
Irish Beach Water District

Meeting Packet

November 14, 2020

**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 14, 2020, 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)
 - E. DIRECTORS: Recognition of retired Director Drolet!..
6. OLD BUSINESS:
 - A. DISCUSSION AND OR ACTION: ISRAEL/CURBELO WELL REQUEST. (TERRY/EMRICK/ACKER)
 - B. DISCUSSION AND OR ACTION: UNAPPROVED WELL ON NICHOLS RANCH. A WELL DRILLED ON 4/30/2007 WAS TESTED ON 10/7/2008 TO 10/11/2008. RESULTS INDICATE THAT ENOUGH WATER IS AVAILABLE TO SUPPLY 6.24 CONNECTIONS AT 300 GPD. (WHITAKER).
7. NEW BUSINESS:
 - A. DISCUSSION AND OR ACTION: APPOINTMENT (VIA VOTE OF DIRECTORS) OF NEW BOARD DIRECTOR TO SERVE THE REMAINDER OF DIRECTOR DROLET'S TERM. (IBWD DIRECTORS)
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 – ANTICIPATED/ POTENTIAL LITIGATION: SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO PARAGRAPHS (2) OR (3) OF SUBDIVISION (D) OF SECTION 54956.9: (1 POTENTIAL CASE).

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.



APPROVAL OF MEETING MINUTES



Regular Meeting Minutes – September 12, 2020

IRISH BEACH WATER DISTRICT BOARD OF DIRECTORS
REGULAR MEETING MINUTES
15401 FOREST VIEW ROAD, MANCHESTER, CA 95459
September 12, 2020

1. **CALL TO ORDER AND ROLL CALL:** President Terry called the Regular Meeting to order at 10:05 A.M. on Saturday, September 12, 2020, using Zoom, a web-based video and audio conferencing tool, to meet online. Roll call of directors in attendance online were: President Terry, Director Ellison, Director Dyson, and Director Whitaker. Employees in attendance online were: General Manager Acker, Clerk/Accountant Murray, Clerk/Secretary Sackman, and Legal Counsel Emrick. Director Drolet was absent.
2. **APPROVAL OF MINUTES:** Director Whitaker made a motion to approve the Regular Meeting Minutes dated July 11, 2020, as submitted. The motion was seconded by Director Ellison. Roll call vote: President Terry, aye; Director Ellison, aye; Director Dyson, aye; and Director Whitaker, aye. Motion carried.
3. **COMMUNICATIONS AND CORRESPONDENCE:** No action was taken at this time with regard to the Israel/Curbelo request for a well. Further action/discussion on this matter is moved to the next Board Meeting..
4. **PUBLIC INPUT:** Property owner, Rod Curbelo stated his opinion regarding legal fees as it impacts the rate increase.
5. **REPORTS:**

A. TREASURER'S REPORT:

July 2020:

Cash Balance: \$44,251

Operations Reserve: \$0.00

Emergency Response Augmentation: -\$38,383

System Wide Capital Improvement: \$0.00

>40 Year Equipment Replacement Fund: \$58,475

Alternate Water Development Fund: \$426,997

Total Assets both Restricted and Unrestricted: \$712,807

Clerk/Accountant Murray stated: This report is comparable to the last report. Also included is a comparison of budget to actual, with an estimated net income at a loss of (\$1,409). Treasurer Murray asked that the Board approve the Treasurer's Report and List of checks issued.

Director Whitaker made the motion to approve the Treasurer's Report and checks issued from July 1, 2020 through September 5, 2020. The motion was seconded by President Terry. Roll call vote: President Terry, aye; Director Ellison, aye; Director Dyson, abstained; and Director Whitaker, aye. Motion carried.

- B. WATER/STORAGE FACILITIES/CONVEYANCE LOSS:** General Manager Acker reported the following: Generally this report consists of normal operations of the water treatment plant. Key items to report are: The pipeline system for the Dyson property is completed. The upper diversion water flow slowed down considerably. The lower diversion pump was installed, which brought it back up to full capacity.

