

**Minutes of the Regular Meeting of the Alleghany County Water District Board of Directors
Tuesday, September 13th , 2016 Alleghany Firehouse, 105 Plaza Court Alleghany**

Call to Order: 6:05 pm

Quorum Established: Present were President Rae Bell Arbogast, Vice President Tobyn Mehrmann, Robbin DeWeese, Oregon Burns (O.B.) Tenney V, and Madeleine Hamb. Secretary Baker was present and took the minutes. ACWD Staff: Water Treatment Operator Bruce Coons and Water Distribution Assistant Ed Snyder Also present: Ernest & Nancy Finney, Vickie Tenney, Rebecca Wilkerson, and Josh Gwaizda

Consent Calendar:

- A. Approval of the Agenda
- B. Reading and approval of the minutes for the Regular meeting dated August 9th and the Special meeting dated September 6th
- C. Approval of Treasury Report and Claims for August 2016

Motion made to approve the Consent Calendar with one correction to the Agenda by Robbin, Tobyn second. Ayes: Arbogast, DeWeese, Tenney, Mehrmann, Hamb. Nayes: 0. Absent: 0 Abstain: 0 Vacant: 0. Motion Passed

Public Response Time:

Vickie asked about having a function at the Bucket club property Rae said that there would need to be an agenda item set for the next meeting to comply with the Brown Act.

Information/Discussion Items:

Correspondence: List of correspondence as attached

Water Test Results:

September Water Test results: Treated was absent, Raw: absent.

President's Report: Report attached to these minutes as included in the agenda packets.

Water Treatment Operator Report: PG&E subcontractors have been pulling too much water out of the hydrant, causing water hammer in the water system on Miner's Street. Bruce said he is in the process of readjusting a float on the lead pump. He said that at last check the flow at the pump-house was 67 GPM. He also said that there is 8ft of static water underneath the pump-house.

Historical Church/Library Report: The concert at the Historical Church is going to be held Saturday, November 5th. The band is Buckstar.

Park Report: There is not much to report except that Rae is waiting for information so that she can provide the county with an indemnification agreement for the artists doing the mosaic project. Bruce has been watering the park and trying to get a water pipe to the overflow. The Fire Department has also watered the park when they did training on 7181's pumps. Bruce said that the subcontractors want to help install a water system for the park.

Board member or special committee reports: None

Planning project update: Planning project update as attached to these minutes. Rebecca asked about Board participation in discussions and decision making, Rae said she would provide copies of Resolutions related to the project for her. Rae explained that this whole thing has been a long drawn out process.

Unfinished Business:

A. Customer accounts/billings/disconnects: There were three 5 shut off notices mailed on August 16th all were paid.

B. Second reading of Ordinance 36 regarding changing the shut off date.

Motion to approve Ordinance 36 made by Madeleine, second O.B **Ayes: Arbogast, Tenney, Mehrmann, Hamb. Nays: 0. Absent: 0 Abstain: 0 Vacant: 0. Motion Passed**

New Business:

A. Adoption of final budget, Sept. 27th set as date for public hearing/special meeting

B. Acceptance of audit report The Board did not receive the audit report in time

C. Conflict of interest revisited, Rae explained the ins and outs of the decision by the Fair Political Practices Commission and how every Board member has the responsibility to keep conflicts of interest from occurring.

D. Smaller Hydrants: A discussion was held regarding the spurs and smaller hydrants not shown on the water system schematic.

E. Board Access to ACWD properties. There was discussion and a decision was made to try to work on this with other policies/procedures.

F. A discussion involving a location for the drop box for water bill payments led to a decision to request Pliocene Ridge CSD to allow ACWD to put a free-standing locking box on the firehouse property

Next Regular meeting: Tuesday, October 11th 6:00 p.m.

Items for next agenda: N/A

There being no further business before the Board, the meeting was adjourned at: 7:00 p.m.

Minutes respectfully submitted by Leslie D. Baker III *Leslie D. Baker*

Alleghany County Water District

P.O. Box 860, Alleghany, CA 95910 ~ alleghanywater@gmail.com ~ Phone 530-287-3204

~ Established March 8, 1939 ~

CERTIFICATE OF POSTING

I, Leslie D. Baker III certify that the following document was posted on behalf of Alleghany County Water District, Sierra County California:

Agenda and meeting packet Regular Meeting, Meeting Date 9/13/16

In the following location(s):

Alleghany Post Office Bulletin Board on 9/9/16. (packets put in box for the public)
On the door of the Alleghany Firehouse (meeting location) 9/9/16

Emailed to email list as well.

