

North Coast County Water District
 Minutes of the Regular Board of Directors Meeting
 January 18, 2023 7:00 P.M.
 2400 Francisco Blvd.
 Pacifica, CA 94044

DUE TO COVID-19 AND IN ACCORDANCE WITH ASSEMBLY BILL 361, WHICH MODIFIES GOVERNMENT CODE SECTION 54953, THE MEETING WAS CONDUCTED USING A HYBRID FORMAT OFFERING THE OPTION OF PARTICIPATING IN PERSON, ONLINE, OR BY TELECONFERENCE. INSTRUCTIONS FOR PARTICIPATION ONLINE OR BY PHONE WERE GIVEN ON THE AGENDA. EACH VOTE WAS TAKEN BY ROLL CALL VOTE.

1) CALL TO ORDER

President Burgett called the Regular Board Meeting to order at 7:00 p.m.

2) ROLL CALL

Present at Roll Call at the District Office were President Jack Burgett, Vice President Joshua Cosgrove, Director Ron Ash, Director Anne DeJarnatt, Director William Hauser, General Manager Adrienne Carr, Management Analyst II Stephanie Dalton, Attorney Patrick Miyaki, District Engineer Jonathan Sutter and BAWSCA Board Member Thomas Piccolotti.

Assistant General Manager Scott Dalton was present at Roll Call via teleconference from a remote location.

3) PLEDGE OF ALLEGIANCE

Led by Director De Jarnatt.

4) PUBLIC COMMENT

None.

5) APPROVAL OF ORDER OF AGENDA

ON MOTION by President Burgett, seconded by Director De Jarnatt, by the following Roll Call Vote, the Board voted unanimously to approve the order of agenda as presented:

Director Ash	Aye
Director Cosgrove	Aye
Director De Jarnatt	Aye
Director Hauser	Aye
President Burgett	Aye

Motion passed 5-0.

6) BOARD COMMUNICATIONS

None.

7) SPECIAL ORDER OF BUSINESS

A. Presentation by Nigro & Nigro, PC of Districts FY 2021-2022 Audit

Mr. Paul Kaymark of Nigro & Nigro, PC presented the District's Annual Financial Report for Fiscal Year ending June 30, 2022. He shared

highlights from the report and responded to questions and comments from the Board.

B. Accept District’s FY 2021-2022 Audit

ON MOTION by Director Cosgrove, seconded by Director DeJarnatt, by the following Roll Call Vote, the Board voted unanimously to Accept District’s FY 2021-2022 Audit

Director Ash	Aye
Director Cosgrove	Aye
Director De Jarnatt	Aye
Director Hauser	Aye
President Burgett	Aye

Motion passed 5-0.

C. Establish Representative to Serve as Board Liaison to City of Pacifica City Council and Commission Meetings

General Manager Carr summarized the staff report and stated that based on the feedback received from the December Board Meeting, there was interest from the Board to establish a District representative to serve as Board liaison to attend City of Pacifica Council and Commission meetings. She added that the City of Pacifica City Council recently appointed two Councilmembers as liaisons to attend District meetings.

General Manager Carr cited the process of adding the liaison position per the District’s Rules of the Board, and the District’s Policy for Compensation and Expense Reimbursement for Board Members.

Attorney Miyaki explained that by establishing the Board liaison representative, attendance by the District Board liaison at any City Council or City Commission meeting, regardless of whether or not it included an item on the agenda that related to District business, would be compensable.

ON MOTION by Vice President Cosgrove, seconded by Director De Jarnatt, by the following Roll Call Vote, to Establish a Representative to Serve as Board Liaison to City of Pacifica City Council and Commission Meetings:

Director Ash	Aye
Director Cosgrove	Aye
Director De Jarnatt	Aye
Director Hauser	Aye
President Burgett	Aye

Motion passed 5-0.

