

**SELMA-KINGSBURG-FOWLER
COUNTY SANITATION DISTRICT**

REGULAR MEETING OF BOARD OF DIRECTORS

MAY 9, 2024

4:00 P.M.

11301 E. Conejo Avenue, Kingsburg, CA 93631

1. CALL TO ORDER AND ROLL CALL

DIRECTORS

Nathan Magsig

Juan Mejia

Vince Palomar

Scott Robertson, Vice Chair

Buddy Mendes, Chairman

STAFF and CONSULTANTS

Veronica Cazares, General Manager/ Secretary

Alicia Kirk, Executive Assistant to the G.M.

Tricia Miller, Administrative Services/HR Manager

Hilda Cantú Montoy, General Counsel

Craig Perry, Chief Plant Operator

David Bacon, Information Systems Analyst

2. APPROVAL OF AGENDA

Additions, deletions, substitutions, and adoption of agenda

3. PUBLIC FORUM

At this time, any member of the public may address the Board regarding any item not on the agenda, over which the Board has jurisdiction. No action or discussion will be taken on any item not on the agenda, except to briefly respond to statements or questions by the public. Members of the public shall limit their remarks to three minutes.

4. CONSENT CALENDAR

Items placed on the consent calendar are routine in nature. They may be approved by one motion, second, and majority vote. Any Board member or member of the public may request removal of any item from the consent calendar for independent consideration.

A. Minutes of April 4, 2024, Regular Board Meeting, *(p.1)*

B. Warrant List Reports of, April 11, 2024, April 24, 2024, April 25, 2024 *(p.5)*

C. Cash Activity Report of, April 30, 2024 *(p.9)*

- D. Adoption of Resolution No. 2024-07, A Resolution of Recognition and Commendation to District Employees for earning the 2023 CWEA Collection System of the Year State Award *(p.11)*

5. NEW BUSINESS

- A. Subject: Sun Maid Request to Dispose of Hauled Wastewater from outside the District's Service Area to its Kingsburg Facility. *(p.12)*

Recommendations:

1. That the Board deny Sun Maid's request to haul wastewater from 15628 E. Nebraska to the Sun Maid facility at 13525 S. Bethel, Kingsburg.

OR

2. That the Board consider Sun-Maid's request and authorize staff and General Counsel to prepare an agreement and facility permit to allow Sun Maid to haul wastewater from 15628 E. Nebraska to the facility at 13525 S. Bethel, Kingsburg, for the Board's consideration at a future regular meeting.

- B. Subject: SKFCSD Actuarial Study of Retiree Health Liabilities with a measurement date of June 30, 2023. *(p.15)*

Recommendation: That the Board receive the Actuarial Study and direct staff to (1) suspend payment contributions to the District's qualifying OPEB plan, California Employers' Retiree Benefit Trust (CERBT) as of July 1, 2024, in the Fiscal Year 2024-25 budget; and (2) consider beginning to request disbursements from the CERBT until the next required updated actuarial study is brought back to the Board.

- C. Subject: Request for Rate Increase to Agreement for Legal Services with Montoy Law Corporation. *(p.17)*

Recommendation: Consider approval of Amendment No. 3 to Legal Services Agreement with Montoy Law Corporation adjusting rates for legal services.

6. BOARD MEMBER COMMUNICATION/AGENDA ITEMS

7. GENERAL MANAGER REPORTS

- A. Chairman's BBQ held on May 1, 2024, in the District Board Room.

- B. 2024 CASA 69th Annual Conference will be held on July 31st - August 2nd at Monterey Marriott. Directors must notify Alicia Kirk, Executive Assistant to the General Manager, by May 20, 2024, of their intention to attend so reservations can be made.
- C. Staff attended the CWEA Awards Luncheon on April 11th, 2024, to accept the Collection System of the Year at the State Level award.
- D. SKF and Valley Regional Occupational Program (VROP) will begin its 6th year partnership. Selma High School is currently in the selection process, and we expect to begin in June 2024.

8. CLOSED SESSION

- A. Conference with Labor Negotiators pursuant to Government Code Section 54957.6
Agency Designated Representatives: General Manager, Human Resources/Administration Manager, Labor Relations Consultant and/or General Counsel

Employee Organization: The International Union of Operating Engineers Stationary Local 39

8. ADJOURNMENT

Motion to Adjourn

Next Regular Meeting: Thursday, June 13, 2024, at 4:00 p.m.

Next Ordinance: 2024-01

Next Resolution: 2024-08

NOTICE OF AVAILABILITY OF AGENDA MATERIALS: Any writings or documents provided to a majority of the Board of Directors regarding any item on this agenda will be made available for public inspection at the District Office located at 11301 E. Conejo Ave., Kingsburg, CA 93631 during normal business hours of 8:00 a.m.-4:30 p.m., Mondays through Fridays. Such writings or documents will also be made available on the District website at www.skfcsd.org

ADA COMPLIANCE AND REASONABLE ACCOMMODATIONS POLICY. The District has adopted a Reasonable Accommodations Policy that provides a procedure for receiving and resolving requests for accommodation to participate in this meeting. If you need assistance in order to attend the Board of Directors meeting, or if you require auxiliary aids or services, e.g., hearing aids or signing services to make a presentation to the Board, the Board is happy to assist you. Please contact the District Office at (559)897-6500 Extension 213 so such aids or services can be arranged. Requests may also be made by email to the Executive Assistant to the General Manager at: akirk@skfcsd.org or can be sent by US Mail to: Alicia Kirk, PO BOX 158, Kingsburg, CA 93631. Accommodations should be requested as early as possible as additional time may be required in order to provide the requested accommodation; 72 hours in advance is suggested.