A copy of which is attached hereto and by reference made a part herof.

Signed under penalty of perjury: X



Leslie D. Baker III

NOTICE

OF REGULAR MEETING OF THE BOARD OF DIRECTORS OF ALLEGHANY COUNTY WATER DISTRICT

Date: Tuesday September 13, 2016 Time: 6:00 pm
Location: Alleghany Firehouse 105 Plaza Ct. Alleghany

This agenda has been prepared and posted at least 72 hours prior to the regular meeting of the Board of Directors in accordance with the Ralph M. Brown Act. Agenda items are numbered for identification purposes only and will not necessarily be considered in the indicated order. Details and supporting materials concerning agenda items are available for public reference by calling 530-287-3204 or email: alleghanywater@gmail.com

1. Call to Order & Establish a Quorum
2. Consent Calendar
 - a) Approval of the agenda
 - b) Reading and approval of the minutes for the regular meeting dated August 9, 2016 and the special meeting dated September 6, 2016.
 - c) Approval of Treasury Report and Claims for August 2016. Clarification of questions from last month.
3. Public Response Time –The public may be heard before or during the consideration of any agenda item to be considered by the board, subject to reasonable time limitations for each speaker. Members of the public may address matters under the jurisdiction of the Board of Directors, and not on the posted agenda, provided that no action shall be taken by the board unless the matter is deemed urgent by a 2/3 vote.
4. Information/Discussion Items
 - a) Correspondence
 - b) Water Test Results for Sept. treated water: Absent Raw Water: absent!
 - c) President’s Report –
 - d) Water Treatment Operator Report
 - e) Historical Church/Library Report – Concert scheduled for Nov. 5th with Buckstar performing
 - f) Park Report –
 - g) Board member or special committee reports
 - h) Planning Project Update
5. Unfinished Business (Discussion & Possible Action Items):
 - a) Customer Accounts/Billings/Disconnects Three shut-off notices were mailed on August 16th – all paid.
 - b) Ordinances: Second reading and adoption of ordinance # 36
 - c) By-laws: The motion to adopt Rosenberg’s Rules died for lack of a second at the last meeting, it can be revisited at a later date if anybody wants to request that it be put back on the agenda.
6. New Business (Discussion & Possible Action Items):
 - a) Adoption of final budget for FY 16-17 Need to schedule a public hearing and meeting before 9/30/16
 - b) Acceptance of audit report (if received in time for the meeting).
 - c) Conflict of Interest (this was “finished business” at the regular meeting held July 12th but a member of the public asked to have it addressed again at the regular August meeting)
 - d) Three smaller fire hydrants – request for discussion
 - e) Board access to locked areas – keys or combination? Adopt a policy? Sent out inquiry on the CSDA list-serve.
 - f) Location for drop box for water bill payments
7. Next meeting date, Items for next Agenda & Adjournment. Items for next meeting agenda: Adoption of Final Budget.
Next regular meeting September 13th, 2016

Upon request. Agendas will be made available in alternative formats to accommodate persons with disabilities. Please make your request to District Secretary, P.O. Box 860, Alleghany CA 95910 specifying your disability and the format in which you would like to receive this Agenda and future Agendas as well.

ORDINANCE NO. 36

AN ORDINANCE EXTENDING THE SHUT-OFF DATE FOR NON-PAYMENT FROM 20 DAYS TO 25 DAYS

BE IT ORDAINED by the Board of Directors of the Alleghany County Water District, Sierra County, California as follows:

Section 1. Ordinance 3 article 9 section 904 is amended as follows:

Delinquency Date: Rates and charges which are not paid on or before the first day of the calendar month following the due date shall be delinquent. If charges are not paid on or before the first day of the calendar month after the due date, a penalty of ten percent (10%) will be added to said charges including any previous penalties. If charges and penalties are not paid within twenty-five days after the delinquency date, the District may discontinue service. The district board shall establish policies & procedures pertaining to standard billing notes regarding late fees and subsequent shut-off notices in accordance with this and other applicable ordinances.

