**Westport County Water District**

**Board of Directors**

**Minutes of Regular Meeting**

**Thursday, January 16, 2025**

The regular monthly meeting of the Westport County Water District (“District” or “WCWD”)Board of Directors convened at 7:06 pm via zoom on Thursday, January 16, 2025. 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 (7:06 pm):**

Present Board Members: Chairman Lee Tepper, and Directors Ms. Carla Thomas, Mr. Steve Cardullo, Mr. Robert Finnell 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: Ms. Dorine Real (Ms. Real joined the meeting in progress at 8:40 pm).

1. **B. Consent Agenda**
2. **Approval of Minutes (7:07 pm):**

Director Weiss moved that the Board approve the minutes of the regular Board meeting held on December 12, 2024. Director Thomas seconded the motion, which was then approved unanimously by the Board, Director Finnell abstaining pending his completion of the Mendocino County Recorder’s required Oath of Office Process.

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1. **Correspondence (7:07 pm)**

The Board deferred discussion of correspondence until later in the meeting, item 7.B, below.

1. **Public Comment (7:07 pm):**

There was no public comment.

1. **Staff Reports (7:08 pm):**
2. **Bookkeeper/Administrator Report (7:08 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 December 2024 expense report as well as the December 2023 expense report and an accounts receivable aging summary. She reported that as of the end of December 2024, there was $38,115.57 in the District’s main checking account, along with $16,370.55 in water capital and $16,453.55 in sewer capital. Ms. Cooper reported that the funds currently in the District’s main checking account are roughly $9,195 more than were in the account at the end of December 2023.

In response to questions from the Board, Ms. Cooper explained that the District had paid its annual wastewater permit fee to the State Water Resource Control Board (“SWRCB”) in the amount of $18,048, as compared to $17,139 charged by the SWRCB in 2023. Mr. Morrill stated that he believes that the permit fee is exorbitant, goes up every year, and is unfair, given that much larger water districts such as Fort Bragg pay the exact same permit fee as the WCWD, even though they have many more customers and discharge millions more gallons of wastewater than a tiny district like the WCWD. Director Finnell agreed and pointed out that the $18,048 accounts for almost 10% of the WCWD’s budget – a budget necessarily smaller than that of larger water districts with many more paying customers. Mr. Morrill reported that he has complained to the SWRCB on numerous occasions about this, to no avail. He offered to share his many emails to the SWRCB on the subject.

The Board then discussed various ways of registering its complaint about the unfairness of the SWRCB’s wastewater permit fee structure. Director Finnell asked about withholding payment in protest, and Ms. Cooper replied that the SWRCB adds late fees for overdue payments every 30 days and that this form of protest represents a costly risk. Director Cardullo suggested speaking with other smaller districts such as Elk and Gualala about this and acting collectively on the issue. Director Finnell agreed with this approach. The Board agreed to discuss this issue further at its next meeting in February.

1. **Operator’s Report (7:20 pm)**

Mr. Morrill led the discussion of the January 16, 2025, Operator’s Report he had circulated in advance of the meeting. Mr. Morrill answered questions from the Directors about the report.

Mr. Morrill reported that the District had produced 169,236 gallons of water in 95 hours of operation in December, and that this was significantly fewer gallons and fewer hours of operation than during the month of November. Mr. Morrill said he expects the trend to continue in January, as winter water usage in Westport is typically low.

Mr. Morrill reported that the District’s chlorine pump, which had been out for warranty service work to be performed by USA Bluebook, was now back in service. The pump had intermittently failed to sense the flow monitor, causing the pump to stop operating each time, but that this problem has now been fixed at the manufacturer’s expense.

Mr. Morrill reported that the District had received significant rainfall in December, as it had in November. Current lagoon depth has now risen from 5.8 feet to 8.6 feet, roughly 44% of its capacity.

Mr. Morill reported that the newer generator at the Fire Station, which had had an electrical issue that required it to be restarted from time to time, has been working well for the past month after the WPVFD conducted various maintenance operations on the generator such as changing its filters and cleaning its battery connections. Mr. Morrill stated that he planned to check the generator again next week and if it is not continuing to operate flawlessly, he would again activate the District’s back-up John Deere generator, which has continued to work well when in service and which on its own will cover all of the District’s needs for up to 12 hours of a power outage.