General Manager Acker attended IBWD Board Meetings, completed sample testing, and processed system checks.

- C. **SAFETY COMMITTEE:** General Manager Acker reported the attendance by employees and the completion of written tests at the Safety Committee Meeting: September 4, 2020: “Distracted Driving – Incidents and Accidents.” and “Workplace Ergonomics.” Attendees: General Manager Acker, Treatment Plant Operator Dial, and Maintenance Employee DeVaul.
- D. **LEGAL COUNSEL:** Legal Counsel Emrick stated that there was nothing to report at this meeting.
- E. **DIRECTORS:** President Terry stated there is nothing to report.

6. OLD BUSINESS:

- A. **DISCUSSION AND OR ACTION: PROPOSED IBWD DRAFT POLICY #3075 TO ADOPT THE LOCAL AGENCY MANAGEMENT PROGRAM (LAMP) OF THE 25-FOOT SETBACK AS APPROPRIATE FOR PROPERTY DEVELOPMENT. (EMRICK/ACKER).** After discussion, President Terry presented a motion for Resolution No. 2020-01 for acceptance by the IBWD Board. Motion seconded by Director Ellison. Roll call vote: President Terry, aye; Director Ellison, aye; Director Dyson, aye; and Director Whitaker, aye. Motion carried.
- B. **REVIEW AND DISCUSSION: PROPOSED IBWD LETTER GIVING PERMISSION FOR WILLIAM MOORES TO DRILL A TEST WELL ON MR. MOORES’ SEPARATE PIECE OF PROPERTY LOCATED ON NICHOLS RANCH. (WHITAKER/EMRICK/ACKER).** After discussion between the Directors and Mr. William Moores, President Terry made the following motion: To approve the drilling of two test wells on Mr. Moores Nichols Ranch Property, for the purpose of surveying how much water is available and possibly be used in the future, with the stipulation that the IBWD at this point does not accept any potential commercial water system and is not assuming any responsibility for a new water system until the IBWD receives a full detailed proposal from Mr. Moores for the Board’s discussion and subject to approval. Also included in this motion is that Mr. Moores agrees to have the existing well capped and locked, and that Mr. Moores agrees to abide by the IBWD’s existing policy. (President Terry stated that if this motion was approved, a letter to the County Health Department would be issued for approval of the drilling of the test wells.) Motion seconded by Director Dyson. Roll call vote: President Terry, aye; Director Ellison, aye; Director Dyson, aye; and Director Whitaker, nay. Motion carried.

7. NEW BUSINESS:

DISCUSSION AND OR ACTION: PUBLIC HEARING REGARDING PROPOSED INCREASE TO AVAILABILITY CHARGE. (MURRAY/EMRICK/ACKER) President Terry stated this item would be moved to begin before old business. President Terry presented the fact that 24 protest forms regarding the rate change were received. As the protests did not reach a majority, the rate increase would go into effect, subject to the Board’s approval. President Terry opened the hearing with the following presentation from Clerk/Accountant Murray: Clerk/Accountant Murray stated that she did a water usage rate comparison, which shows the IBWD at a rate of third to the lowest. Also discussed during the hearing were the reasons for the rate increase. There were no further comments from the audience after Clerk/Accountant’s presentation. President Terry stated that the rate increase will be subject to approval by the Board and acceptance of the Resolution No. 2020-02, documenting the approval of the District’s FY2020-2021 operating budgets for water.

President Terry made a motion to approve Resolution 2020-02, recommending the approval of the District’s FY2020-2001 operating budget for water and that the rates for usage would be \$0.65 per 100 gallons and the availability charge would be \$85.49 per month for our two month billing cycle of \$170.98. Motion seconded by Director Ellison. Roll call vote: President Terry, aye; Director Ellison, aye; Director Dyson, aye; and Director Whitaker, aye. Motion carried.

ADJOURNMENT: President Terry moved to adjourn the Public Session of the Board Meeting at 12:02 P.M. and Director Dyson seconded the motion. Motion carried. The next Board Meeting and Public Hearing Meeting will be scheduled for Saturday, November 14, 2020.