Ordinance 3 article 10 section 1001 is amended as follows:

Disconnection for Non-payment. Service may be discontinued for non-payment of bills on or before the twenty-fifth day following the delinquency date specified in Section 904. At least ten (10) days prior to such discontinuance, the customer will be sent a final notice informing him that discontinuance will be enforced if payment is not made within the time specified in said notices. The failure of the District to send or any such person to receive said notice shall not affect the District's power hereunder.

Section 2. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Section 3. This ordinance shall take effect upon adoption unless otherwise stated and shall be posted in three public places in the District.

I hereby certify that the foregoing is a full, true, and correct copy of Ordinance number 36 duly passed and adopted by the Board of Directors of the Alleghany County Water District, Sierra County, California, at a regular meeting held on the 13th day of September, 2016 by the following vote:

AYES, and in favor thereof, Directors:

NOES, Directors:

VACANT,

ABSENT, Directors:

SIGNED:

Rae Bell Arbogast, President

ATTEST:

Leslie D Baker III, Secretary

Per the request at the August meeting here is a list of the information provided for the income survey.



Rae Bell Arbogast <alleghanywater@gmail.com>

Alleghany County Water District income survey

1 message

Jean Thompson-Ibbeson <JThompson@rcac.org>

Fri, Jul 15, 2016 at 10:59 AM

To: "alleghanywater@gmail.com" <alleghanywater@gmail.com>

Cc: "srooklidge@waterboards.ca.gov" <srooklidge@waterboards.ca.gov>

Hi Rae:

It was a pleasure speaking with you this morning. As I explained to you I'll need the following information to get started.

- 1) A list of all customers name, physical address, and mailing address. If you could indicate in a comment column if they are vacant or vacation homes it would help us greatly.
- 2) Contact person from the utility name, address, phone number, and email address to place on the letters.
- 3) A copy of the utility's letterhead to use for the customer letter.
- 4) Do you need the letters to go out in English and Spanish?
- 5) Does the district have a five member board or three?

If you could send me the information needed in 2-5 I can get started on the guidelines and letters while you put the address list together.

Look forward to working with you, Jean.

JEAN A. THOMPSON-IBBESON

RCAC/ENVIRONMENTAL PROGRAMS
Rural Development Specialist/California
(916) 207-8814 (cell)

(916) 447-2878 (Fax)

www.rcac.org

This is what the return address ~~looks~~ looks like.
Please fill in the form & mail it back.



RCAC

3120 Freeboard Drive, Suite 201
West Sacramento, CA 95691

IMPORTANT/IMPORTANTE:

**Water/Wastewater Income Survey
Please respond as soon as possible**

**Encuesta de Ingresos por medio del Agua y
Sistema de Alcantarillado**

Por favor responda lo mas pronto posible

Copy from July 12, 2016 regular meeting packet.

Conflict of Interest Update:

On July 8th the response from the Fair Political Practices Commission was finally received. It is 6 pages long. If anybody wants a copy let me know. My original questions submitted on March 25, 2016 were as follows:

1. Did I violate the conflict of interest code by participating in the decision to narrow the scope of the SRF planning project at the July 10th meeting?
2. Is it a violation for me to be the main person who is coordinating with the engineers for the SRF project as I am now?
3. When the Planning Project is completed and a recommendation has been made for the construction phase of the project, do I need to excuse myself from participation in the decision making?

In their response letter they rephrased all of my questions as follows:

#1: May you take part in a decision of the Allegheny County Water District (the "District") Board to reinstate a proposed water project plan (the "original plan") after an alternate plan (the "current plan") has been approved where both plans affect property owned by Original Sixteen to One Mine, Inc., (the "corporation") of which you are the Secretary and a shareholder?

The answer to their version of question #1 is "Yes. It is not reasonably foreseeable that the decision will materially affect your financial interest."

Question #2 : May you act as the primary coordinator with engineers working on the project?

Question #3: May you participate in decisions involving the construction phase of the project after the planning phase has been completed?

The answer to their version of #2 and #3 is: "Yes, You have not identified any governmental decisions that may come before the District's Board that would relate to the activities of a project coordinator or involve the construction phase of the project. You will need to determine as to each decision whether the decision will have a reasonably foreseeable material financial effect on your financial interest."

