

Board of Directors Meeting Minutes
DELTA DIABLO
November 9, 2022

The meeting was called to order by Chair Wilson at 4:30 p.m., on Wednesday, November 9, 2022, via Zoom. Present were Vice Chair Juan Banales and Director Federal Glover. Also present were Stephen Siptroth, Deputy District Counsel; Vince De Lange, General Manager; Cecelia Nichols-Fritzler, Office Manager/Secretary to the Board; Brian Thomas, Acting Business Services Director/District Engineer; Dean Eckerson, Resource Recovery Services Director; Thanh Vo, Acting Engineering Services Director; and Anika Lyons, Finance Manager.

Chair Wilson read the following statement: "In lieu of a public gathering, the Board of Directors meeting will be accessible via ZOOM to all members of the public as permitted by the Government Code Section 54953(e)."

Ms. Nichols-Fritzler read a statement regarding the availability of presentations on the District's website and at the District's Administration Building.

PUBLIC COMMENTS

None.

DELIBERATION

Consider Making Findings and Approving Continuing Teleconference Meetings (AB 361), Government Code Section 54953(e), and Provide Direction to Staff regarding Future Board Meeting Format

Ms. Nichols-Fritzler presented an overview of Government Code Section 54953(e) and the key provisions of Assembly Bill 361 (AB 361), which amended the teleconferencing provision of the Brown Act effective October 1, 2021. She stated the requirements that the District must follow regarding agenda posting, instructions on how to access the meeting and provide public comment, options for attending a meeting via a call in or internet-based service option, and Board conduct of meetings in a manner that protects the constitutional and statutory rights of the public. In addition, Ms. Nichols-Fritzler noted if there is a disruption in the meeting, the Board must stop the meeting until public access and the ability to comment is restored.

In addition, Ms. Nichols-Fritzler asked the Board to provide preliminary direction to staff regarding the format of future Board meetings. She recommended that the Board continue to hold virtual meetings through January 2023 and provide direction to staff to either conduct in-person meetings only or hybrid meetings (i.e., with Zoom option) beginning in February 2023. She noted that staff is currently assessing options and will procure and test equipment to upgrade the Board Room, if directed by the Board.

The Board concurred with the staff recommendation to continue meeting virtually through January 2023, and directed staff to proceed with conducting hybrid meetings beginning in February 2023.

The Board thanked Ms. Nichols-Fritzler for the presentation. Director Glover moved approval; seconded by Vice Chair Banales and by roll call vote (Ayes: *Banales, Glover, and Wilson*, Noes: *None*; Absent: *None*, Abstain: *None*), the Board Made Findings and Approved Continuing Teleconference Meetings (AB 361) under Government Code Section 54953(e).

RECOGNITION

Receive Presentation of Certificate of Achievement for Excellence in Financial Reporting for Fiscal Year 2020/2021, and Recognize and Commend Finance Division for Receiving Award of Financial Reporting Achievement for Fiscal Year 2020/2021 from Government Finance Officers Association

Ms. Lyons presented the two awards received from GFOA and highlighted specific requirements the District had to satisfy in attaining these achievements. She noted that the Certificate of Achievement for Excellence in Financial Reporting Award recognizes agencies that go beyond minimum reporting requirements to prepare financial reports that are transparent and provide full disclosure. Ms. Lyons noted the second award (Award of Financial Reporting Achievement) recognizes the Finance Division for its direct role in preparing the FY20/21 Annual Comprehensive Financial Report.

The Board thanked Ms. Lyons for the presentation and congratulated the Finance Division on these achievements.

CONSENT CALENDAR

Director Glover moved approval of the Consent Calendar without Item F/3 (Approve Updated Administrative Policy No. 1081, "Mandatory COVID-19 Vaccination for All District Employees"); seconded by Vice Chair Banales and by roll call vote (Ayes: *Banales, Glover, and Wilson*, Noes: *None*; Absent: *None*, Abstain: *None*), the following Consent Calendar items were approved: Approve Minutes of the Board of Directors Meeting, October 12, 2022; Receive District Monthly Check Register, September 2022; Authorize General Manager to Execute Amendment No. 1 to General Services Contract in the Amount of \$56,022, for a New Total Contract Amount Not to Exceed \$239,424, New Image Landscape Company, Landscaping Services; Approve and Authorize General Manager to Execute General Services Contract in an Amount Not to Exceed \$251,538, Lee & Associates Rescue, Inc., Safety Services; Authorize General Manager to Establish a New Fiscal Year 2022/2023 Project in the Bay Point Collection Fund and Transfer Monies to this Project from Bay Point Collection Fund Reserves in the Amount of \$150,000, for a Total Project Budget of \$150,000, Bay Point Collection System Point Repairs, Project No. 23119; Receive First Quarter Fiscal Year 2022/2023 District Investment Report; Ratify General Manager's Execution of a Contract with Clean Harbors Environmental Services, Inc., with Modified Indemnification Language, in the Amount of \$25,000, for Marine Flare Collection and Disposal Services during the Period from November 4, 2022, through June 30, 2023

The Board received a public comment on Item F/3 from Mr. Christopher O'Connor (WWTP Operator III, Delta Diablo), who asked for clarification on the disclosure of medical information, specifically related to COVID-19 vaccination status under the policy. Mr. Thomas replied that the changes to existing Policy 1081 were not related to the disclosure of information. Mr. Siptroth noted that the policy is consistent with legal requirements under the Confidentiality of Medical Information Act. Director Glover moved approval of the Consent Calendar Item F/3; seconded by Vice Chair Banales and by roll call vote (Ayes: *Banales, Glover, and Wilson*, Noes: *None*; Absent: *None*, Abstain: *None*), the following Consent Calendar item was approved: Approve Updated Administrative Policy No. 1081, "Mandatory COVID-19 Vaccination for All District Employees."