8. EXECUTIVE (CLOSED) SESSION: The Executive Closed Session was conducted after the Regular Zoom Meeting.

Respectfully submitted:

Attest:

Kenneth Terry, President

Stephen Whitaker, Secretary of the Board

Date: _____

Date: _____



COMMUNICATIONS & CORRESPONDENCE





Treasurer

Water/Storage Facilities/Conveyance/Loss

Safety Committee

Legal Counsel

Directors





Treasurer's Report 5.A
Cash Statement





Water/Storage Facilities/Conveyance/Loss 5.B.



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**SAFETY COMMITTEE 5.C.**

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

To be announced.



LEGAL COUNSEL 5.D.

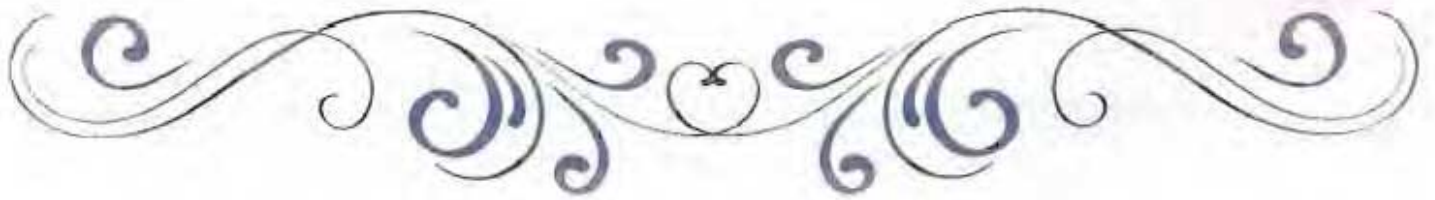




DIRECTORS 5. E.



E. RECOGNITION OF RETIRED DIRECTOR DROLET.



Resolution No 2020-03

Resolution of the Board of Directors of the Irish Beach Water District

Commending Leon Drolet

For His Dedicated Service as Board Member

To the Irish Beach Water District



Whereas, Leon Drolet served as Board Director from March 2013 through September 2020 serving terms as President and Vice President assisting and providing leadership to the Irish Beach Water District, and

Whereas, Leon Drolet researched forestry management grants on behalf of the Irish Beach Water District to protect district infrastructure and watershed,

Now, therefore, be it resolved, and it is resolved that the present Board of Directors of the Irish Beach Water District wishes to commend and to thank Leon for his dedication and service to the District.

Adopted and Signed this 14th day of November 2020 at a regular meeting of the Board of Directors, by a unanimous vote.

Allost J Murray, Clerk



OLD BUSINESS 6. A & B



- A. DISCUSSION AND OR ACTION: ISRAEL/CURBELO WELL REQUEST. (TERRY/EMRICK/ACKER)

**Rodrigo Curbelo
Susan Israel
43601 Acquistapace Rd.
Manchester, CA 95459**

September 5, 2020

Irish Beach Water District
15401 Forest View Rd.
PO Box 67
Manchester, CA 95459

sent via email to IBWD board members

RE: Request for permission to drill well at 43601 Acquistapace Rd.

Dear Board Members:

Please consider this letter a request for permission to drill a well on our property located at 43601 Acquistapace Rd., parcel #132-100-0100-02 (hereafter, "the original homestead"). The proposed well is for residential use and irrigation (see Exhibit A attached; parcel map). This parcel is within the district boundaries; however, it is unclear at this time what the District's water rights are as it pertains to this parcel, as the original developer of Irish Beach (William Moores Sr.) never owned the original homestead, and thus would not have any legal authority to assign those rights to the IBWD. Regardless, a well on our property will be beneficial to both IBWD and to us, and hope that our request for a well will be unopposed by IBWD.

