

CROCKETT SANITARY COMMISSION

Special Meeting

AGENDA FOR Friday, JUNE 21, 2024

(This meeting was rescheduled from June 19th due in deference to the District's adoption of the Juneteenth Day holiday.)

TIME: 1:00 PM

PLACE: Crockett Community Center, 850 Pomona Avenue, Crockett

The Crockett Sanitary Commission is an agent of the Crockett Community Services District.

1. CALL TO ORDER – ROLL CALL:

2. CALL FOR REQUESTS TO CONSIDER ITEMS OUT OF ORDER:

3. PUBLIC COMMENTS ON NON-AGENDA ITEMS:

(The Commission is prohibited from discussing items not on this agenda. Matters brought up that are not on the agenda may be referred to staff for action or calendared for a future date.)

4. PRELIMINARY REVIEW OF PUBLIC HEARINGS: None

(The Commission will hear the violation(s) and make a recommendation to the CCSD Board for a final determination. CCSD Board meetings are held on the following Wednesday at 7 PM)

5. CONSENT CALENDAR: Consideration of a motion to approve the following items:

(Items may be removed from the Consent Calendar upon request by any Commissioner or member of the public for discussion during Administrative Items.)

- a. Approve minutes of April 17, 2024.
- b. Approve minutes of May 15, 2024.
- c. Receive warrant transmittals.

6. CONSIDER ITEMS REMOVED FROM THE CONSENT CALENDAR:

7. ADMINISTRATIVE:

- a. Consider report on actions taken by the District Board and their committees.
- b. Discuss department staffing and arrangements, and the role of the general manager.
- c. Approve Variance for Shared Lateral, 452 Kendall
- d. Update on Sewer Use Charge public hearing.
- e. Discuss Joint Use Agreement renewal.

8. REPORT OF DEPARTMENT MANAGERS:

(These items are typically for the exchange of information only. No action will be taken at this time.)

- a. Financial matters.

- b. Operations, maintenance, and capital improvements.
- c. Governmental matters.
- d. Announcements and discussion.

9. REPORTS FROM COMMISSIONERS:

(These items are typically for the exchange of information only. No action will be taken at this time.)

- a. Wastewater Committee – Members Bartlebaugh and Manzione
- b. Budget & Finance Committee – Members Trask and Bartlebaugh.
- c. Inter-agency and Trade meetings.

10. FUTURE AGENDA ITEMS:

- Sewer use study
- Educational treatment plant field trip
- 1 Rolph Park Drive repairs
- Enforcement letter and policy

11. COMMENTS FROM COMMISSIONERS:

12. ADJOURNMENT: to July 17, 2024.

You will find the Minutes of this meeting posted on our website at www.town.crockett.ca.us/meetings

Visit our website for more information on meetings and activities of the Crockett Community Services District and the towns of Crockett and Port Costa on the picturesque Carquinez Strait of the San Francisco Bay.

In compliance with the Americans with Disabilities Act of 1990, if you need special assistance to participate in a District meeting, or if you need a copy of the agenda, or the agenda packet, in an appropriate alternative format, please contact the General Manager at (510) 787-2992. Notification at least 48 hours before the meeting or time when services are needed will assist District staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

Per California Government Code Section 54957.5, any writing or document that is a public record related to an open session agenda item and is distributed less than 72 hours before a regular meeting will be made available for public inspection at the Crockett Community Services District Office in Crockett. If, however, the document or writing is not distributed until the regular meeting to which it relates, then the document or writing will be made available to the public at the location of the meeting, as listed on this agenda. The office address is 850 Pomona Street, Crockett, California 94525.

CROCKETT SANITARY COMMISSION (CVSAN)

of the Crockett Community Services District

P.O. Box 578 - Crockett, CA 94525

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For Review

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.

Commissioners: Scott Bartlebaugh (vc), Mark Manzione (c), Dale McDonald, Valerie Quade (alt.), D'Arcy Trask, Mary Wais

5.a

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), Colin-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 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%.

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: The general manager initially had a \$1,000 spending limit. 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 \$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. The contractor is new and is anxious to begin work on the Alexander Park project.

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

CROCKETT SANITARY COMMISSION (CVSAN)

of the Crockett Community Services District

P.O. Box 578 - Crockett, CA 94525

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For Review

MINUTES OF REGULAR MEETING OF MAY 15, 2024.

