**Westport County Water District (“District” or “WCWD”)**

**Board of Directors**

**Minutes of Regular Meeting – Thursday, May 26, 2022**

The regular meeting of the Westport County Water District Board of Directors convened at 7:16 pm via Zoom videoconference. Notice was 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.

1. **Roll Call at Inception (7:16 pm)**

Present Board Members: Mr. Lee Tepper, Mr. Ryan Grossman and Mr. Gary Weiss

Not able to attend: Mr. David Brothers

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

Present Members of the public: Ms. Melinda McLaughlin, Ms. Carla Thomas and Mr. Robert Finnell (portion of the meeting)

1. **Consent Agenda**
2. **Draft Board Meeting Minutes (7:17 pm):** The draft minutes of the Regular Board meetings of April 14, 2022 were provided in advance of the meeting and were before the Board for approval. Upon motion duly made (Director Weiss) and seconded (Director Grossman), the Board unanimously approved the April 14, 2022 Board Minutes with instructions to have the applicable meeting secretary (Director Weiss) sign the minutes and place with the District records.
3. **Correspondence (7:19 pm):** There was no new correspondence presented for discussion. Ms. Cooper reported that she would obtain and circulate the Local Agency Formation Commission’s (“LAFCO”) applications for all director candidates up for election this coming November.
4. **Public Comment (7:20 pm)**

Director Tepper provided an opportunity for general public comment. The attending members of the public were polled for possible comment. Mr. Finnelll suggested that the WCWD Board invite former Board members to attend WCWD Board meetings. He argued that their knowledge of the history of WCWD decisions, actions and reasoning would be valuable for the current WCWD Board in their deliberations. There was discussion concerning the expressed lack of interest of former WCWD Directors to participate in current WCWD activities. The Board concluded that former Board members still living in Westport should henceforth receive a copy of the agenda (from the acting Secretary) and an email from Ms. Cooper with a zoom link in advance of each meeting.

1. **Staff Reports**
2. **Administrator’s Report (7:26 pm)**

Ms. Kayla Cooper led the discussion regarding review of the monthly Financial Report for March, directing attention to the written report issued to the Board in advance of the Meeting. (See attached report for more detail.) Questions were asked and answered by both Ms. Cooper and Mr. Morrill regarding an upcoming charge of $6,378 for insurance and the April 30, 2022 EFPTS (Federal Payroll tax) charge of $2,162.28. Ms. Cooper stated that she will forward the insurance policy to Board members. Ms. Cooper reported that the WCWD’s main bank account held $39,018.80, and that there was $10,149.37 in water capital and $10,232.22 in sewer capital.

1. **Operator’s Report (7:30 pm)**

Mr. John Morrill led a discussion of the WCWD Operator Report dated May 12, 2022. (See attached Report for more detail.) Some of the more important discussion points were the following:

