**Westport County Water District**

**Board of Directors**

**Minutes of Regular Meeting**

**Thursday, September 19, 2024**

The regular monthly meeting of the Westport County Water District (“District” or “WCWD”)Board of Directors convened at 7:08 pm via zoom on Thursday, September 19, 2024. Notice and the Agenda were previously properly issued, a Board quorum was present, and it was confirmed that each Director was able to hear and be heard by the other Directors and members of the public in attendance.

1. **Roll Call at Inception (7:07 pm):**

Present Board Members: Chairman Lee Tepper, and Directors Ms. Carla Thomas and Mr. Gary Weiss.

Present Staff: Operations Manager and Chief Plant Operator Mr. John Morrill, and Administrator Ms. Kayla Cooper.

Present Members of the Public: Mr. Robert Finnell (portion of meeting) and Mr. Steve Cardullo.

Present Representatives of GHD: GHD Project Manager Ms. Holly Ziegler and GHD Project Manager Ms. Rebecca Crow

1. **Old Business (7:08 pm)**

**B. Status and Next Steps for WCWD Capital Improvement Projects, and Further Review of GHD’s Draft Wastewater Agreement with WCWD (7:08 pm):**

(This item was taken up out of order, due to the presence of GHD representatives Ms. Holly Ziegler and Ms. Rebecca Crow.)

Mr. John Morrrill began the discussion by updating the status of the Drinking Water Infrastructure agreement and project. He stated that the WCWD was ready to submit a corrected audit report to GHD, and that he believed that all other required documents had now been supplied for GHD to submit a planning grant application to the State Water Resources Control Board (“SWRCB”). Ms. Holly Ziegler replied that she would coordinate with GHD Water Resource Engineer and Project Manager Kiera Brown to submit a complete application forthwith.

Ms. Ziegler reported that GHD had already submitted a partial grant application package to the SWRCB (not including technical documents) to get in the queue for grant funding. She said she had communicated with the SWRCB’s Fabio Ramos, who informed her that the application was well received but that, in issuing planning grants this year, the SWRCB has decided that it must prioritize projects that address water safety issues, such as e coli, untreated water and uncovered water tanks. In Mr. Ramos’s view, the WCWD drinking water capital improvement projects do not address water safety issues. Accordingly, he believes that the WCWD’s drinking water capital improvement projects will be tabled and considered in the next year beginning in July 2025.

[Mr. Finnell joined the meeting at 7:16 pm.]

Director Thomas requested that each Board member be given a copy of the partial planning grant application that had been submitted by GHD to the SWRCB. Ms. Crow agreed to provide a copy.

The Board then took up the question of whether the WCWD should respond to the SWRCB that its projects do indeed implicate water safety issues and thus ought not be tabled until 2025. Mr. Morrill offered that, among other things, the District is losing 18,000 gallons of water per month due to the listing water tank to be replaced in this capital improvement project. Further, he suggested that if the listing tank were to collapse entirely before a replacement could be funded and built, the result could be significant for public safety. Director Thomas stated that this risk is even greater given the recent prevalence of earthquakes in California. On balance, however, Mr. Morrill stated that the WCWD’s drinking water capital improvement projects were not likely to be found to implicate significant safety issues.

Ms. Crow offered that the categories of issues the SWRCB had identified as entitled to “priority” were not limited to water safety, but included those related to “delivery capacity,” which the WCWD’s projects surely do. She stated that GHD would continue to research this issue to attempt to prevent the WCWD’s grant funding application from being tabled until 2025.

The Board next discussed the possibility of locating alternative sources of grant funding that might become available sooner than SWRCB grants. Among the alternative sources discussed were the United Stated Department of Agriculture’s (“USDA”) Rural Development programs and the Coastal Conservancy. Ms. Crow stated that the USDA’s local contact for these purposes is Mr. Reef Atwell-Smith. Ms. Crow stated that the Federal Emergency Management(“FEMA”) is another potential alternative source of funding but noted that FEMA is often slow in this process. Director Thomas offered to help pursue these alternative sources of funding, noting that she has previously dealt with the Coastal Conservancy from a fire resiliency perspective. Ms. Crow welcomed Ms. Thomas’s involvement in pursuing alternative funding sources.

