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

**Board of Directors**

**Minutes of Regular Meeting – Thursday, June 9, 2022**

The regular meeting of the Westport County Water District Board of Directors convened at 7:11 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 (7:11 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 (portion of the meeting), Ms. Dorine Real (portion of the meeting) and Mr. Robert Finnell.

1. **Consent Agenda**
2. **Draft Board Meeting Minutes (7:12 pm):** The draft minutes of the Regular Board meeting of May 26, 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 May 26, 2022 Board Minutes with instructions to have the applicable meeting secretary (Director Weiss) sign the minutes and place with the District records.
3. **Correspondence (7:13 pm):** Ms. Cooper reported that on June 7, 2022, she had received a text from Mr. Zachary Jones, the General Manager of the Lyme Redwood Forrest Company. The Board asked that discussion of this text be tabled until 5C, the portion of the meeting dedicated to the Wages 160 THP.
4. **Public Comment (7:14 pm)**

Director Tepper provided an opportunity for general public comment. The attending members of the public were polled for possible comment. Ms. McLaughlin suggested that each director write an article in the Westport Wave presenting that director’s goals for the WCWD and reasons for serving. Ms. McLaughlin also suggested that the directors sit down together informally for a meal. Mr. Finnell cautioned that while an informal social visit among directors is permissible, it would violate the Brown Act for the directors to engage in any private discussion of WCWD business; the latter must be done only at duly noticed public meetings.

1. **Staff Reports**
2. **Administrator’s Report (7:20 pm)**

Ms. Kayla Cooper led the discussion regarding review of the monthly Financial Report for May, directing attention to the written report issued to the Board in advance of the Meeting. (See attached report for more detail.) Ms. Cooper reported that the WCWD’s main bank account held $29,021.72, and that there was $10,349.37 in water capital and $10,432.22 in sewer capital. Questions were asked and answered regarding the aging accounts receivable report Ms. Cooper had circulated prior to the meeting and in particular the number and size of the WCWD’s delinquent accounts. (See attached report.) Discussion of this topic was deferred until section 5D, the portion of the meeting dedicated to discussion of delinquent accounts.

