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

**Board of Directors**

**Minutes of Regular Meeting**

**Thursday, July 11, 2024**

A regular monthly meeting of the Westport County Water District (“WCWD”) Board of Directors convened at 7:05 pm via zoom on Thursday, July 11, 2024. 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 and members of the public in attendance.

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

Present Board Members: Chairman Lee Tepper, and Directors Ms. Carla Thomas 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: Mr. Robert Finnell, Mr. Homer Whitehouse and Mr. Steve Cardullo (portion of the meeting).

1. **Consent Agenda**
2. **Approval of Minutes (7:05 pm):**

Director Weiss moved that the Board approve the minutes of the regular Board meeting held on June 20, 2024. Director Thomas seconded the motion, which was then unanimously approved by the Board.

1. **Correspondence (7:06 pm)**

Ms. Cooper reported that she had been contacted by the couple that owns the property with the boarded up and collapsing house on Hillcrest. They requested a “will service” letter from the WCWD, and Ms. Cooper provided that letter to the requesting party.

1. **Public Comment (7:08 pm):**

Mr. Homer Whitehouse stated, as he had in an email to Director Weiss, which was circulated to the Board, that after the District received its permit to construct the water distribution and sewer systems originally, the District was required to separate those separate systems in separate trenches. Mr. Whitehouse expressed his approval of including this separation as part of the capital improvement projects, as it would reduce infiltration into the sewer collection system and save on energy usage. Chairman Tepper expressed some concern about the complication and inconvenience to Westport residents if this work is undertaken. Mr. Whitehouse stated that the District can and should do this work for the sake of its customers, notwithstanding the temporary inconvenience it may cause. Mr. Morrill stated his agreement with Mr. Whitehouse’s view.

1. **Staff Reports (7:11 pm):**
2. **Bookkeeper/Administrator Report (7:11 pm):**

Ms. Cooper led the discussion of the WCWD’s financial report. In advance of the meeting, Ms. Cooper had distributed to all attendees a copy of the June 2024 expense report as well as a current accounts receivable aging summary as of July 11, 2024. She reported that the WCWD had just received approximately $7,000 from one of its previously delinquent accounts. She reported that as of the date of the meeting, there was $45,370.50 in the WCWD’s main checking account, along with $15,164.97 in water capital and $15,247.94 in sewer capital.

Ms. Cooper reported that, following the decision made and discussed at the June 20, 2024 Board meeting, she had canceled one of the District’s AT&T lines, although the June financial report still shows the expense of the second line, as the line had been canceled only late in the month. She answered a question about the Phoenix Fire Defense expense by stating that this was for the cost of recharging the District’s fire extinguishers. Director Thomas confirmed that any fire extinguishers located in a public place must be recharged once a year.

1. **Operator’s Report (7:15 pm)**

Mr. Morrill led the discussion of the July 11, 2024 Operator’s Report he had circulated in advance of the meeting. He reported that the WCWD had produced significantly more water in June than during May. The spray field was operated for the last week in June, and will continue for 5-6 more weeks.

Mr. Morrill reported that the state’s Department of Environmental Health conducted its HAZMAT inspection of the WCWD operations. Mr. Morrill engaged the inspector in a detailed discussion as to why the District’s environmental fees had increased significantly since the prior year. The inspector explained that the District has (and needs) two large tanks of diesel fuel to operate the system, which moves the District into “Tier 2” status, and that the Tier level and fees imposed were correct. Although the District could apply for a waiver or reduction of the HAZMAT fee if it could show “severe hardship,” Mr. Morrill opined that this would almost certainly be unsuccessful and even if successful, would likely result in savings of $370. Director Weiss inquired as to whether the District’s “Disadvantaged Community” status would demonstrate severe hardship. Mr. Morrill stated that it would likely not make any impact on the waiver request. He felt the District should instead pursue a challenge on the fee structure for its sewer permit fees, which has a higher chance of success, particularly because Fort Bragg has essentially the same fees as the WCWD and, unlike the WCWD, disposes of a significant amount of its waste water into the ocean. Questions were asked and answered.

