

**ALAMEDA COUNTY BOARD OF SUPERVISORS
MINUTE ORDER**

The following action was taken by the Alameda County Board of Supervisors on 11/26/2019

Approved as Recommended

Other

Unanimous Chan: Haggerty: Miley: Valle: Carson: - 5

Vote Key: N=No; A=Abstain; X=Excused

Documents accompanying this matter:

Documents to be signed by Agency/Purchasing Agent:

File No. _____

Item No. 38

Copies sent to:

Stacy Marcoux, 21040 Marshall Street, Castro Valley, CA 94546-6020

Special Notes:



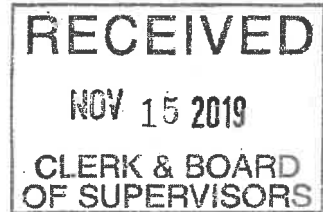
I certify that the foregoing is a correct copy of a Minute Order adopted by the Board of Supervisors, Alameda County, State of California.

ATTEST:
Clerk of the Board
Board of Supervisors

By: R Baule
Deputy



November 12, 2019



Alameda County Board of Supervisors
Attn: Esther Concepcion, Supervisors' Assistant
Clerk of the Board Office
1221 Oak Street, Room 536
Oakland, CA 94612

Daniel M. Akagi
President

Dave Sadoff
President Pro Tem

Ralph Johnson
Secretary

Melody Appleton
Secretary Pro Tem

Timothy McGowan
Board Member

Roland P. Williams, Jr.
General Manager

Subject: 2019 Conflict of Interest Code Review

Dear Supervisors:

Enclosed please find a strikeout version, showing requested modifications, of the Conflict of Interest Code of The Castro Valley Sanitary District of Alameda County, for your review and approval.

These changes were approved by the Castro Valley Sanitary District's Board of Directors at their regular meeting held October 1, 2019. A copy of the minutes of said meeting are enclosed showing Board approval of the amended Code.

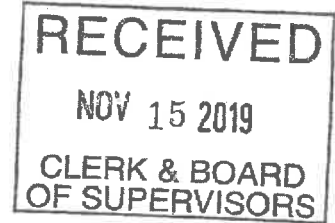
Should you have any questions, please do not hesitate to contact this office at (510) 537-0757 ext. 106. Thank you for your kind attention to this matter.

Yours truly,

Stacy Marcoux
Executive Assistant to the General Manager/Clerk of the Board

Enclosures

CONFLICT OF INTEREST POLICY
OF THE CASTRO VALLEY SANITARY DISTRICT
OF ALAMEDA COUNTY
AMENDED OCTOBER 12, 2019



SECTION 1. Purpose. Pursuant to the provisions of Government Code Section 18730 of Title 2, Division 6, of the California Code of Regulations and any subsequent amendments to it duly adopted by the Fair Political Practices Commission of the State of California, Castro Valley Sanitary District hereby adopts the following Conflict of Interest Policy. The provisions of this Policy are additional to Government Code Section 87100 et seq., 2 California Code of Regulations Section 18730, and other laws pertaining to conflicts of interest. Except as otherwise indicated, the definitions of the Political Reform Act of 1974 and regulations adopted pursuant thereto are incorporated herein by this Policy and shall be interpreted in a manner consistent therewith and shall constitute the new Conflict of Interest Policy of the Castro Valley Sanitary District. The provisions of this Conflict of Interest Code shall remain valid until amended or repealed. Any and all amendments made to the Political Reform Act or the FPPC regulations relating to conflicts of interest are automatically made a part of this Conflict of Interest Code pursuant to 2 California Code of Regulations Section 18730(a). Any invalidity of any portion of the provisions herein shall not affect the remaining provisions.

SECTION 2. Designated Positions. All persons holding Designated Positions who are listed on Appendix "A", attached hereto and made a part hereof, shall file statements of economic interest in conformance with the Disclosure Categories applicable to such positions as provided for in the California Code of Regulations.

From time to time, the General Manager is authorized to add Designated Positions to Appendix "A" as the District creates new departments and/or divisions. The General Manager shall report to the Board such changes as an agenda item. The General Manager shall also be authorized to require employees who transfer to these new positions to fill out new disclosure documents in conformance with this policy.

