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

**Board of Directors**

**Minutes of Regular Meeting – Thursday, March 9, 2023**

The regular meeting of the Westport County Water District (“WCWD”) Board of Directors convened at 7:02 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 (7:03 pm):**

Present Board Members: Chairman Mr. Lee Tepper, and Directors Ms. Carla Thomas, Mr. Ryan Grossman 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.

1. **Consent Agenda (7:04 pm)**
2. **Draft Board Meeting Minutes (7:04 pm):** The draft minutes of the Regular Board Meeting of February 16, 2023 were provided in advance of the meeting and were before the Board for approval. Upon motion duly made (Director Weiss) and seconded (Director Thomas), the Board unanimously approved the Minutes with instructions to have the applicable meeting secretary (Director Weiss) sign the minutes and place them with the District records.
3. **Correspondence (7:05 pm):** Director Weiss reported that he had received an email from a Westport property owner, Ms. Delfina J. Piretti, inquiring as to how to water and sewer service from the WCWD. Director Weiss reported that he had forwarded the email to Mr. Morrill and Ms. Cooper for consideration and follow-up. Mr. Morrill stated that he believes that the small plot of land is unlikely to receive a building permit from the County and that accordingly there will likely be no reason for the WCWD to provide service. He recommended tabling discussion of this matter until Ms. Piretti applies for and receives a building permit.

This prompted a broader discussion about whether and how the WCWD should grant new assessments for service, and at what price. Mr. Morrill stated that he needed a list of all the assessments previously issued. Ms. Real stated that she had copies of the original assessment roll and would provide it to Mr. Morrill and the Board. Chairman Tepper stated that when the WCWD began providing service in the late 1970s, it did so with 100 water and sewer assessments, each of which had been paid for by Westport property owners, but that approximately 24 had never actually initiated water and sewer service. He provided some examples, including 5 assessments that had been granted to Fran DuBois on the North lot of what is now the Weiss-Tamate property, and the lot at the Northwest corner elbow of Omega Street.

1. **Public Comment (7:14 pm):** There was no public comment.
2. **Staff Reports**
3. **Administrator’s Report (7:14 pm)**

Ms. Kayla Cooper led the discussion regarding review of the monthly Bookkeeper’s Report for February 2023. In advance of the meeting, Ms. Cooper had circulated expense summaries for February 2022 and 2023, as well as a current Accounts Receivable summary. Ms. Cooper reported that the WCWD’s main bank account held $41,592.52 and that there was $11,958.56 in water capital and $12,041.49 in sewer capital.

Questions were asked and answered by Ms. Cooper and Mr. Morrill regarding various expenses listed in the reports. Chairman Tepper asked what the WCWD had paid for the recent tank cleaning operation by MIT Diving and Coating. Ms. Cooper replied that the WCWD had paid $2,750 for that service. In response to questions from the Board, Ms. Cooper stated that the funds had been drawn from the WCWD’s main checking account rather than the WCWD capital account because the cleaning was regular maintenance rather than a capital expense. Chairman Tepper stated that the expense was modest in comparison to the value of the service.

Ms. Cooper reported that, in response to suggestions made at the February 16, 2023 WCWD Board Meeting, she had filed an application on behalf of the WCWD to become a payee under the Low Income Household Water Assistance Program (“LIHWAP”).