Presented again for meeting date: 9/13/16

Alleghany County Water District

MAIN ACCOUNT	Beginning Balance	\$	5,233.12
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Deposits

Date	From:	For:	Amount
8/1	Diamond Well drilling	copy of bid packet	\$ 20.00
8/2	Customers	Water Sales	\$ 40.00
8/15	Customers	Water Sales	\$ 160.00
8/31	Customers	Water Sales	\$ 180.00
8/31	Customers	Water Sales	\$ 196.00
8/31	Customers	Water Sales	\$ 1,375.92
8/31	SWQCB	Planning Project deposit	\$ 20,649.41
8/31/16	Non-Enterprise Account	dump fee for the park reimbursement	\$ 187.04

Deposits Total \$ 22,808.37

Expenditures

Ck #	Date	To:	For:	Amount
EFT	8/9/16	Southland Electrical	compressor	\$ 183.82
5067	8/15/16	AT&T		\$ 16.47
5068	8/15/16	Cranmer Engineering	water tests	\$ 546.00
5069	8/15/16	Ed Snyder	July Bill - WTA	\$ 180.00
5070	8/15/16	Edda Snyder	July Bill - Bookkeeper	\$ 100.00
1041	8/18/16	State Fund	workers comp insurance	\$ 561.99
EFT	8/24/16	PG&E	pumphouse	\$ 290.68
1042	8/30/16	Sierra County Tax Collector	dump fee park- reimbursed from other acc.	\$ 187.04
1043	8/31/16	Bruce Coons	Aug Bill - WTO	\$ 349.48
			WTO Contract	\$ 250.00
			Mileage	\$ 99.48

Expenditures Total \$ 2,415.48

Ending Main Account Balance \$ 25,626.01

Non-enterprise account	Beginning Balance	\$	8,418.72
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Deposits

Date	From:	For:	Amount

Deposits Total \$ -

Expenditures

Ck #	Date	To:	For:	Amount
EFT	8/24/16	PG&E	Historical Church	\$ 9.85
EFT	8/31/16	Transfer to Main Account	solid waste fee for the park (dump fee)	\$ 187.04

Expenditures Total \$ 196.89

Ending non-enterprise Account Balance \$ 8,221.83

August 2016 Historical Church/Park Tracking

Historical Church START				PARK START				TOTAL
Date	Income	Expenses	Balance	Date	Income	Expenses	Balance	
July		\$ 9.86	\$ 9,031.85	July			\$ 2,386.87	\$ 11,418.72
August		\$ 9.85	\$ 9,022.00	August		\$ 187.04	\$ 2,199.83	\$ 11,221.83
September			\$ 9,022.00	September			\$ 2,199.83	\$ 11,221.83
October			\$ 9,022.00	October			\$ 2,199.83	\$ 11,221.83
November			\$ 9,022.00	November			\$ 2,199.83	\$ 11,221.83
December			\$ 9,022.00	December			\$ 2,199.83	\$ 11,221.83
January			\$ 9,022.00	January			\$ 2,199.83	\$ 11,221.83
February			\$ 9,022.00	February			\$ 2,199.83	\$ 11,221.83
March			\$ 9,022.00	March			\$ 2,199.83	\$ 11,221.83
April			\$ 9,022.00	April			\$ 2,199.83	
May			\$ 9,022.00	May			\$ 2,199.83	
June			\$ 9,022.00	June			\$ 2,199.83	
Hist. Church BALANCE			\$ 9,022.00	PARK BALANCE			\$ 2,199.83	\$ 11,221.83
						Loan to main acc		\$ (3,000.00)
						Actual Checking balance		\$ 8,221.83

ACWD President's report regular meeting 9/13/16

Audit update: The auditor has everything including the analysis that I had to put together (MD&A) and we should have the audit report any day now.

Planning Project

Kip suggested that we wait until the well driller has the permit from the County to work on the road to the water tank before issuing the "Notice to Proceed". This also should be done any day now.

An addendum to the contract with Affinity Engineering (the hydro firm) was signed allowing more funds per resolution #101 passed on Sept. 6th.

