

**IRISH BEACH WATER DISTRICT BOARD OF DIRECTORS**  
**REGULAR MEETING MINUTES**  
**REX DUNNING FIREHOUSE, 15401 FOREST VIEW ROAD, MANCHESTER, CA 95459**  
**Saturday, November 12, 2022, 10:00 A.M. (ZOOM AND IN-PERSON)**

**CALL TO ORDER AND ROLL CALL:** President Terry called the regular meeting of the Irish Beach Water District Board Meeting to order at 10:00am. Roll call of Directors in attendance: Direct Regan attended via Zoom; Directors attending in person were Director Terry, Director Dyson, Director Israel, and Director Hackett. Staff attending via Zoom: District Counsel Emerick and Accounting Manager Murray. Staff attending in person General Manager Acker and Plant Operator Dial.

**PUBLIC INPUT:** President Terry made a public statement tendering his resignation from the Board of Directors effective at the close of the regular January Board meeting. President Terry opened the floor to the public for discussion. A member of the public, Joe Ellison, thanked Director Terry for his service to the community.

**OLD BUSINESS:**

- A. **DISCUSSION AND OR ACTION: Recommendation from the Proposition 218 Committee – Withdraw the request for proposals issued September 26, 2022 and re-announce as soon as possible with an updated implementation plan.** Director Dyson reported that during the proposal evaluation process, the Committee discovered a communications issue that requires the District to withdraw the RFP issued on September 26<sup>th</sup> and announce an updated RFP. After review and discussion of the material in the meeting packet, Director Hackett made a motion to amend the composition of the Proposition 218 Committee to include Director Hackett, Director Dyson, and General Manager Acker. Director Israel seconded the motion. Roll call vote: Director Israel aye, Director Hackett aye, Director Regan aye, Director Dyson aye, and Director Terry no. Motion passed. Director Hackett made a motion to approve the proposed modification to the RFP submission details and the project timeline. Director Dyson seconded the motion. Motion unanimously approved. Director Hackett made a motion to direct staff to remove the 9/26/22 version of the RFP and the 2021 Bartle Wells engineering report from the district web site. Director Israel seconded. The motion passed unanimously.
- B. **DISCUSSION AND OR ACTION: Proposition 218 Communication and Outreach Sub-Committee Implementation Plan.** Director Hackett noted that the meeting packet includes the wrong version of the implementation plan and should indicate that the Sub-committee has two community volunteers: Ken Weston and Jerry Bradbury; however, other members of the community are encouraged to join the group. Director Hackett explained that the Sub-committee will follow the Customer Communications and Social Media Use policy, which will be covered later in the agenda. Director Regan explained the benefits of starting District Meta Facebook and Instagram accounts and noted that each platform appeals to a different segment of the Irish Beach community. She explained that the accounts will be linked, which will make the launch and maintenance relatively simple.
- C. **DISCUSSION AND OR ACTION: Small Community Drought Relief Grant Administration & Oversight.** General Manager Acker reported that the Tank 2 roof replacement was ordered and should be delivered soon. He stated that the largely fire-resistant structure that protects the well equipment was finished. General Manager Acker explained that a similar structure that will be used for water treatment was also completed, as well as approximately 3000 feet of the road grading and trenching necessary for both safety and getting the material for the project up the hill. General Manager Acker stated that the hydrologist who tested Well 2 when it was drilled in 2008 reported a flow of 23 gallons per minute, which would generate sufficient water for the entire development as built out at this point. Director Israel asked if the hydrology report would need to be updated, and general Manager Acker indicated that no update will be required; however, the District will have to complete a water test before the well is licensed for production. General Manager Acker indicated that once PG&E connects the electrical to the pole, the work to lay conduit for electrical and water can start. A member of the public, Colin Morrow representing William and Tona Moores, noted a concern that the work described by General Manager Acker is probably inconsistent with Section 2

of the stipulation of partial judgment that was entered in February 2016, particularly as it pertains to undergrounding a secondary power line as opposed to a primary power line. Director Israel thanked Mr. Morrow for his comment. Accounting Manager Murray reported on the financial status of the DWR Grant and indicated that reimbursement for the first invoice of \$106,000 less retention was received at the end of October, the second invoice was submitted in mid-October, and a third invoice will be submitted in December 2022. Director Hackett discussed the quarterly status report included in the meeting packet. Director Dyson requested clarification regarding the owner of the land where the electrical will be run as well as primary versus secondary power sources. General Manager Acker explained that the parcel is owned by Mr. Gordon Moores with an easement owned by the District. He noted that prior to installing the electrical for Well 2, he will discuss placement with Gordon Moores. General Manager Acker and Plant Operator Dial reported that PG&E has stated that they will install primary electrical and a meter to the pole but will go no further up the road. Director Dyson clarified that he wants to ensure that Gordon Moores has sufficient space to trench for primary electrical if he develops the property. Director Israel explained that she asked similar questions regarding placement, and she is satisfied that there is sufficient room on the North side of the road for separate trenches for water and electrical while still leaving sufficient space for future electrical installation. The Board thanked General Manager Acker and Accounting Manager Murray for their work on Grant projects and concluded discussion of the topic.

