



SEWER AUTHORITY MID-COASTSIDE
Board Operations Committee Meeting Agenda
Special Meeting
3 PM – 4 PM, Thursday, July 7, 2022

Directors will attend the meeting through teleconferencing pursuant to and as permitted by Executive Order N-29-20. Consistent with Executive Order N-29-20 and the San Mateo County Health Officer shelter in place order issued on March 16, 2020, members of the public may observe and participate in the open session portions of the meeting electronically by using the following link:

Kishen Prathivadi is inviting you to a scheduled Zoom meeting.

Topic: Board Ops Committee

Time: Jul 7, 2022 03:00 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/82427726168?pwd=U2VMOXNDbjRxdlNlONEswU3djZUdDdz09>

Meeting ID: 824 2772 6168

Passcode: 410200

One tap mobile

+16694449171,,82427726168#,,,,*410200# US

+16699006833,,82427726168#,,,,*410200# US (San Jose)

If you have a disability and require special assistance related to participating in this teleconference meeting, please contact the Authority at least two working days in advance of the meeting at (650) 726-0124 or via email at kishen@samcleanswater.org.

1. CALL TO ORDER

A. Roll Call

Deborah Penrose (HMB)

Matthew Clark (GCSD)

Kathryn Slater-Carter (MWSD)

2. Approval of Minutes 4-5-22
3. Review of Policies
 - a) Minutes Policy
 - b) Public Records Act Policy
4. Any Other Issues ([Attachment](#))
5. NEXT MEETING
Next Board Operations Committee Meeting: August 2, 2022

INFORMATION FOR THE PUBLIC

This agenda contains a brief description of each item to be considered. Those wishing to address the Board on any matter not listed on the Agenda, but within the jurisdiction of the Board, may do so during the Public Comment section of the Agenda and will have a maximum of three minutes to discuss their item. The Board Chair will call forward those wishing to speak on a matter listed on the Agenda at the appropriate time.

Any writing that is a public record and relates to an agenda item for an open session of a regular meeting that is distributed to the Board less than 72 hours prior to the meeting, is available for public inspection, during normal business hours, at the Authority's office.

Board meetings are accessible to people with disabilities. Upon request, the Authority will make this agenda available in appropriate alternative formats to persons with a disability. In compliance with the Americans with Disabilities Act, the Authority will provide special assistance for participation in this meeting. Please submit requests for a disability-related modification or an accommodation in order to participate in the public meeting at least two working days in advance of the meeting by contacting the Authority at (650) 726-0124.

Minutes
Board Operations Committee
Regular Meeting
April 5, 2022

1. CALL TO ORDER

The meeting was called to order at 4:00 p.m. via Zoom.

A. Roll Call

Directors Penrose, Clark, and Slater-Carter were present. Also present was General Manager Prathivadi.

2. Strategic Planning Workshop

The proposal received from Rauch Communication was discussed and it was decided that we should move forward with it but also include Member Agency Managers and SAM staff in the process.

3. Update Staffing and Contracted Services Study

The proposal received from Municipal Resource Group was discussed and staff was given direction to discuss it with Member Agency Managers and then to take it to the Board for approval.

4. Evaluate current funding sources for Non Domestic Wastewater Source Control Program and provide recommendations for an alternative structure going forward.

The proposal received from DTA was discussed in detail and since the Member Agencies were already working on it for their rate study, it was felt that this discussion should be with Member Agency Managers and then brief the Board Ops committee of the discussions.

4. NEXT MEETING

May 3, 2022, 4 pm to 6 pm.

5. ADJOURNMENT

The meeting was adjourned at 5.00 p.m.

Minutes
Board Operations Committee
April 5, 2022
Page 2

Respectfully Submitted,

Suzie Turbay
Administrative Assistant

SEWER AUTHORITY MID-COASTSIDE

BOARD MINUTES POLICY

PURPOSE

To establish a policy regarding minute preparation for California Sewer Authority Mid-Coastside (“SAM” or “Authority”) Board meetings.

CONTENT OF BOARD MINUTES

- A. Board meeting minutes shall contain all of the following for open session meetings:
1. The date on which the meeting occurred.
 2. The time at which the meeting was convened.
 3. The time at which the meeting was adjourned. If a meeting is adjourned to another meeting of the Board, the minutes shall include the date, time, and location of such meeting.
 4. The address of the location where the meeting occurred. If the meeting is held by teleconference, then the minutes shall reflect which directors participated by teleconference.
 5. The type of meeting (regular, adjourned regular, special).
 6. The names of the Boardmembers in attendance. If a Boardmember arrives late or departs before adjournment, the minutes shall reflect those arrival and/or departure times.
 7. The presence of the General Manager, General Counsel, and other SAM Management staff.
 8. Motions made, including a description of each motion and the names of the Boardmembers who initiated and seconded (if applicable) each motion.
 9. Votes taken, including the individual votes cast by each Boardmember, and in the event of abstention, reason(s) for such abstention, where providing justification for such abstention is otherwise required by law.
 10. Direction to the General Manager provided without a formal vote (e.g., consensus of the Board, requests to place items on future Board meeting agendas), including a description of the direction and any stated opposition thereto.