1. Drought: Mr. Morrill reported that because Westport has received a good deal of rainfall in the past several weeks (7.1 inches in April), Wages Creek flow rates remain at a healthy level of more than 18 cubic feet per second, significantly higher than the rate at this same time last year. In addition, Mr. Morrill noted that the town is using less water than in prior years, and April usage was at approximately the same rate as in February. In sum, Mr. Morrill stated that he feels the risk of having to impose draconian conservation measures at the end of the dry season is much lower than it was at this time last year. There was discussion about whether, given our relatively robust water supply, the WCWD would be asked to sell water to others this year, and questions were asked and answered regarding this possibility. There was discussion about writing a short article in the Westport Wave to report the news on current drought conditions. Mr. Morrill agreed to write an article and Director Grossman and Mr. Finnell agreed to help.
2. Mr. Morrill reported that he had purchased a new Sensaphone for $625 because our existing one had malfunctioned.
3. Mr. Morrill reported that he had restarted a former customer’s water and sewer service (see Item 5E below) without imposing additional fees because he did not feel imposition of fees in this case was appropriate.
4. The repair work on the radiator for the original generator for the WCWD is complete and the repaired radiator has been delivered.
5. Mr. Morrill reported that he is still waiting for Liquivision to clean our tanks and perform an inspection. Liquivision has been unresponsive to Mr. Morrill’s most recent attempts to schedule a visit. Mr. Morrill will resume his efforts in the coming days.
6. Mr. Morrill reported that our redwood storage tank, installed in 1975 and relined in 2009 with a 15-year life expectancy, has been leaning about 6-8 inches to the West. Mr. Morrill feels the lean is being caused by a weakening of the redwood beams on which the tank sits. Mr. Morrill stated that in his opinion we should replace the redwood tank altogether with a new steel tank. See discussion in section 6B below.
7. Mr. Morrill reported that our weed eater, which is needed for our spray field maintenance, had failed and needs to be replaced. He will buy a new one for roughly $500 and a hedge trimmer attachment will cost $300 more. The Board discussed its previous decision not to use herbicide to attack the pampas grass that is growing there, reaffirmed that decision, and authorized the purchases of replacement equipment
8. **Old Business**
9. The Board next discussed (at 7:54 pm) the recently sent notice of rate increase and inquired whether Ms. Cooper had received any comments from customers. Ms. Cooper reported that she has not received any comments to this date.
10. Wages Creek Timber Harvest Plan: At approximately 7:56 pm, the Board again discussed the status of the Wages Creek Timber Harvest Plan (“Wages 160 THP” or “THP”). Because the Lyme Redwood Timber Company had never responded substantively to the WCWD’s December 15, 2021 letter requesting information on the THP’s status and expressing the WCWD Board’s concerns about it, Director Weiss in March had begun speaking directly with CalFire, which is taking the lead on evaluating the Wages 160 THP. Director Weiss reported on his April 27, 2022 phone conversation with CalFire Inspector Brian VItorelo, who said he would be leading a Pre-Harvest Inspection of the THP site the next day. Director Weiss had an opportunity in this 45-minute phone call to express WCWD’s concerns about the potability of its water because the intake is relatively close to the site of the THP and the WCWD has only very modest storage capability. Inspector Vitorelo assured Director Weiss that in the pre-harvest inspection (“PHI”), he would consider that issue carefully because the potability of the WCWD water supply is “a very valid concern.” He stated that he would also make sure that North Coast Regional Water Quality representative Joellle Geppert, who would also attend the PHI, addresses our stated concerns. Director Weiss reported that, subsequently, in its May 4, 2022 Preharvest Inspection Report, CalFire Inspector Vitorelo stated that: “[d}uring the PHI, representative Joelle Geppert and I discussed the concern of the WCWD and evaluated the plan as proposed and mitigated to determine if there would be any significant adverse environmental impacts on the beneficial uses of water. We are in agreement that if the THP is conducted as proposed and mitigated, and in accordance with the CA Forest Practice Rules, it is expected that there will not be a significant adverse environmental impact on the beneficial uses of water, including the WCWD intake located approximately 10,021 feet from the THP.” There was discussion among the Directors and members of the public as to what steps, if any, should now be taken in communicating with CalFire and/or the Lyme Redwood Timber Company. Mr. Finnell suggested we invite Inspector Vitorelo to our next Board meeting. Mr. Morrill disagreed, cautioning against taking actions that might make it more difficult for CalFire to do its job and protect the WCWD’s interests. Mr. Finnell and Mr. Morrill stated that we had thus far done a good job of expressing the WCWD’s concerns without jeopardizing the good will we seem to have with CalFire. Ms. Thomas stated that because we have now expressed the WCWD’s concerns, and they are a matter of public record, we are entitled to a reply from the Lyme Redwood Timber Company, and that we should follow up with them if none is forthcoming.