SECTION 3. Disclosure Categories. The Disclosure Categories are more particularly described in Appendix "B", also attached hereto and made a part hereof. SECTION 4. Term. All employees holding Designated Positions, as listed on Appendix "A" attached hereto and made a part hereof, who are required to submit a statement of financial interest shall file the original statement with the District's Administrative Assistant who shall retain said original statement in the District's office. All members of the District's Board of Directors required to submit a statement of financial interest shall file the original with the District's Administrative Assistant who shall make and retain a copy of same and forward the original of the statement to the Clerk of the Board of Supervisors of Alameda County as required under Government Code Section 87500(j). Said statement shall be filed in a timely manner pursuant to the California Code of Regulations.

SECTION 5. Contents of Disclosure Statements. Disclosure statements shall be made on forms supplied by the Alameda County Clerk, and shall contain the information required by Section 18730 of Title 2, Division 6, of the California Code of Regulations and any subsequent amendments to it duly adopted by the Fair Political Practices Commission of the State of California.

SECTION 6. Disqualification. Employees in Designated Positions must disqualify themselves from making or participating in the making of any decisions which will foreseeably have a material financial effect, distinguishable from its effect on the public generally, on any reportable interest of that employee. No employees in Designated Positions shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made.

SECTION 7. Manner of Disqualification. A Designated Employee required to disqualify himself or herself from participation in a decision shall, when the item comes up for discussion by the Board of Directors, disqualify himself or herself from hearing the issues and leave the Board room until the issue has been completed.

SECTION 8. Force and Effect of Law. This Conflict of Interest Code has the force and effect of law. Employees in Designated Positions violating any provision of this Conflict of Interest Code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code Sections 81000 et seq. In addition, a decision in relation to which a violation of the disqualification provisions of this Conflict of Interest Code or of Government Code

Section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code Section 91003.

SECTION 9. Filing of Policy. A copy of this new Conflict of Interest Policy of the Castro Valley Sanitary District shall be sent to the Clerk of the Board of Supervisors of Alameda County.

This Policy was accepted after being regularly moved, seconded, passed and adopted and ordered published in accordance with Health & Safety Code Section 6490 at a regular meeting of the District Board of the Castro Valley Sanitary District held on October 12, 2019~~8~~.

APPENDIX "A"
 CONFLICT OF INTEREST POLICY
 OF THE CASTRO VALLEY SANITARY DISTRICT

<u>DESIGNATED POSITIONS CATEGORIES</u>	<u>DISCLOSURE</u>
Member, Board of Directors	All categories
General Manager	All categories
Administrative <u>Business Services Supervisor/HR</u> categories	All
Finance Specialist	All categories
Associate Engineer	All categories
Solid <u>Zero Waste</u> Supervisor	All categories
Collection System Maintenance Supervisor	All categories
Consultant*	All categories
District Counsel	All categories

Limited Disclosure:

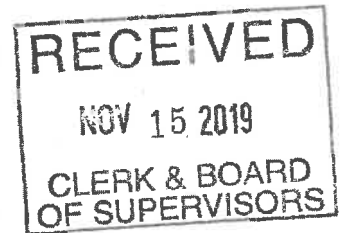
*The General Manager may determine in writing that a particular consultant, although a "Designated Position", is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The General Manager's determination is a public record and shall be retained for public inspection in the same manner and location as the Conflict of Interest Policy.

APPENDIX "B"
CONFLICT OF INTEREST POLICY
OF THE CASTRO VALLEY SANITARY DISTRICT

DISCLOSURE CATEGORIES:

- Category A: Investment and Real Property Disclosure –
(See Paragraph (b)(3)(7)(A) of Section 18730)
- Category B: Personal Income Disclosure -
(See Paragraph (b)(3)(7)(B) of Section 18730)
- Category C: Business Entity Income Disclosure –
(See Paragraph (b)(3)(7)(C) of Section 18730)
- Category D: Business Position Disclosure –
(See Paragraph (b)(3)(7)(D) of Section 18730)
- Category E: Acquisition or Disposal During Reporting Period –
(See Paragraph (b)(3)(7)(E) of Section 18730)

MINUTES OF THE REGULAR MEETING
OF THE BOARD OF DIRECTORS OF THE
CASTRO VALLEY SANITARY DISTRICT
HELD ON OCTOBER 01, 2019



[1. Call to Order, Roll Call, and Pledge of Allegiance.]

The regular meeting of the Board of Directors of the Castro Valley Sanitary District (CVSan) was called to order by President Pro Tem Sadoff at 6:35 p.m. Tuesday, October 1, 2019 at CVSan's main office, located at 21040 Marshall Street. The Pledge of Allegiance was led by President Pro Tem Sadoff.