Chairman Tepper asked that GHD also consider the effect that rising ocean levels would have on the District’s water supply. Ms. Crow said GHD would do so.

Ms. Crow asked for a status report on the draft Wastewater Agreement between the District and GHD. Director Weiss stated that the District had completed its review of the draft and had prepared a redlined version that is ready to be sent to GHD. He asked that Mr. Morrill or Ms. Cooper forward that redlined draft to GHD for review and response. He and Director Thomas thanked GHD for incorporating so many of the District’s comments on the Drinking Water Agreement into its first draft of the Wastewater Agreement. Ms. Crow said that it would explore new sources of grant funding for the District’s wastewater capital improvement projects, with an eye toward obtaining those sources at the beginning of 2025.

Ms. Crow then identified action items for all parties:

First, Ms. Crow asked that the WCWD Board review and sign the draft Master Services Agreement between GHD and the WCWD. She said she had supplied a draft in July 2024. She said she would distribute a draft forthwith to all Board members, and to all attendees at this meeting, including future Board members Mr. Robert Finnell and Mr. Steve Cardullo.

Second, Ms. Crow stated that GHD would forward a copy of GHD’s partial application for a planning grant submitted to the SWRCB.

Third, Ms. Crow stated that GHD will continue to research potential alternative sources of planning grant funding for the drinking water capital improvement projects, in the hopes of expediting funding in the event that the SWRCB tables its grant funding until July 2025.

Fourth, Ms. Crow stated that GHD will continue to research whether the District’s drinking water capital improvement projects implicate “safety’ or “delivery capacity” issues that the SWRCB regards as priority projects entitled to expedited consideration. She said she had only a modest degree of confidence that the SWRCB would reconsider its initial assessment that the District’s projects are of a lower priority.

Whereupon, at 7:50 pm, Ms. Crow and Ms. Ziegler left the meeting.

1. **Consent Agenda**
2. **Approval of Minutes (7:51 pm):**

Director Weiss moved that the Board approve the minutes of the regular Board meeting held on August 8, 2024. Director Thomas seconded the motion, which was then unanimously approved by the Board.

1. **Correspondence (7:51 pm)**

Ms. Kayla Cooper stated that the District had received communications from the Mendocino County Planning and Building Services Department reporting that it had received a complaint about the presence of a number of RV’s, tents and cars stationed in the 9 parcel lot situated between Hillcrest Terrace and Highway 1. According to the Department, the complaint alleged that there might be a variety of potential code violations involving the proprietor’s operation of the site. Mr. Morrill reported that the Department’s Code Enforcement Officer Curtis Buckler had visited the site to investigate and had concluded that there were in fact no code violations implicated, and that he was inclined to dismiss the complaint. Mr. Morrill reported that he investigated the matter and is likewise aware of no code violations by the proprietor of the site.

Director Weiss stated that he and Ms. Cooper had received two emails from Ms. Erin Raasch of American Transparency, apparently a private company located in Boca Raton, Florida, seeking detailed information on the identity and compensation of the District’s employees and records of the District’s payment transactions. Mr. Finnell questioned the legitimacy of the request and suggested that the District report this to the California Attorney General. Ms. Cooper replied that she would reach out to the State authorities on how best to handle this request.

1. **Public Comment (8:08 pm):**

Mr. Robert Finnell stated his appreciation that his and Mr. Cardullo’s candidacies had been approved and that he is looking forward to joining the WCWD Board in December.

1. **Staff Reports (8:09 pm):**
2. **Bookkeeper/Administrator Report (8:09 pm):**

Ms. Cooper led the discussion of the WCWD’s monthly financial report. In advance of the meeting, Ms. Cooper had distributed to all attendees a copy of the September 2024 expense report as well as a current accounts receivable aging summary as of September 18, 2024. She reported that as of the date of the meeting, there was $49,188.15 in the District’s main checking account, along with $15,568.60 in water capital and $15,651.59 in sewer capital. Director Weiss noted that, as has been the case during the prior five months of 2024, the checking account balance during each month has been significantly higher than during the corresponding month of 2023.