Introduction

The Acquistapace family have owned the ranch (now Irish Beach) since 1900. In the 1960s, the Acquistapace family sold most of the ranch, with the exception of three acres, to William Moores Sr. The three acres that the Acquistapace family kept contained the original farmhouse and all barns and outbuildings. John and Bea Acquistapace built the ranch house (our home) in 1966. They connected the ranch house to IBWD water at some point after its formation; in fact, Mr. Acquistapace was one of the original founders of IBWD (see Exhibit B attached; founding documents of IBWD). We bought our property from the Acquistapace Trust in August 2018. In July 2020, we contracted with Don McEdwards, certified hydrologist, to prepare a ground water survey (see Exhibit C attached; July 30, 2020 report). In this report, he identified a location near the house with an estimated ground water flow of a modest 3-5 gallons per minute.

This small well, coupled with a standard 2,500-gallon storage tank discreetly tucked between the house and a barn, will meet our household and irrigation needs.

Rationale

While it may seem counterintuitive to drill a well when water is available from a municipal source, it makes a great deal of sense. Being connected to IBWD is certainly convenient, and we are grateful for that option. However, we are also mindful that it is critical to create *resiliency*, *redundancy*, and *stewardship* of systems upon which we all rely. Recent local, regional, and world events—traumas, really—have only served to confirm our commitment to reexamining and improving these systems.

A well on our property will benefit IBWD and the residents of Irish Beach. Our well is only for household use, and we will not use much, if any, more water than we already. Although we do plan on expanding our garden, we will also install an automatic, intelligent watering system. This is our first year of having a proper garden, and we will absolutely scrap our current system of hand-watering.

Because our well is not designed to take much more (if any) water than we are currently using, it is, financially, a net win for IBWD. If we have our own source of water, IBWD will have an equivalent amount of surplus water to sell at market rate. We have noticed the water tanker truck filling up at the hydrant near us on Sea Cypress with increasing frequency, presumably to be taken to Fort Bragg for resale.

We also propose to make this water available, if needed, in times of emergency. IBWD and Irish Beach residents are acutely aware of the multiple dangers we face by living in this beautiful, but remote, area. Within only the past twelve months the region has experienced deadly wildfires and PG&E blackouts for days on end. Heavy winter rains routinely close Highway 1 at the Garcia and Navarro Rivers, and threat of wildfire and earthquakes are always present; in fact, emergency planning has been a recurring theme in IBWD meeting minutes. Because IBWD serves the entire neighborhood, any catastrophic disruption to the water lines would render the fire hydrants inoperable and household access to IBWD water impossible.

As an example of IBWD's awareness of hydrant vulnerability can be found in the January 14, 2012 minutes: "It was noted that it would be advantageous for fire protection purposes, especially in the event of power failure, for example, following an earthquake, to have installed provision for direct connection of the pumper units at each of the storage tanks. It was also noted that a connection at Pomo Lake which did not require driving over the dam would be of benefit." (See Exhibit D attached).

Our water storage tank, will have a fitting for a fire hose. Depending on the size of our tank (2,500 seems to be the standard size; if IBWD is interested in a larger tank for greater fire protection, we are amenable) and the length of the fire hose, it would be

available not only for our protection, but the protection of the surrounding houses and cypress tree line as well.

Water emergencies are not limited to times of catastrophic events, such as fires, flooding, or earthquakes. Even mundane situations can imperil the water supply. A mechanical failure in a piece of district equipment; contamination of the county supply; inability to get necessary parts for repair; an errant backhoe breaking a line. In these situations, having a redundancy in the water supply is critical. Although we are not an even substitute for IBWD, we can offer Irish Beach residents the option to take drinking water from our storage tank. It's a better option than dipping out water from Pomo Lake.

A final benefit of drilling a well is free water for a community garden. The residents of Irish Beach frequently posit this question on NextDoor: "Why can't we have a community garden?" The benefits of a community garden are clear, and dovetail nicely with the above-mentioned tenets of *resiliency*, *redundancy*, and *stewardship* of systems. Having a hyperlocal food supply is more important than ever; empty grocery store shelves and miles-long food bank lines is a stark reminder of the "new normal." Irish Beach is isolated, and anything we can do to increase our resiliency and preparedness can only benefit everyone in the neighborhood. Our homestead is blessed with three flat acres, good soil, and on-site youngsters who are willing to put in the infrastructure and water-wise irrigation systems. Rod and I love Irish Beach, and love our neighbors. The last piece of the puzzle is an irrigation source, and we hope that IBWD will allow us to provide that.