Mr. Finnell suggested that, at each regular monthly meeting, the Board reserve time to ask Mr. Morrill to summarize one task that Mr. Morrill performs each month as part of his role as the WCWD’s operations manager. Mr. Morrill then provided a brief overview of the process for the District’s coliform testing procedures and protocols, noting the one sampling site utilized consistently for such regular coliform testing samples is the inside faucet tap at the Regalia household.

1. **Old Business (7:40 pm):**
2. **Status of and Next Steps for WCWD Capital Improvement Projects (7:40 pm):**

In advance of the meeting, Director Weiss had circulated to each Board member, as well as to Mr. Morrill and Ms. Cooper, a redlined version of the draft Master Services Agreement (“MSA”) that GHD had provided to the WCWD. Director Weiss’ redlined edits pertained to several aspects of the MSA that were inconsistent with the other agreements previously negotiated and entered into by the WCWD and GHD, and/or exposed the WCWD to liability risks, and/or potentially limited the WCWD’s ability to be compensated for potential injury to persons and property. In addition to suggesting changes to the MSA to address these issues, the redlines posed questions to the directors regarding the history of GHD’s work for the District and WCWD’s interests and priorities in crafting its contractual relationship with GHD.

After a discussion in which attendees weighed in on the suggested changes and answered Director Weiss’ questions regarding the WCWD’s interests and priorities, it was agreed that Director Weiss would incorporate the suggestions made at the meeting into a revised redlined draft MSA to be sent to GHD. Director Weiss agreed to prepare and circulate the revised redlined draft MSA in advance of the WCWD’s next regular meeting for review by the Board. Mr. Morrill said that he would inform GHD’s Holly Cinkutis of the status and plan.

1. **Status of California Coastal Commission’s Consideration of Application of Westport Beach RV Park to Make Various Improvements to its Infrastructure (8:16 pm):**

Mr. Morrill led the discussion of this item. After outlining the projects undertaken by the Westport Beach RV Park (the ”RV Park”) that are currently being reviewed by the California Coastal Commission, Mr. Morrill stated that none of these projects will have an impact on the WCWD or its other customers. Director Finnell stated that under these circumstances, the WCWD has no duty to intervene or participate in the California Coastal Commission’s consideration of these projects. Chairman Tepper and Directors Thomas and Weiss stated their agreement.

Director Cardullo reminded the Board that the Mendocino Local Agency Formation Commission has in the past considered the status of the RV Park as a customer of the WCWD. The directors discussed the current arrangement of the RV Park with the WCWD and the amount of annual revenue contributed by the RV Park to the WCWD. The directors and Mr. Morrill stated their agreement on the importance of the Westport Beach RV Park as an ongoing customer of the WCWD.

1. **Status of Municipal Service Review & Sphere of Influence Update Requested by Mendocino Local Agency Formation Commission (8:35 pm):**

Ms. Cooper and Mr. Morrill reported that they had on behalf of the District recently provided additional information to Ms. Uma Hinman, Executive Director of the Mendocino Local Agency Formation Commission (“Mendocino LAFCO”), in response to her most recent requests. They said they are awaiting word from her as to the status and further needs of Mendocino LAFCO.

Director Finnell inquired as to the advisory nature of Mendocino LAFCO and as to whom it reports. Director Cardullo stated that LAFCO is an independent agency with its own budget, and noted that its board is populated with a number of ex-county supervisors. Ms. Dorine Real joined the meeting at 8:40 pm and stated that LAFCO is the result of a California state initiative to oversee special districts such as the WCWD to ensure that they are designed and operate efficiently. She added that she understands any LAFCO report is to be made public.

1. **Status of Timber Harvest Plan on Property Owned by Roger and Michelle Burch Trust (8:43 pm):**

Director Weiss reported that he had reviewed the public records filed to date on the Cal Fire website concerning the timber harvest plan for property owned by the Roger and Michelle Burch Trust (the “Bell Mountain THP”). He said he had nothing further to report beyond what he had reported at the WCWD’s December meeting, other than that Westport resident Gary Quinton had submitted a letter in protest concerning the adequacy of the road to be used for purposes of the Bell Mountain THP. Director Thomas stated that her previously expressed concerns regarding the potential adverse impact of the Bell Mountain THP on the WCWD and its customers (such as soil erosion, adequacy of WCWD infrastructure or potential adverse impact on water quality) are significantly lessened by the prospect that the California Coastal Conservancy will purchase the property formerly owned by Siamex Corporation to the South and East of Westport and restrict development on it. Director Weiss stated his agreement with Director Thomas’ view that, based on documents filed publicly on the Cal Fire website, the Bell Mountain THP does not appear to create a risk to the quality of the WCWD’s water supply.

