



Irish Beach Water District
Meeting Packet
November 10, 2018



**NOTICE OF THE REGULAR MEETING OF THE
IRISH BEACH WATER DISTRICT BOARD OF DIRECTORS
REX DUNNING FIREHOUSE, 15401 FOREST VIEW ROAD, MANCHESTER, CA 95459
Saturday, November 10, 2018, 10:00 A.M.**

1. CALL TO ORDER AND ROLL CALL:
2. APPROVAL OF MINUTES:
3. COMMUNICATIONS AND CORRESPONDENCE:
4. PUBLIC INPUT: (limited to five minutes for each person's input)
5. REPORTS:
 - A. TREASURER: (MURRAY)
 - B. WATER STORAGE FACILITIES/CONVEYANCE LOSS: (ACKER)
 - C. SAFETY COMMITTEE: (ACKER)
 - D. LEGAL COUNSEL: (EMRICK)
 - Pomo Lake Status.
 - E. DIRECTORS:
6. OLD BUSINESS:
 - A. DISCUSSION AND OR ACTION: FINANCING OPTIONS FOR FUTURE CAPITAL PROJECTS, WATER SOURCE DEVELOPMENT, AND UPDATE ON PROCURING AN ENGINEER'S ASSESSMENT FOR MASTER PLAN DEVELOPMENT. (EMRICK/ACKER)
 - B. DISCUSSION AND OR ACTION: UPDATE ON ROAD MAINTENANCE AGREEMENT AND CORRESPONDENCE REGARDING ROAD MAINTENANCE. (EMRICK/ACKER) *On hold as part of the on-going litigation.*
 - C. DISCUSSION AND OR ACTION: CONNECTION OF TANK 2 WELL. (ACKER) *On hold until after the litigation proceedings have been concluded.*
 - D. DISCUSSION AND OR ACTION: ENVIRONMENTAL PROTECTION AGENCY (EPA) INCIDENT ACTION CHECKLIST, RESEARCH AND PLAN OF ACTION. (DROLET/EMRICK/ACKER)
 - E. DISCUSSION AND OR ACTION: CALFIRE GRANT PROGRAM FOR POTENTIAL BRUSH AND TREE REMOVAL, ETC. FOR FIRE PROTECTION PURPOSES AND COORDINATION WITH REDWOOD COAST FIRE PROTECTION DISTRICT. (DROLET/ACKER/EMRICK).
7. NEW BUSINESS:
 - A. DISCUSSION AND OR ACTION: ACCEPT AND FILE AUDIT FOR FISCAL YEAR ENDING SEPTEMBER 30, 2016. COPY OF AUDIT ON WEBSITE IBWD.ORG. COPIES AVAILABLE AT BOARD MEETING.
 - B. DISCUSSION AND OR ACTION: APPROVE BUDGET FOR FISCAL YEAR ENDING SEPTEMBER 30, 2019, AND SET DATE FOR PUBLIC HEARING REGARDING PROPOSED INCREASE TO AVAILABILITY CHARGE. COPY OF DRAFT BUDGET ON WEBSITE IBWD.ORG. COPIES AVAILABLE AT BOARD MEETING.
8. EXECUTIVE (CLOSED) SESSION:
 - A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION: SUBDIVISION (A) OF CALIFORNIA GOVERNMENT CODE §54956.9: WILLIAM H. MOORES ET AL. V. IRISH BEACH WATER DISTRICT, MENDOCINO SUPERIOR COURT NO. SC-UK-CV-G-09-0054665-000.
 - B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (§54956.9) 2 CASES. IRISH BEACH IMPROVEMENT CLUB v. IRISH BEACH WATER DISTRICT; BEFORE THE STATE WATER RESOURCES CONTROL BOARD (FZ: A021901); AND, IRISH BEACH WATER DISTRICT v. IBIC, SWRCB, SAC SUP CT CASE 00239119.

RETURN TO OPEN SESSION AND REPORT.