What is the Cumberland? To clarify:

I refer to the 1.39 acre parcel of land where the Cumberland Spring is as: "The Cumberland". This is property that the water district owns, and is one of the sites selected by hydrogeologist Garry Maurath to put one of the test wells (test well #2) with the other test well at the water tank (test well #1). Please refer to the recording of Garry Maurath's presentation on April 12th and the attached memo for the explanation as to why he chose these sites.

The Cumberland "spring" comes out of a water tunnel on this property. Test well #2 has nothing to do with the spring, it is just located on the same parcel of land. (Yes, I can see how the confusion got started.) The water district owns the water rights to the water that comes out of the water tunnel commonly referred to as "The Cumberland Spring". The Cumberland Spring water was piped into the town's water system as recently as the early 1980s. I have not been able to find out exactly when it was taken off line. Greg Hope did rehab work on the tunnel in the early 80s but he does not know when it was taken off line or exactly why. I have asked everybody who might know with no luck.

The flow from the Cumberland Spring is not adequate in late summer to be a primary water source for the town. Our original idea for the planning project included re-habilitating the water tunnel and bringing that spring back online as an alternative water source. I have already explained multiple times why the plan was revised to drill test wells instead of rehab the springs with time being the main factor.

I agree with the members of the public who have brought up the fact that the Bucket Club property is much more accessible and I even took the drillers up there during the pre-bid meeting after they complained about access to BOTH test well site. Unfortunately the hydrogeologist had reservations about using Bucket Club as a site for reasons other than access. (See memo on reverse)

I also have spoken to Geologist Ray Wittkopp about this several times since April and again last Sunday and he agrees from a geological perspective with the sites selected by the Hydrogeologist.

Disclaimer:

"Funding for this project has been provided in full or in part through an agreement with the State Water Resources Control Board. California's Drinking Water State Revolving Fund is capitalized through a variety of funding sources, including grants from the United States Environmental Protection Agency and state bond proceeds. The contents of this document do not necessarily reflect the views and policies of the foregoing, nor does mention of trade names or commercial products constitute endorsement or recommendation for use."

OVER

TECHNICAL MEMORANDUM

To: Rae Bell Arbogast, Alleghany County Water District

From: Christine Rice, Project Manager, Affinity Engineering Inc.
Jim Carson, P.E., Affinity Engineering Inc.

Subject: ACWD Well Site Location Clarifications

Date: September 9, 2016

In response to recent requests from the community of Alleghany to move the location of test well #2 to the property commonly known as the "Bucket Club," Affinity Engineering Inc. (Affinity) has been asked to provide additional clarification regarding how the test well sites were chosen. This Technical Memorandum summarizes the reasons why the well site location was chosen and why it should not be relocated.

The following reasons were considered in choosing the location of test well #2:

- The entire Alleghany area was looked at when conducting the investigation to site the two proposed wells and the two best locations were selected, based in part on the following considerations:
 - Quantity of water produced from well
 - Quality of water produced
 - Ease of access for O&M
 - Access to power for testing and operation
- The closer the well is to the Tertiary gravels, the greater the likelihood of contamination, particularly from residential septic systems. The Bucket Club property is in the vicinity of known tertiary gravel deposits.
- Locating a well near the middle of town will result in significant disruption associated with trenching for installation of production pipelines.
- The contract for drilling has already been signed. A change at this point would incur additional costs and delay the project.