ROLL CALL

PRESENT: DIRECTORS Melody Appleton, Timothy McGowan, Ralph Johnson, and Dave Sadoff

ABSENT: DIRECTOR None

LATE: DIRECTOR Daniel Akagi

Staff in attendance:

Roland P. Williams, Jr., General Manager (GM)
Anthony B. Varni, Legal Counsel
Stacy Marcoux, Recording Secretary
Zaneta Luna, Business Services Supervisor (BSS)
Landon Lochrie, Associate Engineer (AE)
Madison Aberer, Zero Waste Program Intern (ZWPI)
Nazifa Ghaznavi, Administrative Technician (AT)

Others in attendance are listed on the attached attendance sheet.

[2. President's Comments.]

There were no President's comments.

[3. CVSan's 80th Anniversary Proclamation from the California Water Environment Association (CWEA).]

GM Williams introduced HDR Senior Project Manager and CWEA President Kevin Calderwood, stating that CVSan works closely with CWEA and was the recent recipient of CWEA's Wastewater Collection System of the Year Award for the San Francisco Bay Area.

Mr. Calderwood stated he was happy to attend the meeting and congratulated CVSan on its 80th anniversary. He added that CWEA was pleased to issue the proclamation and proceeded to read the proclamation to the Board. He also stated that CVSan's 12-year record for no time lost due to accidents is fantastic.

The Board thanked Mr. Calderwood for attending the meeting and for presenting the proclamation.

[4. Introduction of new Administrative Technician, Nazifa Ghaznavi, and new Zero Waste Program Intern, Madison Aberer.]

GM Williams introduced Nazifa Ghaznavi, CVSan's new Administrative Technician (AT) and Madison Aberer, CVSan's new Zero Waste Program Intern (ZWPI).

AT Ghaznavi stated today was her first day at CVSan and noted that she will be located at CVSan's Capital Improvements Office on Patio Drive and she will be supporting both the Engineering and Collection System Maintenance Departments. She added that she recently graduated from California State University, East Bay with a master's degree in Public Administration. She also stated she was eager to join an agency that delivers crucial services to the public. AT Ghaznavi stated she is excited to be at CVSan and thanked the Board for their time.

ZWPI Aberer stated she is honored to be the ZWPI through June 2020 and noted that she recently completed her Bachelor of Science degree in Environmental Management and Protection at California Polytechnic State University in San Luis Obispo. She added that she will be leading the 4Rs field trips, ensuring all school classrooms have all the necessary garbage, recycle, and organics bins, conducting waste audits at Castro Valley schools, and assisting with Earth Day, Green Ribbon Certifications, and miscellaneous Zero Waste tasks.

The Board welcomed AT Ghaznavi and ZWPI Aberer to CVSan.

President Akagi arrived at 6:45 p.m.

[5. Report of Community Advisory Committee (CAC) meeting on September 13, 2019.]

CAC Member Howes stated the CAC meeting on September 13th had low attendance but was one of the most interesting meetings the Committee has had in a long time. She referred to the report included in the agenda packet and stated the Committee watched several documentary movies and discussed which one would be a good fit to show at CVSan's Zero Waste Week in February 2020. She also stated the Committee received a Recycles Day update and noted that 1,252 Alameda County residents participated and a total of 4,600 bags of compost were given out. CAC Member Howes stated that the Committee was informed of the final Earth Day Charity selections

and provided feedback to staff on future compost bag designs. The Board thanked CAC Member Howes for her presentation.

[6. Adjournment to Closed Session (three items).]

- A. The Board may adjourn to Closed Session in accordance with Government Code Section 54956.9(b) to confer with, or receive advice from, legal counsel on the East Bay Dischargers Authority (EBDA) agreement under the threat of negotiations.
- B. The Board may adjourn to Closed Session in accordance with Government Code Section 54957.6 for the purpose of instructing its designated representatives, General Manager Roland Williams, Business Services Supervisor Zaneta Luna, and Labor Negotiator Patrick Clark, in preparation of upcoming labor negotiations.
- C. The Board may adjourn to Closed Session in accordance with Government Code Section 54956.8 for the purpose of instructing its designated negotiator, General Manager Roland Williams, in preparation of upcoming real estate negotiations with the Hayward Area Recreation and Park District (HARD).

