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

**Board of Directors**

**Minutes of Regular Meeting – Thursday, January 19, 2023**

The regular meeting of the Westport County Water District (“WCWD”) Board of Directors convened at 7:05 pm via Zoom videoconference. 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.

1. **Roll Call at Inception (7:05 pm):**

Present Board Members: Chairman Mr. Lee Tepper, and Directors 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 and Mr. Robert Finnell, and Ms. Dorine Real (portion of meeting).

1. **Consent Agenda (7:06 pm)**
2. **Draft Board Meeting Minutes (7:06 pm):** The draft minutes of the Regular Board Meeting of December 12, 2022 were provided in advance of the meeting and were before the Board for approval. After receiving comments from Mr. John Morrill and Ms. Carla Thomas, Director. Weiss edited the minutes accordingly. Upon motion duly made (Director Weiss) and seconded (Chairman Tepper), the Board unanimously approved the edited December 12, 2022 Minutes with instructions to have the applicable meeting secretary (Director Weiss) sign the minutes and place them with the District records.
3. **Correspondence (7:07 pm):** Ms. Thomas reported that she had submitted to the Mendocino County Board of Supervisors her application to serve on the WCWD Board as a Director and had been told by the clerk that her application had been approved by the Board of Supervisors on December 16, 2022. Thus, she has been appointed to serve as a Director, and her Directorship will become final 60 days after December 2, 2022. Ms. Thomas reported that she had submitted her signed oath and financial disclosure forms during the first week of January 2023 and was awaiting recordation of those submittals by the Board of Supervisors. Ms. Cooper stated that Directors Grossman and Weiss are in the process of being reappointed to their Director positions on the WCWD as well, but that she is waiting for the Board of Supervisors to send a notarized list of the WCWD directors to complete that process.
4. **Public Comment (7:15 pm):** Mr. Finnell stated that he is looking forward to Ms. Thomas joining the Board as a Director and thanked Chairman Tepper and Directors Grossman and Weiss for their continued service on the Board.
5. **Staff Reports**
6. **Administrator’s Report (7:17pm)**

Ms. Kayla Cooper led the discussion regarding review of the monthly Bookkeeper’s Report for December 2022. In advance of the meeting, Ms. Cooper had circulated expense summaries for December 2021 and 2022, as well as a current Accounts Receivable summary. Ms. Cooper reported that the WCWD’s main bank account held $35,249.59 and that there was $11,749.37 in water capital and $11,832.22 in sewer capital.

Questions were asked and answered regarding various expenses, including annual permit fees from the State Water Resources Control Board of $15,797 and $808 for an Environmental Health permit. (Ms. Cooper had told the Board at the December 12, 2022 WCWD meeting to expect significant permit fee payments later in December.) Ms. Cooper reported that this year’s payment to the SWRCB was not significantly higher than in the prior year, but that it had been consolidated into one payment rather than the two separate payments that had been made the prior year.

Mr. Morrill addressed Ms. Real’s questions from the December 2022 WCWD Board meeting as to why maintenance costs had risen this past year. He stated that the WCWD had incurred significant one-time repair/replacement costs during the past year, such as $800 for the Sensaphone, $3500 for the Honeywell Recorder, $8,000 for the lift pump and $2,000 for the generator radiator and a grand total of $14,300. He stated that while these costs could have been amortized over several years, the WCWD had recorded them as one-time charges.

1. **Operator’s Report (7:26 pm)**

Mr. John Morrill led a discussion of the WCWD Operator Report dated January 19, 2023. (The Report was distributed to all attendees in advance of the meeting.) Some of the more important discussion points were the following:

