

MINUTES OF SILICON VALLEY CLEAN WATER
SPECIAL MEETING – NOVEMBER 9, 2017
8:45 a.m.

ITEM 1

CALL TO ORDER

Commissioner Chair, Mr. Seybert called the meeting to order at 8:45 a.m.

ITEM 2

ROLL CALL - Commissioners Duly Appointed by Each Agency

Mayor John Seybert, Redwood City – Chair
Council Member Warren Lieberman, PhD., Belmont– Vice Chair
Mayor Robert Grassilli, San Carlos – Secretary
Board Member George S. Otte, P.E., West Bay Sanitary District

Staff, Consultants and Visitors Present

Christine C. Fitzgerald, SVCW Legal Counsel
Daniel T. Child, SVCW Manager
Teresa Herrera, SVCW Assistant Manager / Chief Engineering Officer
Matt Anderson, SVCW Chief Financial Officer / Administration Manager
Monte Hamamoto, SVCW Chief Operating Officer
Bruce Burnworth, SVCW Senior Engineer
Cindy Hui, SVCW Financial Analyst
Jennifer Flick, SVCW Human Resources Director
Ilana Schmidt, SVCW Administrative Assistant
Derek Rampone, City of Redwood City
Molly Flowerday, City of Redwood City
Benjamin Buenrostro, SVCW Retiree
Ken Kaufman, SVCW Retiree

ITEM 3

PUBLIC COMMENT

SVCW Retiree, Ken Kaufman, spoke on behalf of the Closed Session Agenda Item 4. Mr. Kaufman shared that he has been a resident of Redwood City since 1986 and a long-time employee of Silicon Valley Clean Water. Mr. Kaufman said due to not knowing the particulars of the Closed Session, it was difficult to prepare a statement. He came to the Commission earlier in the year when first finding out about the CalPERS determination letters. He added he does not represent the twelve retirees affected but has been in constant communications with them. All retirees risk losing about ten percent of their pension as well as having to pay back up to three years of previously received pension benefits related to the Performance Incentive, from what he understands. He is affected the most monetarily, but he knows there

are others that their standard of living will be significantly impacted. There are people who retired a long time ago and are starting to outlive their pensions. Some are working twenty hours a week just to make ends meet though they retired ten years ago. This is a very big deal and though he's unsure if it will end today, he wanted to explain the status of some of the retirees.

Commissioner Seybert thanked Mr. Kaufman for speaking and stated that the Commissioners have been working diligently and done everything possible thus far. He followed up with calling Closed Session into order.

ITEM 4

CLOSED SESSION

Closed Session was called to order at 8:48 a.m.

A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code §54956.9(d)(1)

Case Name: *In the Matter of the Calculation of Final Compensation of David A. Hall, Respondent, and Silicon Valley Clean Water, Respondent* (Board of Administration, California Public Employees' Retirement System, Agency Case No. 2015-1236 OAH NO. 2016030664)

B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code §54956.9 (12 potential cases): CalPERS' Determination to Exclude Performance Pay from Retirement Benefit Calculations and Opportunity to Appeal Determination

ITEM 5

RECONVENE FROM CLOSED SESSION

Open Session reconvened at 9:15 a.m. Ms. Fitzgerald reported that as to Closed Session, Item 4A, *In the Matter of the Calculation of Final Compensation of David A. Hall, Respondent, and Silicon Valley Clean Water, Respondent* concerning the issue of whether performance pay can be included in the determination of compensation earnable, the Commission has authorized the filing of an appeal to the Superior Court of California relating to the CalPERS determination to approve the Administrative Law Judge's decision in the negative, issued on November 2, 2017.

The vote of each Commissioner present are as follows:

Commissioner Grassilli – Yes

Commissioner Lieberman – Yes

Commissioner Seybert – Yes

Commissioner Otte - Yes

As to Closed Session Item 4B, direction was given and no action was taken by the Commission.

ITEM 6

ADJOURN

There being no further business, the meeting adjourned at 9:16 a.m.



Robert Grassilli, Secretary

By: Daniel T. Child, Manager