1. **Operator’s Report (7:26 pm)**

Mr. John Morrill led a discussion of the WCWD Operator Report dated June 9, 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 and Sewer Plant OITT, has a 3-year training certificate set to expire in 30 days. According to Mr. Morrill, Mr. Wilson had studied for and was prepared to take the certification test in 2020, when state regulators temporarily halted administration of the test because of the pandemic. The regulators resumed testing recently but unfortunately chose not to toll the running of the 3-year limitation period to account for the time in which administration of the test had been halted. If Mr. Wilson’s training certification were to expire, he would no longer be permitted to fill his current role. Accordingly, there is now an urgent need for Mr. Wilson to prepare for and take the certification test. Mr. Morrill praised Mr. Wilson’s skills and attitude and said it was important that Mr. Wilson be certified so that he could continue working for the WCWD. Mr. Morrill also expressed concern that there were currently no suitable alternatives to fill Mr. Wilson’s role. The Directors and members of the public asked numerous questions and debated various suggested alternatives to deal with this situation. The Directors ultimately authorized Mr. Morrill to offer the following: (a) to pay for a coach course to be taken by Mr. Wilson; (b) to pay for Mr. Wilson’s mileage and time to attend the coach course; (c) to offer a $500 bonus and a pay raise if Mr. Wilson passes the test and (d) to condition the offer upon Mr. Wilson’s remaining employed by the WCWD for at least one additional year after receiving his certification. Mr. Finnell also suggested that Mr. Wilson henceforth be invited to attend WCWD Board meetings.
2. Drought: Mr. Morrill reported that because Westport has received a good deal of rainfall in the past several weeks (.7 inches in May after 7.7 inches in April), Wages Creek flow rates remain at a healthy level of more than 10 cubic feet per second, significantly higher than the rate at this same time last year. Water usage in May was moderately higher in May than in April, as Mr. Morrill had expected. 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 much lower than it was at this time last year.
3. Mr. Morrill reported that on June 23 and 24, 2022, the WCWD will undertake the annual process of flushing the water system. Mr. Morrill stated that this may temporarily discolor the WCWD drinking water, but that the water would remain safe to drink. Additionally, he stated that the discoloration may pose a risk of staining fabrics that are laundered during the flushing. Notice of all of this was included in Mr. Morrill’s article in the June 1, 2022 Westport Wave and also posted at the Westport Community Store.
4. Mr. Morrill reported that the radiator for the WCWD’s original generator has been installed and is now fully functional.
5. **Old Business**
6. The Board next discussed (at 8:00 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 date.
7. Mr. Morrill and Ms. Cooper reported that they had invited former WCWD Board members to attend WCWD Board meetings, but that the former members had not expressed interest in doing so. Mr. Morrill reported that Ms. Woodhead had stated that she plans to put together a folder of minutes of meetings conducted during her tenure, so that the current Board may refer to them in the future as needed. Mr. Finnell expressed the view that input and participation by former WCWD Directors would be helpful for purposes of continuity and consistency. The Directors agreed.
8. Wages Creek Timber Harvest Plan: At approximately 8:02 pm, the Board discussed the status of the Wages Creek Timber Harvest Plan (“Wages 160 THP” or “THP”). Director Weiss reported that the THP had been approved on June 8, 2022, with express reference to the WCWD’s concerns about protecting the WCWD’s water quality. Those concerns, initially laid out in the WCWD’s letters of November 26, 2021 and December 15, 2021, and reiterated in subsequent conversations between Director Weiss and representatives of CalFire, were quoted at pages 4-5 of the June 6, 2022 Official Response of the Director of the California Department of Forestry and Fire Protection to Significant Environmental Points Raised During the Timber Harvesting Plan Evaluation Process (the “Official Response”). The Official Response quoted the conclusions of CalFire 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 be a significant adverse environmental impact on the beneficial uses of water, including the WCWD intake located approximately 10,021 feet from the THP.” The Official Response also quoted the following conclusions of the Regional Water Quality Control Board: “It appears that with inclusion of recommendations from review team agency PHI [pre-harvest inspection] reports, the THP will be likely to avoid or minimize both short term and long-term adverse impacts to beneficial uses of water. When considered with the proposed selection silviculture harvest, the requirements for post-harvest retention of overstory canopy, and watercourse and lake protection zone requirements, I believe THP 1-22-00035 (corrected) HUM will comply with applicable water quality standards and therefore will be eligible for coverage under either the General WDRs.” The Official Report then concluded: “After reviewing the record and completing an onsite inspection, CALFIre concurs that the plan as proposed will not have significant adverse impact” on WCWD water quality. Ms. Cooper reported that Mr. Zach Jones had recently texted her requesting a statement from the WCWD Board that the Board was now satisfied with the THP. The Directors agreed that the Board would not provide such a statement, because the WCWD would continue to rely upon the Lyme Redwood Forest Company and regulators to have developed a timber harvest plan, and for the Lyme Redwood Forest Company to adhere to that plan, such that the WCWD’s water quality is protected.
9. Delinquent Accounts: At approximately 8:12 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 authorizing penalties such as late fees as well as discontinuation of service, which Mr. Morrill had circulated in full before the meeting. Questions were asked and answered regarding the applicable provisions. Mr. Morrill agreed to circulate copies of the rules and penalties prescribed by the Fort Bragg and Rio Vista Water Districts, so that the Board may consider those in drafting its own. Director Weiss offered to interface with the Mendocino County Counsel to confirm the legality of the rules and process the Board ultimately concludes are appropriate for handling delinquent accounts. Director Grossman expressed a preference for financial penalties and a process by which delinquent accounts’ bills will be presented to a collection agency rather than one that cuts off the water service entirely. Director Tepper expressed a preference for a policy that includes imposing a lien on the property owner’s title until delinquent accounts are paid up, and requested that County Counsel be asked specifically about liens. Mr. Finnell asked that the Board draft a set of rules for handling delinquent accounts prior to the next Board meeting and that consideration of those draft rules be the first agenda item at the next meeting.
10. **New Business**
11. Capital Improvements: At 8:29 pm, the Board took up discussion of 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 water source along with Wages Creek. Director Weiss inquired as to why a potential well was preferable to Wages Creek as a primary water source, and Mr. Morrill responded that a well would be easier and less expensive to manage, as it would not entail the same level of filtration and oversight. Mr. Morrill had circulated in advance of the meeting a draft RFQ to invite bids on these projects. He had also forwarded the draft RFQ to GHD. The Directors and members of the public discussed the draft RFQ and suggested some potential edits. Mr. Morrill stated that he will follow up with GHD and potentially others to finalize the RFQ and solicit responses to it.
12. New Budget (8:39 pm): Ms. Cooper reported that she had begun working on the new budget and hoped to circulate something before the next Board meeting.
13. Board Member 2022 Election Process, Status and Timing (8:41 pm); Ms. Real and Mr. Finnell discussed the process for electing a new Board member. Ms. Real suggested an abbreviated process for installing Ms. Thomas as a new Director. Mr. Finnell suggested that it would be appropriate for Ms. Thomas to submit the standard detailed application to the Board for the Board to consider, and that if appropriate, current Director David Brothers can then follow through on his planned resignation, followed by 30 days public notice of the WCWD’s planned vote on accepting Ms. Thomas as a Director.
14. Brown Act (8:45 pm): Continued Authorization to Conduct WCWD Board Meetings Via Zoom/Digital/Virtual Technologies. Ms. Real 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 (Director Weiss) and seconded (Director Tepper), 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.
15. **Adjournment:** Upon motion made (Director Weiss) and seconded (Chairman Tepper), the Regular Board Meeting of the WCWD adjourned at 8:47 pm.

Respectfully submitted,

Gary Weiss

Temporary Secretary for the April 14, 2022 WCWD Board Meeting