Sincerely,

Susan Israel

Rodrigo Curbelo

Nov. 7, 2020

TO: Board of Directors, Irish Beach Water District

FROM: Matthew Emrick, General Counsel

RE: Proposal for a private well on 43601 Acquistapace Rd, Irish Beach

I. OVERVIEW

Well Proposal from Suzy Israel and Rod Curbelo

Proposal for a well on 43601 Acquistapace Rd, Irish Beach. See Board Packet.

Applicants seek to build a well on their property and be exempted from the District's well moratorium which is currently in place. District staff has met with applicant to discuss the proposal.

The Applicants have informed staff that they desire to disconnect entirely from the District's system and rely solely on their proposed well for water supply purposes.

Background

The private use of wells in the District has been generally prohibited by the District. The rationale for this prohibition is multi-faceted and spans the history of the District.

The private well prohibition has over the years been stated to be based in part on: the transfer of all water rights by the developer to the District as directed by Mendocino County and LAFCO; Water Code 35602 dedicating all water owned by the state to the District; the County's requirement that subdivided properties be connected to the District; protecting community water resources and supply in the District from being diminished by private groundwater pumping from a fractured rock system; and the general unpredictable nature of groundwater availability on the Mendocino Coast.

Another rationale has been the need by the District to maximize the beneficial use of Irish Gulch Creek. Irish Gulch is the primary water supply source in the District. The permit for Irish Gulch from the State Water Resources Control Board (“SWRCB”) is set to transition to License at any time. Under applicable law, the License will “lock-in” a specific amount of water that the District will be able to divert for use. The initial licensing inspection by the SWRCB in 1999 set this specific licensed amount at only 29.62 gallons per minute. The District has projected that it needs a minimum of 58 gallons per minute from Irish Gulch Creek to meet the demand at full-build out of the development. Upon information provided by the District, the SWRCB ordered another licensing inspection in about 2009, which has not yet occurred. It is the District’s goal to maximize the use of Irish Gulch water for beneficial purposes before the next inspection to establish a use greater than 29.62 gallons per minute. Without 58 gallons per minute from Irish Gulch Creek, the District could potentially not have sufficient water source capacity for full build-out (unless other sources are developed).

In light of the above, an original well ordinance was discussed by the District in the 1980s and adopted in the early 1990s. The Ordinance was later revoked as part of a settlement agreement in 1995. The existing well moratorium was adopted in 2000 (Res. 2000-7). It was extended to June 2021 as part of the District’s drought protection measures instituted pursuant to the State drought regulations.

In about 2013, the District began to allow exemptions from the well moratorium for Nichols Ranch Properties on a case-by-case basis upon the property owners agreeing to certain specific conditions. This exemption was based upon the rationale that there is no existing water supply connection between those properties and the District and the parcel was being considered for a potential transfer or sale.

Historically, the District has also allowed the continuation of water supply systems existing prior to the formation of, or annexation to, the District to continue operation. These include a spring-fed water supply connection in the Nichols

Ranch area and an existing well in the Acreage Parcel area. Both of these pre-existing systems are on larger properties not presently connected to the District.

II. ANALYSIS

The Property at issue was previously owned by the Acquistapace family according to staff and the applicants. Prior to connecting to the District, the property was served by a spring-fed water system. That water system was not abandoned by the property owners, but was rather destroyed against their wishes by a third-party landowner. It is a larger parcel that was historically an agricultural property.

Over the years, the issue of whether this property is in the District has been raised. After some review, the Property appears to be within the LAFCO approved boundaries of the District. Nevertheless, it appears that as part of the original petition for formation that the property was to be excluded from the District. It is Staff's position that it is reasonable and prudent to accept the currently used LAFCO boundary, which includes the property.