1. **Operator’s Report (7:19 pm)**

Mr. John Morrill led a discussion of the WCWD Operator Report dated March 9, 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. David Wilson has begun taking a wastewater test preparation class online. Additionally, Mr. Beck Regalia is looking into enrolling in a distribution test preparation class. Mr. Morrill reminded the Board that if Mr. Regalia obtains certification in water distribution, he will have ~~all three required certifications, having already received the waste water and drinking water certifications.~~ A D2 and T2 Certification.
2. Maintenance: Mr. Morrill reported that he will pick up 15 65-pound pales for $3,000 plus tax from ~~triFresh Technologies in Merced, California~~ Univar in Fairfield, California on March 17, 2023. The Board had previously approved the purchase of 12 pales for $2,500, but when ~~triFresh~~ Univar offered to provide 3 additional pales for a reduced price of $166.67 each, lowering the cost per pale overall to $200 per pale as opposed to the original price of $208 per pale, Mr. Morrill concluded that the WCWD should purchase 15 pales, approximately two full years’ supply of chlorine. The Board agreed. Mr. Morrill reported in response to questions from the directors that the new generator is again working, having been serviced by Cummings West at the behest of Westport Fire Chief Dan Maxey.
3. Drought: Morrill reported that Westport received 6.45 inches of rain in February, bringing the yearly total to 29.45 inches, and that the creek flow remains well above minimum flow rates. Mr. Morrill reminded attendees that typical historical yearly rainfall is approximately 45 inches and stated that this year’s rainfall seems to mark a return to historical totals rather than an aberration.
4. Distribution System Flushing: Mr. Morrill reported that the WCWD will flush the distribution system on March 23 and 24, 2023.
5. Capital Project Funding: Mr. Morrill reported that the Rural Community Assistance Corp (“RCAC”) had mailed its second survey to Westport residents to determine whether Westport qualifies as a “disadvantaged community” (“DAC”), a most significant factor in determining whether Westport will be able to obtain certain types of funding for its capital improvement projects. Thus far, only 12 residents have completed and returned the survey, and so at least 33 more residents must respond in order to qualify potentially as a DAC. Mr. Morrill again stressed the importance of residents completing this survey. He also reported that RCAC plans to survey Westport residents door-to-door on April 8 to obtain more responses.
6. Director Thomas inquired as to why the water pressure in her residence seemed to have dropped in recent days and asked if this was a system-wide issue. Mr. Morrill ~~suggested that it was because his team recently had turned off the system temporarily to fill up its water levels; they did so because they anticipated that the storms expected to arrive soon thereafter might preclude the WCWD from drawing water from the creek for a short time.~~ was not sure why this could be.
7. **Old Business**
8. **Further Review of Draft Policy and Process for Handling of Delinquent Accounts and Authorization of Late Charges, Property Liens and/or Discontinuation of Service (7:26 pm):**

Director Weiss had circulated the latest draft of the proposed delinquency policy (the 5th) on March 2, 2023, in advance of this meeting. He reported that he had incorporated all comments he had received from the Directors and members of the public at the previous meeting except one: Director Grossman’s suggested preamble regarding a “tool kit” approach in providing various potential remedies available for use by the WCWD. Director Weiss stated that although he liked Director Grossman’s suggestion, he had trouble drafting the language in such a way that it did not leave the impression that the WCWD was not prepared to impose any and all of the available penalties for delinquency. Director Thomas stated that she would attempt to draft the “tool kit” preamble and distribute the draft in advance of the next meeting.

Director Weiss reported that he had spoken with the Mendocino County Counsel Christian Curtis regarding the WCWD’s Draft Policy and Process for Handling Delinquent Accounts (the “Draft Policy”) and had at Mr. Curtis’s suggestion provided a draft (the fifth draft that had been distributed to the Board in advance of this meeting) for his input. The Directors and members of the public expressed an interest in awaiting County Counsel’s input prior to finalizing the policy and initiating the formal enactment process.

Ms. Real inquired as to the procedure for imposing a lien as part of the policy. Director Weiss stated that this was the initial question he had posed to County Counsel for response, and that Mr. Robert Finnell had suggested California Public Utilities Code section 16472.1 provides specifically for such a procedure. It says in relevant part: “(a)…a district may provide by resolution or ordinance that delinquent water charges and interest and penalties thereon constitute a lien on the real property served to the extent that the property is owned by the person or entity receiving service, when a certificate is recorded pursuant to this section, which shall continue in effect until the amount of charges, interest and penalties are paid or the property is sold to satisfy the charges, interest, and penalties….(b) A lien pursuant to this section attaches when the district files for record in the office of the county recorder a certificate specifying the amount of charges, interest and penalties due; the name of the owner of record of the property who received the water service; the legal description of the property served; and the fact that the district has complied with all provisions of this part in the determination of the charges, interest, and penalties due. From the time of recordation of the certificate, the charges, interest and penalties constitute a lien on the property.”

