

IRISH BEACH WATER DISTRICT BOARD OF DIRECTORS
SPECIAL MEETING MINUTES
REX DUNNING FIREHOUSE, 15401 FOREST VIEW ROAD, MANCHESTER, CA 95459
November 18, 2018

1. CALL TO ORDER AND ROLL CALL: VicePresident Ellison called the open Special Meeting to order at 1:00 P.M. on Sunday, November 18, 2018, in the Rex Dunning Firehouse, 15401 Forest View Road. Roll call of directors in attendance were: Director McCormick, Director Reidenbach, and Vice President Ellison. Employees in attendance were: District General Manager Acker, Accountant/Clerk Murray, Clerk/Secretary Sackman. Absent were President Drolet and District’s Legal Counsel Emrick.

A. OPEN SPECIAL MEETING REGARDING DISCUSSION OF POMO LAKE ISSUES: Director McCormick opened the discussion and stated that thisSpecial Meeting itinerary will begin with opening the special open meeting for preliminary discussion at the Rex Dunning Firehouse, closing the Special Meeting at the firehouse, reopening the Special Meeting at 2:00 P.M. for a joint discussion with the Irish Beach Improvement Club (IBIC) and attendees at the Garcia Community Center, located at 43970 Crispin Road, Manchester, CA, closing the Special Meeting after discussion concludes with IBIC and attendees, reopening the Special Meeting for further discussion and action at the Rex Dunning Firehouse, and closing the Special Meeting after discussion and any action to be taken.

Director McCormick proposed the following statement from her titled “Statement on Behalf of IBWD Board of Directors” for those in attendance, and for Vice President Ellison’s and Director Reidenbach’s approval, and to become familiar with the objective of the Special Meeting to follow at the Garcia Community Center:

“By making this statement on behalf of the Irish Beach Water Board, I am requestingthat the IBIC Board of Directors agree, in conjunction with the Board of IBWD, to pursue splitting the license, as you proposed in your MOU. The items set forth below are the areas that we already agreed upon.

IBIC’s license would be for recreational use of Pomo Lake, including the care and maintenance of the works for the Pomo Lake Water Diversion including the dam, spillway, and piping and other surrounding property owned by the Club. IBIC would operate the lake and dam to provide adequate water for fire protection purposes.

The District’s License would be for fire protection purposes. The District would have free and open access to the lake and dam necessary to exercise the District’s license for fire protection services.

The agreement and splitting the license must comply with applicable law.

Thank you,
Jan McCormick, Director”

Vice President Ellison, Director McCormick and Director Reidenbach agreed that the statement from Director McCormick would be the objective and focus of the joint Special Meeting with IBIC to follow at 2:00 P.M., this date.

Director McCormick stated that if the IBIC agrees to pursue splitting the license with the IBWD during discussion at the Garcia Community Center, then the IBWD Board would close the Special Meeting at the Garcia Community Center, reopen the Special Meeting at the Rex Dunning Firehouse, and discuss making a motion for splitting the license with IBIC and vote for approval.

Vice President Ellison made a motion to close the Special Meeting at the Firehouse and reconvene at the Garcia Community Center at 2:00 P.M., this date. Motion seconded by Director Reidenbach. Roll call to vote: Director Reidenbach, aye; Director McCormick, aye; and Vice President Ellison, aye. Motion carried.

B. ADJOURN TO MEETING WITH THE IRISH BEACH IMPROVEMENT CLUB (IBIC) AT 2:00 P.M. AT THE MANCHESTER COMMUNITY CENTER/GARCIA GUILD, 43970 CRISPIN ROAD, MANCHESTER, CA 95459, FOR FURTHER DISCUSSION OF POMO LAKE ISSUES.

At the Garcia Community Center at 2:01 P.M. IBIC President Wolfe opened the IBIC/IBWD meeting on behalf of the Irish Beach Improvement Club by introducing the IBIC Board members present and via phone, and Secretary Wolfe.

The IBWD Vice President Ellison opened the IBIC/IBWD joint Special Meeting on behalf of IBWD, noting Director McCormick and Director Reidenbach present; and employees General Manager Acker, Clerk/Accountant Murray, and Clerk/Secretary Sackman present. Absent from the meeting was President Drolet. It was noted that guests from the Irish Beach community were in attendance.

IBWD Director McCormick began the joint Special Meeting by introducing the IBWD Board members, present and absent, and reading her statement as presented in 1.A. above.

IBIC President Wolfe expressed concern regarding the litigation filed by the IBWD in the Superior Court in Sacramento regarding the water diversion license for Pomo Lake that he said needed to be resolved. President Wolfe asked if it was necessary to summarize the history of this discussion. Director McCormick responded by saying that it was not necessary.