**SELMA-KINGSBURG-FOWLER
COUNTY SANITATION DISTRICT**

MINUTES OF THE BOARD MEETING OF DIRECTORS

APRIL 4, 2024

CALL TO ORDER AND ROLL CALL

The Board Meeting of the Selma-Kingsburg-Fowler County Sanitation District was called to order at 3:30 p.m. by Chairman Mendes

DIRECTORS

Nathan Magsig (P)
Juan Mejia (P)
Vince Palomar (P)
Scott Robertson, Vice Chair (P)
Buddy Mendes, Chairman (P)

STAFF AND CONSULTANTS

Veronica Cazares, General Manager/Secretary
Alicia Kirk, Executive Assistant to the G.M.
Tricia Miller, Administrative Services/HR Manager
Hilda Cantú-Montoy, General Counsel
David Bacon, Information Systems Analyst

APPROVAL OF AGENDA

There being no comment from the public, a motion to approve the agenda of the Board meeting of April 4, 2024, was made by Director Magsig and seconded by Director Robertson and approved by a unanimous voice vote:

AYE: Director Magsig, Mejia, Palomar, Vice Chair Robertson, Chairman Mendes

NO:

ABSENT:

ABSTAIN:

PUBLIC FORUM

None

CONSENT CALENDAR

Items placed on the consent calendar are routine in nature. They may be approved by one motion, second, and majority vote. Any Board member or member of the public may request removal of any item from the consent calendar for independent consideration.

A. Minutes of March 14, 2024, Regular Board Meeting

(p.1)

- B. Warrant List Reports of, March 4, 2024, March 13, 2024, March 27, 2024 *(p.6)*
- C. Cash Activity Report of, March 31, 2024 *(p.9)*
- D. That the Board approve the filing of the Notice of Completion for the Administration Roof Rehabilitation Project in the amount of \$147,979 *(p.11)*

There being no comment from the public, a motion to approve the consent calendar was made by Director Palomar and seconded by Director Magsig and approved by a unanimous voice vote:

AYE: Director Magsig, Mejia, Palomar, Vice Chair Roberston, Chairman Mendes
 NO:
 ABSENT:
 ABSTAIN:

NEW BUSINESS

- A. Subject: First Presentation of The Draft Capital Improvement Program for FY 2024-25 *(p.12)*

Recommendation: That the Board will Review the First Presentation of The Draft Capital Improvement Program for FY 2024-25 and Provide Direction to Staff.

On March 14, 2024, this item was brought up at the Joint Board and PAC meeting and was tabled for a later date. The Budget and CIP was presented on March 27, 2024, to the Policy Advisory Committee (PAC). The committee accepted the draft FY24-25 CIP and recommended its approval to the SKF Board of Directors. The Board received a report from General Manager Cazares. There is no motion required for this informational item.

- B. Subject: First Presentation of the Draft FY 2024-25 Budget *(p.13)*

Recommendation: That the Board review the Draft Budget for FY 2024-25 and Provide Direction to Staff.

On March 14, 2024, this item was brought up at the Joint Board and PAC meeting and was tabled for a later date. The Budget and CIP was presented on March 27, 2024, to the Policy Advisory Committee (PAC). The committee accepted the draft FY24-25 Budget and recommended its approval to the SKF Board of Directors. The Board received a report from General Manager Cazares. There is no motion required for this informational item.

- C. Subject: FY 21 Sewer Rehabilitation Project *(p.14)*

Recommendation: That the Board approve Contract Change Order No.1 and Filing of the Notice of Completion.

Dawson-Mauldin completed the project on time and in accordance with plans and specifications. The change order number 1 is a deduct of \$37,268.66 for a total revised contract amount of \$1,213,457.02. There being no comment from the public, a motion to accept the FY 21 Sewer Rehabilitation Project Contract Change order, and filing of the Notice of Completion was made by Director Roberston and seconded by Director Mejia and approved by a unanimous voice vote:

AYE: Director Magsig, Mejia, Palomar, Vice Chair Roberston, Chairman Mendes

NO:

ABSENT:

ABSTAIN:

BOARD MEMBER COMMUNICATION/AGENDA ITEMS

Vice Chairman Robertson thanked SKF Staff for their participation at the Joint Board of Directors and Selma City Council on March 26, 2024.

Director Palomar announced that Toshiko's Japanese Restaurant is now open in Kingsburg.

GENERAL MANAGER REPORTS

The Annual Chairman's Barbeque will be held on May 1, 2024, here in the District Board room.

CLOSED SESSION

- A. Conference with Labor Negotiators pursuant to Government Code Section 54957.6
Agency Designated Representatives: General Manager, Human Resources/Administration Manager, Labor Relations Consultant and/or General Counsel

Employee Organization: The International Union of Operating Engineers Stationary Local 39

Closed Session began at 4:12 p.m.

RECONVENNE OPEN SESSSION

Open Session began at 4:40 p.m. There was no reportable action.

ADJOURNMENT

There being no further business to come before the Board, Chairman Mendes declared the meeting adjourned on a motion made by Director Robertson, and seconded by Director Palomar, and approved by a unanimous voice vote at 4:40 p.m.

