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

**Board of Directors**

**Minutes of Regular Meeting – Thursday, August 18, 2022**

The regular meeting of the Westport County Water District Board of Directors convened at 7:08 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 (7:08 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. Carla Thomas, Mr. Robert Finnell, Ms. Melinda McLaughlin and Ms. Dorine Real (portion of the meeting).

1. **Consent Agenda (7:10 pm)**
2. **Draft Board Meeting Minutes (7:10 pm):** The draft minutes of the Regular Board meeting of July 14, 2022 were provided in advance of the meeting and were before the Board for approval. Upon motion duly made (Director Weiss) and seconded (Chairman Tepper), the Board unanimously approved the July 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 (7:12 pm):** Ms. Cooper reported that on August 15, 2022, the WCWD had received from the Mendocino County Planning Department an August 11, 2022 solicitation of input on the County’s proposal to amend its General Plan to address disadvantaged communities as required by Cal. Government Coode Section 65302.10(a) and Senate Bill 244. Ms. Cooper had circulated the County’s solicitation a few hours before the meeting. The County’s solicitation requested a response on or before August 25, 2022. During the meeting, Director Grossman downloaded and circulated to all attendees a full copy of the County’s General Plan [Proposed] Amendment Summary. Mr. Morrill pointed out that the County had sent the solicitation to the WCWD because the County has designated Westport as one of the disadvantaged communities within the County to be addressed by the proposed amendment to the General Plan and because the proposed amendments specifically focus on water and sewer systems. The Directors reviewed and asked questions about the proposed amendment. Mr. Morrill suggested that in response to the solicitation of input the WCWD check the box designated as “no comment at this time” rather than submitting a substantive response. Because the Directors believed they had not had sufficient time to study the County’s proposal to decide upon the optimal response from the WCWD, Chairman Tepper suggested, and the Board agreed, to schedule a Special Meeting to consider the WCWD’s potential response to the County’s proposed amendment of its General Plan, which was ultimately set for Tuesday, August 23, 2022 at 10:00 am. Chairman Tepper asked all Directors to review the County’s proposed amendment to the General Plan in advance of the Special Meeting, so that the Board could discuss it in greater depth at that time.
4. **Public Comment (7:35 pm):**

Director Tepper provided an opportunity for general public comment. The attending members of the public were polled for possible comment. Ms. Carla Thomas stated that she is hoping to join the WCWD Board but needs to see and understand the WCWD’s insurance policy before formally committing to do so. Director Weiss suggested that the Board share the policy so that Ms. Thomas may assess it and Directors Tepper and Grossman agreed. The Board discussed the potential for individual Director liability, and Mr. Finnell offered his perspective as to the same, stating that the potential for liability is low when the director acts within the course and scope of his/her duties for a public entity such as the WCWD. Ms. Thomas stated that she was satisfied with the discussion and looked forward to receiving and reviewing the WCWD’s insurance policy. Mr. Finnell suggested that the Board share the insurance policy with Ms. Thomas but not do so more widely, such as by posting it on the website. The Board agreed with this approach.

Later in the meeting, Ms. Thomas circulated her formal application to serve as a Director on the WCWD Board, and that application is attached to these minutes.

1. **Staff Reports**
2. **Administrator’s Report (7:45 pm)**

Ms. Kayla Cooper led the discussion regarding review of the monthly Financial Report for July, directing attention to the written report issued to the Board in advance of the Meeting. (See attached reports for more detail.) Ms. Cooper reported that the WCWD’s main bank account held $49,724.01, and that there was $10,749.37 in water capital and $10,832.22 in sewer capital. Ms. Cooper explained that the balance of the WCWD’s main bank account had risen significantly this month over last because a customer who typically pays once per year made a very significant payment and would actually now be issued a credit due to an overpayment. Mr. Finnell asked Ms. Cooper to assess how comfortable she was generally with the size of the WCWD’s bank balances in recent months. Ms. Cooper stated that she felt the current levels were neither great nor bad, but acceptable. She said we should expect to receive a significant bill from the State Water Resource Board for the WCWD’s annual sewer permit in September, but that we would have sufficient funds to make the payment. Mr. Morrill stated that the cost of this permit rises every year and that he doesn’t know exactly what it will be this year. Questions were also asked and answered regarding the aging accounts receivable report Ms. Cooper had circulated prior to the meeting.