D. Review of Board Committees and Board President’s Committee Appointments and Appointments for Representatives to Other Groups and Organizations

President Burgett reviewed each committee, who is appointed to each committee, and the chair for each committee, as follows:

Committees:

- Finance Committee: Cosgrove (Chair) and Burgett
- Personnel Committee: Burgett (Chair) and Ash
- CIP Committee: Cosgrove (Chair) and Burgett
- Public Outreach Committee: Ash (Chair) and De Jarnatt

Associations:

- ACWA Region 5: Burgett
- ACWA/JPIA: Burgett
- BAWSCA: Piccolotti
- Local Chapter CSDA: Hauser, Burgett (Alternate)
- LAFCo: Cosgrove

Advisory Committees:

- Building Committee: Cosgrove (Chair) and Burgett
- Cell Site Lease Advisory Committee for American Tower Communications Site Lease Agreement at Gypsy Hill and Crown Castle Communications Site Lease Agreement at Royce: Burgett (Chair) and Cosgrove
- Conservation/Alternative Source of Supply Committee: DeJarnatt (Chair) and Burgett
- Headquarters Renovation and Coastal Development Permit Advisory Committee: Burgett (Chair) and Cosgrove
- Policies, Procedures, and Practices Review Committee: De Jarnatt (Chair) and Cosgrove

Outside Committees:

- Joint Articulation Committee: DeJarnatt, Hauser (Alternate)

Board Liaison

- City of Pacifica City Council and Commission Meetings: Burgett, De Jarnatt (Alternate)

President Burgett stated that the Board Compensation and Expense Reimbursement Advisory Committee had served its purpose and would be dissolved.

Attorney Patrick Miyaki stated that by reviewing the committees, the Board has satisfied the requirement of annually evaluating the advisory committees and determining that each advisory continues to serve its purpose.

Director De Jarnatt remarked that attending a City Council meeting together, as the liaison and alternate, could be beneficial, and asked President Burgett to consider the idea.

Director Hauser stated that he would be interested in serving on the Finance Committee. President Burgett thanked him for his input.

8) CONSENT CALENDAR

- A. Overview of District Investments
- B. Statement for 2021 Water System Financing Project Fund
- C. Financial Statements for December 2022
- D. Minutes of the December 14, 2022 5:30 P.M. Special Meeting of the Board
- E. Minutes of the December 14, 2022 7:00 P.M. Special Meeting of the Board
- F. Report on Sale of District Property
- G. December 2022 Leak Report
- H. December 2022 Water Quality Report
- I. December 2022 Legislative Update
- J. December 2022 Hydrological Report

ON MOTION by Vice President Cosgrove, seconded by Director De Jarnatt, by the following Roll Call Vote, the Board voted to approve the Consent Calendar as submitted:

Director Ash	Aye
Director De Jarnatt	Aye
Director Hauser	Aye

Vice President Cosgrove	Aye
President Burgett	Aye

Motion passed 5-0.

9) GENERAL MANAGER’S REPORT

A. New Business

1. Approval of Claims Dated January 18, 2023

General Manager Carr introduced the item. She responded to questions from the Board.

Director Ash requested that Staff indicate quantities purchased for District uniform purchases on future claims lists.

ON MOTION by President Burgett, seconded by Director De Jarnatt, by the following Roll Call Vote, the Board unanimously voted to approve the Claims List dated January 18, 2023 in the amount of \$843,847.88:

Director Ash	Aye
Director De Jarnatt	Aye
Director Hauser	Aye
Vice President Cosgrove	Aye
President Burgett	Aye

Motion passed 5-0.

2. Reaffirm Resolution No. 1129 “Making Findings Pursuant to Assembly Bill 361 That the Proclaimed State of Emergency Continues to Impact the Ability to Meet Safely in Person”

ON MOTION by Vice President Cosgrove seconded by Director De Jarnatt by the following Roll Call Vote, the Board voted unanimously to Reaffirm Resolution No. 1129 Making Findings Pursuant to Assembly Bill 361 That the Proclaimed State of Emergency Continues to Impact the Ability to Meet Safely in Person:

Director Ash	Aye
Director De Jarnatt	Aye
Director Hauser	Aye
Vice President Cosgrove	Aye
President Burgett	Aye

Motion passed 5-0.

3. Consider Approval of Director Burgett’s Attendance at the 2023 Family Farm Alliance Annual Conference for an Amount of \$619 and Compensation for Two Days of Service

General Manager Carr provided details of the 2023 Family Farm Alliance Annual Conference which will take place in Reno, Nevada on February 23-26, 2023.

Board discussion occurred.

