

**IRISH BEACH WATER DISTRICT BOARD OF DIRECTORS**  
**REGULAR MEETING MINUTES**  
**REX DUNNING FIREHOUSE, 15401 FOREST VIEW ROAD, MANCHESTER, CA 95459**  
**Saturday, September 17, 2022, (ZOOM AND IN-PERSON)**

*DUE TO ADMINISTRATIVE ERROR, NO RECORDING OF MEETING WAS AVAILABLE TO CLERK/ACCOUNTANT, SO THESE MINUTES WERE PREPARED WITH HANDWRITTEN NOTES TAKEN BY THE CLERK/ACCOUNTANT AND THE BOARD SECRETARY, THEN REVIEWED FOR ACCURACY BY THE FULL BOARD OF DIRECTORS.*

**CALL TO ORDER AND ROLL CALL:** President Terry called the Regular Meeting to order at 10:02A.M. on Saturday, September 17, 2022, using Zoom to meet online as well as in person. Roll call of directors in attendance: President Terry, Director Dyson, Director Israel were in attendance with Director Hackett and Director Regan attending via zoom. Employees in attendance: General Manager Acker, Clerk/Accountant Murray, Plant Operator R J Dial, Clerk K. Dial were in attendance with Legal Counsel Matthew Emrick attending via zoom.

1. **APPROVAL OF MINUTES:** President Terry moved to approve the minutes of the July 9, 2022, Regular Meeting and the August 6, 2022, Special Meeting Workshop. Director Israel seconded. Motion passed unanimously.
2. **COMMUNICATIONS AND CORRESPONDENCE:** None
3. **PUBLIC INPUT:** None
4. **REPORTS:**
  - A. **TREASURER:** Clerk/Accountant Murray gave her Treasurer's Report that was included in the Agenda Packet noting cash balance on September 1, 2022, is a negative \$-3,723 due to the need to cover the expenditures of the grant until the district receives reimbursement. Also noted was the expected receivable from the State of \$105,958. \$105,761 total unrestricted assets and \$629,502 restricted assets were reported. The Treasurer's Report also noted that projected revenue may be short approximately \$10,000 at the end of the fiscal year due to lower than expected water usage; however, the summer months have not yet posted, so the shortfall in revenue may. Clerk/Accountant Murray reported that the District issued septic report reminders per Resolution 88-1, and noted that 64 accounts have not responded. Board members and District staff discussed options for conducting septic inspections for properties that fail to respond to the request for septic inspections. The Board directed staff to prepare a resolution to replace Resolution 88-1, that includes a process for notification of District initiated inspections as well as payment for said inspections. Director Hackett asked if service had been terminated for the delinquent accounts referred to the County Auditor/Assessor. Clerk/Accountant Murray and General Manager Acker reported that the accounts continue to have water service, so bi-monthly billing and associated late charges continue to accrue. Director Israel made motion to accept the Treasurer's Report and list of checks issued, with second from President Terry. Motion carried with all ayes.
  - B. **WATER STORAGE FACILITIES/CONVEYANCE LOSS:** General Manager Acker verbally presented his Operations Report to the Board. He reported that the flow of the upper diversion dropped from 25 GPM in July to 14.4 GPM this morning. A pump was activated at the lower diversion; however, the motor failed, and a replacement motor had to be ordered. In the interim, the well in Unit 9 is feeding Tank 3 until the lower diversion can be brought back online. The Board and District staff discussed the possibility of permanently installing a pump at the lower diversion, and concluded that sediment and debris generated during storms make permanent installation of a pump impractical. Finally, General Manager Acker explained that Allan Erwin has been added to the Operations staff to assist with grant projects, which will be covered later in the agenda.
  - C. **SAFETY COMMITTEE:** General Manager Acker reported the safety committee met with an agenda to cover the safety and handling of power tools and chemicals.
  - D. **LEGAL COUNSEL:** None
  - E. **DIRECTORS:** President Terry reported that the District's legal fee recap for October 2010 through July 31, 2020 is included in the meeting packet and posted to the IBWD website. Public made comments as follows: Mike and Linda Dunbaugh comments on Legal Fees and Lawsuits. Casey Dyson commented on Legal Fees and Lawsuits. Director Dyson raised the issue of Road Maintenance agreement and compliance. District Counsel Emerick explained that legal expenses incurred after July 31, 2020 were not included in the data provided since the litigation is ongoing, thus the information is exempt from public disclosure.