Respectfully submitted,

Veronica Cazares, General Manager

Approved,

Buddy Mendes, Chairman of
the Board

SELMA - KINGSBURG - FOWLER
COUNTY SANITATION DISTRICT
APRIL 10, 2024
WARRANT LIST

AMAZON CAPITAL SERVICES	AUTO MAINTENANCE, SMALL TOOLS	919.58
AMERICAN EXPRESS	TRAVEL & TRAINING, POSTAGE	4,055.96
APPLIED INDUSTRIAL TECH CA-LLC	OUTREACH, PRINTING, ADVERTISING	
ARAMARK	EQUIPMENT MAINTENANCE	750.20
ARNOLD, STEPHEN	UNIFORMS, MATS, MOPS, TOWELS	1,640.52
ASI	RETIREE HEALTH REIMBURSEMENT	184.72
AT&T MOBILITY	INFORMATION SYSTEMS	375.00
BILL'S AUTO OF KINGSBURG, INC.	COMMUNICATIONS	151.32
BSK ASSOCIATES	AUTO MAINTENANCE	79.95
CALIFORNIA DEPARTMENT OF TAX & FEE ADMIN	EXTERNAL LAB SERVICES	475.00
CALIFORNIA WATER SERVICE	USE TAX	3.00
CALPERS	WATER UTILITIES	12.27
CINTAS CORPORATION NO.2	RETIREMENT	40,822.50
COMCAST	AED LEASES	284.42
DAVID MICHEL	INFORMATION SYSTEMS	180.91
DAWSON-MAULDIN LLC	RETIREE HEALTH REIMBURSEMENT	184.72
DKF SOLUTIONS GROUP, LLC	TULARE ST ALLEY IMPROVEMENTS	376,305.67
E.G. BABCOCK COMPANY	PROFESSIONAL SERVICES MED & SAFETY	350.00
ELECTRIC MOTOR SHOP, INC.	EQUIPMENT MAINTENANCE	51.38
ELIDIO SILVA	EQUIPMENT MAINTENANCE	668.18
ERNEST C MENDES	EQUIPMENT MAINTENANCE	269.11
GARY HELM	DIRECTOR'S FEES	255.26
GOLDEN STATE MECHANICAL	RETIREE HEALTH REIMBURSEMENT	184.72
HERITAGE-CRYSTAL CLEAN INC.	ADMN 6TON A/C UNIT	15,316.48
HOME DEPOT CREDIT SERVICES	LUBRICANTS	56.00
JAIME RUIZ	EQUIPMENT MAINTENANCE, BULDG & GROUNDS	499.68
JAMES HORNE	RETIREE HEALTH REIMBURSEMENT	184.72
JIM OLINGER	RETIREE HEALTH REIMBURSEMENT	184.72
JIMMY GARCIA	RETIREE HEALTH REIMBURSEMENT	184.72
JUAN MEJIA	RETIREE HEALTH REIMBURSEMENT	410.87
KINGSBURG, CITY OF	DIRECTOR'S FEES	127.63
KRAMER, MATTHEW	WATER UTILITIES	258.00
LUCERO, JULIAN	TRAVEL & TRAINING REIMBURSEMENT	67.47
MID VALLEY DISPOSAL	RETIREE HEALTH REIMBURSEMENT	184.72
MONTOY LAW CORPORATION	WASTE UTILITIES	930.25
MORGAN BROTHERS INC	PROFESSIONAL LEGAL SERVICES	376.00
NAPA AUTO PARTS	PEST CONTROL	155.00
NATHAN MAGSIG	EQUIPMENT MAINTENANCE	148.20
NATIONS ROOF WEST LLC	DIRECTOR'S FEES	255.26
NELSON'S ACE HARDWARE	ADMIN ROOF REHAB PROJECT	147,939.00
PG&E	BUILDING & GROUNDS MAINT., EQUIPMENT MAINT., LUBRICANTS	222.78
QUADIANT FINANCE USA, INC.	ELECTRIC UTILITIES	1,293.90
ROBERT CURRIE	POSTAGE	500.00
ROBERT V JENSEN, INC.	RETIREE HEALTH REIMBURSEMENT	184.72
SALLY RODRIGUEZ	LUBRICANTS	1,454.51
SARA J. STAUNTON	RETIREE HEALTH REIMBURSEMENT	184.72
SC INDUSTRIES	RETIREE HEALTH REIMBURSEMENT	184.72
SCOTT ROBERTSON	EQUIPMENT MAINTENANCE	255.56
SELMA DIST. CHAMBER OF COMMERCE	DIRECTOR'S FEES	127.63
SELMA, CITY OF	MEMBERSHIPS	350.00
SILVAS OIL CO. INC.	PHARMA KIOSK OUTREACH	173.75
STAPLES BUSINESS CREDIT	FUEL	3,625.74
STEVE JENSEN	OFFICE SUPPLIES	274.92
T-MOBILE USA INC.	LUBRICANTS	167.79
TELETRAC NAVMAN US LTD.	COMMUNICATIONS/INFO SYSTEMS EXPENSE	2,367.62
TINT MASTER KINGSBURG	COMMUNICATIONS	1,345.48
TOSHIBA FINANCIAL SERVICES	AUTO MAINTENANCE	400.00
TRANSWESTERN INS ADMIN	COPIER LEASES	740.03
UNWIRED BROADBAND, INC.	DENTAL / VISION INSURANCE	1,658.36
VINCE PALOMAR	COMMUNICATIONS	749.99
WORKFORCE GO!	DIRECTOR'S FEES	255.26
	INFORMATION SYSTEMS	150.00
MAS 200 Total Checks		\$612,150.59