ON MOTION by Vice President Cosgrove seconded by Director Hauser, by the following Roll Call Vote, the Board voted unanimously to Approve Director Burgett’s Attendance at the 2023 Family Farm Alliance Annual Conference for an Amount of \$619 and Compensation for Two Days of Service:

Director Ash	Aye
Director De Jarnatt	Aye
Director Hauser	Aye

Vice President Cosgrove	Aye
President Burgett	Aye

Motion passed 5-0.

4. Authorize Board President to Execute an Agreement with Thomas J. Piccolotti for Strategic Counsel Services at a Cost Not-to-Exceed \$75,000

General Manager Carr provided a summary of the Strategic Counsel Services Agreement with Mr. Thomas J. Piccolotti, stating that the services provided will assist the District with certain organizational, political, and communication issues facing the District and provide continuity on specific issues and various projects.

Vice President Cosgrove stated that Mr. Piccolotti was instrumental in some of the District's most critical projects during his tenure on the Board of Directors, and that the agreement would allow continuity with projects that are underway. He stated that he was pleased with the agreement that he and President Burgett helped to craft with the support of legal counsel, and he recommended it to the full Board for consideration.

Director De Jarnatt concurred with Vice President Cosgrove and added that due to his years of service, Mr. Piccolotti has long recall and insight that has been very valuable to the District.

Director Ash commented that he was very supportive of the agreement particularly due to Mr. Piccolotti's extensive service and involvement with current projects and issues impacting the District.

Mr. Piccolotti stated he appreciated the confidence in his work, and is happy to support the District in this capacity.

ON MOTION by Vice President Cosgrove seconded by President Burgett, by the following Roll Call Vote, the Board voted unanimously to Authorize the Board President to Execute an Agreement with Thomas J. Piccolotti for Strategic Counsel Services at a Cost Not-to-Exceed \$75,000:

Director Ash	Aye
Director De Jarnatt	Aye
Director Hauser	Aye
Vice President Cosgrove	Aye
President Burgett	Aye

Motion passed 5-0.

5. Consider Adoption of Resolution No. 1050 Amending Conflict of Interest Code

General Manager Carr summarized the staff report and stated that the Conflict-of-Interest Code must be amended to include the position of District Engineer.

ON MOTION by President Burgett seconded by Vice President Cosgrove, by the following Roll Call Vote, the Board voted unanimously to Adopt Resolution No. 1050 Amending Conflict of Interest Code:

Director Ash	Aye
Director De Jarnatt	Aye

Director Hauser	Aye
Vice President Cosgrove	Aye
President Burgett	Aye

Motion passed 5-0.

- 6. Authorize the General Manager to Enter into Task Order 23-01 with EKI Environment and Water for Emergency Response Plan Services for an Amount Not-to-Exceed \$39,000

General Manager Carr reminded the Board of the 2022 San Mateo County Civil Grand Jury Report Findings, which included emergency response plan recommendations for the District to implement. The Grand Jury recommends that, by March 31, 2023, the District do the following: perform emergency preparedness exercises consistent with its emergency response plan, perform an analysis and document an After-Action Report consistent with its emergency response plan, and develop plans to increase emergency fuel storage sufficient to provide emergency fuel for a period of at least three days.

General Manager Carr stated that the proposal for Task Order 23-01 from EKI Environment and Water would enable the District to complete the recommendations by the Grand Jury by the deadline.

Director Hauser inquired about funding for the consultant contracts this evening, and whether or not the budget line item should be increased going forward for unanticipated contracts.

General Manager Carr responded to the question stating that following review from the Finance Committee, she will bring the mid-year budget to the February Board Meeting for review by the Board.

ON MOTION by Vice President Cosgrove seconded by Director Hauser by the following Roll Call Vote, the Board voted unanimously to Authorize the General Manager to Enter into Task Order 23-01 with EKI Environment and Water for Emergency Response Plan Services for an Amount Not-to-Exceed \$39,000:

Director Ash	Aye
Director De Jarnatt	Aye
Director Hauser	Aye
Vice President Cosgrove	Aye
President Burgett	Aye

Motion passed 5-0.

- 7. Update on District’s Headquarters Upgrade Project and City of Pacifica Temporary Safe Parking Program

General Manager Carr provided an update regarding the status of Headquarters Project and shared that the project is still under review by the City’s Planning Department. The next steps include a public hearing where the Planning Commission will consider the approval of the project and issuance of the site development permit.