1. Staffing and Certification Training: Mr. Morrill reported that Mr. Beck Regalia has expressed interest in playing a more significant role at WCWD and now plans to pursue his D2 certification for distribution. Mr. David Wilson has stated his willingness to pursue his D2 certification as well. He has to date not found a class that would prepare him for the W1 certification exam before the fall of 2023. Mr. Morrill has communicated to Mr. Wilson that the WCWD cannot wait another year in which Mr. Wilson has not obtained his full W-1 certification for ~~both water and~~ sewer, as that leaves the District with a suitable backup for Mr. Morrill. The Board elected to hold discussions regarding these personnel matters, as well as staff compensation, in a private executive session at the conclusion of this regular meeting.
2. Maintenance: Mr. Morrill reported that during the 42-hour power outage Westport experienced in December, WCWD’s older generator continued working but that the new generator had failed to start. Mr. Morrill added fuel but that did not change the result. Westport Fire Chief. Dan Maxey says he plans to look at the new generator to assess the source of the problem. Mr. Morrill stated that the ball is in Chief Maxey’s court at this point. MIT Diving & Coating has informed Mr. Morrill that they plan to clean the WCWD’s tanks in late January.
3. Drought: Morrill reported that Westport received 8.25 inches of rain in December, over 14 inches total in the 2022-2023 rain year beginning October 2022, and that the creek flow remains well above minimum flow rates. The current flow rate is an extraordinarily robust 300 cubic feet per second. Director Grossman inquired whether creek flows could potentially get strong enough that the state would direct the WCWD to stop drawing water from the creek. Mr. Morrill stated that this was a possibility but not a realistic one at this point.
4. Disadvantaged Community Designation (“DAC”) Status: Mr. Morrill reported that as of January 17, the WCWD’s request for assistance in pursuing DAC status had been assigned to the Rural Community Assistance Corp (RCAC). He explained that this means RCAC will handle the income survey necessary for that process. Ms. Thomas stated that she had heard from Thad Van Buren that he had received documented confirmation of Westport’s DAC status from the Coastal Conservancy as of 2018. Thad offered to provide that to Carla, and Director Weiss requested that this be forwarded to the RCAC to be included as part of its consideration of Westport’s DAC status.
5. **Old Business**
6. **Continued Preparation of 5-Year Budget (7:50 pm):** The Board confirmed its intention to meet in person at the Westport Firehouse on Sunday, January 26th to begin the process of preparing the 5-year budget. The meeting will begin at 1 pm and is expected to last 2 hours. Mr. Morrill requested that Mr. Whitehouse be invited and Ms. Cooper said she would do so. The Board welcomed participation either in person or via zoom by any member of the district if in person attendance were not possible. Ms. Thomas stated that she could not attend in person or by zoom, as she will be driving to Southern California on January 26th. She stated that she would share her thoughts on the budget in an email to the group.
7. **Further Review of RFQ to Implement Various Needed Capital Improvement Projects (7:58 pm):**

Mr. Morrill began the discussion by reporting that he had spoken with Mark Cary of MC Engineering and communicated that the RFQ process is on hold until the WCWD’s DAC status is confirmed. As noted previously, the RCAC has assumed responsibility for conducting the survey required to establish Westport’s DAC status for State Funding Application purposes. Mr. Morrill and Chairman Tepper stated, and Directors Grossman and Weiss agreed, that we must now wait for that process to play out before choosing a firm pursuant to the RFQ. Chairman Tepper emphasized that while the WCWD needs a second storage tank, its absence could be endured if necessary; but proceeding without DAC status would be financially irresponsible. Chairman Tepper requested that this matter be put on the agenda for the February 2023 meeting. Ms. Thomas reported that she had spoken with Mendocino County Resource District, which oversees the local FireSafe efforts, to solicit their assistance in obtaining State Funding, and they had expressed a willingness to assist beginning at the end of January.

1. **Further Review of Draft Policy and Process for Handling Delinquent Accounts and Authorization of Late Charges, Property Liens and/or Discontinuation of Service (8:06 pm):**

The Directors and members of the public discussed the latest revision of the draft resolution regarding billing and collection policy, which had been discussed at prior meetings and edited per the comments received during these meetings. The latest revised draft had been distributed to the WCWD Board and interested members of the public on January 12, 2023.

Director Grossman stated that he had not sent written comments as he had planned, but had several comments to make on the revised draft distributed on January 12. First, he said he was confused by the “Billing” Section I. Director Grossman suggested that 90 days following the mailing of the invoice was too long, and that instead the WCWD should specify that an invoice is due within 30 days of issuance and is delinquent thereafter. Mr. Finnell agreed with that suggested change. Ms. Thomas suggested that 60 days rather than 90 or 30 days might be the right amount of time before delinquency is triggered.