1. CALL TO ORDER: The meeting was opened at 4:00 PM by Chair Manzione. Commissioners present include McDonald, Bartlebaugh, Manzione, Trask, Wais and alternative Quade. Staff present: District Secretary (DS) Rivas, District Engineer (DE) Murdock, Administrative Services Manager (ASM) Goodman, and Sanitary Department Manager (SDM) Barnhill.
2. REQUEST TO TAKE AGENDA ITEMS OUT OF ORDER: A request was made to move the Manager's report earlier.
3. PUBLIC COMMENTS ON NON-AGENDA ITEMS: None.
4. PRELIMINARY REVIEW OF PUBLIC HEARINGS: None.
5. CONSENT CALENDAR: Item 5a was carried to the June meeting. Item 5b was received. (McDonald 1st, Wais 2nd, 5/0)
 - 5a. Approve minutes of April 17, 2024. Staff was asked to distribute minutes no later than 72 hours prior to a meeting time. Once an agenda is posted, it cannot be amended. An agenda can only be amended under emergency situations or unknown business matters that were not previously known but must occur before the next meeting date.
 - 5b. Receive warrant transmittals.
6. CONSIDER ITEMS REMOVED FROM THE CONSENT CALENDAR: None.
- 7a. REPORT ON ACTIONS TAKEN BY THE DISTRICT BOARD AND THEIR COMMITTEES: The Board declined the recommended sewer use charge (SUC) increase for Crockett and asked staff to return in May. The required Proposition 218 mailing was pushed from May 1st to July 1st. A contract with Maze & Associate, a governmental accounting firm, was approved to help the ASM bring the District's accounting books up to date. A contract was signed with Redwood Public Law and retained Richard Pio Roda as legal counsel. The District still has access to Meyers Nave for other legal matters. The Ad Hoc for 1 Rolph Park Drive was postponed once again due to other District priorities. The Board determined that signing authority should remain with the general manager who is financially responsible for the District.

ASM Goodman clarified that Maze & Associates began the complex reconciliation process. Recreation facilities manager Witschi has been helping and has completed deposits up to 2022. Due to the current disarray of the District's accounting, Port Costa declined their SUC increase even after acknowledging cost increases are inevitable.
- 7b. DISCUSS SEWER USE CHARGE: DE Murdock presented the previously submitted SUC report with a revised addendum showing three scenarios. The Board rejected the original recommendation because it was too similar to a previous increase that resulted in a lawsuit.

Commissioners: Scott Bartlebaugh (vc), Mark Manzione (c), Dale McDonald, Valerie Quade (alt.), D'Arcy Trask, Mary Wais

The data collected from EBMUD revealed that roughly 10%-15% of properties are missing, including a major commercial account. A lengthy discussion was had on the different scenarios.

The District receives sanitary sewage from the refinery and also from other properties that they own that are not industrial. C&H has over 300 employees according to their website (or 10% of Crockett's population) resulting in significant sanitary sewage flow from the refinery. In addition, they have industrial wastewater that is transferred through the pump station as diversions. This amounts to significant sewer use costs. The refinery sent roughly 6,400 100 cubic feet of diversion in 22/23. Their remaining four properties put out roughly 1,000 100 cubic feet per year. Their 2010 10-year settlement agreement has expired.

Revenues and expenditures were discussed in great detail. A fair amount of time was focused on billing and payments between the District and C&H. The District's cost for the joint-use partnership continues to increase creating a larger burden on Crockett. There is concern that equipment repairs for both the refinery and Crockett will further increase those costs. The reserves are roughly \$3 million. \$1.14 million is due to ASR for previous years; the budget allocates \$1.6 million for these outstanding invoices. Similarly, C&H has an outstanding balance since they stopped making payments in the last quarter of 2020.

Revenues total \$1.1 million with a matching \$1.1 million in expenses. The report reflects a \$2,558,492 deficit accounting for continuing costs of previously committed capital improvements, the cost of significant anticipated repairs, and the cost of inflation. Based on these estimates, the following SUC increases are recommended: SFR (single-family residence) from \$918 to \$1,153; Apartment from \$759 to \$822; and the volumetric rate for commercial and mixed-use properties from \$13.71 to \$21.23 per 100 cubic feet of water. Overall, this represents a 39% increase. Staff will continue to trim the budget where possible.

Rate increases have been minimal to none over the last few years. The impact of these minimal increases is reflected in the significant increase for FY 24/25. The Board will make the final decision on the actual increase.

The sanitary district is providing a service mandated by law for public health. The SUC is an assessment, not a tax. An assessment does not require going to the voters and asking for a tax increase and can be placed on the tax roll, absent of protest. Proposition 218 provides a tight timeframe to implement and notify the public of increases. There are two types of rate studies. The District has used a water consumption-based study for several years. Hiring a licensed wastewater engineer to conduct an in-depth sewer rate study to include five-year equalized increases was recommended and budgeted \$30,000 for the study.

7c. UPDATE ON JOINT USE AGREEMENT NEGOTIATIONS: The committee has prepared a response to the draft Joint Use Agreement currently undergoing legal review.

7d. CONSIDER A JOINT USE AGREEMENT (JUA) STUDY SESSION AND SELECT A DATE: A special meeting is scheduled for Friday, June 21 at 1 PM to review the JUA responses.

7e. CONSIDER AN EDUCATIONAL TREATMENT PLANT FIELD TRIP AND SELECT A DATE: This item was tabled.