SELMA - KINGSBURG - FOWLER
COUNTY SANITATION DISTRICT
APRIL 11 2024
WARRANT LIST

PROFESSIONAL PRINT & MAIL INC.	PROP 218 POSTAGE	5,520.75
MAS 200 Total Checks		\$5,520.75

SELMA - KINGSBURG - FOWLER
COUNTY SANITATION DISTRICT
APRIL 24, 2024
WARRANT LIST

AMAZON CAPITAL SERVICES	SAFETY SUPPLIES, COMMUNICATIONS	191.03
ARAMARK	UNIFORMS, MOPS, MATS, TOWELS	1,640.88
AT&T/CALNET 3	COMMUNICATIONS	144.22
BSK ASSOCIATES	EXTERNAL LAB SERVICES	1,398.00
CALIFORNIA WATER SERVICE	WATER UTILITIES	36.34
CALPERS HEALTH	HEALTH INSURANCE	38,912.47
CENTRAL VALLEY CULLIGAN, INC.	DRINKING WATER	205.00
CITY OF FOWLER	TRAVEL & TRAINING	40.00
CWEA	MEMBERSHIPS	221.00
CWEA CSJ SECTION	TRAVEL & TRAINING	700.00
DATA FLOW SYSTEMS INC.	EQUIPMENT REPAIRS & MAINTENANCE	877.00
DATCO	PROF.SERVICES - MED & SAFETY	234.00
DOPUDJA & WELLS CONSULTING INC.	COLL.SYSTEM MASTER PLAN UPDATE	13,970.00
FISHER SCIENTIFIC	LABORATORY SUPPLIES	135.62
HD SUPPLY INC	EQUIPMENT REPAIRS & MAINTENANCE, SAFETY SUPPLIES	2,264.50
HERNANDEZ, FRANK	SAFETY FOOTWEAR REIMBURSEMENT	225.00
HERWIT ENGINEERING	PROF.SERVICES ENGR & TECH	4,700.00
HOME DEPOT CREDIT SERVICES	BLDG & GROUNDS MAINT., OFFICE SUPPLIES	112.27
ISAGUIRRE, RICARDO	WELLNESS PROGRAM REIMBURSEMENT	40.00
JIMMY FLOYD	TRAVEL & TRAINING REIMBURSEMENT	239.06
KENNETH D. SCHMIDT	PROF.SERVICES ENGR & TECH	1,268.16
KINGSBURG, CITY OF	PHARMA KIOSK OUTREACH	347.50
LIEBERT CASSIDY WHITMORE	PROF.SERVICES MGMNT & HUM.RELATIONS	3,500.00
MID VALLEY DISPOSAL	WASTE UTILITIES	300.00
MKN	SELMA SEWER REPAIRS	10,310.00
MOORE TWINING ASSOC. INC.	EXTERNAL LAB SERVICES	622.00
NAPA AUTO PARTS	AUTO/EQUIPMENT MAINTENANCE	366.66
NELSON'S ACE HARDWARE	EQUIPMENT REPAIRS & MAINTENANCE	95.40
NORTH AMERICAN BENEFITS CO	LIFE INSURANCE	409.36
NORTH CENTRAL LABS, INC	LABORATORY SUPPLIES	191.27
PG&E	ELECTRIC UTILITIES	9,827.31
PROCLEAN SUPPLY	BLDG & GROUNDS MAINT., OFFICE SUPPLIES	1,688.16
PROFESSIONAL COMMUNICATIONS NETWORK	COMMUNICATIONS	60.00
QUINN RENTAL SERVICES	DOZER RENTAL	4,702.54
REVELANT IT INC.	INFORMATION SYSTEMS	7,737.41
RODRIGUEZ, ERNESTO	TRAVEL & TRAINING REIMBURSEMENT	24.00
SAN JOAQUIN VALLEY AIR	PERMITS	150.00
SILVAS OIL CO. INC.	FUEL	3,709.08
THE GAS CO	GAS UTILITIES	401.94
TRANSWESTERN INS ADMIN	DENTAL / VISION INSURANCE	1,160.04
UNITED STATES TREASURY	IRS TAX CREDIT (CREB) REFUND OVERPAYMENT	6,653.72
WORKFORCE GO	INFORMATION SYSTEMS	300.00
MAS 200 Total Checks		\$120,110.94