11. Board Member Search: At 8:15 pm, the Board resumed its discussion of its search for potential candidates to fill two WCWD Board vacancies. Ms. Thomas continued to express interest in potentially joining the Board, and all Board members expressed approval of her doing so. Ms. Thomas inquired as to whether her planned service on the Westport Municipal Advisory Council, which Supervisor Gjerde had suggested, might conflict in some way with her service on the WCWD. Chairman Tepper opined that there was no conflict between the two positions. Ms. Thomas agreed to confirm by the end of the month as to her intention to serve on the WCWD Board. Ms. Cooper stated that Board members running for election must register to be on the ballot by July 28.
12. Delinquent Accounts: At approximately 8:23 pm, the Board discussed the process for handling delinquent accounts and potential penalties that should be imposed for delinquency. The Board agreed that allowing delinquent accounts to remain unpaid without imposing penalties tacitly encourages delinquency and is unfair to the majority of WCWD customers who pay on a timely basis. The Board discussed the Westport County Water District’s 1977 Water Use Ordinance, sections of which Mr. Morrill had circulated before the meeting. Questions were asked and answered regarding the applicable provisions. Mr. Morrill agreed to circulate the entire scanned Ordinance before the next meeting, so that the Board may consider imposing the penalties prescribed for delinquencies under that Ordinance.
13. Customer Request to Restart Service: At 8:38 pm, the Board again discussed Mr. Morrill’s decision to restart the customer’s service because the situation did not fit the spirit of the rule to impose penalties for customers terminating and then restarting service seriatim.
14. **New Business**
15. Budget Planning (8:41 pm): The 5-year budget planning process for the WCWD will begin in July 2022, as previously scheduled by the Board. The Directors decided to reject the April 20, 2022 offer made by the Specialized Utilities Services Program (a wholly owned subsidiary of the California Rural Water Association) to conduct a rate study as part of the budgeting process, as Directors expressed their belief that the proposed $6,790 cost outweighs the potential utility of such a study. Ms. Cooper stated that she would begin the budget planning process by filling in the form for the prior budget, and the Board and others can weigh in on more subjective items such as likely inflation and the like. Ms. Thomas also stated that budgets are estimates and may be adjusted as necessary going forward.
16. Capital Improvements: At 8:52 pm, the Board took up discussion of Mr. Morrill’s suggestion that we begin the process of obtaining grant funding for two much needed capital improvements: a new steel water tank and a well to serve as a primary or secondary water source along with Wages Creek. There was discussion about both projects and Mr. Morrill’s opinion that both were necessary. Mr. Morrill explained the process in which the WCWD can work with GHD on defining the project and applying for grants to fund its cost. The Directors and members of the public discussed their prior experiences with and opinions on GHD and its predecessor company (Winzler & Kelley) on past engineering projects they conducted. The beginning of the process would be for the WCWD to issue an RFP and invite other companies in addition to GHD to make proposals. Mr. Morrill stated that he will edit Mendocino Water District’s RFP for capital improvement projects and try to circulate that for consideration at the next Board meeting.
17. Brown Act (9:02 pm): Continued Authorization to Conduct WCWD Board Meetings Via Zoom/Digital/Virtual Technologies. Chairman Tepper raised the topic of whether continued digital and virtual public meetings of the WCWD is appropriate. Director Weiss pointed out that Mendocino County Health Officer Dr. Andy Coren had issued a March 9, 2022 Order directing the continued conduct of public meetings through zoom and other virtual technologies. After further discussion and upon motion duly made (Mr. Weiss) and seconded (Mr. Grossman), the Board unanimously approved the resolution to continue holding WCWD Board meetings virtually/digitally via Zoom or other similar technologies, pursuant to County Health Department advice and guidance.
18. **Adjournment:** Upon motion made (Director Weiss) and seconded (Chairman Tepper), the Regular Board Meeting of the WCWD adjourned at 9:03 pm.

Respectfully submitted,

Gary Weiss

Temporary Secretary for the April 14, 2022 WCWD Board Meeting