A motion was made to convene to closed session at 6:55 p.m. by Member Appleton. The motion was seconded by Member Johnson and passed on a 5 – 0 vote.

A. Reconvene to open meeting and report on any action taken in Closed Session.

A motion was made to reconvene to open meeting at 8:55 p.m. by Member Sadoff. The motion was seconded by Member Johnson and passed on a 5 – 0 vote.

President Akagi referenced Closed Session Item 6A and reported that the Board received advice and direction from Legal Counsel Varni, and that no action was taken.

President Akagi referenced Closed Session Item 6B and reported that the Board received advice and gave direction to the designated representatives and labor negotiator.

President Akagi referenced Closed Session Item 6C and reported that the Board received advice and direction from Legal Counsel Varni, and that no action was taken.

[7. Consent Calendar.]

The Consent calendar contained:

- A. Minutes of the Regular Board meeting on September 03, 2019.
- B. List of Disbursements for the Regular meeting of October 01, 2019.
- C. Monthly Report on District Investments and Deposits for August 2019.
- D. Monthly Statement of Revenue & Expenses for August 2019.

- E. **Monthly Statement of Net Position with Previous Month Changes for August 2019.**
- F. **Monthly Statement of Cash Flows for August 2019.**
- G. **Business Services Department Report for August 2019.**
- H. **Wastewater Department Report August 2019.**
- I. **Capital Improvements Projects Report for August 2019.**
- J. **Zero Waste Department Report for August 2019.**
- K. **Donation and Supply Request Report for August 2019.**
- L. **Report of Center Street Committee Minutes for August 14, 2019.**
- M. **Report of Wastewater Committee Minutes for August 15, 2019.**
- N. **Report of Oro Loma Sanitary District (OLSD) Construction Committee meeting on September 11, 2019.**
- O. **Report of East Bay Dischargers Authority (EBDA) Commission meeting on August 15, 2019.**

President Akagi asked if there were any items to be pulled or discussed.

Member McGowan referenced a typographical error on Item 7A, page 6. Recording Secretary Marcoux stated she would fix the error.

Member Sadoff inquired about a payment to Wells Fargo Bank on Item 7B, page 3. GM Williams stated this is the first monthly payment to Wells Fargo Bank for service charges for credit card sales made for Inspection Appointments for the Private Sewer Lateral Program. Member Sadoff asked if research had been done to determine if this was the most efficient option. GM Williams stated staff had researched and drafted a report with their findings and noted that using the Wells Fargo Bank option allowed CVSan to have the least amount of risk with the credit card payments, adding that CVSan does not ever see the credit card numbers.

Member Appleton referred to Item 7G, page 4, item 14 and asked if there had been any response from commercial property owners who received a letter. GM Williams stated no responses had been received yet but noted that CVSan does usually receive some inquiries from commercial property owners. Member Appleton asked to be informed if any responses are received.

There being no further discussion, a motion was made by Member Sadoff to approve the consent calendar with the noted correction. The motion was seconded by Member Appleton and passed on a 5 – 0 vote.

[8. *Items from the Public.*]

There were no items from the public.

[9. *Regular Calendar.*]

A. *Board Event Attendance Approval.*

1. Community Advisory Committee Annual Appreciation Dinner, Thursday, November 14, 2019.

There being no discussion, a motion was made by Member Appleton to approve Board compensated attendance for Item A.1. The motion was seconded by Member Johnson and passed on a 5 – 0 vote.

B. Board Expenditures Approval.

There being no discussion, a motion was made by Member Appleton to approve Board expenditures for September. The motion was seconded by Member Sadoff and passed on a 5 – 0 vote.

C. Draft Contract for Dahlin Group for Design Services for the Center Street Project, not to exceed \$891,000.

GM Williams stated Dahlin Group was the successful bidder for CVSan's current project on Marshall Street, and staff's recommendation is to proceed with entering into an agreement with them for design services for the Center Street Project. AE Landon stated there were several design options included in the agenda packet.

Member Appleton stated she would like to keep the timeline and noted she would like to proceed with staff's recommendation to enter into an agreement with Dahlin Group for design services for the Center Street Project, not to exceed \$891,000.

There being no further discussion, a motion was made by Member Appleton to approve the Contract for Dahlin Group and authorize the General Manager to enter into the Agreement. The motion was seconded by Member Sadoff and passed on a 5 – 0 vote.

D. Draft Contract Change Order No. 002 from Devaney Engineering, Inc. for District Project No. 93 on Marshall Street Project, not to exceed \$69,575.