ADJOURNMENT

ASSISTANCE WILL BE PROVIDED TO HANDICAPPED PERSONS WHO REQUIRE IT TO PARTICIPATE IN THE MEETING, PER GOVERNMENT CODE SECTION §549 PER CALIFORNIA 50-54963. PUBLIC RECORDS ARE AVAILABLE PER CALIFORNIA PUBLIC RECORDS ACT GOVT. CODE §6250-6276.48, UNLESS THEY ARE EXEMPT UNDER PUBLIC RECORDS.

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**APPROVAL OF MEETING MINUTES**

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September 8, 2018

IRISH BEACH WATER DISTRICT BOARD OF DIRECTORS
REGULAR MEETING MINUTES
September 8, 2018

1. **CALL TO ORDER AND ROLL CALL:** President Drolet called the Regular Meeting to order at 10:00 A.M. on Saturday, September 8, 2018, in the Rex Dunning Firehouse, 15401 Forest View Road. Roll call of directors in attendance were: President Drolet, Director McCormick, Director Reidenbach, and Director Ellison. Employees in attendance were: District General Manager Acker, Accountant/Clerk Murray, Clerk/Secretary Sackman, and District's Legal Counsel Emrick.
2. **APPROVAL OF MINUTES:** Director Ellison made a motion to approve the meeting minutes as submitted. The motion was seconded by Director McCormick. Roll call to vote: President Drolet, aye; Director McCormick, aye; Director Reidenbach, aye; and Director Ellison, Aye. Motion carried.
3. **COMMUNICATIONS AND CORRESPONDENCE:** A communication was received from Irish Beach property owner, Casey Dyson, requesting to be appointed to the IBWD vacant director position and also requesting a special election. Clerk/Accountant Murray discussed with the Board that a special election would have to be held during the next election period, which is August 2019, due to the expired time of 90 days from the date of the vacancy of the director position. Clerk/Accountant Murray informed the Board that she would communicate this information to Casey Dyson.

There were three additional communications regarding Pomo Lake status, which were moved to Public Input.

4. **PUBLIC INPUT:** A guest present at the Board meeting asked about an IBWD fire protection plan. Counsel Emrick and General Manager Acker stated: Mike Kaslin, former section chief for CalFire, has assessed the issue in question, and will present his study at the next IBWD Board meeting.

Regarding the Pomo Lake Status: IBWD President Wolfe presented a proposal to the IBWD Board and Counsel Emrick for discussion. After discussion, it was determined that the proposal would be further reviewed by the IBWD Board and Counsel Emrick for discussion and action at the next Board Meeting.

The three communications/correspondence received concerned the Pomo Lake status, which will be addressed in these meeting minutes and posted to the IBWD website.

5. **REPORTS:**

A. **TREASURER'S REPORT:**

Cash Balance: \$13,554
Operations Reserve: \$0.00
*Emergency Response Augmentation: \$37,475 (payment in 2017-2018)
<40 Year Reserve: \$0.00
System Wide Capital Improvement: \$0.00
>40 Year Equipment Reserve: \$193,827
Alternate Water Development Fund: \$412,284
Total Unrestricted Assets: \$670,303

Clerk/Accountant Murray reported the following:

All operating expenditures were normal for July to September 2018, and the Treasurer's report shows a recap of our balances. The IBWD Budget Committee has a vacancy that needs to be filled in order to put together a budget for the coming fiscal year. President Drolet volunteered to fill the Budget Committee vacancy. Clerk/Accountant Murray stated that a motion needed to be made to adopt last year's 2017-2018 budget as the proposed budget for fiscal year 2018-2019. She further explained that the budget is the legal framework that the Board approves to allow expenditures to be made for operation of the District such as payroll, utilities, plant operation, etc. Without a budget the District has no pending authority to continue to provide fiscal operation of the District. Therefore, by approving last year's budget as this year's proposed budget, the District can continue day to day operations until the final budget is approved in November 2018. The Budget Committee will bring the final budget for approval at the next Board meeting. Director Reidenbach made a motion to adopt the proposed budget for Fiscal Year 2018-2019. The motion was seconded by President Drolet. Roll call to vote: President Drolet, aye; Director McCormick, aye; Director Ellison, aye; and Director Reidenbach, aye. Motion carried.

