that due to the speed of property flippers and the backlog in property transfer recordings at the County, the letter should be addressed to the buyer. Otherwise, the remediation process could be delayed unnecessarily. The current notice of violation does not mention actions a buyer can take nor is there an option to appeal. Staff noted to modify the letter to include the appeal process: Staff, CVSAN Commission pre-hearing and end with a Board hearing. Several recommendations were made to improve the language.

The intent of the letter is two-fold: 1) the County recording serves as a time-starter to help recoup costs of staff time should a violation require the District to correct the violation, and 2) it serves as a warning to potential buyers of issues that a realtor may not have disclosed about the property before purchase.

Mr. Barnhill recommended continuing the recording process for the current violations since preparing new notices would start the timeframe from the beginning.

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After an extensive discussion of the entity that holds the authority of public hearings, it was determined that the Board had delegated the commissions with issues pertaining to their area of authority and that the District Code had not been updated to reflect any changes to negate that. Considering the action of recording the violation with the County, is to notify the public of the violation. District Code Section 1.08.010 suggests that CVSAN is the delegated commission to serve as the authority to approve the recording of such violations.

The Commissioners acknowledged the violation letters, noted that no one from the public was present to contest the violations, and motioned that staff record the violation with the County at their convenience. (McDonald 1st, Wais 2nd, 4/0)

- a. Hearing on Notice of Violation of District Ordinance No. 07-1, permitted repairs and certification required; 1426 Kendall Ave (APN 354-151-010), Coln-Smith.
- b. Hearing on Notice of Violation of District Ordinance No. 07-1, permitted repairs and certification required; 549 Kendall (APN 355-113-005), 549 Kendall, LLC.
- c. Hearing on Notice of Violation of District Ordinance No. 07-1, permitted repairs and certification required; 247 Duperu Drive (APN 354-332-005), Ramon R. Ruano.

5. CONSENT CALENDAR: All items were pulled for discussion.

- 5a. Approve minutes of February 21, 2024.
- 5b. Approve minutes of March 20, 2024.
- 5c. Receive minutes of the joint CCSD and CVSAN special meeting on March 15, 2024.
- 5d. Receive warrant transmittals.

6. CONSIDER ITEMS REMOVED FROM THE CONSENT CALENDAR: Items 5a and 5b were approved with corrections. (McDonald 1st Bartlebaugh 2nd, 4/0, 1 absent).

- 5a. Approve minutes of February 21, 2024.
- 5b. Approve minutes of March 20, 2024.
- 5c. Receive minutes of the joint CCSD and CVSAN special meeting on March 15, 2024. Received.
- 5d. Receive warrant transmittals. The March 2nd transmittal was missing.

7a REPORT ON ACTIONS TAKEN BY THE DISTRICT BOARD AND THEIR COMMITTEES: DS

Rivas reported that the Board signed a contract with Redwood Public Law and will continue to consult with attorney Richard Pio Roda who has been working on the Joint Use Agreement negotiations. The District signed a letter of support for H.R. 7525 – the Special District Grant Accessibility Act that will allow special districts to apply for federal grants. The ASM has been authorized to contract with a government accounting firm to help bring financial records up to date. Ms. Wais has been reappointed to CVSAN.

7b. DISCUSS SEWER USE CHARGE: DE Murdock presented the sewer use charge (SUC)

report stating that the District will be proposing an increase from \$918 to \$1,175 for SFRs (single-family residential units) and from \$759 to \$837 for apartments representing an increase between 25% - 30%. Mr. Murdock noted that some of the entries are estimates. The report will need to be approved by the Board and the required Prop 218 mailing is May 1st to allow a 45-day notice for a public hearing on the proposed increase. Commissioner McDonald suggested that Staff review the expiration date for C&H's 2012 10-year settlement agreement that caps their sewer use charge at 3%.

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The Commission discussed the SUC extensively and directed staff to continue clarifying and correcting questions asked in the discussion before presenting to the Board. The rate stabilization fund is reserved and not included in the calculations for the proposed increase because its purpose is to cover unexpected costs. In addition, C&H has not shared its plans for capital improvements that may impact the District's budget. The Commission recognizes that the calculations are based on projected costs based on uncertainties in construction costs, future treatment plant costs, future water usage, and prior accounting behavior upon which the proposed rates are based. Therefore, the Commission understands that there would be a sizable SUC rate increase.