SELMA - KINGSBURG - FOWLER
COUNTY SANITATION DISTRICT
APRIL 25 2024
WARRANT LIST

SMOKEHOUSE BAR & GRILL	EMPLOYEE RECOGNITION PROGRAM	\$ 224.12
MAS 200 Total Checks		\$ 224.12

SKF COUNTY SANITATION DISTRICT
CASH ACTIVITY REPORT
Month: APRIL
Fiscal Year: 2023-24

Cash Account Description	End of Month Cash Balance as of June 30, 2023	End of Month Cash Balance April 30, 2024
Cash in Treasury: Operations & Maintenance	\$ 5,043,024.93	\$ 7,583,235.42
Cash in Bank: Operations & Maintenance	\$ 28,912.44	\$ 26,390.15
Cash in Bank: Payroll	\$ 203.46	\$ 111,166.82
Petty Cash	\$ 700.00	\$ 700.00
Total Operations & Maintenance	\$ 5,072,840.83	\$ 7,721,492.39
Cash in County Treasury:Expansion	\$ 5,393,049.36	\$ 5,548,327.73
Cash in County Treasury: R&R	\$ 6,245,192.21	\$ 5,692,722.15
Cash in County Treasury:Selma	\$ 2,319,258.37	\$ 1,835,977.31
Cash in County Treasury: Selma SWRCB Reserve	\$ 267,803.77	\$ 269,198.61
Total Selma	\$ 2,587,062.14	\$ 2,105,175.92
Cash in County Treasury:Kingsburg	\$ 3,426,769.60	\$ 3,301,006.87
Cash in County Treasury:Fowler	\$ 1,932,604.12	\$ 1,893,714.97
Total Cash Balance	\$ 24,657,518.26	\$ 26,262,440.03

SELMA-KINGSBURG-FOWLER COUNTY SANITATION DISTRICT
WARRANT LIST & SALARY AND FRINGE BENEFIT EXPENDITURE SUMMARY
FOR THE MONTH ENDED APRIL 30, 2024

SERVICE AND SUPPLIES EXPENDITURES:

WARRANT LIST ENDING	4/10/2024	\$	612,150.59
WARRANT LIST ENDING	4/11/2024	\$	5,520.75
WARRANT LIST ENDING	4/24/2024	\$	120,110.94
WARRANT LIST ENDING	4/25/2024	\$	224.12
			738,006.40
TOTAL SERVICE AND SUPPLIES EXPENDITURES			\$ 738,006.40

SALARIES, PERS, TAXES, & HEALTH INSURANCE EXPENDITURES

TOTAL SALARIES PERIOD ENDING:

SALARIES	4/7/2024	\$	98,519.92
EMPLOYER CONTRIBUTIONS (PERS)	4/7/2024	\$	9,721.04
EMPLOYER TAXES	4/7/2024	\$	1,283.46
HEALTH INSURANCE	4/7/2024	\$	13,670.80
			\$ 123,195.22

TOTAL SALARIES PERIOD ENDING:

SALARIES	4/21/2024	\$	97,654.88
EMPLOYER CONTRIBUTIONS (PERS)	4/21/2024	\$	9,725.62
EMPLOYER TAXES	4/21/2024	\$	1,268.92
HEALTH INSURANCE	4/21/2024	\$	13,670.80
			\$ 122,320.22

TOTAL SALARIES, PERS, TAXES, & HEALTH INSURANCE EXPENDITURES			\$ 245,515.43
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	GRAND TOTAL	\$	983,521.83
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SELMA-KINGSBURG-FOWLER COUNTY SANITATION DISTRICT

RESOLUTION NO. 2024-07

A RESOLUTION OF RECOGNITION AND COMMENDATION TO DISTRICT EMPLOYEES
FOR EARNING THE 2023 CWEA
“COLLECTION SYSTEM OF THE YEAR” STATE AWARD

RESOLVED, by the Board of Directors of the Selma-Kingsburg-Fowler County Sanitation District that;

WHEREAS, the District was presented with the 2023 California Water Environment “Collection System of the Year” State Award; and

WHEREAS, many District employees played vital roles in operating and maintaining the wastewater collection system in such an excellent manner; and

WHEREAS, the pride, professionalism and dedication of District employees exemplify the highest standards of public service; and

WHEREAS, the citizens of the cities of Selma, Kingsburg, and Fowler and the County of Fresno recognize and appreciate the contribution that District employees have made to their public health, environment, and quality of life.

NOW, THEREFORE, the Board of Directors hereby recognizes and commends District employees for their outstanding efforts and accomplishments in caring for the public works facilities with which they have been entrusted.

The foregoing resolution was adopted on May 9, 2024 on a motion duly made, seconded and approved by unanimous voice vote:

DIRECTOR MAGSIG

DIRECTOR MEJIA

DIRECTOR PALOMAR

VICE CHAIR ROBERTSON

CHAIRMAN MENDES

WHEREUPON, the Chaiman declared the foregoing resolution adopted, and SO ORDERED.

Veronica Cazares, General Manager/
Secretary of the Board of Directors
SELMA-KINGSBURG-FOWLER
COUNTY SANITATION DISTRICT

MEMORANDUM
(May 9, 2024, Board Meeting)

To: S-K-F CSD Board of Directors
From: Veronica Cazares, General Manager
Date Memo Prepared: April 29, 2024

Agenda Item: 5-A
Action: Action

SUBJECT:

Sun-Maid Request to Dispose of Hauled Wastewater from outside the District's Service Area at its Kingsburg Facility

RECOMMENDATION:

- (1) That the Board deny Sun Maid's request to haul wastewater from 15628 E. Nebraska to the Sun Maid facility at 13525 S. Bethel, Kingsburg.

OR

- (2) That the Board consider Sun Maid's request and authorize staff and General Counsel to prepare a special agreement and facility permit to allow Sun-Maid to haul wastewater from 15628 E. Nebraska to the facility at 13525 S. Bethel, Kingsburg, for the Board's consideration at a future regular meeting.

EXECUTIVE SUMMARY:

In 2007, Sun Maid purchased a cold storage facility at 15628 E. Nebraska Avenue. The property is far outside District boundaries to economically pipe wastewater to the public sewers. At the Board meeting of October 11, 2007, the Board of Directors authorized Sun Maid to haul wastewater from 15628 E. Nebraska Avenue to their facility on Nebraska Avenue in Selma and to discharge into the public sewer from that point, subject to District regulations and the terms of the Selma Nebraska Avenue Permit to Discharge Non-Residential Wastewater issued by the District.