- 8. Discussion Regarding Relocation of District Headquarters Operations, including Board Meetings, During Headquarters’ Construction

General Manager Carr provided information and options for the temporary relocation of District day-to-day operations during construction of the Headquarters Project. She shared photos and layouts of office space available on both Eureka Square Dr. and on Terra Nova Blvd. Due to the limited options available in town, General Manager Carr advised the Board that a non-binding letter of intent would be the District's next step to reserve the lease for the anticipated June 2023 construction of the Headquarters.

General Manager Carr responded to questions from the Board.

General Manager Carr also discussed three different venue options for monthly Board meetings including Pacifica Library, Pacifica Coastside Museum, and Pacifica Community Center.

Board discussion occurred. Vice President Cosgrove requested additional information and stated the Board would like more time to review the options prior to making a final decision.

9. General Manager's Update

Drought Update

General Manager Carr provided an update of current drought conditions affecting San Francisco Regional Water System and throughout California.

Update on Sheila Tank Replacement Project

General Manager Carr stated that the project is currently delayed.

January 2023 Winter Storm Event

General Manager Carr reported that the storms had little impact on District operations, and little damage to District facilities occurred. District staff reached out to City of Pacifica to offer assistance during the storms. The District did provide sand and sand bags to the City to assist with storm response and preparation.

Update on Groundwater Project

General Manager Carr reported that the Test Well Project went out to bid in December, and the pre-bid meeting was attended on January 11th by two drilling contractors. The bid opening will be held January 25, 2023.

Update on Fog Water Collection Project

General Manager Carr reported that the District will be partnering with Cal State University, Monterey Bay and University of California Santa Cruz for a grant opportunity to further explore fog water collection as an alternate non-potable water source in Pacifica.

B. Continued Business

1. Capital Improvement Program and Bond Projects

No discussion.

10) BAY AREA WATER SUPPLY AND CONSERVATION AGENCY ISSUES

District BAWSCA Representative Thomas Piccolotti shared topics from the upcoming BAWSCA Board of Directors meeting and other BAWSCA news. He stated he would provide a full report at the February Board Meeting.

11) COMMITTEE AND/OR DIRECTORS' REPORTS ON MEETINGS
ATTENDED

A. Headquarters Renovation and Coastal Development Permit Advisory
Committee Meeting

Vice President Cosgrove reported that the Committee met on December 28, 2023. General Manager Carr added that she is working on the action items from that meeting.

B. City of Pacifica Planning Commission Meeting

President Burgett reported on the January 17, 2023 Commission meeting, he stated that the item regarding the Rockway Quarry will be postponed until March.

12) DIRECTORS' COMMENTS AND/OR AGENDA REQUESTS

President Burgett requested that an amendment to the Rules of the Board be added to the February agenda.

Director De Jarnatt stated that the Articulation Committee may need to be hosted by an alternate agency due to the school district Superintendent's retirement. General Manager Carr stated that the District could host and that she will follow up with the Committee.

13) CORRESPONDENCE

None.

14) PUBLIC COMMENT

None.

15) CLOSED SESSION

Attorney Miyaki adjourned the Board into Closed Session at 8:53 P.M. for the following items:

Pursuant to California Government Code Section 54956.9(d)(1)
Conference with Legal Counsel – Existing Litigation
Name of Case: North Coast County Water District v. City of Pacifica, Case No. 22-CIV-03493

Pursuant to California Government Code Section 54956.9(d)(2)
Conference with Legal Counsel – Anticipated Litigation
Significant Exposure to Litigation
One Potential Case

16) REPORT ON ACTION TAKE IN CLOSED SESSION

At 9:38 P.M. the Board returned to Open Session. Attorney Miyaki reported that no action was taken during either closed session item.

President Burgett allowed public comment at this time. City of Pacifica Councilmember Sue Beckmeyer stated that she was attending the meeting for Councilmember Mary Bier. President Burgett thanked her for her attendance.

17) ADJOURNMENT

President Burgett adjourned the meeting at 9:41 P.M.

Respectfully submitted,

Approved:

General Manager Adrienne Carr

Jack Burgett, President