III. FISCAL IMPACT

The District will likely experience reduced revenues if the well is permitted. The amount of loss will depend on whether the applicants are allowed to entirely disconnect from the District system.

IV. RECOMMENDATION

Staff recommends approval of the well.

The well would be essentially replacing a spring-fed water system that existed prior to the property connecting to the District. That pre-existing system was apparently destroyed against the wishes of the property owners. There is an established precedent for the District allowing such pre-existing water systems for larger properties on a case-by-case.

Staff recommends the consideration of the following conditions for this approval:

- Applicants agree that their well system will not interfere with or adversely impact the District's water system or water rights.
- Existing District easements and rights of access, if any, shall not be affected.
- Applicants agree to use their water in a reasonable and non-wasteful manner.
- Water to be used only on Applicants' property.
- Applicants work with the District to install a meter on their well to be read by the applicants and reported to the District. The purpose of this proposed condition so that District may use the amount of water reported as conserved water to be applied to the total use for Irish Gulch License.
- Applicants should remain connected to the District and subject to District fees and assessments. The purpose of the District is to provide water to parcels contained within the District. Wells in fractured rock systems are vulnerable to groundwater availability. The District's Unit 8 well went dry years ago.

V. CEQA

The District's approval of the proposed project is a discretionary action subject to the California Environmental Quality Act ("CEQA"). *Protecting Our Water and Environmental Resources v. County of Stanislaus* (2020 Case No. S251709).

Staff determines that the District's approval of this project falls within the following CEQA Exemptions: New Construction and Small Structure; Minor Alteration to Land (14 CCR § 15303 and 15304); Replacement of Historical Existing Water System (14 CCR § 15301).

RESOLUTION NO. 2000-7

**AN URGENCY RESOLUTION ADOPTING A MORATORIUM ON THE
DRILLING OF WELLS WITHIN DISTRICT BOUNDARIES**

I. Recitals and Findings

WHEREAS, the Board of Directors ("Board") of the Irish Beach Water District desires to require the approval of the District prior to the commencement of any groundwater well drilling within the District; and,

WHEREAS, the District is in the process of studying the feasibility and appropriateness of a resolution which would limit well drilling where it threatens the District's water supply, and is currently in the process of adopting a policy for the issuance of well permits; and,

WHEREAS, California Water Code Section 35400 provides that the District has the power generally to perform all acts necessary or proper to carry out fully its mandate as set forth in the state Water Code; and

WHEREAS, California Water Code Section 35409 provides that the District may commence, maintain, intervene in, defend and compromise actions and proceedings to prevent interference with or diminution of the natural flow of any natural subterranean supply of waters which may be used or be useful for any purpose of the District, be of common benefit to the land or its inhabitants, or endanger the District's inhabitants or land; and

WHEREAS, the Board held a public hearing on Nov. 11, 2000 to consider the enactment of this resolution temporarily prohibiting the drilling of groundwater wells within District boundaries; and,

WHEREAS, the Board finds that allowing the drilling of wells prior to fully evaluating and approving the District's proposed well permit policy poses a current and immediate threat to the public health, safety and welfare because such activity may jeopardize the District's water supply as well as the health and safety of District residents; and,

WHEREAS, the Board, therefore desires to create a temporary moratorium, effective immediately, on the drilling of water wells within District boundaries.

II. Action To Be Taken

NOW, THEREFORE BE IT RESOLVED that the Board of Directors for the Irish Beach Water District hereby orders effective immediately a temporary moratorium on the drilling of groundwater wells within District boundaries.