Director Grossman also suggested that the policy needed to be amended to make clear that the WCWD will accept cash provided that it be accompanied by a written receipt that the WCWD will maintain in its records. Ms. Cooper reported that the WCWD has had 3 cash paying customers and stated that cash payments should continue to be accepted.

Ms. Thomas suggested that restricting water distribution flow to a delinquent customer might be a better option than cutting it off altogether. Ms. Thomas suggested that the language in the policy for “choking” the flow be changed to “restricting.” Chairman Tepper stated that he would be unwilling to shut off a delinquent customer’s entire water supply but that he would be willing to restrict the flow in the case of delinquency.

The Directors agreed that the restriction of a delinquent customer’s water supply could serve as an inducement to negotiate an installment payment plan. Ms. Thomas inquired as to who would negotiate on behalf of the WCD. Mr. Finnell suggested that a delinquent customer facing a shut-off or restriction notice would be required to attend a private session with the WCWD Board to explain the situation and provide a solution, by payment plan or otherwise. He stated that it is critical that the policy put the burden on the delinquent customer to satisfy whatever conditions the WCWD Board set out or face shut-off or at least restriction of flow. He said that absent that, the policy would have no teeth and would end up inducing more delinquency. He said that strictness works and is easy to apply consistently. He suggested looking at PGE’s policy or that of Fort Bragg or Elk. He said that Fort Bragg red-tags a delinquent customer’s door with a shut-off notice and that it gets the customer’s attention and triggers action.

Ms. Thomas suggested adding language that if, at the private meeting with the WCWD Board, the delinquent customer had not satisfied the Board that the payment installment plan is viable, then a flow restriction notice “shall” issue within 48 hours.

Ms. Real stated that the policy must make clear through well-stated guidelines what the standards are for accepting a payment plan. She stated that the Board may expect to hear unrealistic promises from a delinquent customer and must not be constrained to accept those promises. Mr. Finnell suggested that the WCWD add a condition to acceptance of an installment payment plan that the delinquent customer must agree to have the WCWD impose a lien on his/her property if the customer cannot meet the payment schedule agreed to.

The Directors agreed to forward to Director Weiss specific written comments and suggestions that might be incorporated into another (3rd) revision of the draft policy and to discuss the next revised draft policy at the next meeting.

1. **Status of Applications for Ms. Thomas and Directors Grossman and Weiss to Serve on WCWD Board (8:42 pm)**

This topic was discussed earlier in the meeting. See section 2.B. above.

1. **Review of Draft WCWD Letter to Justin Nadeau re Siamex Property Listing (8:43 pm):**

Mr. Morrill confirmed that there is a one water/sewer assessment for the barn at the corner of the property listed for sale by Mr. Nadeau of Mendo Realty, and that the entirety of the rest of the property falls outside the WCWD district lines. Chairman Tepper reiterated that the WCWD has no capacity even to consider extending its service area to serve any portion of the property listed for sale, and that it is important that potential buyers understand this.

**At 8:58 pm, the Regular Meeting was adjourned and a Private Executive Session (WCWD Directors and Staff only) Begun to Discuss WCWD Personnel and Salary Matters Confidentially.**

1. **New Business**
2. **Brown Act: Continued Digital/Virtual Zoom Meeting Authorization (9:09 pm):** The Board authorized continued zoom meetings. Mr. Finnell observed that by February 2023, the pandemic designation may be lifted, perhaps paving the way for in-person meetings. He observed that a blend of in-person and zoom attendance might work best. Ms. Thomas observed that meetings could be held outdoors for safety reasons.
3. **Adjournment (9:10 pm):**

Upon motion made (Chairman Tepper) and seconded (Director Weiss), the Regular Board Meeting of the WCWD was unanimously adjourned at 9:10 pm.

Respectfully submitted,

Gary Weiss

Temporary Secretary for the November 9, 2022 WCWD Board Meeting