



Irish Beach Water District

Meeting Packet

September 8, 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, September 8, 2018, 10: 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:
 - Special Election – consideration of need for potential special election.
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. POMO LAKE STATUS: MAINTENANCE ISSUES, RESPONSIBILITIES FOR LAKE AND DAM, AND AD HOC COMMITTEE FINDINGS. (REIDENBACH/ELLISON/MCCORMICK/DROLET/EMRICK/ACKER)
 - F. 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: NONE.
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 §54956.9 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.



APPROVAL OF MEETING MINUTES



July 14, 2018

IRISH BEACH WATER DISTRICT BOARD OF DIRECTORS
REGULAR MEETING MINUTES
July 14, 2018

- 1. CALL TO ORDER AND ROLL CALL:** President Drolet called the Regular Meeting to order at 10:01 A.M. on Saturday, July 14, 2018, in the Rex Dunning Firehouse, 15401 Forest View Road. Roll call of directors in attendance were: President Drolet, Director McCormick, and Director Reidenbach. Director Ellison was absent. Employees in attendance were: District General Manager Acker, Accountant/Clerk Murray, Clerk/Secretary Sackman, and District's Legal Counsel Emrick..

President Drolet made a motion to close the Open Session at 10:02 A.M. and open the Closed Session. Motion seconded by Director McCormick. Roll call to vote: President Drolet, aye; Director McCormick, aye; and Director Reidenbach, aye. Motion carried.

President Drolet made a motion to close the Closed Session at 10:21 A.M. and open the Open Session. Motion seconded by Director Reidenbach. Roll call to vote: President Drolet, aye; Director McCormick, aye; and Director Reidenbach, aye. Motion carried.

President Drolet made a motion to move Item Old Business 6.E. to the beginning of the meeting. Motion seconded by Director Reidenbach. Roll call to vote: President Drolet, aye; Director McCormick, aye; and Director Reidenbach, aye. Motion carried.

6. OLD BUSINESS.

E. DISCUSSION AND OR ACTION: POMO LAKE STATUS. MAINTENANCE ISSUES, RESPONSIBILITIES FOR LAKE AND DAM, AND AD HOC COMMITTEE FINDINGS. (REIDENBACH/ELLISON/DROLET/EMRICK/ACKER). The IBWD Board and IBIC President Wolfe and IBIC Director Robards discussed Pomo Lake with regard to maintenance issues and responsibilities for the lake and dam. It was decided that Legal Counsel Emrick would draft a proposal to be presented to the IBIC Board by Director McCormick at IBIC's Board Meeting on July 28, 2018. After IBIC has review the proposal, IBWD will discuss any issues raised by the IBIC Board, and have a goal for the proposal's completion by IBWD's November Board Meeting.

- 2. APPROVAL OF MINUTES:** President Drolet made a motion to approve the meeting minutes as submitted. The motion was seconded by Director Reidenbach. Roll call to vote: President Drolet, aye; Director McCormick, aye; and Director Reidenbach, aye. Motion carried.
- 3. COMMUNICATIONS AND CORRESPONDENCE:** Legal Counsel Emrick advised the Board that William Moores' attorney will submit a written request asking the IBWD Board to consider signing an agreement to stay issues regarding the road maintenance agreement. Legal Counsel Emrick will forward the attorney's written request to the Board for the next Board Meeting's discussion.
- 4. PUBLIC INPUT:** None.

5. REPORTS:

A. TREASURER'S REPORT:

Cash Balance: \$14,515

Operations Reserve: \$0.00

*Emergency Response Augmentation: \$34,622 (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: \$665,974

Accountant/Clerk Murray reported the following:

All operating expenditures were normal for May to July 2018, and the Treasurer's report shows a recap of our balances. A list of checks issued shows: A check for Kemper Enterprises, IBWD's new water reporting vendor, is higher due to the extra testing required. A check for Downey/Brand is for appellate services, and represents four months of service fees. Director McCormick made a motion to approve the Treasurer's Report for May through July, 2018, and the list of checks issued for May 18, 2018 through July 14, 2018. The motion was seconded by Director Reidenbach. Roll call to vote: President Drolet, aye; Director McCormick, aye; and Director Reidenbach, aye. Motion carried.

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

May: Prepared for the annual report, due June 1st, conducted backwashes, completed annual reports, repaired fences, and processed LT-2 water sample tests.