GM Williams stated this contract change order is being presented to the Board since the amount exceeds his approval limit of \$60,000.

AE Lochrie stated the purpose for the contract change order was due to the contractor discovering that several of the laterals on Marshall Street were at a lower elevation and would need extra work to reconnect. He added that some of the laterals were deeper or longer than anticipated or were in driveways. He also stated that the work had already been completed so the contractor could continue with the rest of the project.

GM Williams asked if the laterals went back to the actual structures. AE Lochrie stated that not all of them did reach the structures, but some did, and some came close.

Member Johnson asked how staff could prevent a similar type change order in the future. AE Lochrie stated staff could have televised the laterals for depth readings.

There being no further discussion, a motion was made by Member Johnson to approve Contract Change Order No. 002 and authorize the General Manager to enter into the Agreement. The motion was seconded by Member Appleton and passed on a 5 – 0 vote.

E. General Order – Finding and determining that publication and posting of Ordinance No. 183 has been properly made.

President Akagi noted that the agenda packet included a copy of the General Order, a copy of the Ordinance Summary advertised in the Castro Valley Forum, and a signed copy of the posting affidavit by Executive Assistant to the GM/Clerk of the Board Marcoux.

There being no further discussion, a motion was made by Member Sadoff to adopt the General Order. The motion was seconded by Member McGowan and passed on a 5 – 0 roll call vote.

ROLL CALL
AYES: Director Akagi, Appleton, Johnson, McGowan, and Sadoff
NOES: None
ABSENT: None
ABSTAIN: None
MOTION CARRIED.

F. Draft Conflict of Interest Code.

GM Williams stated the Conflict of Interest Code is being presented to the Board ahead of schedule because there were known changes that needed to be made.

There being no further discussion, a motion was made by Member McGowan to approve the draft Conflict of Interest Code to be sent to Alameda County Board of Supervisors for adoption. The motion was seconded by Member Appleton and passed on a 5 – 0 vote.

G. California Association of Sanitation Agencies (CASA) Annual Conference Report.

GM Williams referred to the report included in the agenda packet and stated he had no additional comments.

H. Quarterly Legislative Updates.

GM Williams noted the updates listed on the CSDA report included in the agenda packet had previously been discussed and stated he had no additional comments.

[10. Miscellaneous Comments from Board Members and staff.]

Member Appleton stated a full report of the California Association of Sanitation Agencies (CASA) Communications Committee Meeting would be included in the Regular November Board Meeting agenda packet, but wanted to highlight the fact that this is Water Professionals Appreciation Week. She also stated there are several agencies involved in a field study on "flushable" wipes, and that there was an update at the meeting about per- and polyfluoroalkyl substances (PFAS), which are synthetic chemicals found in many products.

Member Sadoff thanked AE Lochrie and Engineering Technician Matthew Lee for letting him observe a high-density polyethylene (HDPE) coupling machine demonstration on Marshall Street. He added it was a quick and interesting process.

GM Williams stated Recording Secretary Marcoux would be passing around a sign-up sheet for a two-day Reuse and Textile Processing Facility Tour with Alameda County Industries' subcontractor, St. Vincent de Paul in Eugene, Oregon next month and noted that President Akagi and Member Sadoff were asked if they could attend at the last Zero Waste Committee meeting, but neither was available.

GM Williams stated the annual staff picnic is scheduled for October 11th at Schaefer Ranch in Dublin.

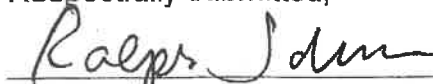
GM Williams stated that staff was approached by Elsys, Inc. to review CVSsan's data due to the low sewer system overflow rate. He added that a report will be brought to the Board at the Regular November Board meeting and that Legal Counsel Varni was in the process of reviewing a confidentiality agreement between CVSsan and Elsys, Inc.

Recording Secretary Marcoux scheduled a Special Board Meeting for Tuesday, December 17th at 6:30 p.m. She also rescheduled the October 23rd Finance Committee meeting to Monday, October 14th at 6:30 p.m.

[11. Adjournment of Meeting.]

There being no further business to come before the Board, a motion was made by Member Johnson to adjourn the meeting at 9:26 p.m. The motion was seconded by Member Sadoff and passed on a 5 – 0 vote.

Respectfully submitted,



Ralph Johnson,
Secretary of the CVSsan Board