7f. CONSIDER AN ALTERNATE DATE TO JUNE 19TH MEETING DUE TO THE JUNETEENTH HOLIDAY: Juneteenth is a federal holiday approved by the District. A decision was made to cancel the regularly scheduled meeting and incorporate it into a special meeting the following Friday – June 21st at 1 pm. The Commissioners agreed to a closed study session but will need to confirm with the attorney.

Commissioners: Scott Bartlebaugh (vc), Mark Manzione (c), Dale McDonald, Valerie Quade (alt.), D'Arcy Trask, Mary Wais

8a. UPDATE ON FINANCIAL MATTERS: Billings have not been consolidated as of yet. ASM Goodman is working with Maze & Associates to make further progress with accounting. A loan payment of \$26k from PCSAN to CVSAN is pending. The second PCSAN loan is being assessed. The FY 24/25 budget has been slowed due to the SUC process and the time needed to get Maze & Associates integrated into the District's financial system. The ASM will meet with the CVSAN budget & finance committee after meeting with the Board budget & finance committee.

8b. OPERATIONS, MAINTENANCE, AND CAPITAL IMPROVEMENTS: DE Murdock reported that the Alexander Park sewer repair project is mostly completed. The contractor hit a few steel pipes that were not noted in any plans – this will likely incur additional costs. There is one manhole left to repair. Pipes are cleaned every two months. There was a third failure on Pomona Street. An audit of recently cleaned lines was not stellar. The District has experienced great collection services through West County Wastewater but they are more expensive. The MCC has a \$45k bill for submittals. Mr. Murdock requested to remove the FOG program from future agenda items. He has visited and photographed all food establishments' grease traps. There are five customers and seven restaurants.

8c. GOVERNMENTAL MATTERS: None.

8e. ANNOUNCEMENTS AND DISCUSSION: None

9a. WASTEWATER COMMITTEE: None.

9b. BUDGET & FINANCE COMMITTEE: None.

9c. INTER-AGENCY MEETINGS: None.

10. FUTURE AGENDA ITEMS:

- 1 Rolph Park Drive repairs.
- Sewer use calculation study
- JUA study session
- Customer database study
- Monthly Maintenance Operations Report
- Pump Station Grit Detritter Condition report.

11. COMMISSIONER COMMENTS:

12. ADJOURNMENT: The meeting was adjourned at 6:48 PM until June 18, 2024.



Respectfully submitted,
Sonia Rivas, MBA
District Secretary

Commissioners: Scott Bartlebaugh (vc), Mark Manzione (c), Dale McDonald, Valerie Quade (alt.), D'Arcy Trask, Mary Wais

**CROCKETT COMMUNITY SERVICES DISTRICT
Crockett Community Services District**

Auditor's Date: _____ Fund: 342600 Account : 0830

<u>Date</u>	<u>Name</u>	<u>Memo</u>	<u>Credit</u>	<u>Num</u>
FUND 3426 - CV SANITARY - O&M				
05/17/2024	CONTRA COSTA COUNTY TREASURER	Netchex Payroll nbr 26, SPLIT	1,280.74	7173
05/17/2024	CONTRA COSTA COUNTY TREASURER	CalPERS April 2024, SPLIT	3,779.50	7174
05/17/2024	CSRMA	PIP Ins, JPA, Fee 12/31/23 INV#7249	45,547.70	7175
05/17/2024	DOLORES M. MORALES	Paint and supplies for 1 RPD	495.40	7176
05/17/2024	EBMUD	water for accts 86466230369 (\$154.96) and 55397300001 (\$323.44)	478.40	7177
05/17/2024	MEYERS NAVE	General Advice INV# 216899 (SPLIT) and JTP INV#216898	176.26	7178
05/17/2024	PG&E	Electricity and Gas For Collection System and 1 RPD	6,044.07	7179
05/17/2024	STATE COMPENSATION INSURANCE FUND	Workers Comp Apr and May 2024, SPLIT	1,446.98	7180
05/17/2024	TELSTAR INSTRUMENTS, INC.	MCCP Proj INV#121559, job #30-41663	45,000.00	7181
Total FUND 3426 - CV SANITARY - O&M			<u>104,249.05</u>	
TOTAL			<u>104,249.05</u>	



 5/17/2024

5.c

CROCKETT COMMUNITY SERVICES DISTRICT
Crockett Community Services District
 Auditor's Date: _____ Fund: 342600 Account : 0830

<u>Date</u>	<u>Name</u>	<u>Memo</u>	<u>Credit</u>	<u>Num</u>
FUND 3426 - CV SANITARY - O&M				
05/20/2024	SDRMA	June 2024 Medical Benefits - Payroll SPLIT	3,614.27	7182
05/20/2024	Frisch Engineering, Inc.	Task No.1 Inv#11925-2402c, MCCP Engineering Svcs April 2024	7,200.00	7183
Total FUND 3426 - CV SANITARY - O&M			10,814.27	
TOTAL			10,814.27	

[Handwritten Signature] 5/20/2024