(A) ITEM NO.	(B) ITEM DESCRIPTION	(C) BUDGET AMOUNT	(F) TOTAL WORK COMPLETED TO DATE (%)	(G) TOTAL COSTS INCURRED TO DATE	(H) COSTS CLAIMED FOR PAY'T TO DATE	(I) AMOUNT PAID TO DATE	(J) TOTAL PRIOR CLAIM REDUCTION (INELIGIBLE COSTS)	(L) REMAINING BUDGET AMOUNT
1	Engineering & Design	\$ 83,000.00	40.09%	\$33,277.41	\$ 33,277.41	\$27,855.60	\$ 563.88	\$ 55,144.40
2	Hydrogeologist Study & Geotech Report	\$ 37,000.00	53.38%	\$19,749.75	\$ 19,749.75	\$16,169.52	\$ 45.48	\$ 20,830.48
3	Surveys & Easements	\$ 12,000.00	38.97%	\$ 4,675.90	\$ 4,675.90	\$ 4,675.90	\$ -	\$ 7,324.10
4	Environmental Review (CEQA)	\$ 500.00	0.00%	\$ -	\$ -	\$ -	\$ -	\$ 500.00
5	Test Well Drilling and Testing	\$ 94,000.00	0.00%	\$ -	\$ -	\$ -	\$ -	\$ 94,000.00
6	DWSAP Assessment & Watershed Study	\$ 24,500.00	0.00%	\$ -	\$ -	\$ -	\$ -	\$ 24,500.00
7	CEQA Contingency	\$ 9,500.00	0.00%	\$ -	\$ -	\$ -	\$ -	\$ 9,500.00
8	Planning/Design Project Contingency	\$ 29,500.00	0.00%	\$ -	\$ -	\$ -	\$ -	\$ 29,500.00
9	Legal/Admin	\$ 10,000.00	18.57%	\$ 1,857.15	\$ 1,857.15	\$ 1,662.28	\$ -	\$ 8,337.72
		\$ -		\$ -	\$ -	\$ -	\$ -	\$ -
		\$ -		\$ -	\$ -	\$ -	\$ -	\$ -
		\$ -		\$ -	\$ -	\$ -	\$ -	\$ -
		\$ -		\$ -	\$ -	\$ -	\$ -	\$ -
	TOTAL BUDGET	\$ 300,000.00	19.85%	\$59,560.21	\$ 59,560.21	\$50,363.30	\$ 609.36	\$ 249,636.70

The table above shows what has been billed through 7/31/16.

OVER

The table below shows how the costs are committed to-date per contractor. The budget has not been updated yet with the withdrawals from contingency to cover the well drilling and increased hydro contract. (Pete has not done that yet)

BUDGET		Altec	Affinity (REVISED)	North State Drilling	Total Allocated	remaining
1	Engineering & Design	\$ 83,000.00			\$ 83,000.00	\$ -
2	Hydrogeologist Study & Geotech Report	\$ 37,000.00	\$ 49,704.00		\$ 49,704.00	\$ (12,704.00)
3	Surveys & Easements	\$ 12,000.00			\$ 12,000.00	\$ -
4	Environmental Review (CEQA)	\$ 500.00			\$ -	\$ 500.00
5	Test Well Drilling and Testing	\$ 94,000.00		\$ 101,846.00	\$ 101,846.00	\$ (7,846.00)
6	DWSAP Assessment & Watershed Study	\$ 24,500.00			\$ -	\$ 24,500.00
7	CEQA Contingency	\$ 9,500.00			\$ -	\$ 9,500.00
8	Planning/Design Project Contingency	\$ 29,500.00			\$ -	\$ 29,500.00
9	Legal/Admin	\$ 10,000.00			\$ 1,600.00	\$ 8,400.00
	TOTAL	\$ 300,000.00	\$ 49,704.00	\$ 101,846.00	\$ 248,150.00	\$ 51,850.00

Note: amount allocated to #9 is an estimate of what we will need.

From: csda-listserv@mail-list.com [mailto:csda-listserv@mail-list.com] On Behalf Of ACWD
Sent: Friday, September 9, 2016 9:33 AM
To: csda-listserv@mail-list.com
Subject: [CSDA-listserv] Board access to restricted areas

This message was also sent by alleghanywater@gmail.com to: IrishPirate4200@gmail.com

At a recent board meeting a director has requested that all directors have keys or the combo to all locks. This is a water district that provides domestic water. Are there any external rules or regulations regarding this that we should be aware of or is it entirely up to the board to set the policy in this instance? Currently there is no policy in place regarding this.

I do understand that "management" is not the responsibility of the Board of Directors. In our case we are very small with an annual budget of around \$30,000 so a lot of the management tasks are accomplished on a volunteer basis by myself. The reason given for this request was "in case of an emergency". I would also like to know how other districts decide who is authorized to have keys.

Thank you.