1. **Old Business (7:21 pm)**
2. **Procedures and Deadlines for Upcoming Director Application Process (7:21 pm):**

Ms. Cooper led the discussion of the procedures and deadlines for filling all 5 WCWD Director seats in conjunction with the County Recorder’s election procedures for the November 5, 2024 election. She clarified that 2 of the open seats would be “long term” (4 years) and 3 of the open seats would be “short term” (2 years). The Board discussed who has the interest to apply for a long term seat and who would have interest to apply a short term seat on the WCWD Board of Directors. Director Weiss and Mr. Robert Finnell each expressed interest and stated they would each apply for a long term Director seat on the WCWD, while Chairman Tepper, Director Thomas and Mr. Steve Cardullo each expressed interest to apply to fill a short term Director seat on the WCWD. Ms. Cooper provided additional procedural details with questions asked and answered. The filing deadline for candidacy is August 9, 2024 at the County Recorder’s Office in Ukiah for filing the required application declaration documents required by the County Recorder and accepts, in person, an oath of office as a candidate before the County Recorder. In the event the currently interested applicants are the only applications recognized by the County Recorder as valid by the County Recorder’s , the five applicants would be considered uncontested and appointed on December 6, 2024 by the County Recorder by acclamation without the need for issuance of ballots. All application and election process information can be found and should be verified by any interested applicant at the County Recorder’s website.

1. **Status of and Next Steps for WCWD Capital Improvement Projects (7:30 pm):**

Mr. Morrill led the discussion of this topic. He had, in advance of the meeting, circulated GHD’s draft contract for the wastewater infrastructure system capital improvements and asked each director to review the draft. Director Weiss stated that he had reviewed the draft. He stated that in his opinion, the draft incorporated most of the comments and requests that the District had previously made with respect to the drinking water capital improvement project contract, and that therefore he would have relatively few suggested changes. He said that he would circulate his redline comments to the other directors, staff and interested members of the public in advance of the next regular or special WCWD Board meeting. Director Thomas stated that, upon receiving the redline, she would add her own suggested edits. Mr. Morrill said that he had some questions about GHD’s estimated length of pipe needed for the project and the draft’s refence to a “prevailing wage,” and would follow up with GHD’s Ms. Holly Cinkutis about both questions.

Mr. Homer Whitehouse inquired as to which specific projects are currently anticipated being included in the wastewater capital improvement program. After some discussion of the projects anticipated, including a new lift station and the possible relocation of the sewer and drinking water pipes into separate trenches, Mr. Whitehouse suggested the District consider using a dry well rather than a wet well. Mr. Morrill said he would follow up with GHD on the suggestion but that it was his understanding that water is needed to cool the pumps for the sewer system.

Mr. Morrill reported that Chairman Tepper had signed the “no debt letter” requested by GHD for the drinking water planning grant application. Ms. Cooper reported that she expected to receive the results of the audit in advance of the August WCWD regular meeting, another item required before the grant application may be submitted. Mr. Morrill stated that the District still needs to provide the authorizing resolution previously passed by the Board when it approved the hiring of GHD over other potential companies to lead in the capital improvement project planning and design, and asked Director Weiss to search prior meeting minutes for that resolution. Director Weiss agreed to do so. Mr. Morrill offered to resend to the Directors a copy of the resolution drafted by GHD for this purpose. Additional questions were asked and answered.

1. **Discussion of Policy and Procedure for Considering Customers’ Request of Change from Commercial to Residential Service Rates (7:49 pm):**

Director Weiss suggested that the Board consider a policy for a customer’s request from Commercial to Residential status holding that the request must be made within a given time period to allow the District to incorporate the change into its budget and planning for the following period. Director Thomas agreed and suggested that the deadline should be June 30 of any given year because that is the end of the District’s fiscal year.

Mr. Finnell stated his belief that the WCWD had previously issued a policy (and not merely a resolution) on this matter, requiring at least one-year advance notice of a requested status change, at a Board meeting held approximately 5 years ago. He suggested the Board search the minutes from 2018 or 2019 for the vote on this policy and add this matter to the agenda for the next regular meeting. Director Thomas suggested that there ought to be a provision in this policy allowing for hardship case consideration and, if necessary, the Board should amend the policy to include such a provision.

1. **New Business:**
2. **Consideration of Resolution to Post Draft Minutes as a Practice (7:56 pm):**

Mr. Finnell led the discussion of this topic. He stated his view that the District should post its draft minutes in advance of the meeting at which the approval of those draft minutes will be voted upon, perhaps at the same time the agenda for that meeting is posted. He said that this would align the District with Mendocino County, which posts draft minutes in this manner. Mr. Finnell stated that customers’ receipt of draft minutes may lead them to attend the next meeting and make public comments on what had been discussed or decided at the prior meeting. He also stated his view that the operator and bookkeeper/administrator reports if available in a timely manner should also, as a best practice, be posted and published with the minutes.