President Wolfe discussed that the IBIC would continue to pay for all normal expenses necessary for the diversion of Pomo Lake, and the IBWD would pay for expenses incurred for their use of Pomo Lake. President Wolfe stated that splitting the license could not be agreed upon before the litigation matter was resolved. Director McCormick stated that the details of splitting the license could be negotiated after completing the first step of agreeing to pursue splitting the license.

President Wolfe brought up the subject of the IBIC and the IBWD combining to become one organization. Director McCormick stated that it is always a good idea to consider new ideas, but this is not the purpose of today's meeting, which is to discuss and decide on an agreement to splitting the license. Director McCormick stated that the IBIC's MOU and her statement show common ground in the verbiage, and it is necessary to focus on that common ground. Director McCormick stated that a broader range of discussion can be included, but no decisions by the IBWD can be made at this Special Meeting other than what is on the agenda.

President Wolfe discussed that the lawsuit brings up conditions that would have a negative impact on the IBIC. Director McCormick stated that the lawsuit was necessary due to the IBIC's application for ownership of the license, and only having a minimum amount of time for the IBWD to respond to that application. Director McCormick also stated that the law suit has been filed, but not served, and there was an explanation of why the lawsuit was filed, which was posted on the website, posted in the kiosks, and enclosed with the billing statements.

A guest in the audience brought up concern regarding the dam washing out. President Wolfe stated that the IBIC has insurance to cover that liability, and that the amount of water in the dam is not enough for concern; and that the state, therefore, does not regulate it.

There was discussion regarding the legal fees as part of the IBWD's budget and a proposed increase in water availability. As this was not part of the agenda, this discussion will be discussed at the next IBWD Regular Meeting.

There was discussion regarding the use of the water and the license issued to the IBWD in 1973. Director McCormick stated that the IBWD is not focused only on having the license for fire protection. IBWD is also concerned about setting a precedent for transferring water rights out of the Water District and to other private owners, and the need to maintain having water available for the Irish Beach Community.

A guest in the audience asked what the motivation was for the IBIC to request a transfer of the license to them. IBIC Director Robards discussed the following: It is a matter of property management. The IBIC's goal among other things was to bring Pomo Lake back to the health it had in the '70's and '80's. In order to do that, IBIC works with other agencies to obtain permits, and could do this more effectively with more management freedom.

President Wolfe made a motion to agree that the IBIC and the IBWD would discuss and work out a division of the existing water license, with the stipulation that no agreement would be signed until the lawsuit is settled. President Wolfe stated the motion was open for discussion. A guest in the audience asked if this type of division of a water license has been done before. President Wolfe stated there is no difference between a water right between a district and private entities, and it is provided for in the State Water Resources Control Board (SWRCB) regulations. The Motion was seconded by Director Vierra, all of the IBIC's Board approved, and the motion carried.

Director McCormick stated that the Water District's Board will reconvene at the firehouse to make a motion to agree to splitting the license with the IBIC upon terms to be developed that comply with the law and are protective of IBIC and IBWD.

President Wolfe stated that a sub-committee needs to be formed to negotiate the details of splitting the license.

Director Reidenbach stated that the Water District's Board meets every other month, and encouraged the attendance of members of the Irish Beach Community.

The IBIC/IBWD joint board meeting was closed by both Boards at 3:29 P.M.

- C. Vice President Ellison called to order the IBWD Board to reconvene at the Rex Dunning Firehouse and continue the Special Meeting at 3:46 P.M. Director McCormick stated that all were present, except President Drolet and Counsel Emrick were absent. Guests in the audience were Suand Steve Whittaker.

Director McCormick stated for the record that the motion to pursue splitting the license that was passed by IBIC included the stipulation that "no agreement would be signed until the lawsuit is settled."

Director McCormick made the motion that IBWD agree to pursue splitting the Pomo Lake/Moores Creek license with IBIC upon terms to be developed that comply with applicable law and are protective of the Water District. The motion was seconded by Vice President Ellison. Roll call to vote: Director Reidenbach, aye; Director McCormick, aye; and Vice President Ellison, aye. Motion carried.

Director McCormick announced that regrettably she was resigning from the IBWD Board. The Board agreed to make an appointment to replace Director McCormick at the January 12, 2019 Regular Meeting. The Board also agreed to continue to have Director McCormick edit the meeting minutes for an unspecified period of time. After discussion with the Board, Director McCormick submitted her written resignation with an effective date of December 12, 2018.

2. **ADJOURNMENT:** Vice President Ellison moved to adjourn the Special Meeting of the Board. Director Reidenbach seconded the motion. Roll call to vote: Director McCormick, aye; Director Reidenbach, aye; and Vice President Ellison, aye. Motion carried. Meeting adjourned at 4:05 P.M. The next Regular Meeting will be scheduled for January 12, 2019.

Respectfully submitted:

Attest:

Joe Ellison, Vice President

Jan McCormick, Secretary of the Board

Date: _____

Date: _____

Prepared by: Connie Sackman, Clerk/Secretary