

IRISH BEACH WATER DISTRICT BOARD OF DIRECTORS  
SPECIAL MEETING MINUTES  
October 16, 2021

1. **CALL TO ORDER AND ROLL CALL:** President Terry called the Special Meeting to order at 10:02 A.M. on Saturday, October 16, 2021, in the Rex Dunning Firehouse, 15401 Forest View Road, and using a web-based video and audio conferencing tool, to meet in person and on-line. Roll call of directors in attendance were: President Terry, Director Whitaker, Director Ellison, Director Israel, and Director Dyson. Employees in attendance were: District General Manager Acker, Accountant/Clerk Murray, Clerk/Secretary Sackman, Plant Operator Dial, and Clerk/Accountant Dial. District’s Legal Counsel Emrick was absent.
2. **COMMUNICATIONS AND CORRESPONDENCE:** None
3. **PUBLIC INPUT: OPENING OF THE MEETING TO PUBLIC COMMENTS FOR TOPICS NOT ON THE AGENDA. A MAXIMUM OF FIVE (5) MINUTES ALLOWED FOR EACH PRESENTATION. (TERRY).** Guest discussed with the Board his concern regarding improving the notification system for the community. President Terry stated that the notification system will be addressed and discussed at the next Regular Board Meeting.
4. **DISCUSSION: IRISH BEACH WATER DISTRICT GENERAL MANAGER’S UPDATE:**
  - **Recent Rain Contamination Event. (Acker).** General Manager Acker stated the following: I received an early notification that the latest water sample taken to the lab for testing showed a positive reading for bacteria, which prompted a Boil Water Notification to be reported to the Irish Beach Community, as required by the State Water Resources Control Board. A second testing was completed, which showed negative readings for bacteria. All of the water system has been gone through to ensure adequate levels of chlorine. The recent rainfall after a long period of drought may have caused the bacteria to be present from the runoff .
  - **Drought Status. (Acker).** General Manager Acker stated the following: Due to recent rainfall, the possible water shortage concern is currently not an issue for the Irish Beach Community. Before the recent rainfall, selling water to the water haulers was discontinued to ensure adequate water supply to the Irish Beach Community. The rainfall has brought back normal conditions for our water system supply.
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5. **DISCUSSION: 2021-2022 FISCAL YEAR BUDGET OVERVIEW – PROPOSED AVAILABILITY CHARGE INCREASE. (MURRAY)** Treasurer Murray presented the following: At the last Board Meeting’s discussion regarding the fiscal year budget, it was determined that an availability rate increase is needed and necessitated the need for this Public Hearing/Special Board Meeting for rate payers to protest the increase. The proposed increase will be an additional \$23.06, from \$85.50 to \$108.57. This increase will add an additional \$5,057 for operating expenses and provide for the new reserve of \$52,224, which will provide for maintenance, repairs, and other infrastructure needs. The availability rate increase is needed due to the recent Proposition 218 failure to be approved, and the connected users will be responsible for this increase. Protests need to be logged by the end of this date. The status of this increase being approved will be announced on the IBWD website at IBWD.org by the next day...
6. **(TERRY).DISCUSSION: OPENING OF THE MEETING TO PUBLIC COMMENTS. A MAXIMUM OF FIVE (5) MINUTES ALLOWED FOR EACH PRESENTATION**

Guest: “Any written feedback about the increase received by the IBWD at this point?”

President Terry replied: “There have been two protests so far.:

Plant Operator Dial: "Received one today during the meeting, and one before the meeting today, both protests related to the connection fee.

Treasurer Murray: ""I will make a presentation at the next Board Meeting regarding connection fees."

Guest: "It sounds as though the expansion and prices of connection fees don't get us there in maintaining the system."

Guest: "With only receiving two opposing mail ins, are we moving forward with raising the rates? How does the process work"?"

Treasurer Murray: "We need one-half of the connected users: 104 negative protests against the increase. So far it doesn't look like we will even approach that negative number. If the Board approves the increased fees, then they will be increased."