Sun Maid desires to change the cold storage discharge destination from their Selma site to the site located at 13525 S. Bethel, Kingsburg. The site located at 15628 Nebraska is outside the District service area and Sphere of Influence (SOI). The District SOI is congruent with each member city's sphere of influence.

The processed wastewater from the 15628 E. Nebraska site is from the washdown of the equipment. Safety Data Sheets (SDS) for chemicals were submitted and are typical of raisin, dried apricots, and pouch line processes. The estimated discharge is 0.2730 million gallons annually based on 2023 actual readings from the District laboratory department. Domestic waste from the site is discharged to an onsite septic tank. An alternative method of disposal reviewed by Sun-Maid was the possibility of discharging to Reedley. Reedley was not considered as a viable site for disposal due to the cold storage facility being out of Reedley's jurisdiction.

The authorization for the hauling of the processed wastewater from outside the District service area has been in effect since 2007. There is capacity at the wastewater treatment plant and there

is no impact to facility with this type of processed wastewater. District staff is tasked with sampling the process wastewater to characterize the constituents of biochemical oxygen demand, suspended solids, and other items as needed to confirm acceptability.

While Sun Maid received authorization to haul the waste from outside the District service area has been in place since 2007, there is some concern as District ordinances and agreements include the following limitations to hauling waste from the cold storage facility outside the District's service area to a point of discharge within the District service area.

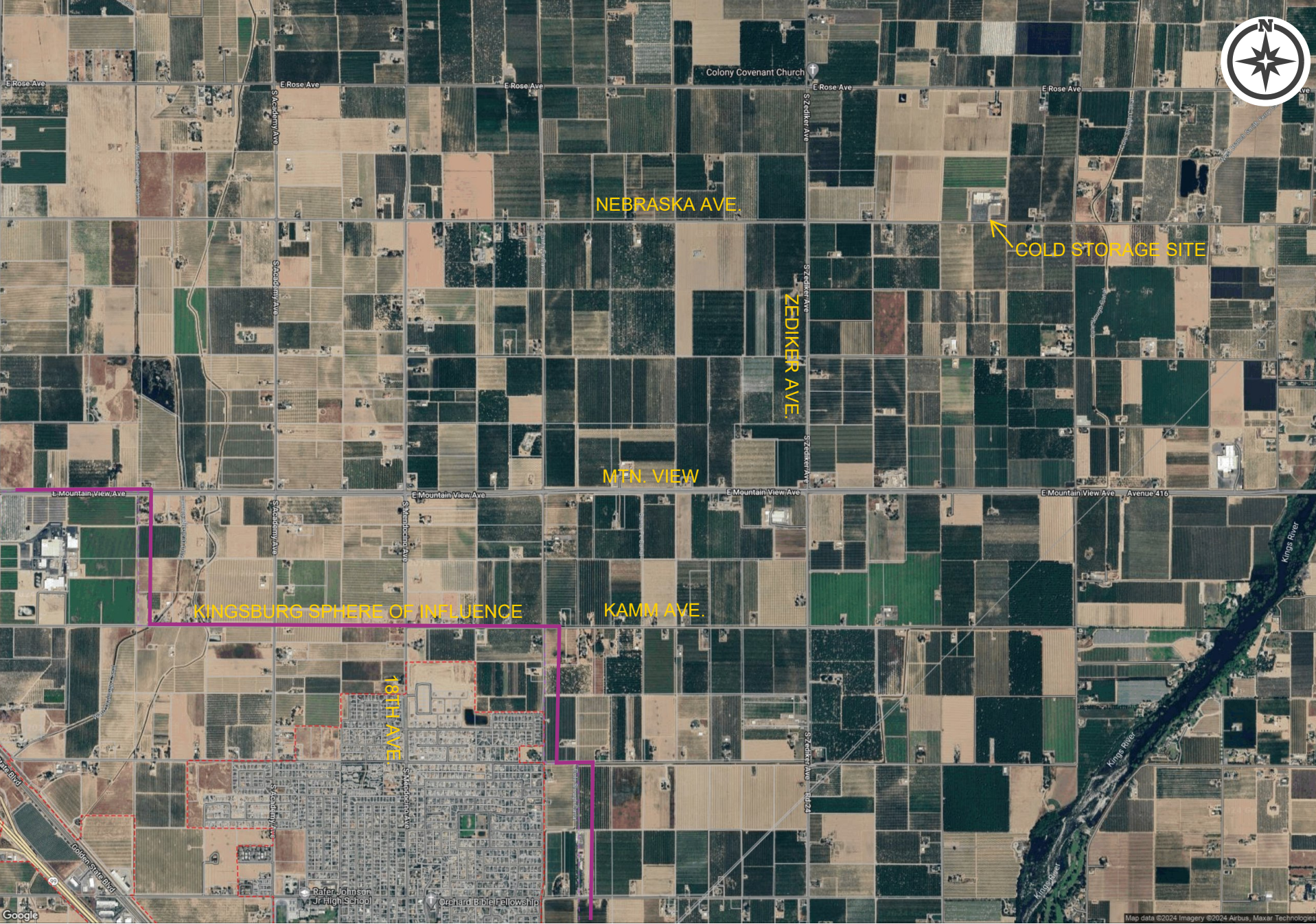
- The service agreement of the member cities states that service is not granted outside the boundaries of the member City and require annexation through the LAFCO process. The "service" that is referred to is interpreted to be the actual physical connection of a parcel to the public sewer.
- Ordinance 92, Sewer Use Ordinance, Section 2.05 Trucked or Hauled Waste. The discharge of trucked or hauled waste is prohibited, except as authorized by the District in accordance with the terms and conditions of a Permit for Septic Pumpage Discharge and the District's regulations and procedures for septic pumpage dischargers. All materials removed from pretreatment devices or facilities and prohibited by this ordinance, including but not necessarily limited to holding tank wastes, shall be stored, transported, treated and disposed of in accordance with applicable Federal, State, and local regulations.
- In regard to the procedures for septic pumpage the waste accepted is from chemical portable toilets; no other wastes such as commercial pre-treatment waste, car washes, grease traps, or gas stations. Also, waste originating outside of the spheres of influence of the member cities is not accepted.