/Rae Bell Arbogast

/

/President, ACWD/

/530-287-3223

Greg Thomas <gthomas@rinconwater.org>
To: "alleghanywater@gmail.com" <alleghanywater@gmail.com>

Fri, Sep 9, 2016 at 10:35 AM

Morning Rae,

We do not provide keys, and definitely combinations to locks, to any of our board members. This predominantly is due to fact they are not "employees" of the District, and should have no need to be in the building after hours where key or combination access is required. Part of this is a liability issue, and protects both the District and the Director. I applaud that you and your fellow Directors, given your size, volunteer your time to accomplish various tasks. That is definitely grass-roots representation!! However, for the overall protection of the District, it is recommended that access to the building be while management or staff are available. Just my two cents, as others may have differing opinions.

Best Regards,

Greg

Greg Thomas
General Manager
Phone 760-745-5522
gthomas@rinconwater.org

RE: [CSDA-listserv] Board access to restricted areas

1 message

General Manager <eaglelakescsd@citlink.net>
To: alleghanywater@gmail.com

Fri, Sep 9, 2016 at 9:55 AM

The Board is a policy making group and should not be involved in day to day activities. Have them check out the Government Code for their definition.

Karl and Rae Bell,

I certainly realize that this can be a sensitive topic. It seems the smaller the district, the more likely it is that elected directors will feel the need to be part of the operation of the District. Unfortunately that is why the special district industry is seeing a renewed push by the legislature and state regulatory agencies toward consolidations of smaller districts with larger, seemingly better managed districts. The bottom line is, directors are elected to represent the public interest in "governance" or policymaking of the district, and pose a great risk to the public (in this case health and safety) and district itself if they dabble in operations. If they jump in, even in an emergency and with the best of intentions, and get something wrong and someone gets hurt or sick; who is at fault? The director is not an employee, and it is highly unlikely that the district's errors and omissions insurance for directors will cover damages caused by an operational mistake made by an elected official.

For example (true story), a water main blows out and the contractor who normally works on the system is on vacation. District director "Johnny on the Spot" gets a call about the leak and since this is an emergency and he has keys and a backhoe, he decides to save the district some money and respond to fix the leak. Johnny and the neighbor figure out how to shut the water system down, fix the leak and turn things back on. All fixed, see?!!

What they did not see was the fact that the tree root that broke the water main, had also broken the adjacent sewer lateral line to the neighbor's septic tank, and the water main trench was inundated with sewage effluent during the repair. When the water line was re pressurized, the sewage water that had entered during the repair was distributed throughout the system. Johnny was not a state certified water operator so he did not know the risks of depressurizing the main, the open pipe being exposed to sewer effluent, disinfection requirements or sampling requirements after the system is re pressurized. And someone gets sick. The state (or county and state) fines the district for multiple violations of the safe drinking water laws and the water system permit. The district pays directly for the medical costs of the sick people because the E&O insurance denies coverage for an operational mistake. The property/liability insurance denies coverage because the District only insures certain components of the water system. The District gets sued for misappropriation of public funds for covering the cost of the medical expenses, claiming that Johnny was acting outside his scope of responsibility as a director and was not authorized by the Board to make system repairs.

Bottom line, for the safety of directors and customers, for the protection of privacy and to ensure accountability, director access to district facilities should be managed through the GM; paid or not. Hope this is helpful.

Peter J. Kampa

President, Kampa Community Solutions, LLC

(209) 591-7100
KampaCS.com

Gmail - RE: [CSDA-listserv] Board access to restricted areas

<https://mail.google.com/mail/b/352/u/0/?ui=2&ik=3ffe8b371c&view>



Rae Bell Arbogast <alleg hanywater@gmail.com>

RE: [CSDA-listserv] Board access to restricted areas

1 message

David <daranda300@gmail.com>

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Hello: My experience on this subject is that there is no "law" that would stop Directors from obtaining keys or lock combinations. I know of a number of Districts that have provided Directors with such. My recommendation would be for the Board to approve a policy that is specific. For example, would it make sense that a policy is drafted that states the Board will chose one director to receive access to the building in case of an emergency and that will be reviewed each year. The other option would be a policy that any director may request access to the building because of their "volunteer" status. In either case, keys and combinations should be noted on a log and when someone loses the key or information the security will need to be changed. I have found that sometimes having a discussion with the entire board about the cons of issuing access to Directors, i.e. security questions, lost keys, liability etc. sometimes will cause the whole idea to go away. Good luck. David Aranda.

-----Original Message-----