

**IRISH BEACH WATER DISTRICT BOARD OF DIRECTORS
REGULAR MEETING MINUTES
15401 FOREST VIEW ROAD, MANCHESTER, CA 95459
March 14, 2020**

- 1. CALL TO ORDER AND ROLL CALL:** President Terry called the Regular Meeting to order at 10:03 A.M. on Saturday, March 14, 2020, in the Rex Dunning Firehouse, 15401 Forest View Road. Roll call of directors in attendance were: President Terry, Director Ellison, Director Drolet, Director Dyson, and Director Whitaker. Employees in attendance were: General Manager Acker, Clerk/Accountant Murray, Clerk/Secretary Sackman. Legal Counsel Emrick attended by telephone.
- 2. APPROVAL OF MINUTES:** Director Whitaker made a motion to approve the Regular Meeting Minutes dated January 11, 2020, as submitted. The motion was seconded by Director Ellsion. Roll call vote: President Terry, aye; Director Ellison, aye; Director Drolet, aye; Director Dyson, aye and Director Whitaker, aye. Motion carried.
- 3. COMMUNICATIONS AND CORRESPONDENCE:** Communication received from William Moores was discussed regarding re-paving of the Alta Mesa Road, Mr.Moores' suggestion to raise cash for the re-paving, and Mr. Moores' request for a letter from IRISH BEACH WATER DISTRICT to the County Planning Department for approval for him to have a test well drilled, and status of anexisting well on another parcel of Mr. Moores. Re-paving of the road and raising funds for that expense will be tabled until the next Board Meeting. An approval letter, test well drilling, and status of existing well will be further discussed in Section Old Business, Items D and E.

Received correspondence from ACLU requesting an assessment of the dedication of the acreage to residential or non-residential use. Clerk/Accountant Murray replied to their letter as requested.

Received communication from Gary Levenson Palmer, an Irish Beach resident, regarding having an Irish Beach Community generator to be installed for electrical power outages. After discussion, President Terry concluded that he would reply to Mr. Levenson-Palmer's communication after further research into this matter.

- 4. PUBLIC INPUT:** None.

- 5. REPORTS:**

- A. TREASURER'S REPORT:**

March 2020:

Cash Balance: \$1,142

Operations Reserve: \$0.00

Emergency Response Augmentation: \$22,958

System Wide Capital Improvement: \$0.00

>40 Year Equipment Replacement Fund: \$116,842

Alternate Water Development Fund: \$422,835

Total Assets both Restricted and Unrestricted: \$650,981

Clerk/Accountant Murray discussed the January 10, 2020 through March 13, 2020 Treasurer's Report and Checks Issued Report with the Board. She pointed out that the cash in the checking account was \$1,142 and provided two reasons for this low cash balance. The first reason being expenditures for the appeals attorney, Jay Eisner, from the Law firm Downey Brand. The second reason being the amount of general funds expended for the electronic meter project. A loan was previously booked from the Restricted Assets Greater Than 40 Year Asset Replacement Fund in the amount of \$25,000. Treasurer Murray further explained that a second loan of \$25,000 was made to cover the recent legal fees requested by the appeals attorney. Treasurer Murray requested a motion for the proposal of a payment schedule of \$15,000 a year for five years at an interest rate equal to the amount of lost interest from the restricted account. Before the next board meeting, there will be a budget meeting, consisting of Treasurer Murray, Directors Ellison and Dyson, and General Manager Acker. Treasurer Murray will present their proposed budget for the next fiscal year at the May Board Meeting.

Treasurer Murray called for a motion to accept the Treasurer's Report as presented and to accept the checks issued. Director Drolet made a motion to approve the Treasurer's Report and checks issued between January 10, 2020 and March 13, 2020. Director Ellison seconded the motion. Roll call vote: President Terry, aye; Director Ellison, aye; Director Dyson, aye; Director Drolet and Director Whitaker, aye. Motion carried.

After Treasurer Murray, Legal Counsel Emrick and the Board's discussion regarding an internal loan from restricted funds with a yearly payment of \$15,000 for five years, the Board directed Treasurer Murray to present a resolution for the proposed loan with a repayment schedule for approval by the Board at the May Board Meeting.

- B. WATER/STORAGE FACILITIES/CONVEYANCE LOSS:** General Manager Acker reported the following: Nothing outside of normal operations to report. We are researching scrap value for the more than 200 used water meters that were replaced with the electronic water meters. General Manager Acker attended IRISH BEACH WATER DISTRICT 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: March 3, 2020: "Workplace Violence," "Safety Orientation," and "Stairways & Ladders." Attendees: General Manager Acker, Water Treatment Plant Operator Dickson, and Maintenance Employee DeVaul.
- D. LEGAL COUNSEL:** Legal Counsel Emrick reported that at the last meeting he was directed by the Board to update the proposed Draft Policy 3075 for septic setbacks, give additional discretion to the general manager, and research the reason and rationale for the septic setbacks going from 10 feet to 25 feet. Legal Counsel Emrick has left a message with Timothy O'Brien, who oversees the State Water Resources Control Board/Waste Water Treatment System Policy regarding septic setbacks. It will be on the agenda at the May Board Meeting for further discussion and possible inclusion into existing policy.
- E. DIRECTORS:** Nothing to report.