Mr. Morrill inquired as to the reason for a PGE bill of more than $1,956, which seemed high. Ms. Cooper said she would investigate and report back on this. Mr. Morrill surmised that it may be due to the significant spraying (more than 2 million gallons) during the prior month, which uses a great deal of energy. After questions and answers and answers from the directors, Mr. Morrill stated that a solution to this issue will be difficult to find; he said that turning off the system periodically would risk corrosion.

Mr. Finnell inquired as to whether the District might be able to apply for a discounted rate as a result of the District’s newly earned status as an economically “disadvantaged community.” He agreed to research this issue and report back.

1. **Operator’s Report (8:15 pm)**

Mr. Morrill led the discussion of the September 19, 2024, Operator’s Report he had circulated in advance of the meeting. Questions about the report were asked and answered.

Mr. Finnell inquired as to whether Mr. Morrill foresaw any drought issues as the dry season winds to a close. Mr. Morrill reported that water levels in the creek were healthy, but that he will measure carefully in the next week.

1. **Old Business [Continued From Earlier in the Meeting] (8:17 pm):**
2. **Status of Municipal Service Review & Sphere of Influence Update Requested by Mendocino Local Agency Formation Commission (8:17 pm):**

Mr. Morrill reported that he, Ms. Cooper and Mr. Cardullo had met for 2 ½ hours with Ms. Uma Hinman, Executive Director of the Mendocino Local Agency Formation Commission (“Mendocino LAFCO”) approximately 6 weeks ago, and that they were awaiting a response and report back from Ms. Hinman.

1. **Status of and Next Steps for WCWD Capital Improvement Projects (8:18 pm):**

This item was discussed earlier in the meeting, as the minutes reflect. During this later portion of the meeting, the directors raised the prospect of approving and sending to GHD the newly amended audit report, which had been corrected to reflect that a director had lent or perhaps simply given $38,000 to the District rather than having borrowed that money from the District. The Director that had lent or given the money is considering how to handle the loan or payment for tax and other purposes. The WCWD Board determined that it would review and discuss this issue in coming months. In the meantime, all of the Directors agreed to review the amended audit report and to vote on its approval at the next Board meeting.

1. **Status of Timber Harvest Plan on Property Owned by Roger and Michelle Burch Trust (8:37 pm):**

Director Weiss stated that he had following the August 8, 2024 WCWD Board meeting contacted Mr. Clint Doucette of Redwood Empire Sawmills to seek a copy of the timber harvest plan. Mr. Doucette reported that the THP was not yet prepared and that he expected it would not be prepared until the end of September or October. He offered to provide Director Weiss with a link to the THP that could be shared with the Board.

1. **Status of Applications or Candidacies for Filling WCWD Board Seats (8:41 pm):**

Ms. Cooper reported that the process of filling all of the WCWD Board seats is now complete, and that Chairman Lee Tepper and Directors Carla Thomas and Gary Weiss, along with Mr. Robert Finnell and Mr. Steve Cardullo have now been appointed to serve as Directors of the WCWD for either two-year terms (Tepper, Thomas and Cardullo) or four-year terms (Weiss and Finnell).

1. **New Business**
2. **Brown Act: Continued Digital/Virtual Zoom Meeting Authorization Pursuant to County Health Department Guidance (8:42 pm):**

Director Weiss moved to continue providing the option for zoom attendance at WCWD Board meetings. Director Thomas seconded the motion, which was then unanimously approved.

1. **Executive Closed Session: Discussion of Remaining Delinquent Accounts (8:43):**

Mr. Finnell and Mr. Cardullo left the meeting at 8:43 to permit a closed session among the remaining participants. An executive closed session to discuss delinquent accounts then proceeded among Chairman Lee Tepper, Directors Thomas and Weiss, Mr. Morrill and Ms .Cooper.

1. **Adjournment (9:00 pm):**

Upon motion made (Director Thomas) and seconded (Director Weiss), the Regular Meeting of the WCWD Board was unanimously adjourned at 9:00 pm.

Respectfully submitted,

Gary Weiss

Temporary Secretary for the September 19, 2024 WCWD Board Meeting