- D. **DISCUSSION AND OR ACTION: Continued from 9/17/2022 board meeting item 7C to consider the need for a position to assist General Manager Acker with operation reports and an operation manual.** General Manager Acker reported that the main staffing need is operator training, which includes a variety of responsibilities and reporting to State regulators. He noted that he has already hired two individuals for the training program and will report back to the Board after their probationary period regarding the need for additional staff or another position. General Manager Acker explained that Rio Russell, has the necessary licenses and can assist with running the district when needed. President Terry asked about Mr. Russell's availability, and General Manager Acker clarified that he runs several small systems near Mendocino and is the main operator for Elk but is in training to complete reporting for Irish Beach as well. Director Hackett asked which job descriptions were used to hire the two individuals currently in operator training, and General Manager Acker indicated that he would elaborate during his Operations Report.

At 11:06am Director Regan announced that she had to leave the meeting for a previously scheduled event. President Terry excused her from the remainder of the meeting.

- E. **DISCUSSION AND OR ACTION: Fiscal Year 2022-23 Final Budget.** Accounting Manager Murray explained that the proposed 2022-2023 budget included in the meeting packet remains the same since no action was directed at the last meeting. Director Hackett noted that the District's budget formulation process calls for a meeting of the Finance Committee prior to the adoption of the annual budget. Since the Committee has not met, she suggested that the Committee meet to complete an analysis of actual costs versus budget estimates over the last three years, with particular attention to labor costs, which have been overestimated in recent years. Director Hackett and Director Dyson suggested that the Committee consider separate line items for the labor costs for permanent employees and temporary employees (extra help) so that the Board and General Manager have a clear picture of the budget available for hiring. Finally, Director Hackett suggested that the Finance Committee review the allocation of costs to usage fees and availability charges, as well as the spreadsheet currently used in the budget formulation process. Director Hackett made a motion to continue the agenda item to the January meeting so that the Finance Committee can complete a thorough analysis before bringing the FY2022 / 2023 budget to the Board. Director Israel seconded. Roll call vote: President Terry aye, Director Israel aye, Director Hackett aye, Director Dyson aye, Director Regan absent. Motion passed with a quorum.

**President Terry called for a 10-minute break.** President Terry called the regular meeting back to order. Directors in attendance Director Dyson, Director Hackett, Director Israel, President Terry, Director Regan absent from the meeting, constituting a quorum.

#### **NEW BUSINESS:**

- A. DISCUSSION AND OR ACTION: Adopt Policy 3096, Customer Communications and Social Media Use.** Director Hackett noted that the wrong version of the policy was included in the meeting packet. She noted that items 3096.2.4, 3096.3.2, 3096.4, 3096.4.1 and 3096.4.2 should read "the General Manager and/or the Secretary of the Board." After discussion, Director Hackett made a motion to adopt IBWD Policy 3096 with the minor changes discussed. Director Israel seconded. President Terry voiced a concern over the staff maintaining the new social media sites and suggested that the Policy be reviewed at the September 2022 Board meeting. Director Hackett agreed with President Terry. President Terry called for a vote. Roll call vote: Director Hackett aye, Director Dyson aye, President Terry aye, Director Israel aye, Director Regan absent. Motion passed with a quorum.
- B. DISCUSSION AND OR ACTION: Revise Policy 4040.40 Board Treasurer – Treasurer of Board.** President Terry made a motion to table the item to the next meeting. Motion failed due to lack of a second. After discussion, Director Hackett made motion to continue consideration of Policy 4040.40 until the January meeting and form an ad hoc committee comprised of President Terry and Director Dyson to consider the functions of the Treasurer, including the following options, and make recommendations to the Board:
- Electing a member of the Board to fulfil the Treasurer function, which was the practice until 2017
  - Writing a job description for a Treasurer, or incorporating the duties into an existing job description
  - Investigating the cost/benefit of contracting out the function to a firm with expertise in the fields of audit and Special District accounting
  - Other possibilities as identified by the committee
- Director Israel seconded. Roll call vote: Director Dyson aye, Director Israel aye, Director Hackett aye, President Terry aye. Director Regan absent. Motion passed with quorum
- C. DISCUSSION AND OR ACTION: Adopt Series 2000 Personnel, Policy 2000 District Employment: Recruitment, Hiring, and Promotions.** Director Hackett made a motion to continue the agenda item until the special meeting being held on December 9, 2022 for further consideration. President Terry seconded. Roll call vote: Director Terry aye, Director Israel aye, Director Dyson aye, Director Hackett aye, Director Regan absent. Motion passed with a quorum.