Clerk/Account Murray reported that there was nothing out of the ordinary for the Checks Issued Report. After reviewing the Checks Issued Report President Drolet made a motion to approve the Cash Statement Report for September 2018 and the Checks Issued Report for the period of July 4 through September 8, 2018. The motion was seconded by Director McCormick. Roll call to vote: President Drolet, aye; Director Ellison, aye; Director McCormick, aye; and Director Reidenbach, aye. Motion carried

A guest in the audience questioned Clerk/Accountant Murray regarding audits on the website. Clerk/Accountant Murray stated that the audit for Fiscal Year 2015-2016 will be published on the website by the following week. The Fiscal Year 2016-2017 audit is in progress at the CPA's office, which will bring the audits up to date.

B. WATER/STORAGE FACILITIES/CONVEYANCE LOSS: General Manager Acker reported the following for July, August, and September 2018:

- July: Repaired water leak at an Alta Mesa location, installed Tank 4 valve riser, assessed leak at Mallo Pass Court, processed monthly report, processed LT-2 water sample tests, conducted tree trimming, corrected power outage, completed backwash, and conducted tank and well checks.
- August: Repaired water leak and replaced riser located at Mallo Pass Court, conducted a refill at Mallo Pass Court, processed monthly reports, processed LT-2 water sample tests, completed water leak at Mallo Pass Court location, processed backwashes, processed systems check, assessed a connection at Acquistapace Street location, attended safety meeting, met with AT&T- USA at Acquistapace Street location, attended special meeting regarding Pomo Lake, conducted weed cutting, and contacted by locator at Acquistapace Street location.
- September: Repaired water leak at Cypress Point location, processed LT-2 water sample tests, prepared for IBWD Board meeting, and attended IBWD Board meeting. Discussed with the Board at the IBWD Board meeting the following: replacement of water meters with more efficient electronic water meters, completion of a survey to determine which Irish Beach community properties should have back flow systems installed, installing upgraded computer software for water systems' monitoring and the alarm system, and Alta Mesa Road patch repair.

C. SAFETY COMMITTEE: General Manager Acker reported the attendance and completion of written tests by employees at the following Safety Committee Meeting:

August 28, 2018: “Ergonomics”

Attendees: General Manager Acker, Treatment Plant Operator Rogers, Maintenance Employee DeVaul.

D. LEGAL COUNSEL: Counsel Emrick stated the following: The Pomo Lake status was discussed under Public Input at the present meeting. The Board will discuss the IBWD proposal with Counsel Emrick, and proceed with further discussion and action at the next Board meeting.

E. DIRECTORS: Special Election: This item will be further discussed at the next Board meeting.

6. OLD BUSINESS:

A. DISCUSSION AND OR ACTION: FINANCING OPTIONS FOR FUTURE CAPITAL PROJECTS, WATER SOURCE DEVELOPMENT, AND UPDATE ON PROCURING AN ENGINEER’S ASSESSMENT FOR MASTER PLAN DEVELOPMENT. (EMRICK/ACKER).

Counsel Emrick and General Manager Acker have contacted engineering firms, and will have those firms’ proposals presented to the Board at the next meeting.

B. DISCUSSION AND OR ACTION: UPDATE ON ROAD MAINTENANCE AGREEMENT AND CORRESPONDENCE REGARDING ROAD MAINTENANCE.(EMRICK/ACKER). On hold as part of on-going litigation.

C. DISCUSSION AND OR ACTION: CONNECTION OF TANK 2 WELL. (ACKER). On hold until after the litigation proceedings have been concluded.

D. DISCUSSION AND OR ACTION: ENVIRONMENTAL PROTECTION AGENCY (EPA) INCIDENT ACTION CHECKLIST, RESEARCH AND PLAN OF ACTION. (DROLET/ACKER/EMRICK). Counsel Emrick stated that Mike Kaslin, former section chief for CalFire, has been delayed due to recent wildfires, and is scheduled to present his study at the next Board meeting for IBWD’s needs for wild fire protection. An initial expense for a report of the study findings are not to exceed \$5,000.