Staff recommends discontinuing this practice as it could be used as a precedent for other users requesting the same and is contradictory to District Ordinance and Service Agreements.

Notwithstanding the foregoing, if the Board is inclined to approve the request, staff seeks the Board's direction to pursue a special agreement and permit with Sun Maid.

Attachment: Location Map

Location Map



MEMORANDUM
(May 9, 2024, Board Meeting)

To: S-K-F CSD Board of Directors
From: Veronica Cazares, General Manager
Date Memo Prepared: April 22, 2024
Prepared by: Tricia Miller, Administrative Services/Human Resources Manager

Agenda Item: 5-B
Action: Motion

SUBJECT: SKFCSD Actuarial Study of Retiree Health Liabilities with a measurement date of June 30, 2023

RECOMMENDATION:

That the Board receive the Actuarial Study and direct staff to (1) suspend payment contributions to the District's qualifying OPEB plan; California Employers' Retiree Benefit Trust (CERBT) as of July 1, 2024 in the Fiscal Year 2024-25 budget and (2) consider beginning to request disbursements from the CERBT until the next required updated actuarial study is brought back to the Board.

EXECUTIVE SUMMARY:

Board members may bring their copies with them or refer to the digital copy sent separately from the agenda packet. **Hard copies will be available at the Board Meeting.**

An OPEB Liability Actuarial Study performed with a measurement date of June 2019 was performed by Total Compensation. In this study it was reported that the District was 72% funded in meeting its Total OPEB Liability with \$992k held in the CERBT fund through CalPERS and Total OPEB Liability being reported at \$1.38 million resulting in a Net OPEB Liability of \$391k. Subsequent Actuarial Studies have reported that the funded status has steadily increased over the last several years. Current funded status has increased from 72% (\$391k shortfall) in the June 2019 measurement date compared to 140% (\$451k overfunded) in June 2023. The District began participating in the CERBT Fund in FYE 2014 to help offset the Total OPEB Liability with initial annual contributions of \$168k in 2014 and 2015. Annual contributions were then adjusted to \$145k in 2016 and 2017. Annual contributions have remained at approximately \$105k since 2018. Total contributions into the CERBT fund have now reached \$1,258,240 through FYE 2023. Investment earnings of \$413,512 thru December 31, 2023. Annualized rate of return of 4.96% (06/05/2014 – 12/31/2023) = 9.57 years.

Disbursements from the CERBT fund may only be used for reimbursements paid for OPEB expenses. Since inception into the CERBT Fund, the District has not requested any disbursements to be used for reimbursement of OPEB expenses. Total OPEB expenses for FYE 2019 were approximately \$80k. For employees hired by the District before June 30, 2012, and retired before June 30, 2015, the District contributes directly to CalPERS the minimum monthly employer contribution; currently \$157 for each retiree per month.

In addition, the District contributes an additional amount not to exceed the cap amount consistent with Article XII of the MOU. The number of retirees that currently fall under this category is twelve with estimated OPEB expenses of \$52k for FYE2024. For employees hired

after July 1 , 2012 and retire thereafter, the District contributes to CalPERS directly the minimum monthly employer contribution set by CalPERS annually; currently also \$157 per month. The number of retirees that currently fall under this category is nine with estimated OPEB expenses of \$17k for FYE2024. Total OPEB estimated expenses for FYE2024 is \$69K. Retirees that retired prior to June 30, 2015, currently make up 75% (\$52k) of the OPEB expense.

Due to the overfunded status, it is recommended that additional contributions to the CERBT fund be suspended until it is determined that further contributions are needed to maintain a 100% funded status. Also, it is recommended that OPEB expense reimbursements be submitted to CalPERS for disbursement from the CERBT fund. The annual cashflow savings to the Operating & Maintenance fund would be \$174k. (\$105k from suspending annual contributions + \$69K OPEB expense reimbursements). If annual contributions are continued to be made and no reimbursement requests are submitted, it would result in a continued over funded account that more than exceeds the District’s OPEB liability.