**COMMUNICATIONS AND CORRESPONDENCE:** None

#### **REPORTS:**

- A. TREASURER:** Accounting Manager Murray reviewed the reports included in the meeting packet and advised the Board to ignore that first column dated period July due to a clerical error. She clarified that the reports begin with the current period of November 1, 2022 comparing it to the previous period of September 1, 2022. The Board discussed the Treasurer's report and list of checks included in the meeting packet, as well as the status of the 2020 and 2021 financial statement audits and the update of Resolution 88-1. Director Hackett made motion to approve treasurer's report and the checks issued as presented. President Terry seconded. Roll call vote: Director Israel aye, Director Dyson aye. Director Hackett aye, President Terry aye and Director Regan absent. Motion passed with a quorum.
- B. WATER STORAGE FACILITIES/CONVEYANCE LOSS:** General Manager Acker explained that his report on water storage facilities/conveyance loss was done under the Old Business agenda item C as part of the Small Community Drought Relief Grant Administration & Oversight report. General Manager Acker announced that he has decided to adjust his plans to retire to approximately 6 months from now instead of a year and will discuss options for

transitioning to an hourly position with Board President Terry. General Manager Acker assured the Board that he will keep the plant functioning during the transition period and that on-call Technician Rio Russell has the necessary licenses to keep the plant running. Plant Operator Dial reported that he has no interest in obtaining any other licenses and agrees with General Manager Acker that it does take staff to run the plant. President Terry thanked General Manager Acker for his 30+ years of service.

- C. **SAFETY COMMITTEE:** General Manager Acker reported that two meetings had taken place: holiday safety, don't let people drive while drinking, and earthquake safety, keep yourself safe and have a plan.
- D. **LEGAL COUNSEL:** District Counsel Emrick briefly updated the Board on upcoming changes regarding the Brown Act and teleconferencing starting January 1, 2023. The new law, AB2449, will require a quorum of the legislative body be present at the meeting (post covid rule). Three board members must be present to form a quorum and a non-quorum fourth or fifth can attend by teleconference if there is just cause or an emergency.
- E. **DIRECTORS:**  
**Report on CSDA Workshop: Financial Management for Special Districts.** Director Israel reported that the CSDA financial management class provided by the CSDA was very educational and she encourages other board members to take advantage of other workshops that are offered. The link to review the workshop materials is: <https://drive.google.com/drive/folders/1HLL6YjWumHkJkmCN8tgtuoPOHSPr78MR>

Director Hackett explained that she submitted an agenda item for today's Board meeting to include an executive session item, which was not included in the agenda. Director Hackett made a motion to include an agenda item for an executive session at the December 2022 special meeting to discuss personnel issues subject to consultation with District Counsel Emerick. President Terry seconded. Roll call vote: President Terry aye, Director Israel aye, Director Hackett aye, Director Dyson aye, Director Regan absent. Motion passed with a quorum.

**APPROVAL OF MINUTES: Regular Meeting September 17, 2022, and Special Meeting October 6, 2022.** President Terry made a motion to approve the Regular September 17, 2022 meeting minutes. Director Hackett seconded. Roll call vote: President Terry aye, Director Hackett aye, Director Israel aye, Director Dyson aye, Director Regan absent. Motion passed with a quorum. President Terry made a motion to approve the Special October 6, 2022 meeting minutes. Director Dyson seconded. Roll call vote: President Terry aye, Director Hackett aye, Director Israel aye, Director Dyson aye, Director Regan absent. Motion passed with a quorum.

**Adjournment:** Motion was made by President Terry with second from Director Dyson to adjourn the regular meeting at 1:19pm. Motion passed with ayes from Directors Terry, Israel, Hackett, and Dyson. Director Regan absent. Director Dyson excused himself, and the meeting then convened into executive closed session.

#### **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; FIRST DISTRICT COURT OF APPEAL NO. A151867.**
- 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).**

Closed session was adjourned at 1:54pm with no reportable actions.

Respectfully submitted:

Attest as Presented:

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Kenneth Terry, President

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Heather Hackett, Secretary of the Board

Date: January 14, 2023

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