11. The titles of resolutions and ordinances that the Board took action to introduce, approve, and/or adopt. If a resolution or ordinance was adopted, the minutes shall also include the number assigned by staff, thereafter, for reference purposes.
12. For items with no associated formal action (e.g., informational reports), a notation that the item was heard and discussed at the meeting.
13. The subjects on which Boardmembers provided Boardmember comments during the meeting under Directors' comments agenda item.
14. The topics which the General Manager discusses during his/her General Manager report.
15. The names and subjects on which individuals provided public comments during the meeting. If a speaker exercised his or her right to speak anonymously or spoke during a public hearing, such speaker shall be identified as "Anonymous Speaker." If written public comments were received, the minutes shall also include a notice that they can be viewed at SAM offices.
16. Moments of silence observed and items for which Board meetings are adjourned in honor, observation, or remembrance of. If a Boardmember objects to any such action, the minutes shall include such a notation and reason(s) why.
17. For closed sessions, the authority under which closed session was convened, the time the Board convened in closed session, the time the Board came out of closed session, and any report of reportable action from the closed session (if any).
18. Any other information required by law, requested by the Board, or advised by the General Manager or General Counsel.

APPROVAL OF BOARD MINUTES

- A. Board minutes shall be placed on a Board agenda for approval by the Board, optimally at the next meeting of the Board. When approved as written, or when approved as amended by the Board, the minutes become the official record of the proceedings of the specified meeting(s) of the Board.
- B. Approved Board minutes shall be executed by the Board Secretary.

BOARD MEETING RECORDINGS

Consistent with the practice for Board minutes, recordings of Board meetings occurring on and after January 1, 2014 are retained permanently by SAM and are subject to unrestricted public disclosure under the California Public Records Act (“CPRA”). Recordings are intended to supplement Board minutes by providing additional information on the decision-making process.

Board Adoption: _____

SEWER AUTHORITY MID-COASTSIDE
Administrative Policy

Services to Provide Copies of Public Records

PRINCIPLES

It is a cornerstone of SAM to be transparent to the public we serve, and to conform to the Public Records Act.

The public has rights of access to public documents or records of SAM's business.

Staff is charged by the Board with maximizing efficiency to minimize cost in all aspects of SAM business, including records research, retrieval and copying.

POLICY

- SAM Staff will respond within five (5) business days to requests for copying of records which are located in the SAM administration building files,
- and within ten (10) business days for copying of records which are located off-site.
- The SAM Manager will be informed of requests for research or copying which represent a significant allocation of SAM Staff resources.
- The SAM Manager will inform the SAM Board of all such significant research and copying requests.

PROCEDURE

- SAM will photocopy up to four (4) pages without charge. Additional pages will be charged at \$0.03 per page. For records which already exist in electronic format, SAM will provide a CD or DVD with files at a cost of \$1.00 per disk. Payments will be deposited into Petty Cash, and receipts will be issued.

Approved by Manager: February 24, 2009

SEWER AUTHORITY MID-COASTSIDE
PUBLIC RECORDS ACT POLICY

Purpose

The purpose of this policy is to ensure a prompt and appropriate response to all Public Records Act (“PRA”) requests received by Sewer Authority Mid-Coastside (“SAM” or “Authority”).

This Policy applies to all requests for SAM records pursuant to provisions of the California Public Records Act (“CPRA”) found in Sections 6250 et. seq. of the Government Code of the State of California. The PRA applies to records that are paper (hard copy) or electronic (computerized) prepared, owned, used, or retained by SAM.

What are Public Records?

“Public records” are “any writing containing information relating to the conduct of the public’s business prepared, owned, used, or retained by” SAM regardless of physical form or characteristics (e.g., electronic, hard copy). (Gov. Code, § 6252, subd. (e).) A “writing” is “any . . . means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored,” including e-mails, text messages, chat messages, and voicemails. (Gov. Code, § 6252, subd. (g).) California courts have also determined that writings discussing the public’s business contained on personal devices and accounts, such as, for example, text messages on personal cell phones discussing an agenda item or emails on private email accounts discussing agency business. All SAM employees and directors, as well as contractors and consultants of Authority, are subject to the PRA, where records relate to Authority business.

Process for Receiving and Responding to PRA Requests

Generally, the PRA requires identification of the existence of disclosable SAM records within ten (10) calendar days unless there reasons to justify an extension of time of up to 14 days for SAM to determine whether it possesses responsive records. These reasons include statutory bases such as the need to confer with multiple departments within SAM or with other public agencies or there are “unusual circumstances.” Unusual circumstances may include a voluminous request or the need to search records in off-site storage, both of which may justify the need to delay a determination of the existence of responsive records for an additional 14 days beyond the initial 10 day response.