1. **Operator’s Report (8:02 pm)**

Mr. John Morrill led a discussion of the WCWD Operator Report dated August 11, 2022. (See attached Report for more detail.) Some of the more important discussion points were the following:

1. Mr. Morrill reported that Mr. David Wilson, the WCWD’s Water Plant Shift Operator, is trying to reschedule his Wastewater 1 certification test with the State.
2. Mr. Morrill reported that he had overseen the installation of a backflow prevention system at the Switzer Farm wedding venue by the owner’s contractors. This system, necessitated by the venue’s installation of emergency water tanks, will be inspected each year at the owner’s expense. Mr. Morrill added that the WCWD should consider implementing a back-flow prevention program district-wide, since many customers have wells and/or water tanks and may not have backflow prevention systems in every case.
3. Drought: Mr. Morrill reported that after receiving .1 inches of rain in July, and 34.2 inches for the year, Wages Creek flow rates remain at a healthy level, significantly higher than the rate of 4 cubic feet per second at this same time last year. In sum, Mr. Morrill stated that he continues to believe the risk of having to impose draconian conservation measures at the end of the dry season is low, provided we receive expected rainfalls in October and November. Water usage in July was higher than in June.
4. Mr. Morrill requested Board approval to purchase a 30-gallon drum of Carus 400 Ortho Phosphate, a pipe coating solution that prevents copper and lead from leaching into the water supply. He received a quote of $1,584 for a 7-year supply and recommended that the WCWD make the purchase as both necessary and cost-effective. Chairman Tepper moved to approve the purchase, Director Grossman seconded the motion, and the Board unanimously approved the purchase.
5. Mr. Morrill reported that both pumps in the water plant are almost 3 years old and need to be serviced soon in order to extend their lives.
6. Mr. Finnell asked about whether the tank cleaning and inspection service had yet been performed and Mr. Morrill said it had not yet been scheduled, although he had again contacted Liquivision to get it scheduled. Mr. Finnell suggested that we add this item to the next agenda.
7. **Old Business**
8. **Review of Revised Draft Policy and Process for Handling Delinquent Accounts, and Authorization of Late Charges, Property Liens and/or Discontinuance of Service (8:20 pm):**

The Board next returned to its discussion from the prior several WCWD Board meetings about resuming and revising its policy for handling delinquent accounts. As noted in the meetings of June 9, 2022 and July 14, 2022, the WCWD from its inception in 1977 has had a written policy as part of its Charter to issue financial penalties, file lawsuits, discontinue service and impose other penalties to customers who are late on their payments. The WCWD reiterated that policy in 1997 with its Resolution 97-8. Over the last several years, however, the WCWD has not consistently applied or enforced that policy and, as a result, has experienced a high volume of significantly delinquent accounts.

To address this, the Board tasked Director Weiss with preparing and circulating a revised draft Resolution Regarding Billing and Collection Policy, based upon the 1997 Resolution 97-8, as well as comments and suggestions made at the WCWD Board meeting of July 14, 2022. Director Weiss circulated a draft resolution in advance of the meeting. At the meeting, he explained that in drafting the resolution, he essentially copied the WCWD’s 1997 Resolution 97-8, but made some cosmetic changes to conform to current terminology (e.g., changing “Clerk” to “Administrator” and the like). Director Weiss pointed out that he also added 3 new substantive provisions: (1) a new provision detailing how the delinquency policy will be applied when a tenant is occupying the property in which the owner is delinquent on payments; (2) a new provision giving the WCWD the ability to enter an installment payment agreement with a delinquent customer when the Board determines the delinquency is due to a case of extreme hardship; and (3) a new provision outlining that the WCWD may collect delinquent payments by remitting the debt to a collection agency, by filing suit and/or by having a lien placed on the account’s property. These new provisions, he stated, were derived either from the WCWD’s 1977 Charter (2 and 3) or from a comparable provision adopted by the Fort Bragg Water District (1).

Mr. Morrill offered several suggested changes to the draft resolution, particularly as to practical matters including the timing of the various actions outlined in the document such as meter reading. In terms of the appropriate time period before an account is deemed delinquent, Ms. McLaughlin stated that all WCWD customers should know when to expect their monthly bill – because it comes the same time every month -- and thus when payment is due. Mr. Morrill said he preferred that the resolution use the word “staff” to describe anyone who is performing an activity since any particular task might need to be performed by any one of the WCWD’s employees. He and Ms. Cooper offered to circulate suggested edits to Director Weiss and the Board to address these ideas.