* * * * *

I hereby certify that the foregoing Resolution was regularly introduced and adopted by the Board of Directors of the Irish Beach Water District at a meeting held on the 11 day of NOVEMBER, 2000 by the following vote:

AYES: POUNE, BURMANIA, LUBECK, WHITAKER,
FRAME

NOES: _____

ABSTAIN: _____

ABSENT: _____

ATTEST: Stephen Whitaker
Secretary of the Board

RESOLUTION NO. 2016-02

RESOLUTION RELATING TO MAY 31, 2016 STATE MANDATED EMERGENCY ACTION REGARDING WATER CONSERVATION MEASURES DUE TO DROUGHT CONDITIONS

WHEREAS, California is in a severe drought state-wide; and,

WHEREAS, on May 31, 2016, Governor Brown issued an Executive Order *amending* prior executive Order B-25-15 directing the State Water Resources Control Board to develop emergency regulations relating to state-wide water conservation during the year 2016; and,

WHEREAS, the State Water Resources Control Board has adopted amended emergency drought rules directing that small, non-urban water Districts such as Irish Beach Water District take certain measures related to the on-going drought during the remaining part of the year 2016 (Article 22.5, Drought Emergency Water Conservation, Section 865 (g)(1));

NOW THEREFORE LET IT BE RESOLVED THAT: the District has determined to comply with the State Water Resources Control Board's 2016 emergency drought rules as follows:

1. The District has assessed its water supply based in part on the availability of surface and groundwater during the prior 3 years of drought and has determined that the District has adequate water supply to provide service to its present users for the next three (3) years with reasonable voluntary drought conservation measures. The District nevertheless reserves its rights to implement and require mandatory measures for water conservation should the District's water supply assessment change due to drought (or other related) conditions.
2. The District shall provide recommended measures to the property owners in the District for voluntarily conserving water and encourage property owners to implement such measures.
3. If the District acquires and confirms the existence of any leak occurring from private water supply facilities within the control and ownership of a District customer, the District shall provide prompt notice to the impacted District customer and request any such leak be repaired. The District will provide assistance to such customers with respect to identifying and locating any such leaks the District identifies.

- 4. The District's present groundwater well moratorium (Resolution 2000-1) shall be extended for at least another 5 years to protect the District's water supply.
- 5. The restrictions set forth in District's prior 2015 Emergency Drought Resolution (Resolution 2015-2) relating to outdoor watering are hereby rescinded.
- 6. This Resolution shall become effective beginning on July 15, 2016 ("effective date").

ADOPTED by the Board of Directors of the Irish Beach Water District at a regular meeting held on July 9, 2016 by the following vote:

Ayes: _____

Noes: _____

Abstain: _____

Absent: _____

Dated: _____

Approved: _____

President, Don Harley

Attest: _____

Secretary of the Board, Jan McCormick

Irish Beach Water District End-User Voluntary Measures in Promotion of Water Conservation

To prevent the waste and unreasonable use of water and to promote water conservation, the District suggests each of the following actions be limited:

- (1) The application of potable water to outdoor landscapes in a manner that causes runoff such that water flows onto the adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots or structures;
- (2) The use of a hose that dispenses potable water to wash a motor vehicle, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use;
- (3) The application of potable water to driveways and sidewalks;
- (4) The use of potable water in a fountain or other decorative water feature, except where the water is part of a recirculating system; and
- (5) The application of potable water to outdoor landscapes during and within 48 hours after measurable rainfall.

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**OLD BUSINESS 6. B**  
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- B. DISCUSSION AND OR ACTION: UNAPPROVED WELL ON NICHOLS RANCH. A WELL DRILLED ON 4/30/2007 WAS TESTED ON 10/7/2008 TO 10/11/2008. RESULTS INDICATE THAT ENOUGH WATER IS AVAILABLE TO SUPPLY 6.24 CONNECTIONS AT 300 GPD. (WHITAKER).**



NEW BUSINESS 7. A.



**A. DISCUSSION AND OR ACTION: APPOINTMENT (VIA VOTE OF DIRECTORS) OF NEW BOARD DIRECTOR TO SERVE THE REMAINDER OF DIRECTOR DROLET'S TERM.
(IBWD DIRECTORS)**

Irish Beach Water District
PO Box 67
Manchester, CA 95459

October 9, 2020

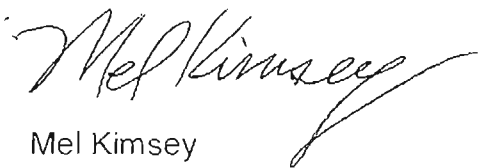
IBWD Members,

I would like to be considered for the recently vacated position on the Irish Beach Water District board.