E. DISCUSSION AND OR ACTION: CALFIRE GRANT PROGRAM FOR POTENTIAL BRUSH AND TREE REMOVAL, ETC. FOR FIRE PROTECTION PURPOSES AND COORDINATION WITH REDWOOD COAST FIRE PROTECTION DISTRICT. (DROLET/ACKER/EMRICK). Counsel Emrick stated that this item was addressed in Agenda Item 6.D. President Drolet stated: there will be further discussion with CalFire after Mike Kaslin’s study has been reviewed by the Board.

7. NEW BUSINESS: None

ADJOURNMENT: President Drolet moved to adjourn the public session of the board meeting at 11:08 A.M. and the Executive Session convened at 11:10 A.M.

8. EXECUTIVE (CLOSED) SESSION: No reportable action was taken.

CONVENED EXECUTIVE SESSION:

- A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION: SUBDIVISION (A) OF CALIFORNIA GOVERNMENT CODE §54956.9: WILLIAM H. MOORES ET AL. V. IRISH BEACH WATER DISTRICT, MENDOCINO SUPERIOR COURT NO. SC-UK-CV-G-09-0054665-000.
- B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED/POTENTIAL LITIGATION: SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO PARAGRAPHS (2) OR (3) OF SUBDIVISION (D) OF SECTION 54956.9: (1 POTENTIAL CASE).

RETURNED TO OPEN SESSION AND REPORT:

President Drolet closed the executive session and reconvened the open (public) session of the IBWD at 11:25 A.M. and stated that there were no reportable actions to report regarding existing litigation. President Drolet moved to adjourn the board meeting. Director McCormick seconded the motion. Roll call to vote: President Drolet, aye; Director McCormick, aye; Director Ellison, aye; and Director Reidenbach, aye. Motion carried. Meeting adjourned at 11:29 A.M. The next board meeting will be scheduled for Saturday, November 10, 2018.

Respectfully submitted:

Attest:

Leon Drolet, President

Jan McCormick, Secretary of the Board

Date: _____

Date: _____

Prepared by: Connie Sackman, Clerk/Secretary



COMMUNICATIONS & CORRESPONDENCE





Treasurer

Water/Storage Facilities/Conveyance/Loss

Safety Committee

Legal Counsel

Directors





Treasurer's Report:
Cash Statement, Current Checks Issued



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**Water/Storage Facilities/Conveyance/Loss**

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SAFETY COMMITTEE



SAFETY COMMITTEE: General Manager Acker reported the attendance and completion of written tests by employees at the following Safety Committee Meeting:

October 2, 2018: “Fire Safety”

Attendees: General Manager Acker, Treatment Plant Operator Rogers, Maintenance Employee DeVaul, and Clerk/Accountant Murray.



LEGAL COUNSEL



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## DIRECTORS

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OLD BUSINESS 6. A.



**A. FINANCING OPTIONS FOR FUTURE CAPITAL PROJECTS,
WATERSOURCE DEVELOPMENT, AND UPDATE ON
PROCURING AN ENGINEER'S ASSESSMENT FOR MASTER
PLAN DEVELOPMENT. (ACKER/EMRICK)**



OLD BUSINESS 6. B.



**B. UPDATE ON ROAD MAINTENANCE ISSUES AND
CORRESPONDENCE REGARDING ROAD MAINTENANCE.
(EMRICK/ACKER) *On hold as part of the on-going litigation.***



OLD BUSINESS 6. C.



**C. CONNECTION OF TANK 2 WELL. (ACKER) *On hold until
after the litigation proceedings have been concluded.***


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**OLD BUSINESS 6. D., E. AND F.**  
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D. ENVIRONMENTAL PROTECTION AGENCY (EPA) INCIDENT ACTION CHECKLIST, RESEARCH AND PLAN OF ACTION. (DROLET/ACKER/EMRICK)

E. POMO LAKE STATUS: MAINTENANCE ISSUES, RESPONSIBILITIES FOR LAKE AND DAM, AND AD HOC COMMITTEE FINDINGS. (REIDENBACH/ELLISON/MCCORMICK/DROLET/EMRICK/ACKER)