**5. OLD BUSINESS:**

**A. DISCUSSION AND OR ACTION: RECOMMENDATION FROM PROP 218 COMMITTEE: RFP FOR SPECIAL BENEFIT ASSESSMENT ENGINEERING STUDY AND PROP 218.** Director Hackett presented a review of the Request for Proposals (RFP) included in the meeting packet. She explained that the Prop. 218 Committee produced the draft after reviewing engineering studies for Water Districts throughout the State, as well as RFPs for similar services. In addition, Director Hackett thanked, Jeff Wisniewski, a new member of the community who provided suggestions based on his experience as a registered Professional Engineer. Director Hackett noted that the Committee worked to incorporate the feedback that the District received at the 8/6/22 Special Meeting Workshop, and believes that the RFP addresses the level of detail and transparency that the community would like to see, as well as the need to apply current engineering industry standards for predicting pipeline failure in small water systems. Director Hackett and Clerk/Accountant Murray reported that the committee discussed limiting the duration of Proposition 218 assessments to 5-7 years and concluded that the costs of engineering studies and the election processes, as well as the amount of time necessary to accumulate sufficient funds to complete large-scale projects make limiting the assessment period to less than 10 years unrealistic, so the Committee is not recommending that option. Director Dyson noted that the cost estimates included in the preliminary project plan may be underestimated. General Manager Acker and Director Hackett explained the process used for producing preliminary cost estimates and emphasized that producing cost estimates is include in the RFP project scope. Director Israel asked about the process for advertising the RFP. Director Hackett and Director Dyson explained that 6-7 engineering firms have been identified as part of the research process; the Committee will send direct requests to these firms, as well as posting to the California Special Districts Association RFP Clearinghouse and may also advertise in local newspapers.

1. Motion made by Director Hackett to direct staff to proceed with issuance of the Request for Proposal for a Proposition 218 special benefit assessment and engineering study as presented in the meeting packet with a second from Director Israel. Roll Call Vote: Motion passed unanimously.
2. Motion made by Director Hackett with Second by Director Israel to direct staff to update various material needed to present to successful bidder such as fixed asset lists; system failure logs and data; maps and plans; assessor data; and other data as listed in RFP to be completed by November 2022 meeting. President Terry asked for staff reactions to the proposed timeframe, and General Manager Acker indicated that the requested material just needs to be updated, so the deadline is reasonable. Motion passed with all responding with "aye."
3. Motion made by Director Hackett with second from Director Israel to form a communications and outreach "marketing" sub-committee, which includes members of the community, to provide information regarding Prop 218 issues including website and flyer updates. President Terry asked for clarification regarding the sub-committee's role, and Director Dyson explained that the communications and outreach sub-committee will focus on community education and encourage participation in discussion of the Proposition 218 initiative. The sub-committee will report out to the Board at the November meeting and thereafter. Motion passed with all responding "aye."

