

**LEUCADIA WASTEWATER DISTRICT**

Minutes of a Regular Board Meeting

October 10, 2018

A regular meeting of the Board of Directors of the Leucadia Wastewater District (LWD) was held Wednesday, October 10, 2018 at 5:00 p.m., at the District Administration Office at 1960 La Costa Avenue, Carlsbad, California.

**1. Call to Order**

President Sullivan called the meeting to order at 5:00 p.m.

**2. Roll Call**

DIRECTORS PRESENT: Sullivan, Kulchin, Juliussen, Omsted, and Hanson

DIRECTORS ABSENT:

OTHERS PRESENT: General Manager Paul Bushee, General Counsel Wayne Brechtel, Administrative Services Manager Richard Duffey, Field Services Superintendent Jeff Stecker, Executive Assistant Tianne Baity, Administrative Services Supervisor Trisha Hill, District Engineer Dexter Wilson, Field Services Supervisor Marvin Gonzalez, Field Services Specialist Ian Riffel, Field Services Technician Hugo Gonzalez, and Douglas Johnson from National Demographics Corporation

**3. Pledge of Allegiance**

President Sullivan led the pledge of allegiance.

**4. General Public Comment Period**

None.

**5. Approval of Agenda**

Upon a motion duly made by Director Juliussen, seconded by Director Omsted, and unanimously carried, the Board of Directors approved the agenda by the following vote:

Director	Vote
President Sullivan	Yes
Vice President Kulchin	Yes
Director Juliussen	Yes
Director Omsted	Yes
Director Hanson	Yes

**6. Presentations and Awards****A. Achievement of Individual Award – Hugo Gonzalez and Richard Easton.**

GM Bushee stated that Hugo Gonzalez passed his 5 year anniversary at the District on September 23, 2018. He acknowledged and thanked Hugo for his years of service. He provided background information about Hugo and noted that under LWD's incentive program that Hugo is eligible for a \$100 incentive award.

GM Bushee stated that Richard "Rick" Easton passed his 5 year anniversary at the District on September 30, 2018. He stated Rick is currently on vacation and was unable to attend the meeting.

He noted that under LWD's incentive program that Rick is eligible for a \$100 incentive award.

The Board of Directors congratulated Hugo and Rick for their efforts.

**B. Achieve Highest Number of Consecutive Work Days Without a Lost Time Injury.**

GM Bushee reported that on September 12, 2018 staff completed seven years without a lost time injury accident. This achievement meets an organizational objective under the incentive program. He noted each employee is eligible for a \$1,200 compensation award. He stated this award reflects staff's excellent attention to safety.

The Board congratulated staff for their efforts.

### **CONSENT CALENDAR**

**7. Approval of Board and Committee Minutes**

Minutes of the following meetings:

September 12, 2018 Regular Board Meeting  
October 1, 2018 Human Resources Committee Meeting  
October 3, 2018 Engineering Committee Meeting

**8. Approval of Demands for September/October 2018**

Payroll Checks numbered 20098-20140; General Checking – Checks numbered 51597-51720

**9. Operations Report** (A copy was included in the original October 10, 2018 Agenda)

**10. Finance Report** (A copy was included in the original October 10, 2018 Agenda)

**11. Disclosure of Reimbursements**

This report discloses travel expense reimbursements for the month of September 2018.

**12. Status Update on the Fiscal Year 2019 (FY19) LWD Tactics and Action Plan**

Upon a motion duly made by Director Omsted, seconded by Director Juliussen, and unanimously carried, the Board of Directors approved the Consent Calendar by the following vote:

<b>Director</b>	<b>Vote</b>
<b>President Sullivan</b>	Yes
<b>Vice President Kulchin</b>	Yes
<b>Director Juliussen</b>	Yes
<b>Director Omsted</b>	Yes
<b>Director Hanson</b>	Yes

### **EWA and COMMITTEE REPORTS**

**13. Encina Wastewater Authority (EWA) Reports**

**A. EWA Board Report – Meeting held on September 26, 2018.**

Director Juliussen reported on EWA's September 26, 2018 Board meeting.

B. An EWA Member Agency Manager's (MAM) Meeting was held October 9, 2018.

GM Bushee reported on EWA's MAM October 9, 2018 meeting.

**14. Committee Reports**

A. Human Resources Committee (HRC) Meeting was held on October 1, 2018.

Director Hanson reported that the HRC reviewed a recommendation to adopt Resolution No. 2303 - Amending the Human Resources Policy Manual

The HRC agreed with staff to present this recommendation to the Board of Directors and it will be discussed later in the agenda.

B. Engineering Committee (EC) Meeting was held on October 3, 2018.

Director Juliussen reported that the EC reviewed a recommendation authorizing the General Manager to execute an agreement with PAL General Engineering, Incorporated for the adjustment of manholes and cleanouts in conjunction with the City of Carlsbad's 2018 Street Overlay Project in an amount not to exceed \$39,600.

The EC concurred with staff to present this recommendation to the Board of Directors and it will be discussed later in the agenda.