F. CALFIRE GRANT PROGRAM FOR POTENTIAL BRUSH AND TREE REMOVAL, ETC. FOR FIRE PROTECTION PURPOSES AND COORDINATION WITH REDWOOD COAST FIRE PROTECTION DISTRICT. (DROLET/ACKER/EMRICK)

MEMORANDUM OF UNDERSTANDING

WHEREAS, Irish Beach Water District (IBWD) and Redwood Coast Fire Protection District (Redwood Coast) have come together to collaborate (Partners) and to make an application for a California Fire Foundation Grant; and

WHEREAS, the partners have agreed to enter into a collaborative agreement in which IBWD will be the lead agency in preparing the grant application and Redwood Coast will be the named applicant

WHEREAS, the partners herein desire to obtain and share in grant funds related to fire protection purposes and education; and

WHEREAS, the application prepared and approved by the collaborative process through its partners is to be submitted to the California Fire Foundation by or before **June 15, 2018**;

NOW, THEREFORE, it is hereby agreed by and between the partners as follows:

- 1) IBWD will prepare the application and provide necessary information needed to apply for the loan in cooperation with Redwood Coast:
- 2) Redwood Coast will be specified as the lead agency on the application in part because the application information indicates that grants will be made to fire departments and IBWD no longer provides direct fire prevention services;
- 3) Grant proceeds will go to Redwood Coast with the express understanding that % of such proceeds shall be expended on fire prevention projects to be implemented by IBWD such as brush and tree removal, installation of additional hydrants, and education relating to wildfire preparedness within IBWD.
- 4) The partners agree to cooperate in making the loan application and shall apportion the any Grant proceeds as provided in the Memorandum of Understanding.

DATED: _____, 2018

IRISH BEACH WATER DISTRICT

By: _____

Name:

Its:

Date: _____

Attest: _____

Secretary to the Board

REDWOOD COAST FIRE PROTECTION DISTRICT

By: _____

Name:

Its:

Date: _____

Attest: _____

Secretary to the Board



NEW BUSINESS 7. A. AND B.



A. DISCUSSION AND OR ACTION: ACCEPT AND FILE AUDIT FOR FISCAL YEAR ENDING SEPTEMBER 30, 2016. COPY OF AUDIT ON WEBSITE IBWD.ORG. COPIES AVAILABLE AT BOARD MEETING.

B. DISCUSSION DATE FOR PUBLIC HEARING REGARDING PROPOSED INCREASE TO AVAILABILITY CHARGE. COPY AND OR ACTION: APPROVE BUDGET FOR FISCAL YEAR ENDING SEPTEMBER 30, 2019, AND SET OF DRAFT BUDGET ON WEBSITE IBWD.ORG. COPIES AVAILABLE AT BOARD MEETING.



EXECUTIVE (CLOSED) SESSION 8 A, B, C, & D



- A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
CALIFORNIA GOVERNMENT CODE §54956.9: 2 CASES. IRISH BEACH
IMPROVEMENT CLUB v. IRISH BEACH WATER DISTRICT; BEFORE THE
STATE WATER RESOURCES CONTROL BOARD CODE FZ: A021901;
AND IRISH BEACH WATER DISTRICT v. IRISH BEACH IMPROVEMENT
CLUB (IBIC), AND STATE WATER RESOURCES CONTROL BOARD
(SWRCB), SACRAMENTO SUPERIOR COURT CASE 00239119.**

- B. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION
PURSUANT TO CALIFORNIA GOVERNMENT CODE §54956.9: (1
POTENTIALCASE)**

- C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:
SUBDIVISION (A) OF CALIFORNIA GOVERNMENT CODE §54956.9:
H. MOORES ET AL. V. IRISH BEACH WATER DISTRICT,
MENDOCINO SUPERIOR COURT NO. SC-UK-CV-G-09-0054665-000.**

- D. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED/POTENTIAL
LITIGATION: SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT
TO PARAGRAPH (2) OR (3) OF SUBDIVISION (D) OF SECTION
54956.9 (1 POTENTIAL CASE).**