	ACTUAL	ACTUAL	ACTUAL	ACTUAL	ACTUAL	PROJECTED				
VALUATION DATE	6/30/2019	6/30/2019	6/30/2021	6/30/2021	6/30/2023	6/30/2023				
MEASUREMENT DATE	6/30/2019	6/30/2020	6/30/2021	6/30/2022	6/30/2023	6/30/2024				
TOTAL OPEB LIABILITY (TOL)	\$ 1,383,287	\$1,409,232	\$1,276,278	\$1,302,751	\$1,128,513	\$ 1,128,513	Assuming No Adjustment to TOL from prior yr.			
VALUATION ASSETS (FNP)	\$ 992,168	\$1,171,627	\$1,512,690	\$1,422,343	\$1,579,253	\$ 1,664,273	CERBT Summary at 12/31/2023			
NET OPEB LIABILITY (NOL)	\$ 391,119	\$ 237,605	\$ (236,412)	\$ (119,592)	\$ (450,740)	\$ (535,760)				
FUNDED STATUS	72%	83%	119%	109%	140%	147%				

OPEB EXPENSES	FYE2019	FYE2020	FYE2021	FYE2022	FYE2023	FYE2024
PRE65	\$ 15,242.88	\$ 15,278.88	\$ 6,814.44	\$ 8,006.44	\$ 10,414.44	\$ 12,466.44
POST 65	\$ 65,092.60	\$ 65,366.24	\$ 67,462.76	\$ 64,189.44	\$ 61,191.37	\$ 56,207.88
TOTAL OPEB EXPENSES	\$ 80,335.48	\$ 80,645.12	\$ 74,277.20	\$ 72,195.88	\$ 71,605.81	\$ 68,674.32
CALPERS CONTRIBUTIONS	\$ 105,104	\$ 105,104	\$ 105,104	\$ 105,104	\$ 105,104	\$ 105,104
TOTAL OPEB EXPENSE / CONTRIBUTIONS	\$ 185,439.48	185,749.12	179,381.20	177,299.88	176,709.81	173,778.32

MEMORANDUM

(May 9, 2024, Board Meeting)

To: S-K-F CSD Board of Directors
From: Veronica Cazares, General Manager
Date Memo Prepared: April 24, 2024

Agenda Item: 5-C
Action: Motion

SUBJECT:

Request for Rate Increase to Agreement for Legal Services with Montoy Law Corporation

RECOMMENDATION:

Consider approval of Amendment No. 3 to Legal Services Agreement with Montoy Law Corporation adjusting rates for legal services.

EXECUTIVE SUMMARY:

The District has received a request for an adjustment in rates from Montoy Law Corporation effective July 1, 2024. The District has been served by Hilda Cantu Montoy as General Counsel since 2007. Ms. Montoy has requested an adjustment to reflect rising costs to provide legal services and to ensure her rates are commensurate with her high level of expertise and knowledge in public agency law.

The proposed hourly rate increases are as follows: (i) advisory services hourly rate increased from \$235 to \$255; (ii) litigation hourly rate increased from \$285 to \$300; and (iii) paralegal hourly rates to \$110. The proposed rates are competitive in our geographic region and reasonable to keep pace with rising costs experienced by firms who serve special districts and cities in the Central Valley. Approval of the rate increases will be included in Amendment No. 3 to the Legal Services Agreement with Montoy Law Corporation.

**AMENDMENT NO. 3
LEGAL SERVICES AGREEMENT BETWEEN
SELMA-KINGSBURG-FOWLER COUNTY SANITATION DISTRICT
AND MONTOY LAW CORPORATION**

This Amendment No. 3 to Legal Services Agreement is made and entered into effective July 1, 2024, by and between the Selma-Kingsburg-Fowler County Sanitation District (hereinafter referred to as “DISTRICT”) and Montoy Law Corporation (hereinafter referred to as “FIRM”).

RECITALS

- A. The DISTRICT and Hilda Cantú Montoy, Attorney at Law entered a Legal Services Agreement (“AGREEMENT”) effective May 23, 2009, to have Ms. Montoy represent the District as General Counsel and to provide legal services to the District as required.
- B. In 2012, Ms. Montoy’s firm was incorporated as Montoy Law Corporation.
- C. The Legal Services Agreement has been amended twice.
- D. FIRM has requested Amendment No. 3 to the Legal Services Agreement to increase compensation.
- E. DISTRICT desires to have Montoy Law Corporation continue to provide legal services under the Agreement.

AGREEMENT

In consideration of the above recitals, which recitals are a part of the Amendment No. 3 to Legal Services Agreement, the parties mutually agree as follows:

Section 1. Section 3 of the Agreement is amended to read as follows:

“3. Compensation. DISTRICT shall compensate FIRM for legal services at hourly rates as follows: \$255.00 per hour for attorneys for advisory services; \$300.00 per hour for attorneys for administrative proceedings and litigation services; and \$110.00 for paralegals. DISTRICT shall reimburse FIRM for reasonable and necessary out-of-pocket expenses directly related to the legal services such as courier charges, overnight mailing, and extraordinary printing and reproduction expenses. It is understood that FIRM shall not be reimbursed for any secretarial or clerical services, or normal office operating expenses, with the exception of those charges and expenses stated in the immediately preceding sentence. FIRM will not bill DISTRICT for any mileage within Fresno County.

Section 2. Except as expressly modified in this Amendment No. 3, the terms and conditions of the Legal Services Agreement and the rights, duties, and obligations of the parties thereunder are unchanged and remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment No. 3 to Legal Services Agreement as set forth below.

MONTOY LAW CORPORATION

**SKF COUNTY SANITATION
DISTRICT**

Hilda Cantú Montoy
President

Veronica Cazares
General Manager

Date: _____, 2024

Date: _____, 2024