**B. DISCUSSION AND OR ACTION: SMALL COMMUNITY DROUGHT RELIEF GRANT ADMINISTRATION & OVERSIGHT.** General Manager Acker and Plant Operator Dial reviewed the construction activities under way at Tank 2 and Well 2. Trees have been removed, which was necessary to make way for a structure to house electrical and controls, as well as the concrete pad for a generator and LPG tank. The concrete work is complete and framing for the structure is almost finished. The roof for Tank 2 has been ordered and should arrive in late October or early November. General Manager Acker described the road improvements which will be completed on Hillcrest Drive to allow for safe delivery of materials to the grant project sites, as well as the plans for trenching necessary to install underground water and power lines for Tank 2 and Well 2. Director Dyson inquired about the status of Tank 2, and General Manager Acker explained that the tank itself is in good shape, and once the new roof is installed it will be returned to service. Clerk/Accountant Murray reported that the District submitted its first invoice to the State on 8/24/22 for approximately \$105,000 in reimbursable grant project expenses. She noted that the invoicing process was complex; however, after a couple of questions, the State completed their review on 9/6/22, and reimbursement is pending with the State Comptroller. Clerk/Accountant Murray explained that staff is currently working on the second grant invoice, with a target submission date of 9/24/22. Director Hackett reported that Director Regan designed and coordinated production of a large vinyl sign to acknowledge State funding, so the District was able to report completion of the requirement the same day that it was requested. Director Hackett reported that the first of a series of status reports is due to the State on 11/4/22, so she will be collaborating with staff to compile the required information.

C. **DISCUSSION AND OR ACTION: TECHNOLOGY GRANT APPLICATION UPDATE.** General Manager Acker and Treasurer Murray reviewed activity regarding this grant. General Manager Acker explained that the District is using the updated version of the online geographic information system, which allows for storage and sharing files in the cloud. Clerk/Accountant Murray reported that staff is working on an update to the IBWD website. Director Hackett asked about the status of copying files from individual staff computers and the FileZilla application to the new DropBox account. Plant Operator Dial reported that staff have copied files from the Operations laptop, and Clerk/Accountant Murray reported that she is working with staff to copy District files to the DropBox account. General Manager Acker indicated that he has not copied files from his computer to the DropBox account; however, all reports are available online via State reporting sites, and he will also copy to DropBox, if desired. Motion made by Director Hackett with second from Director Israel to direct staff to complete transfer of District records from individual computers and the FileZilla application to the District's DropBox "to be filed" folder by the January Board meeting. After discussion of the suitability of directing completion of staff actions by a specific date, the possible use of tech support to complete the records transfer, and clarification that the motion did not include changes to the District's records retention policy, President Terry called for vote. Directors Hackett, Israel, and Dyson responded with ayes. Directors Terry and Regan responded with noes. Motion passed.

D. **DISCUSSION AND OR ACTION: SECOND READING ORDINANCE 2022-1, REINCINDING ORDINANCE 92-1: INFORMAL BIDDING PROCEDURES.** Director Hackett explained this was the last step in the "housekeeping process" to complete implementation of the District's new bidding policy. She read the Ordinance and noted two necessary changes: the ordinance was adopted at the 7/9/22 regular (not special) meeting of the Board, and the ordinance was finally adopted at the 9/17/22 regular (not special) meeting of the Board. Motion made by Director Hackett with second from Director Dyson to finally adopt Ordinance 2022-1. A vote was called, and the motion passed unanimously.

E. **DISCUSSION AND OR ACTION: FISCAL YEAR 2022-23 FINAL BUDGET.** Treasurer Murray presented the proposed final budget for fiscal year 2022-23. This budget proposal keeps the availability charge at \$108.56 per month with no increase; however, the usage rate per 100 gallons is increased to \$.80 from \$.67 due to marked reduction of water usage. The proposed budget includes a 3% COLA increase of \$8,761 and an increase to operating expenditures of \$10,000 leaving a small operating reserve of \$3,799. These operating budget increases were made possible by the reduction of the loan payment from \$45,800 to \$25,200. The board declined to approve this proposed final budget continuing the agenda item to the November 2022 meeting. In order to provide spending authority for the District, a motion was made to approve last year's budget as new fiscal year budget for 2022-23. Motion passed with all "ayes."