President Terry: "In everyone's bill the negative protest format explained the process."

Guest: "I have to applaud people who are paying that are connected, but not drawing water. My feeling on it is: these people are doing that when the connection fee has not changed, I feel they shouldn't have to pay it, if they are paying it now."

Treasurer Murray: "They paid the connection fee and are getting a meter. They will also be paying the availability charge."

Plant Operator Dial: "We only have 10 more connections before we run into an issue. People who are planning on building within the next 2-3 years want to ensure they will have water when they build their homes."

Guest: "Are there only a certain number of people who can plug into the system? How do the existing users maintain the system"?"

President Terry: "Even if we had all 456 lots open for development, up until most recently of the most severe time of this drought, even before this drought, we were able to serve 456 lots."

Guest: "If the 218 Proposition would have been done as it was in the past, where it was weighted, the people that were not connected were paying less of a fee than those that were connected. Also the non-connected people have questions about what the rates are that the current users are paying. Are the water rates at the upper half of what Californians are paying or lower half? We have an unreal perspective. The current users are paying very low for their water compared to what the rest of California is paying. We feel insulted when you were going to let us pay the same amount on a 218 proposition as the current connected people. Your theory that the un-connected people's value of property would continue to go up, that our benefit would be the same as the connected people. If you are connected and you have a house whose value is going up, you will get more out of your investment than those that are not connected. It was more of a perspective thing. You probably could have got some who voted no, it was a perception thing."

Treasurer Murray: "the IBWD with their prior proposition 218 never had a weighted average. The amount in our last successful proposition 218 was the same for a developed lot and un-developed lot. We could explore a weighted average the next time we explore a proposition 218, might be a good idea"

Guest: "I believe the engineering report showed that the people that were connected paid a higher amount for the short term repairs and the longer term repairs spread more even across everybody."

President Terry: "...that perhaps our format could have been adjusted, there is always the potential to resurrect this proposition once again."

Guest: "What can be done to help with getting the word out in the case of the boil water notice?"

President Terry: "What we will do at our next Board Meeting: there will be an agenda item to specifically address this and form an ad hoc sub-committee to address communications relative to water contamination. This will be addressed at our next Board Meeting."

- 7. DISCUSSION AND OR ACTION: TALLY OF NEGATIVE DECLARATIONS TO PROPOSED AVAILABILITY CHARGE INCREASE TO OCCUR BY THE END OF DAY, 10/16/2021, AND POSTED ON THE DISTRICT'S WEBSITE, IBWD.ORG. (TERRY/MURRAY).** President Terry stated that we received only two (2) opposing mail-ins and two (2) on-line oppositions. Treasurer Murray stated that due to the low number of oppositions, the availability increase could be approved by the Board this date. The website will show the results of the rate increase by the end of the day.

Treasurer Murray stated that a motion by the Board to direct Treasurer Murray to bring a resolution to the November 13, 2021 Board Meeting to adopt the availability increase. Motion was made by Director Israel, and seconded by Director Whitaker. Three of the four directors approved the motion. The motion was carried

- 8. ANNOUNCEMENT: THE IBWD BOARD VACANCIES. (TERRY).** President Terry stated the following: We encourage any property owner of the Irish Beach Community to apply for the two Board vacancies. The two open seats will be selected from the availability of candidates on November 13, 2021. The remaining Board Members will select the two new Board Members from those who have submitted letters of interest. The letters of interest need to be received no later than November 3, 2021, either to my email address: k.terry@comcast.net or to: IBWD, P. O. Box 67, Manchester, CA 95459.

Director Whitaker moved to adjourn the Board Meeting at 11:45 A.M. Motion was seconded by Director Israel. All voted by saying aye. Motion carried and the special meeting was adjourned.

- 9. EXECUTIVE (CLOSED) SESSION:** No closed 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).**

Respectfully submitted:

Attest:

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Kenneth Terry, President

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Stephen Whitaker, Secretary of the Board

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

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



## **COMMUNICATIONS & CORRESPONDENCE**



**Correspondence: None**