1. **New Business**
2. **Consideration of Resolution to Add Directors as Authorized Signers of Checks on WCWD Checking Account (8:49 pm):**

Ms. Cooper led the discussion of this topic. She reminded attendees that, currently, Chairman Lee Tepper is the only board member with authority to sign checks on behalf of the WCWD. Ms. Cooper said that she too is also able to sign checks from the WCWD, but that, in case she is unavailable it would be advisable to have more than one director with signing authority. She said that a Board resolution will be required to add directors with check-signing authority.

The Board undertook a discussion of which additional directors should be given signing authority. Questions were asked and answered as to the process of writing checks and disbursing WCWD funds. Director Weiss stated his view that those directors that are full-time residents of Westport should have signing authority, as they will most likely be physically available to sign checks in Ms. Cooper’s absence.

Director Thomas then moved that the Board pass a resolution that the following directors be given authority to sign checks on behalf of the WCWD: Chairman Tepper, Director Thomas and Director Cardullo. Director Weiss seconded the motion, which was then unanimously approved by the Board, with Director Finnell abstaining.

1. **Consideration of Potential Response to December 19, 2024, Letter from Cox, Castle & Nicholson Requesting Copies of Records re 36875 North Highway 1 in Westport Pursuant to Ca. Govt. Code sec 7920, et seq. (8:56 pm):**

Mr. Morrill led the discussion of this topic. Ms. Cooper had distributed a copy of the letter to attendees in advance of the meeting. Mr. Morrill began the discussion by saying that he did not know specifically what had led Cox, Castle & Nicholson to make a request to the WCWD for documents concerning 36875 North Highway 1. He said that the owner of the property at issue is a good customer of the WCWD that had regularly paid its bills and was in good standing. He speculated that someone possibly had complained to Mendocino County about the use of the property to host RV trailers, but that, from his perspective, this use has not caused any harm to the WCWD regarding its provision of water or sewer service to its customers. In any case, Mr. Morrill said, his authority on behalf of the District ends at the connection point of the WCWD to the property. He noted specifically that the property owner had rarely used more than 2,000 gallons of water in any given month (always well below its monthly customer allotment), and that those lodging at this property are often also customers of the Westport Community Store, the Westport Hotel’s Abalone Pub and the Lost Coast Inn’s café. Director Cardullo noted that although the property in question is comprised of 6 adjacent property lots, there is only one customer hook-up for the property.

Mr. Morrill expressed his view that the document request was overbroad and burdensome. Ms. Cooper stated that although physical copies of invoices may be hard to locate and copy, the last 7 years of bills for the property may be located somewhere within the WCWD’s QuickBooks software files and that there is one hard copy file of correspondence with regarding the property dating from 2006. Ms. Real noted that the District had for many years sent monthly hard copy invoices to its customers without retaining copies for its own files. Ms. Cooper reported that she had contacted the requestor and informed them that she was working on a response. Director Finnell suggested asking that the request be narrowed and that, in any case, the WCWD should ask the requestor to pay $.25 per page copied.

Director Thomas moved that the District agree to produce copies of those invoices dating from the past 7 years that were created and saved via the District’s QuickBooks software system, and also the hard copy file of correspondence regarding the property dating from 2006. Chairman Tepper seconded the motion, which was unanimously approved but with Director Cardullo abstaining and Director Finnell abstaining due to his pending completion of required Mendocino County Recorder formal oath of office.

1. **Brown Act: Continued Digital/Virtual Zoom Meeting Authorization Pursuant to County Health Department Guidance (9:26 pm):**

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

1. **Adjournment (9:27 pm):**

Upon motion made (Director Thomas) and seconded (Director Cardullo), the Regular Meeting of the WCWD Board was unanimously adjourned at 9:27 pm.

Respectfully submitted,

Gary Weiss

Temporary Secretary for the January 16, 2025, WCWD Board Meeting