

Meeting of the Board of Directors Minutes  
DELTA DIABLO  
November 8, 2023

The meeting was called to order by Acting Chair Federal Glover at 4:30 pm, on Wednesday, November 8, 2023. Chair Banales was absent. Present was Director Monica Wilson. Also present were Rebecca Hooley, District Counsel; Vince De Lange, General Manager; Brian Thomas, Deputy General Manager; Dean Eckerson, Resource Recovery Services Director; Nitish Sharma, Business Services Director; Murat Bozkurt, Engineering Services Director/District Engineer; Cecelia Nichols-Fritzler, Office Manager/Secretary to the Board; Niger Edwards, Human Resources and Risk Manager; Anika Lyons, Finance Manager; Jason Piper, Information Technology Manager; Amanda Roa, Environmental Programs Manager (and Management Association bargaining unit representative); Joaquin Gonzalez, Operations Manager (and Management Association bargaining unit representative); Gabriel Duong, Laboratory Manager; Todd Ravazza, Safety Manager; Thanh Vo, Senior Engineer; Sean Williams, Associate Engineer; Cindy Kirk, Administrative Assistant, III; Claudia Argenal, Administrative Assistant II; and Katherine Garcia, Administrative Assistant II.

PUBLIC COMMENTS - None.

RECOGNITION

Introduction of Murat Bozkurt, Engineering Services Director/District Engineer, to the District

Mr. Thomas introduced Mr. Bozkurt, who joined the District on October 30, 2023. Mr. Thomas noted that Mr. Bozkurt gained significant expertise in capital project delivery during his 17-year career, including planning, design, and construction of major capital improvements at wastewater and water treatment facilities. Mr. Bozkurt earned a B.S. Degree in Civil Engineering from Middle East Technical University, a Master of Science Degree in Earthquake and Structural Engineering from San Francisco State University, and certification as a Project Management Professional (PMP). He is a licensed professional (civil) engineer in California. Mr. Bozkurt shared his enthusiasm for applying his background and experience at the District and thanked the Board for the opportunity. The Board welcomed Mr. Bozkurt to the District.

Introduction of Hasibullah Noori, Systems Administrator, to the District

This Item was pulled from the agenda and will be presented at a future meeting.

Congratulate Claudia Argenal on Her Promotion to Administrative Assistant II

Ms. Nichols-Fritzler recognized Ms. Argenal for her promotion at the District, noting that she was hired on December 6, 2021, as an Administrative Assistant I. She highlighted that Ms. Argenal has over 10 years of professional administrative experience in the public and private sectors and is certified as a Notary Public. Ms. Argenal thanked the Board, which congratulated Ms. Argenal on her promotion.

Congratulate Katherine Garcia on Her Promotion to Administrative Assistant II

Ms. Nichols-Fritzler recognized Ms. Garcia for her promotion at the District, noting that she was hired on March 28, 2022, as an Administrative Assistant I. She highlighted that Ms. Garcia has over 9.5 years of professional administrative experience in the public and private sectors and earned a Bachelor of Science Degree in Public Service and Public Policy while working full time at the District. Ms. Garcia thanked the Board, which congratulated Ms. Garcia on her promotion.

### CONSENT CALENDAR

Director Wilson moved approval of the Consent Calendar, seconded by Acting Chair Glover and by roll call vote (Ayes: *Glover and Wilson*; Noes: *None*; Absent: *Banales*; Abstain: *None*), the following Consent Calendar items were approved: Approve Minutes of Special Board of Directors Meeting, October 18, 2023; Receive Notes of Board of Directors Finance Committee Meeting, October 25, 2023; Receive District Monthly Check Register for September 2023; Receive First Quarter FY23/24 District Investment Report; and Authorize General Manager to Transfer Monies to RWF Sand Pump Piping Replacement Project from Recycled Water Capital Asset Replacement Fund Reserves in the Amount of \$150,000, for a Total Project Budget of \$400,000, and Authorize General Manager to Approve Construction Contract Change Orders in an Amount Not to Exceed 40% of Construction Contract, for a New Total Construction Contract Authorization of \$326,651, TCB Industrial Contractor, RWF Sand Pump Piping Replacement, Project No. 22127.