With previous SUC increases, the District includes a newsletter in the Prop 218 mailings. Due to time constraints, Staff was advised not to include a newsletter.

7c. UPDATE ON JOINT USE AGREEMENT NEGOTIATIONS: A meeting is scheduled for Friday, April 19.

7d. DISCUSS ADDING ADDITIONAL INSURANCE REQUIREMENTS FOR CONTRACTS: The question of the need for a Waiver of Subrogation was discussed at the previous meeting. DE Murdock reported that contracts include an exhibit with a list of insurance requirements. Chair Manzione also reported that the State has additional insurance requirements. It was determined that there are no additional insurance requirements are needed.

7e. DISCUSS THE EXISTING SIGNING AUTHORITY OF THE DISTRICT ENGINEER AND DETERMINE IF AN INCREASE SHOULD BE RECOMMENDED: Under Mr. Murdock as general manager, the Board approved an increased spending limit to \$50,000. Since then, an acting general manager was appointed splitting the district engineer into a separate role. The role of district engineer is not currently listed in the District Code but is being added.

Mr. Murdock explained that \$1,000 projects do not need competitive bidding; \$25,000+ projects require reporting to the Department of Industrial Relations; \$175,000+ projects require formal bidding.

Commissioner McDonald motioned that CVSAN recommends delegating authority to the District Engineer approval to spend up to the general manager's spending authority to address such emergencies as they arise and to promptly notify the general manager. (McDonald 1st, Bartlebaugh 2nd, 4/0, 1 absent)

7f. POLL COMMISSIONERS ON THE DESIRE TO HOLD A JOINT USE AGREEMENT (JUA) STUDY SESSION AND SELECT A DATE: Commissions agreed to a closed study session.

8a. UPDATE ON FINANCIAL MATTERS: The Board approved hiring a government accounting firm. ASM Goodman has been in discussions with Maze & Associates and has received rates, but a project estimate has not been submitted.

8b. UPDATE ON BUDGET PROCESS FOR 2024: Ms. Goodman has spent considerable time working on the SUC calculations with sanitary staff. A combination of tasks has delayed significant progress with the budget process. She has gained administrative control for QuickBooks and has added recreation facilities manager Witschi as a user to assist. She will be preparing a preliminary CVSAN budget and will schedule a meeting with the budget and finance committee.

8c. OPERATIONS, MAINTENANCE, AND CAPITAL IMPROVEMENTS: The project at Second and Rose is almost completed. This was an emergency replacement being done at a rate of

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\$150 a foot. The project was thought not to have a second lateral, but a second lateral was discovered. The contractor offered to repair it at no additional cost. The project did incur an additional electro-fusion cell.

8d GOVERNMENTAL MATTERS: Ms. Goodman shared an article from SF Gate reporting that the EPA is fining several agencies for a total of \$372,000. The largest fine is for EBMUD and small fines to Selma, Albany, Piedmont, Berkeley, and Alameda. Crockett was not on that list. San Francisco is also being targeted by an EPA watchdog. Mr. Murdock reported on a recent SCADA hacking supposedly by the Russian military, which released one day's worth of water in a town in Texas. Crockett currently does not have this technology in place.

8e ANNOUNCEMENTS AND DISCUSSION: None

9a WASTEWATER COMMITTEE: A meeting to discuss the JUA is scheduled for Friday, April 19 at 3:30.

9b BUDGET & FINANCE COMMITTEE: None.

9c INTER-AGENCY MEETINGS: The next Contra Costa Special District Association meeting is scheduled for Monday, May 20th.

10 FUTURE AGENDA ITEMS:

- 1 Rolph Park Drive repairs.
- FOG (fats, oils, and grease) process/policy
- JUA study session.
- Monthly Maintenance Operations Report
- Pump Station Grit Detritter Condition report.
- District Code enforcement review.
- Notice of Violation letter.

11. COMMISSIONER COMMENTS: Commissioner.

12. ADJOURNMENT: The meeting was adjourned at 7:04 PM until May 15, 2024.

Respectfully submitted,
Sonia Rivas, MBA
District Secretary