To facilitate a prompt and appropriate response, all PRA requests shall be processed as follows:

A. Receiving a PRA

Any SAM employee, or manager (collectively, “Employee(s)”) receiving a written PRA request for SAM records shall, on the day of receipt, deliver a copy of the request to the General Manager or their designee.

Any Employee receiving a verbal PRA request for SAM records should ask the requester to confirm the request in writing and, if the requester declines, prepare a written record of the request on behalf of the requester. The Employee shall then deliver a copy of the request to the General Manager on the day of receipt.

B. Description of Records

Requests for SAM records must sufficiently describe the records sought so that identification, location and retrieval can be accomplished. SAM is not required to create a record that does not already exist in response to a PRA request. When a request to inspect/copy a SAM record is received, and the request does not describe a reasonably identifiable record, Employees are responsible for assisting the requesting party as reasonably necessary to identify the records they are seeking.

C. Reviewing the PRA Request

- a. SAM records may be inspected at any time during regular office hours. However, as a practical matter, SAM may need to locate the requested records, gather multiple records, or redact exempt information prior to inspection. As soon as possible but not more than two (2) business days after receiving a request for a SAM record, the General Manager or their designee shall review the request and inform any department manager or Board Member of the request and “cc” General Counsel.
- b. The General Manager or their designee shall review the request and proceed as follows:
 - i. If the request seeks a SAM record that is retained by the General Manager’s office, the General Manager or their designee shall respond directly to the requester with the SAM record(s) sought; or
 - ii. If the request seeks SAM records retained by a department or multiple departments, the General Manager or their designee shall forward the request to the responsible department manager with directions on how to proceed (e.g., what types of records to collect). The General Manager or their designee will gather all responsive documents from the various departments and respond directly to the requester with the SAM records sought; or
 - iii. If the request seeks SAM records that relate to pending or anticipated litigation, SAM records that may not be disclosable, or SAM records that raise a legal question, the General Manager or their designee shall contact SAM’s General Counsel for assistance prior to disclosing such records to the requester.
- c. SAM’s General Counsel is available to assist the General Manager with any questions or issues that may arise regarding a PRA request. The General Counsel shall evaluate all record requests referred by the General Manager or their designee and recommend an appropriate response.

D. Response Time

All PRA requests shall be responded to within ten (10) calendar days after the request is received by the SAM unless “unusual circumstances,” as defined in California Government Code Section 6253(c) or any successor statute, require additional time not exceeding fourteen (14) calendar days. The General Counsel shall be copied on all written notifications for additional time. Following the initial response, responsive records should be compiled, screened for potential privilege (where applicable), and disclosed within 30 days of the date of the PRA request. Where the request seeks voluminous amounts of records, or screening

for privilege requires an extensive period of time, then production of responsive records may occur on a rolling basis after notifying the requester of Authority's intent to produce records in such a manner.

E. Collection of Records

Once a request is made to inspect a SAM record and the records identified are located, the Employee having control of the record shall use their best efforts to preserve the record until it is determined if the record is subject to preservation, public inspection, or production.

If a request seeks records sent from/to/between SAM Employees or Board Members, those Employees or Board Members must search for potentially responsive public records on their private accounts and devices. Moreover, they must complete an affidavit (Exhibit A) stating that they have searched for records in their possession on private accounts and devices and affirm that there are no such records or they have submitted those records to the General Manager within five (5) days of receiving the PRA request.

F. Disclosure of Records and Fee Payment

All PRA requests for electronic communications should be handled in accordance with this Policy, and applicable departmental policy and direction. All electronic communications that constitute an identifiable SAM record and that are not privileged or exempt from disclosure shall be disclosed in compliance with the applicable provisions of the PRA.

SAM is obligated to produce disclosable SAM records upon payment of fees covering direct costs of duplication or a statutory fee, if applicable (a fee is not applicable to a request to inspect documents). SAM is not entitled to recover costs associated with searching for or retrieving responsive records unless specifically authorized by State law. The requestor should be referred to the Finance Department for payment of the costs of duplication prior to release of the records, and the General Manager shall have authority to waive the costs of duplication where good cause for such waiver is shown by the requester. Any legal questions regarding a request may be referred directly to the General Counsel.

G. Compliance with Changing State Law

The General Manager or their designee, with assistance from General Counsel, will monitor compliance with this Policy and State law regulating the PRA, and shall have the authority to make minor modifications to this policy in order to conform said policy to changes in state law.

EXHIBIT A

**SEWER AUTHORITY MID-COASTSIDE
AFFIDAVIT OF PUBLIC RECORDS SEARCH**

I, _____, certify that I have reviewed the attached request received pursuant to the California Public Records Act, Government Code section 6250 et seq.

I certify that I understand how to distinguish public records from personal records.

I have searched my personal electronic devices and accounts for public records, including, but not limited to, e-mails, text messages, and voicemails, for records potentially responsive to the attached request.

- There are no public records responsive to the request.

- There are public records potentially responsive to the request, and I have submitted them to the General Manager for review.

Signature

Date

Attachment: Public Records Act request