Mr. Morrill suggested that this might confuse people. He also said that it would unnecessarily increase the administrative burden on Ms. Cooper.

Mr. Steve Cardullo joined the meeting at 8 pm.

Ms. Cooper questioned whether, in the proposal Mr. Finnell was making, the draft minutes would be taken off the website once the minutes were approved. Mr. Finnell said yes. He added that the Westport Village Society handles its minutes in this way, even though the WVS is not a Brown Act organization. Directors Thomas and Weiss asked a number of questions about the process and procedure of implementing the proposal. Mr. Finnell added that the District should strive for improved transparency. If the WCWD’s customers know everything that the WCWD is doing and considering doing, they may not even feel they need to attend a Board meeting.

Mr. Whitehouse spoke in favor of the proposal. He said that Westport is small and that its citizens tend toward apathy. He stated that he wants to be sure that Westport’s residents know, for example, that the District is anticipating moving its sewer lines, causing potential disruption to their daily lives. Additionally, he said, transparency and knowledge might give people more of a sense of ownership of the WCWD and cause them to want to participate more.

Director Weiss stated his agreement with the proposal, and with Mr. Whitehouse’s rationale for the District’s adoption of it.

1. **Municipal Service Review & Sphere of Influence Update Requested by Mendocino Local Agency Formation Commission (8:16 pm):**

Mr. Morrill reported that the Mendocino Local Agency Formation Commission (“Mendocino LAFCO”) had written to Ms. Cooper, Mr. Morrill and Chairman Tepper some time ago requesting an update on the District’s sphere of influence and operations. Mr. Morrill stated that he and Ms. Cooper had scheduled a meeting with Ms. Uma Hinman, Executive Officer of the Mendocino LAFCO for Monday, July 15 at 9 am. Ms. Thomas stated that she would like the Board to be given an opportunity to weigh in on drafting and editing the document. Mr. Finnell suggested that Ms. Hinman be invited to the next WCWD Board meeting to discuss the document and its amendment.

Mr. Morrill stated that the sphere of influence issue implicates the question of the WCWD’s stance on whether the Westport campground and portions of the Siamex property should be included within the District. Mr. Morrill stated that the campground is not currently within the district but that a portion of the Siamex property is included. He added that the boundaries of the WCWD sewer district and water district are different.

Mr. Cardullo stated that Mendocino LAFCO has gone through this process several times in the past and that the organization is helpful and pleasant to work with. He added that LAFCO is not merely advisory in nature and that it has authority to implement things.

Mr. Morrill stated that formally adding the Westport campground to the District could be helpful in that it would bring the District into compliance with regulations requiring that water be sold only within the District. Mr. Whitehouse stated his agreement with this idea. Mr. Cardullo added that, were the District to try to expand the boundaries of the District on its own, that would require an expensive election process, but that Mendocino LAFCO could implement this change simply and without the need to conduct an election.

Director Thomas requested that Mr. Morrill and Ms. Cooper attend the meeting with Ms. Hinman and that they share a copy of the update and proposed edits with the Board before the WCWD’s next regular board meeting. She offered to help in drafting and editing the update.

1. **Brown Act: Continued Digital/Virtual Zoom Meeting Authorization Pursuant to County Health Department Guidance (8:48 pm):**

Director Weiss moved to continue providing the option for zoom attendance at WCWD Board meetings. Chairman Tepper seconded the motion, which was then unanimously approved. Mr. Finnell stated his agreement with holding the meetings by zoom and noted that California is experiencing a wave of COVID cases this summer, making zoom meetings even more appropriate.

Whereupon, at 8:50 pm, the public portion of the meeting was adjourned.

1. **Executive Session (8:50 pm) and Adjournment (9:00 pm):**

The Board discussed, with questions asked and answered, the status of an action plan to collect payment from a specific delinquent customer in a private executive session.

Upon motion made (Director Thomas) and seconded (Director Weiss), the Public Hearing of the WCWD was unanimously adjourned at 9:00 pm.

Respectfully submitted,

Gary Weiss

Temporary Secretary for the July 11, 2024 WCWD Board Meeting