PRESENTATIONS AND REPORTS

Receive Report on Expanding Biogas Utilization to Generate Renewable Energy and Revenue

Mr. Eckerson provided background information on how the District transforms wastewater to resources via water recycling, onsite renewable energy production, and land application of biosolids. He noted that the District currently utilizes biogas at its onsite Cogeneration Facility to generate

renewable electricity that meets 50-55% of the District's Wastewater Treatment Plant (WWTP) power demand. Mr. Eckerson highlighted key regulatory drivers (organics diversion from landfills [SB 1383], increase in renewable natural gas [RNG] portfolios [SB 1440]) and funding opportunities (financial incentives for RNG production at the state [LCFS credits] and federal [RINs] level; Inflation Reduction Act tax credits for cogeneration projects if in construction by December 31, 2024). Because the District has included \$5.0 million in its Capital Improvement Program for the Cogeneration System Improvements Project, Mr. Eckerson stated that staff was engaging to develop a path forward that considers expanding biogas utilization in support of District Sustainability Policy and Strategic Plan goals.

Mr. Eckerson described the proposed phased project approach, which includes: 1) Initial Phase – focus on replacing existing cogeneration engine, biogas conditioning equipment, and control systems, and completing PG&E and air permitting approval processes to meet December 31, 2024 date required for tax credits under the federal Inflation Reduction Act; and 2) Second Phase – consider development of a public-private partnership (P3) and/or alternative project delivery to increase trucked waste deliveries and associated renewable energy production. If successful, the second phase may include meeting >100% of WWTP power demand and potentially adding a gas conditioning and pressurization system to convert all biogas to RNG for injection into the PG&E pipeline with associated financial incentives (LCFS credits, RINs). The District would also likely need to add a “sidestream treatment” project to address increased nutrient loading associated with trucked waste deliveries. Mr. Eckerson reviewed a “roadmap” for biogas utilization at the District in the near term and future and closed with a summary of next steps.

Director Glover commented that the District has been pursuing these types of activities for many years and he looks forward to achieving more in the future.

Vice Chair Banales thanked Mr. Eckerson for the great presentation and concurred with Director Glover. He inquired regarding the reliability of trucked waste deliveries and if the near-term Cogeneration System Improvements Project relied on these deliveries. Mr. Eckerson replied that the District had utilized a single hauler of fats, oils, and grease (FOG) deliveries in the past with known waste quality and handling requirement. Mr. De Lange stated that the near-term project is not contingent on receiving trucked waste deliveries, but that these would be required to increase renewable energy production to >100% of WWTP power demand and that a P3 could allow a transfer of the trucked waste procurement risk to an outside company.

Chair Wilson thanked Mr. Eckerson and stated she is looking forward to hearing more about the project as it develops.

The Board thanked Mr. Eckerson for the report.

MANAGER'S COMMENTS

None.

DIRECTORS' COMMENTS

None.

CORRESPONDENCE

Receive Monthly Lobbyist Report Dated October 2022, Key Advocates, Inc., Western Recycled Water Coalition

The Board received and filed the report.

CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATORS (GOV. CODE, SECTION 54957.6)

Agency Negotiators: Vince De Lange, Michael Jarvis

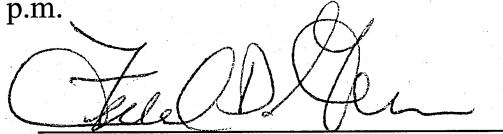
Employee Organizations: Operations and Maintenance Unit, Public Employees Union, Local One;
Professional & Technical Unit, Public Employees Union, Local One; Management Association

Unrepresented Employees: All unrepresented employees

Before adjourning to Closed Session, the Secretary to the Board asked if there were any public comments on the Closed Session item. Mr. Michael McKinney (Maintenance Mechanic II, Delta Diablo) addressed the Board and inquired if the bargaining units referenced on the agenda participate in the Closed Session discussion. Mr. De Lange responded that the Closed Session is the opportunity for the Board to provide direction to staff (i.e., management) on agenda items. Mr. Siptroth commented that the bargaining units are required to be listed on the agenda by the Brown Act. At 5:18 p.m., Chair Wilson convened the Board of Directors Meeting to Closed Session. Chair Wilson reconvened the Board of Directors Meeting at 5:48 p.m. and stated there was nothing to report from Closed Session.

ADJOURNMENT

Chair Wilson adjourned the meeting at 5:48 p.m. and noted the next Board of Directors Meeting is scheduled for December 14, 2022, at 4:30 p.m.



Federal Glover
Board Secretary

(Recording Secretary:
Cecelia Nichols-Fritzler)

cc: District File No. BRD.01-MINS