Director Weiss reported that he had pointed out this statutory provision to County Counsel in their telephone conversation on February 14, 2023, and that County Counsel responded that although this provision seemed vaguely familiar to him, he could not recall it specifically and needed to look into it more carefully before offering a concrete opinion. County Counsel offered to review and report on the prior research he recalls having performed into this issue and to provide a summary review *gratis*, but that a more detailed investigation would have to be billed at the current rate of $160 per hour (and that the rate would soon go up to between $240-$260 per hour). Director Weiss stated that he had asked County Counsel to do the former and not the latter for the time being.

1. **Status of Form 700 Filing Submissions for WCWD Directors (7:35 pm):** Ms. Cooper requested that Directors Grossman and Weiss complete and return the completed Form 700 to the County Recorder in Ukiah by April 3, 2023. Directors Grossman and Weiss stated that they would do so.
2. **Continued Preparation of 5-Year Budget (7:35 pm):** Ms. Cooper reminded the Board that a second workshop meeting for preparation of the 5-year budget has been scheduled for Sunday, March 9, 2023 at 10 am at the Westport Firehouse and via zoom for those who wish to attend but cannot attend or do not wish to attend in person.
3. **Further Review of RFQ to Implement Various Needed Capital Improvement Projects (7:36 pm):**

Mr. Morrill stated that Ms. Thompson of the RCAC had told him she had received 12 responses to the survey thus far and that 37 [my notes from this portion of the meeting are inconsistent with my notes from earlier in the meeting in which I understood John had said 33] more responses were needed to meet the minimum survey response level to achieve DAC status. Director Grossman reported that he had just received his survey in the mail within the last few days. Director Weiss reported that he had not yet received a survey. Director Grossman suggested that Mr. Morrill write an article for the April edition of the Westport Wave. Mr. Morrill stated that he needed to ask Ms. Thompson about the propriety of such an article before publishing it, but that if she approved he would do so. Director Thomas agreed to help write the article. Chairman Tepper suggested that Westport Fire Chief Maxey ought to co-sign the article.

1. **New Business**
2. **Determination of Proper Charge for Future Water/Sewer Assessments (7:44 pm):** Mr. Morrill distributed a WCWD Ordinance from 2002 showing that the WCWD had raised the assessment fee by 5% each year through 2010. He also created and distributed a document that extrapolated that 5% increase over the next 20 years to show what the rates would be from 2010 to 2030. Questions were asked and answered by Mr. Morrill and Chairman Tepper and Ms. Real regarding the history of the assessment fees. The Board agreed to take up this issue at the Special Meeting regarding the budget on March 12, 2023. Ms. Cooper expressed an interest in limiting the discussion at the March 12, 2023 Special Meeting just to matters pertinent to the 5-year budget but agreed that the assessment fees are germane to that issue.
3. **Brown Act: Continued Digital/Virtual Zoom Meeting Authorization (7:53 pm):** Director Weiss stated that County Health Office Dr. Andy Coren’s March 9, 2022 Order expressing his continued preference for public meetings to be held by zoom rather than in person remained in full effect. Director Weiss moved that meetings continue to be held via zoom. Director Grossman seconded the motion and the Board unanimously authorized continuing to hold its regular meetings via zoom.
4. **Adjournment (7:59 pm):**

Upon motion made (Director Weiss) and seconded (Director Thomas), the Regular Board Meeting of the WCWD was unanimously adjourned at 7:59 pm.

Respectfully submitted,

Gary Weiss

Temporary Secretary for the March 9, 2023 WCWD Board Meeting