June: Attended the Redwood Coast Fire District meeting to discuss fire protection grants, processed sampling taps, mowed designated areas, processed chlorine delivery, noted high usage at Tank 4, processed filling Tank 4, processed LT-2 water sample tests, checked water loss at Tank 4 and tested for leak, retested for Tank 4 water leak, rechecked water loss at Tank 4, determined source of leak at outlet valve, processed upper diversion water tests for LT-2 and W5, and completed consumer confidence report and notice regarding prohibited Roundup usage within the Irish Beach Community.

July: Dug out Tank 4 drain valve, removed roots from stuck riser pipe, attended safety meeting, processed LT-2 water sample testing, Treatment Plant Operator Rogers discovered the source of the leak for Tank 4 and prepared for repair, and prepared for and attended board meeting.

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

July 6, 2018: "Emergency Action Plan" and "Housekeeping Safety"

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

D. LEGAL COUNSEL: Counsel Emrick discussed the on-going litigation schedule with the Board of Directors.

E. DIRECTORS: The following information was provided by the IBWD Board of Directors: The Irish Beach Water District has a vacancy due to the resignation of Director Harley. As this Board vacancy has been longer

than 90 days since Mr. Harley's resignation, the County Board of Supervisors must appoint a candidate to fill this vacancy; therefore, the Irish Beach Water District requests the appointment of Kenneth Terry to fill this vacancy. Clerk/Accountant Murray is directed by the Board to file the necessary papers to facilitate this appointment with the County Elections Department.

President Drolet and General Manager Acker discussed with the Board the NEST supplies stored in IBWD's fire house. General Manager Acker stated that the Elk Water District has a system and location for storing emergency supplies. It was concluded by the Board that General Manager Acker will coordinate with NEST and the Elk Water District for the transfer of NEST emergency supplies to the Elk Water District's location.

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 stated this is on hold, as he and General Manager Acker are in the process of contacting engineers to obtain bids from them. Counsel Emrick and General Manager Acker will have an update 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).** After the Board's discussion, President Drolet made a motion to have Mike Kaslin, former section chief for Cal Fire, do a study for IBWD's needs for wild fire protection with an initial expense for a report of the study findings not to exceed \$5,000, with an expected completion date by September's Board Meeting. Roll call to vote: President Drolet, aye; Director McCormick, aye; and Director Reidenbach, aye. Motion carried
- F. DISCUSSION AND OR ACTION: IBWD'S HERBICIDE POLICY: (ACKER).** General Manager Acker reported to the Board, in accordance with the Water District's Resolution No. 95-4, that a notice restricting the use of Roundup within the Irish Beach Community will be an attachment to the next billing statements.
- G. 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).** General Manager Acker discussed with the Board the joining with other fire districts within Mendocino County to assist in applying for larger grants. This topic will be discussed further at the next board meeting.

7. NEW BUSINESS: None

ADJOURNMENT: President Drolet moved to adjourn the public session of the board meeting at 12:00 P.M. and the Executive Session convened at 12:02 P.M.

CONVENED EXECUTIVE SESSION:

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

- 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 12:10 P.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; and Director Reidenbach, aye. Motion carried. Meeting adjourned at 12:12 P.M. The next board meeting will be scheduled for Saturday, September 8, 2018.

Respectfully submitted:

Attest:

Leon Drolet, President

Jan McCormick, Secretary of the Board

Date: _____

Date: _____

Prepared by: Connie Sackman, Clerk/Secretary



COMMUNICATIONS & CORRESPONDENCE





Connie Sackman <czsackman18@gmail.com>

email for "communications" in meeting packet

1 message

jmurray@mcn.org <jmurray@mcn.org>
To: czsackman18@gmail.com

Mon, Sep 3, 2018 at 7:29 PM

Original Message

Subject: Re: Vacant Water District Board Position
From: jmurray@mcn.org
Date: Wed, August 29, 2018 9:34 am
To: "Casey Dyson" <caseydyson1@icloud.com>

>Casey, I contacted the County Elections office for procedures for appointing. They also informed me I was mistaken in thinking County Board could appoint a candidate. I will also contact our attorney for advice on special election.

We have written letters attached to water bills, put notices on water invoices, posted notices on kiosks. It has been a challenge to fill vacant seats on Board. I appreciate your enthusiasm and desire to serve on our board.

Ken Terry approached a current member of board some time ago. He attended a meeting, introduced himself, and Board instructed staff to seek instruction from County elections office.