Director Juliussen also reported that the EC received updates on the Poinsettia Train Station Parallel Gravity Pipeline Project and Smoke Testing of the Leucadia Sector of the District's Service Area. These items were for information purposes and no action was taken.

Director Juliussen noted that the Smoke Testing update will be presented later in the agenda.

**ACTION ITEM**

**15. District Elections**

Adopt Resolution No. 2305 - A Resolution of the Board of Directors for the Leucadia Wastewater District, Declaring its Intent to Transition from At-Large to District-Based Elections.

GC Brechtel presented background information on the item noting that on September 9, 2018, the District received a letter from attorney Kevin Shenkman of the law firm Shenkman & Hughes threatening to sue the District for alleged violations of the California Voting Rights Act ("CVRA") (Elec. Code §§ 14025-14032) unless the District voluntarily converts to elections by district. The letter asserted that the District's at-large election system "dilutes the ability of Latinos (a "protected class") to elect candidates of their choice" in violation of the CVRA.

GC Brechtel then provided background information on the CVRA. GC Brechtel stated that the vast majority of jurisdictions that receive a CVRA demand elect to convert to district-based elections, rather than risk the cost of litigation.

GC Brechtel then reviewed the process of converting to by-district elections and the "safe harbor" process to protect agencies from CVRA litigation and limit potential fees. GC Brechtel stated that staff is recommending that the District adopt Resolution No. 2305 and transition to a by-district election system.

Director Omsted asked if the "safe harbor" provision came from the Attorney or the State Legislature. GC Brechtel answered the State Legislature.

Following discussion, upon a motion duly made by Director Omsted, seconded by Director Juliussen, and unanimously carried, the Board of Directors adopted Resolution No. 2305 - A Resolution of the Board of Directors for the Leucadia Wastewater District, Declaring its Intent to Transition from At-Large to District-Based Elections by the following vote:

<b>Director</b>	<b>Vote</b>
<b>President Sullivan</b>	Yes
<b>Vice President Kulchin</b>	Yes
<b>Director Juliussen</b>	Yes
<b>Director Omsted</b>	Yes
<b>Director Hanson</b>	Yes

## **PUBLIC HEARING**

### **16. Public Hearing to Receive Input Concerning the Composition of Electoral Districts for the Board of Directors.**

President Sullivan opened the public hearing for comments. There were no public comments.

Mr. Douglas Johnson of National Demographics Corporation gave a presentation on the California Voting Rights Act (CVRA) and the proposed districting process. Mr. Johnson also reviewed the following:

- Districting rules;
- Federal Laws and Traditional Redistricting Principles;
- Demographic summary of Leucadia Wastewater District's service area;
- Communities of interest; and
- Difference between compact maps and multiple representative maps.

Director Hanson asked if districting maps are based on the general population and not registered voters. Mr. Johnson answered affirmatively.

Director Juliussen asked if opposition from the residents would make a difference on whether to transition to district-based elections. Mr. Johnson answered that it would not make a difference.

The Board thanked Mr. Johnson for his presentation.

President Sullivan closed the public hearing.

## **ACTION ITEMS**

### **17. Adjustment of Manholes and Cleanouts Resulting from Carlsbad's 2018 Street Overlay Project** Authorize the General Manager to execute a sole source agreement with PAL General Engineering Incorporated for the adjustment of manholes and cleanouts in conjunction with the City of Carlsbad's 2018 Street Overlay Project in an amount not to exceed \$39,600.

FSSpec Riffel presented staff's recommendation noting that this item was reviewed by the Engineering Committee at its October 3<sup>rd</sup> meeting. He explained that Carlsbad received nine bids for their 2018 Street Overlay Project (Project). He stated that Carlsbad awarded the contract to PAL General

Engineering, Incorporated (PAL) as the lowest responsive and responsible bidder for \$2.18M. FSSpec Riffel explained that Carlsbad's scope of work does not include the adjustment of the Districts assets affected by the Project. FSSpec Riffel presented a map that outlined the streets designated for overlay and noted the District has a total of 46 manholes and 2 cleanouts that will require adjustment.

FSSpec Riffel stated that staff contacted PAL for a quote to adjust the manholes and cleanouts. He explained that staff selected this approach anticipating a reduction in mobilization costs and permits and to prevent Project scheduling conflicts. He continued that, additionally, PAL would perform the traffic control during both the overlay operations and adjustment of the District's assets. FSSpec Riffel said that the total cost of \$39,600 is comprised of the unit costs of \$850 per manhole and \$250 per cleanout. He stated that staff considers the cost fair and reasonable. He continued that, therefore, staff recommends executing an Agreement with PAL for construction services.

Director Kulchin asked if additional work for this project would be done outside of the map that was shown. FSSpec Riffel answered affirmatively stating that there is some work on Rancho Santa Fe Road which is out of the District service area.

Director Kulchin asked when will the project start. FSSpec Riffel answered later this month.

Director Omsted asked how manholes are located once they are covered with asphalt. FSSpec Riffel answered that cone markers, also known as "witch hats", are used to identify where manholes are located.

The Board thanked FSSpec Riffel for his presentation.