The Board next discussed the appropriate procedure for rolling out the Resolution to the WCWD’s customers. Mr. Morrill suggested publishing an article about the Resolution in the Wave. Ms. Cooper and Mr. Finnell suggested, and the Board agreed, that Director Weiss make the final changes to be suggested by Mr. Morrill and Ms. Cooper and, then, at the next regular WCWD Board meeting, the Board review and adopt the amended Resolution. The Board agreed that at that point, the WCWD will post the Resolution on its website and also publish an article about it in the Wave, and will invite any interested parties to comment on it in writing or at a future meeting before it is implemented.

1. **RFQ to Implement Various Needed Capital Improvement Projects (8:45 pm):**

At 8:45 pm, the Board renewed its discussion of the preparation and issuance of a Request for Qualifications (RFQ) to implement a series of capital improvement projects needed by the WCWD. Mr. Morrill began the discussion by emphasizing that the RFQ includes more projects than just the new well and water tank; it also includes projects such as a fix for ground water infiltration at the sewer lift station, new fencing, a new electrical meter base, new generator and a new building to house it, and other projects.

Mr. Morrill reported that he had been in contact with GHD but also other engineering firms with respect to the RFQ. One, MC Engineering, had requested a site tour, which Mr. Morrill gave to Mark Carey, MC Engineering’s principal engineer. Mr. Carey had some good ideas on the lift station work, according to Mr. Morrill, who also opened the possibility of splitting the various projects to be completed among several firms.

Mr. Morrill reported that the WCWD will have to respond to questions and requests for information by September 8. He also said that the WCWD is expected to produce a service agreement for the winning bidder(s) to follow. Mr. Finnell suggested that, rather than draft a contract, Mr. Morrill should request each firm to supply a draft contract, perhaps even a copy of a contract they have previously entered with other water districts on similar capital improvement projects.

1. **New Budget Planning Process (9:00 pm):**

Ms. Cooper reported that she is continuing to work on the draft budget and that she expects to have something for the Board to review shortly.

1. **Board Member 2022 Election Process (9:02):**

Mr. Thomas again expressed an interest in joining the WCWD Board, provided she is satisfied with the WCWD’s insurance coverage. She emphasized that there will be a lot of important work to do over the next 4 years. The Directors again expressed their support for Ms. Thomas joining the WCWD Board.

Mr. Finnell suggested that he, Ms. McLaughlin, Ms. Real and Ms. Thomas (if she does not join the Board) all be appointed as an advisory board to the WCWD. He also suggested that the WCWD make more of an effort to make clear to the community (such as via the Wave) the work that the WCWD is doing on their behalf.

1. **New Business**
2. **Tom Kisliuk/BALU Request to Purchase Water for Dust Abatement (9:10 pm):**

At 9:10 pm, the Board took up Mr. Tom Kisliuk’s request on behalf of BALU and its logger, Barnett, to purchase water from the WCWD for dust abatement around its logging site, and specifically at Wages Creek Road, upstream from Wages Creek. Mr. Kisliuk had been invited to the meeting but did not attend. In an email to Ms. Cooper, he had estimated that they would like to purchase about 50 loads of water over the next harvest season, and several loads to cover the 1-2 weeks of logging that will take place in September 2022. Ms. Cooper reported that Barnett had purchased water from the WCWD in previous years as part of another THP. Mr. Morrill reported that the WCWD had sold water on several occasions to non-WCWD users, including CalTrans, for various projects in the past. He opined that a load amounts to about 7,000 gallons a day, and at the price of .02 cents per gallon, would amount to approximately $140 per day in fees to the WCWD. Mr. Morrill again expressed comfort with Wages Creek’s current water flow rates and stated that, provided that he and the WCWD retained discretion to decide on any given day how much if any water Mr. Kisliuk/BALU could draw, he favored agreeing to sell water to them. The Board expressed approval for sales on this basis.

1. **Insurance (9:20 pm):**

The Board agreed this topic had been covered previously in this meeting and that no further discussion was necessary.

**C. Brown Act (9:21 pm): Continued Authorization to Conduct WCWD Board Meetings Via Zoom/Digital/Virtual Technologies.** 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. Upon motion duly made (Director Weiss) and seconded (Director 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.

1. **Adjournment:**

Upon motion made (Director Weiss) and seconded (Chairman Tepper), the Regular Board Meeting of the WCWD adjourned at 9:22 pm.

Respectfully submitted,

Gary Weiss

Temporary Secretary for the August 18, 2022 WCWD Board Meeting