Thank you for your determination to become member of Board. It is most refreshing to see your interest.

I will write back when attorney instructs me on possibility of special election.

Thank you,

Judy Murray, Clerk/Accountant

Hello Judy -

- >
- > Please see attached government code 1780.
- >
- > According to Section 1780((g)(1) If the Board fails to appoint a vacancy
- > replacement within 90 days of the effective date of the vacancy then the
- > District has to conduct an election to fill the seat. IBWD did fail to
- > appoint within 90 days so an election must take place. In addition, there
- > are two parties interested in serving which obligates the Board to conduct
- > an election.
- >
- >
- >
- > Did the Water District send out any emails or letters directly to the
- > owners in Irish Beach inquiring if anyone would like to serve on the
- > Board? I did not receive notice.
- >
- > Did Ken Terry ask to serve on the Board? If so, please email Ken Terry's
- > letter of expressed interest. If it wasn't that Ken Terry contacted the

> Board to serve but instead, the Board contacted Ken asking him to serve,
> please email the correspondence to me as well. I would also like you to
> email the official filing documents for Ken Terry to fill the Board
> position.

>
> As I have said, I would like the opportunity to serve on the Board at this
> time. I am asking for the immediate commitment of the Board to hold an
> election.

>
> I appreciate your prompt response in this matter.

>
> Best -

> Casey Dyson

>

>

>

>

>

> On Aug 28, 2018, at 2:16 PM, jmurray@mcn.org wrote:

>

>>> Casey,

>> The special meeting for Thursday was called so the Board can adjourn into
>> closed session not open to the public so that they can communicate with
>> our attorney regarding a lawsuit or potential lawsuit. No other
>> business

>> will be discussed. Special meetings only require 24 hour notice.

>>

>> The election or appointment of board members is conducted under the
>> state election laws. We follow instruction from the Mendocino County
>> Elections Office. The County Office of Elections has instructed us that
>> when a vacancy occurs the local district board can appoint a candidate
>> to the vacant position if the position has not been vacant for more than
>> 90 days. This position has been vacant for more than 90 days;
>> therefore, according to election law the County Board of Supervisors
>> must appoint a candidate in lieu of the local board. At last meeting
>> the board instructed staff to pursue that appointment with the County
>> Board.

>>

>> I will seek advice from the Elections Office regarding your request. I
>> will let you know what they advise.

>>

>> Thank you for your interest.

>>

>> Judy Murray, Accountant/Clerk

>>

>>

>>

>>

>>

>>

>> Hello Judy -

>>>

>>> I would like to serve on the Water District Board in this vacant
>>> position.

>>> Is the position filled only by appointment by the Board? Is there not a
>>> vote if there is someone else interested? I looked on the Water
>>> District

>>> website and do not see any rules made available to read on this. Do you
>>> have them? If so, can you please send them to me right away?

>>>

>>> I also heard there is a special Executive only Board meeting that has
>>> been

>>> called two days from now. The notice about that was just sent out
>>> yesterday. Is the Water Board planning to appoint Ken Terry in two days
>>> instead of Sept 8th or 9th when all the public can attend?

9/3/2018

Gmail - email for "communications" in meeting packet

>>>

>>> Again, I would like to serve on the Board in the open position and
>>> would
>>> like an opportunity to do so. I would appreciate your prompt response
>>> so
>>> that I know next steps.

>>>

>>> Best -

>>>

>>> Casey Dyson

>>>

>>> On Aug 27, 2018, at 10:18 AM, jmurray@mcn.org wrote:

>>>

>>>> Casey,

>>>> Thank you so much for your desire to serve on the Water District
>>>> Board.

>>>> You are correct. We do have a vacant Board position. However, at our
>>>> last meeting the Board directed staff to file the necessary papers
>>>> with

>>>> the County to appoint Ken Terry to the vacant position. This
>>>> appointment

>>>> will be made at next meeting. Should Ken for some reason not be able
>>>> to

>>>> accept this appointment, the Board would be happy to pursue your
>>>> request

>>>> to seek appointment.

>>>>

>>>> Thank you for your interest.

>>>>

>>>> Judy Murray, Accountant/Clerk

>>>> 707-900-1104

>>>>

>>>>

>>>>

>>>>

>>>> Hello Judy -

>>>>>

>>>>> I would like to serve on the vacant Water District Board position. I
>>>>> have

>>>>> been a property owner in Irish Beach for over 20 years.