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).** Legal Counsel Emrick reported he is working with Doug Dove, an Engineer with Bartles and Wells, to assemble a summary of what it would cost the District for him to implement the connection fee, and also additional information on other potential financial sourcing. This subject will be continued for discussion at the May Board Meeting.
- B. REVIEW AND DISCUSSION: FINAL APPROVAL AND SUBJECT TO ADOPTION BY IRISH BEACH WATER DISTRICT OF THE PROPOSED DYSON PROPERTY AGREEMENT FOR A 25 FOOT SEPTIC/LEACH LINE SETBACK FROM IRISH BEACH WATER DISTRICT WATER MAINS (TERRY/ACKER/EMRICK).** Legal Counsel Emrick reported that he will have a policy for further discussion and action at the May Board Meeting, which will adopt the Local Agency Management Program (LAMP) of the 25-foot setback. Legal Counsel Emrick and General Manager Acker will compose language that includes adjustments to the 25-foot setback as appropriate for property development. Director Dyson reported that all the necessary permits will be obtained by mid-April, and construction can begin after that. General Manager Acker reported that his crew will be ready at that time to move forward with Bid's 100 feet of piping, as its responsibility for that part of the construction.
- C. DISCUSSION AND OR ACTION: WATER SUPPLY IN IRISH BEACH: WATER AVAILABLE FROM THE UPPER AND LOWER DIVERSIONS DURING THE LOW FLOW PERIOD INDICATES THAT ENOUGH WATER IS AVAILABLE TO SUPPLY 212 CONNECTIONS. OTHER POSSIBILITIES ARE EXPLORED. (WHITAKER/EMRICK).** Counsel Emrick opened this discussion of what Bid's source of water supply needs to be based upon what the requirements are for providing water versus what the real-life demand is. Director Whitaker presented information regarding available water in Irish Beach, the three sources of water during the low flow period, and projections for water usage.
- D. DISCUSSION AND OR ACTION: WELL ON NICHOLS RANCH. A WELL DRILLED ON 4/30/2007 WAS TESTED ON 10/07/2008 TO 10/11/2008. RESULTS INDICATE THAT ENOUGH WATER IS AVAILABLE TO SUPPLY 6.24 CONNECTIONS AT 300 GPD. (WHITAKER).** Director Whitaker presented information regarding a well drilled on a parcel owned by William Moores on Nichols Ranch. After discussion between Mr. Moores and the Board, Mr. Moores agreed that he would present a letter of intent to the Board stating that he would do what was necessary to comply with the County's requirements regarding the existing well.
- E. DISCUSSION AND OR ACTION: STATUS OF NEW WELL CONSTRUCTION PROPOSAL ON NICHOLS RANCH PROPERTY – WILLIAM MOORES (ELLISON/ACKER/EMRICK).** After the Board's discussion with Mr. Moores regarding drilling a test well on a separate piece of property from the existing well, President Terry made a motion to have a letter drawn up by Legal Counsel Emrick and General Manager Acker for the County's planning department giving Irish Beach Water District's permission for Mr. Moores to drill a test well on Mr. Moore's separate piece of property located on Nichols Ranch. Seconded by Director Drolet. Roll call vote: President Terry, aye; Director Ellison, aye; Director Dyson, aye; Director Drolet and Director Whitaker, aye. Motion carried.

7. NEW BUSINESS: None

ADJOURNMENT: President Terry moved to adjourn the Public Session of the Board Meeting at 12:39P.M. Director Ellison seconded the motion. The Executive Session convened at 12:43P.M.

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

CONVENED 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).**

RETURNED TO OPEN SESSION AND REPORT:

President Terry closed the executive session and reconvened the open (public session of the IRISH BEACH WATER DISTRICT at 1:05 P.M. and stated that there were no reportable actions to report regarding existing litigation. President Terry moved to adjourn the Board Meeting. Director Ellison seconded the motion. Roll call to vote: President Terry, aye; Director Ellison, aye; Director Drolet, aye; Director Dyson, aye and Director Whitaker, aye. Motion carried. Meeting adjourned at 1:07 P.M. The next Board Meeting will be scheduled for Saturday, May 9, 2020.

Respectfully submitted:

Attest:

Kenneth Terry, President

Stephen Whitaker, Secretary of the Board

Date: _____

Date: _____