Following discussion, upon a motion duly made by Vice President Kulchin, seconded by Director Omsted, and unanimously carried, the Board of Directors authorized the General Manager to execute a sole source agreement with PAL General Engineering Incorporated for the adjustment of manholes and cleanouts in conjunction with the City of Carlsbad's 2018 Street Overlay Project in an amount not to exceed \$39,600 by the following vote:

<b>Director</b>	<b>Vote</b>
<b>President Sullivan</b>	Yes
<b>Vice President Kulchin</b>	Yes
<b>Director Juliussen</b>	Yes
<b>Director Omsted</b>	Yes
<b>Director Hanson</b>	Yes

## **18. Amending the Human Resources Policy Manual**

Adopt Resolution No. 2303 Amending the Human Resources Policy Manual.

ASsup Hill presented background information on the item noting it was reviewed by the HRC at its October 1<sup>st</sup> meeting. She reviewed the proposed changes to the HRPM related to Accrued Vacation maximum and Accrued Sick Leave in conjunction with short term disability.

ASsup Hill stated that in June 2018, the Board adopted Resolution No. 2300, which delineates Employee Salaries, Benefits and Other Working Conditions. She noted that the resolution included a section that adjusted the maximum number of vacation hours that an employee can accrue from 256 to 300 hours. She noted that staff is proposing to amend the HRPM and increase the maximum vacation to 300 hours to be consistent with Resolution No. 2300.

ASsup Hill also stated that LWD recently changed its short-term disability insurance from Guardian to

Mutual of Omaha. The change was made because Mutual of Omaha provides better coverage at a lower cost than Guardian. ASsup Hill noted that the new policy with Mutual of Omaha allows the short-term disability to kick-in after seven days (zero for injuries) and allows employees to blend their accrued sick leave with the insurance, to cover the one-third shortfall. In effect, this allows an employee to receive 100% of their salary while on medical leave by augmenting the disability coverage with their sick leave. ASsup Hill explained that staff is proposing to amend the HRPM to reflect this change in short term disability.

The Board thanked ASsup Hill for her presentation.

Following discussion, upon a motion duly made by Director Juliussen, seconded by Vice President Kulchin, and unanimously carried, the Board of Directors adopted Resolution No. 2303 Amending the Human Resources Policy Manual by the following vote:

<b>Director</b>	<b>Vote</b>
<b>President Sullivan</b>	Yes
<b>Vice President Kulchin</b>	Yes
<b>Director Juliussen</b>	Yes
<b>Director Omsted</b>	Yes
<b>Director Hanson</b>	Yes

## **INFORMATION ITEMS**

### **19. Project Status Updates and Other Informational Reports**

#### **A. Smoke Testing of the Leucadia Sector of the District's Service Area.**

FSSup Gonzalez introduced the item and presented the results of the smoke testing of a section of the Old Leucadia Area. He stated the reasons for the testing, the test area boundaries, and noted that ADS Environmental Services was contracted to conduct the smoke testing. FSSup Gonzalez said that 25 discrepancies were found as a result of the testing including 2 roof drains, 19 cleanouts, 3 area drains and 1 grease interceptor. He continued that the next step is to inform the property owners via letter to correct the discrepancy identified on their property. FSSup Gonzalez said that staff will continue to monitor the properties to ensure corrective action is completed and maintained.

Director Omsted suggested that this be added to the next District newsletter.

The Board of Directors thanked FSSup Gonzalez for his presentation.

#### **B. LWD Annual Holiday Luncheon is scheduled for Thursday, December 13, 2018 at The Crossings in Carlsbad.**

EA Baity stated the date and the time of Holiday Luncheon.

### **20. Directors' Meetings and Conference Reports**

#### **A. The CSDA Annual Conference was held September 24-27, 2018 at the Renaissance Indian Wells in Indian Wells, CA.**

Director Hanson stated she enjoyed the speakers and the session on redistricting.

President Sullivan stated the speakers were fabulous and the conference was well organized.

**21. General Manager's Report**

GM Bushee reported on the following items:

- LWD Vehicle stolen while staff was attending the Tri-State Seminar in Las Vegas, NV
- LWD received CSDA District of Distinction Platinum Level Re-Accreditation Award

**22. General Counsel's Report**

GC Brechtel reported on the following item:

- Assembly Bill 2257 - Internet Website Requirements

**23. Board of Directors' Comments**

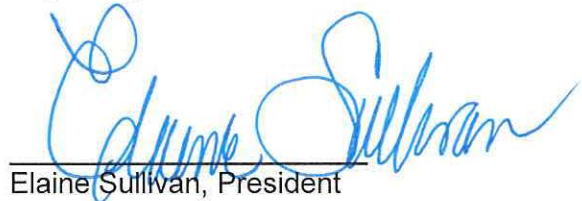
Director Juliussen thanked staff for an excellent safety record.

**24. Adjournment**

President Sullivan adjourned the meeting at approximately 6:01 p.m.



Paul J. Bushee  
Secretary/General Manager  
(SEAL)



Elaine Sullivan, President