>>>>>

>>>>> I would like to begin serving September 8th if possible and attend
>>>>> the

>>>>> Water District meeting that day.

>>>>>

>>>>> Please let me know the next step.

>>>>>

>>>>> Best -

>>>>>

>>>>> Casey Dyson

>>>>> 253-307-8810

>>

>>

>



Treasurer

Water/Storage Facilities/Conveyance/Loss

Safety Committee

Legal Counsel

Directors





Treasurer's Report:
Cash Statement, Current Checks Issued





Water/Storage Facilities/Conveyance/Loss





SAFETY COMMITTEE



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.



LEGAL COUNSEL



Memorandum

Aug 31, 2018

To: Board Member, Irish Beach Water District

From: Matthew Emrick, General Counsel

Re: Water License for Pomo Lake

The purpose of this memorandum is to provide some general background information about the action filed by the Irish Beach Improvement Club (“IBIC”) with the State Water Resources Control Board (“SWRCB”). IBIC’s action seeks to gain ownership of the District’s License for Pomo Lake (“License”), which has been owned by the District for more than 40 years. Below is a brief discussion of the importance of having the Water District retain ownership of the license, because of its benefits to the Water District, IBIC and the Community.

1. The License at issue provides an important public benefit in the form of a water supply for fire protection purposes for the entire Irish Beach community as well as adjacent areas. There are many important reasons why the Water District is the owner of the License and why the Water District should remain the owner of the License including

-Public Safety and Public Benefit. Given the changing nature of wildfires in California, and given the fact that IBIC recently informed the Water District that it does not have adequate funding for capital improvements to the dam and lake (and no mechanism to properly raise such funding), the Water District sees this as a critical public safety issue, the Water District has a variety of mechanisms available to it to raise proper funding for Capital Improvements and Capital Replacements for the Dam and Pomo Lake.

Many of these funding mechanisms are not available to IBIC because it is a private non-profit club.

-Grants: The Water District has the ability (with priority in certain cases as a public agency) to obtain grant funding for fire protection related purposes, which in fact the Water District is currently involved in obtaining. The Water District is in the process of preparing a wildfire protection plan that will include protecting the Water District’s water supply sources for fire protection.

-Protection from Financial Liability: One of the benefits of having the Irish Beach Water District retaining ownership of the License is that the community is better protected from potential financial liabilities

resulting from certain unforeseen events. The Water District is a public agency, and as such, has immunities from certain issues under the law, which better protects the community from certain potential financial liabilities.

-The Water District serves all community members: The Water District serves the entire community not just members of IBIC. All residents of the Water District are the beneficial owners of the License, which is held in trust for the entire community by the Water District. All residents of the Water District are eligible to attend the Water District's meetings, obtain public documents, run for office, and to have public input into the decision-making process.

-IBIC as a private club is likely prohibited from owning the License: IBIC is likely prevented from owning any diversionary water right in the Water District's service territory by a multitude of state and local laws and public dedications including but not limited to the anti-duplication of services statutes. This is true whether the SWRCB finds IBIC to be the owner of the License or not. For example, as a general rule, water for public fire protection purposes must be provided by either a public agency or a public utility - in part to ensure proper funding is available to safeguard public safety. IBIC is a nonprofit mutual benefit corporation and not a public agency or a public utility.

2. The Water District attempted for several months to work with IBIC on Pomo Lake issues including during several open public meetings. The Water District made several proposals to resolve certain issues, and IBIC rejected these proposals contending that the only outcome IBIC would consider was ownership of the License by IBIC. The Water District was in fact still attempting to negotiate a possible resolution in July 2018, when IBIC filed its action with the SWRCB.

3. IBIC filed its action with the SWRCB without providing any notice to the Water District. To this day, IBIC has not provided the Water District with any of the specific information IBIC provided to the SWRCB.

4. Upon finally learning of IBIC's action to gain ownership of the Water District's License, the Water District asked IBIC to withdraw the matter from the SWRCB, but IBIC refused. Given the importance that the License remain with the Water District for the benefit and safety of the community, and given IBIC's refusal to withdraw its action, the Water District had little choice but to file its own action in Sacramento Superior Court to defend the Water District's ownership of its License for the benefit of the entire Irish Beach community.

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**DIRECTORS**

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OLD BUSINESS 6. A.

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





OLD BUSINESS 6. 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.

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





OLD BUSINESS 6. D., E., AND F.

- 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



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).**