## 7 NEW BUSINESS:

A. **DISCUSSION AND OR ACTION: AMEND ORDER OF AGENDA FOR REGULAR MEETINGS OF BOARD FROM CURRENT ROBERT'S RULES OF ORDER FORMAT TO MOVING OF REQUIRED ACTION ITEMS (APPROVAL OF MINUTES, REPORTS) TO BE ADDRESSED AFTER OLD AND NEW BUSINESS.** Director Hackett explained that she is proposing the change to increase public participation in Board meetings. She noted that members of the public typically participate for the first 60 – 90 minutes of the meeting, then begin to depart. She reported that the Board and staff spent the first 50 minutes of today's meeting discussing items preceding Old Business and New Business, which she feels are of greatest interest to the public. After discussion, a motion was made by Director Israel, and seconded by Director Dyson to modify Board meeting agendas as follows: 1. Call to Order and Roll Call; 2. Public Comment; 3. Old Business; 4. New Business; 5. Communications and Correspondence; 6. Reports; 7. Approval of Minutes; 8. Executive Session. Motion passed with all "ayes."

B. **DISCUSSION AND/OR ACTION: AMEND POLICY NUMBER 4040: BOARD MEMBER JOB DESCRIPTIONS 4040.30: BOARD SECRETARY 4040.33 PROOF AND EDIT MINUTES: TO PROVIDE FOR TIMELY DELIVERY OF PREPARED (DRAFT) MINUTES OF REGULAR AND SPECIAL BOARD MEETINGS TO BOARD SECRETARY:** Clerk/Accountant Murray read the proposed addition to the policy: "Secretary of the Board/Office Manager will make every effort to deliver said minutes to Board Secretary no later than 15 days after each meeting." Director Hackett made a motion to accept revision to policy 4040.33 with the following modification: strike "make every effort to." Director Dyson moved to approve the modification proposed by Director Hackett and seconded by Director Israel. Motion passed with all "ayes."

## C. **DISCUSSION AND/OR ACTION: CONSIDER NEED FOR TEMPORARY/PART TIME OPERATIONS ASSISTANT POSITION TO ASSIST GENERAL MANAGER WITH OPERATION REPORTS:**

General Manager Acker explained that there have been discussions about the need to bring in part-time help to work on Operations reporting responsibilities as well as putting together an Operations Manual. He noted that while these tasks need to be completed, he is so busy with Mediation, Grant, and Proposition 218 activities that he is concerned that he will not have sufficient time to train a new hire. He explained that he would like to take the time necessary to refine the proposed job description and develop a plan for recruiting. Director Hackett explained that while preparing materials for the

Prop.218 Committee and working on DWR grant related activities, she has developed an even greater appreciation for the depth of knowledge and the skills of General Manager Acker. She noted that he knows everything about our complex system, the regulations governing the District, and the people/suppliers needed to get work done. However, he carries almost all this information in his head, and if something were to happen to him, the District would be in a perilous situation. She indicated that she proposed the job description to address this vulnerability. Director Israel asked how long General Manager Acker envisioned delaying the search, and he indicated that there was no rush since he is not going anywhere. Director Dyson asked about contingency plans in the event of an emergency, and General Manager Acker indicated that the District has highly trained staff who can keep the water system running and complete State reporting requirements so the District could survive in the short-term. Director Dyson indicated that hiring an individual to take on some of the reporting responsibilities and Operations "paperwork" would provide General Manager Acker the opportunity to focus his time on the Grant and Proposition 218 projects that will be implemented over the next several years. After lengthy discussion, Director Hackett made a motion to postpone further discussion until the November Board meeting. The motion was seconded by Director Israel, and the motion passed unanimously.

Motion was made by Director Dyson with second from Director Israel to adjourn regular meeting at 2:16pm. Motion passed with all Ayes. Meeting then convened into executive closed session.

Closed session was adjourned with no reportable actions.

**Respectfully submitted:**

**Attest as Presented:**

\_\_\_\_\_  
**Kenneth Terry, President**

\_\_\_\_\_  
**Heather Hackett, Secretary of the Board**

**Date:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Prepared by: Clerk/Accountant Judy Murray**