I have an engineering degree from the United State Military Academy at West Point with a graduate degree from Pepperdine University, Malibu, California. Having sold my business last year, I now have the time to take on a Board position. My wife Karla and I purchased our Irish Beach home from Dorothy Engle's estate in 2012. We had the pleasure of being friends and neighbors with the late Kathy Edelbrock, among many others. We plan to retire and live in Irish Beach, and very much look forward to becoming more active in the community.

My goal would be to help maintain sufficient and sustainable clean water, and in so doing help ensure the water district excels in service to the community.

I appreciate your consideration.



Mel Kimsey

30 Highland Court

Danville, Ca 94526

Ph: 510-909-7882

Irish Beach Address:

15020 S. Hwy 1

Manchester, Ca 95459



Law Office of Susan Israel

October 21, 2020

Irish Beach Water District
PO Box 67
Manchester, CA 95459

sent via USPS regular mail and board member emails

RE: Application for Appointment to Vacant IBWD Board Position

Dear Board Members:

Please consider me for appointment to the vacant board member position. I have lived in Irish Beach since August 2018, and Rod Curbelo, my husband, joined me in October 2018. We have always been full-timers.

I am a practicing attorney. Prior to coming to Mendocino County, I spent fifteen years at the San Bernardino County Public Defender's Office, with most of that time focused on serious felony, homicide, and death penalty cases. I am a California State Bar Certified Legal Specialist in Criminal Law. In 2016, I went into private practice, working on criminal defense matters and expanding into other areas, including administrative law.

Since 2016, I have been on retainer with a national nonprofit that helps small farmers navigate local, state, and federal laws and regulations. In addition to giving advice to farmers throughout the country, I handle almost all of our members' litigation matters. This includes administrative hearings, local and state government disputes (zoning, easements, Right to Farm actions), and related criminal matters. I have appeared *pro hac vice* in Michigan, Indiana, Pennsylvania, and Oregon.

In addition to my legal work, I have been active on various local and state boards, including the following:

- Loma Linda Trails Committee (a committee of the Loma Linda, California City Council), approximately 2012 to 2018
- San Bernardino County Public Attorneys' Association (SBCPAA), 2010-2016
- California Public Defender's Association (CPDA), 2010-2016

SBCPAA's membership is comprised of over three hundred Deputy District Attorneys, Deputy Public Defenders, and Deputy Child Support Attorneys. I was treasurer for approximately two years and balanced a budget of over several hundred thousand dollars, to the penny. Prior to that, as treasurer of the Association's PAC, I balanced its budget of over a million dollars.

45121 Ukiah Street, Suite C
PO Box 1647
Mendocino, California 95460

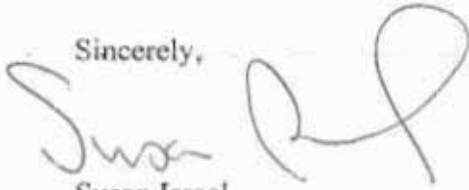
(707) 271-9256 office
(909) 781-2958 fax
susan.israel@outlook.com

CPDA is a statewide organization with fifteen thousand members. I was on the board for six years and traveled to Oakland from SoCal for monthly meetings. I was also on its Legislative Committee, tasked with analyzing proposed legislation, drafting legislation, and testifying before State Senate and Assembly committees as an expert in criminal law.

As references, please contact Steve Prekoski at (559) 786-8176 (CPDA board member) and James Secord at (909) 262-2067 (retired Deputy District Attorney, and fellow SBCPAA board member).

I spent my career in public service and volunteered to shoulder even more responsibility in volunteer capacities. I think it is important as a citizen to be engaged one's community, and I look forward to continuing my engagement here in Irish Beach.

Sincerely,



Susan Israel


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**EXECUTIVE (CLOSED) SESSION 8 A & B**

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- C. 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.

- D. 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).