### DELIBERATION ITEMS

#### Consider Capital Facilities Capacity Charge (CFCC) Refunds for Accessory Dwelling Units (ADUs) and Ratify Temporary Suspension of Collection of CFCCs for ADUs:

Mr. Thomas summarized a recent claim from a property owner seeking a refund of Capital Facilities Capacity Charges (CFCCs) paid for a new accessory dwelling unit (ADU). He noted the discrepancy that currently exists between District Code and California Government Code for assessing CFCCs for ADUs under Assembly Bill 68 (AB 68), which requires "proportionality" rather than the full equivalent residential unit (ERU) CFCC assessment under District Code. Mr. Thomas highlighted the key activities undertaken by the District, including the 2021 Wastewater Rate Study and the Resource Recovery Facility Master Plan (November 2022), to support development of a nexus study for new CFCCs and an update to District Code. He reviewed recommended near-term actions, which includes refunding CFCCs paid by the individual claimant and notifying 34 other property owners of their ability to submit a claim form for similar refunds dating back to January 1, 2020 (AB 68 effective date), which would result in lost CFCC revenue totaling \$147,867. Mr. Thomas noted that staff has suspended CFCC collection for ADUs.

Following the presentation, staff provided responses to clarification questions from Acting Chair Glover and Director Wilson. Mr. Thomas clarified the anticipated time frame for updating District Code requirements and the District's timing for initial awareness of the new AB 68 requirements regarding CFCCs for ADUs.

There were no public comments. The Board thanked Mr. Thomas for the presentation. Director Wilson moved approval of the recommended actions, seconded by Acting

Chair Glover and by voice vote (Ayes: *Glover and Wilson*; Noes: *None*; Absent: *Banales*; Abstain: *None*), the following Item was approved.

Consider Award and Authorize General Manager to Execute Consulting Services Contract in an Amount Not to Exceed \$6,322,253, HDR, Inc., Engineering Design Services, Secondary Process Improvements, Project No.22126: Mr. Williams provided an overview of the Secondary Process Improvements Project, including key drivers (WWTP capacity, aging infrastructure, emerging nutrient management regulations), overall project goal, and specific focus areas (robust alternatives analysis, funding opportunities, permitting and environmental documentation, innovative technology, asset management implementation, and staff training and engagement). He highlighted conceptual infrastructure improvements in the near and long term at the Districts WWTP. Mr. Williams reviewed the consultant selection process, project scope and budget breakdown, preliminary schedule, budget considerations, and next steps.

Following the presentation, staff provided responses to clarification questions and comments from the Board. In response to Acting Chair Glover, Mr. Williams clarified the tasks associated with the proposed design contract amount and the timing of related project appropriations. In response to Director Wilson, Mr. De Lange noted that the consultant team would provide grant writing services, augmented by Mr. Thomas, rather than the District considering creation of a full-time grant writer on staff.

There were no public comments. The Board thanked Mr. Williams for the presentation. Director Wilson moved approval to authorize the General Manager to execute a consulting services contract with HDR, Inc. to provide engineering design services in an amount not to exceed \$6,322,253 for Secondary Process Improvements Project, seconded by Acting Chair Glover and by voice vote (Ayes: *Glover and Wilson*; Noes: *None*; Absent: *Banales*; Abstain: *None*), the following Item was approved.

PRESENTATIONS AND REPORTS – None.

GENERAL MANAGER COMMENTS – None.

BOARD MEMBER COMMENTS – None.

CORRESPONDENCE


Receive Monthly Lobbyist Report Dated October 2023 Key Advocates, Inc., Western Recycled Water Coalition: The Board received and filed the report.

CLOSED SESSION

Acting Chair Glover convened to Closed Session at 5:12 pm.

ADJOURNMENT

Acting Chair Glover reconvened to Regular Session at 5:35 pm. Ms. Hooley announced there was nothing to report out of Closed Session. Acting Chair Glover adjourned the meeting at 5:35 pm. and noted the next regular Board of Directors Meeting is scheduled for 4:30 pm on December 13, 2023.

  
Monica Wilson  
Board Secretary

(Recording Secretary: Cecelia Nichols-Fritzler)

cc: District File No. BRD.01-MINS