

**WESTHAVEN COMMUNITY SERVICES DISTRICT**  
Regular Meeting Minutes  
July 21, 2021

**1. CALL TO ORDER**

Board President Verick called the meeting to order at 6:32 PM. In attendance were:

Board Members: Hankin, Verick, Cline, Swisher, Llanos

Absent: None

Staff: Rosenblatt & Levang

Guests: Elaine Weinreb & Lucy Kostrzewa

**2. PUBLIC COMMENT**

None at this time

**3. AMEND / APPROVE ORDER OF AGENDA ITEMS**

Verick moved to approve the order of agenda items. Seconded by Swisher; all approved.

**4. RESOLUTION 2021-5 COMMENDING STEVEN PHIPPS FOR OUTSTANDING SERVICE RENDERED**

4.1 Resolution 2021-5 recognizing Steven Phipps for his service on the WCSD board  
Postpone until the August meeting.

**5. REQUEST FROM DIRECTOR SWISHER FOR THE BOARD TO RECONSIDER THE MOTION PASSED AT THE JUNE 16, 2021 BOARD MEETING REGARDING WATER SERVICE PRIORITY FOR PARCEL 514-041-014**

58.1 Request from Director Swisher to reconsider the motion passed at the June 16, 2021 Board Meeting regarding water service priority for parcel 514-041-014 Discussion/Approval

Swisher reported that the materials included in the board packet show that changes made to the water priority list can only be done by resolution or ordinance. Therefore Swisher requested to rescind the June 16, 2021 motion from the board approved to write a letter to Kostrzewa regarding parcel APN #514-041-014. Swisher requested that the board approve a motion to send back to the committee for clarification. Discussion ensued regarding the different complications regarding this parcel and how interpretations of the Ordinances and Resolutions vary between members.

Kostrzewa requested to give a brief presentation to the board regarding the 1991 Agreement between Westhaven CSD and Kostrzewa. Kostrzewa said that she had legal consultation to review the 1991 Agreement. She believes the actual legality of the agreement has not been considered and that the agreement could be considered a legally binding contract. After some debate Kostrzewa asked that for the sake of argument the board should assume that the agreement is a legally binding document that could hold up in a court of law. Kostrzewa made several points throughout the agreement with the conclusion being that the district promised as a compromise for Kostrzewa relinquishing her unauthorized connection she would be on the highest priority for new service connections. Kostrzewa says that she upheld her part of the agreement and believes that the agreement entitles her to have the parcel at issue accorded the highest priority category for new service connections. Kostrzewa requested that the board read the agreement again and consult a lawyer if necessary. After a lot of discussion and debate a motion was made and seconded to return the issue to the committee for consideration and recommendations that will inform discussion at the September 15th meeting

Verick made a motion to rescind the June 16, 2021 motion regarding water service priority for parcel 514-041-014 and to send back to the committee for further discussion and clarification. The committee will report back to the board at the September, 2021 regular meeting. Seconded by Cline; Approved by Verick, Cline, Llanos, as committee members Hankin and Swisher abstained.

## 6. AMEND / APPROVE MINUTES

6.1 June 16, 2021 Regular meeting minutes

Revisions/corrections as follows:

Item 7.3.3 Correct the spelling of Llanos name from ~~Llane~~ to *Llanos*.

Item 8.1 last line correct ~~draught~~ to *drought*.

Item 10 title change ~~FINANCIAL ASSITANCE~~ TO *FINANCIAL ASSISTANCE*.

Item 14 title change ~~EXTENCE~~ TO *EXISTENCE*.

Verick moved to approve June 16, 2021 minutes as revised. Seconded by Swisher; all approved.

## 7. FINANCIAL REPORTS, DISCUSSION AND APPROVALS

7.1 Director's Report-monthly billings and collections - discussion

Board packets contained Directors report. Total June, 2021 water sales were \$25,168.91, and total receivables were \$25,828.05. Two customer leaks in June. No other discussion.

7.2 Water Consumption and Sales - discussion

Board packets contained Water Consumption and Billings-Commodity Charges Only report. June, 2021 gallons billed 793,200; average gallon per day per meter readings 138; per person average gallons per day was 63, average monthly charge per accounts \$58.87; total monthly charges \$12,069; monthly deviation from budget \$3,726. Rosenblatt said they did some flushing that elevated the water loss a little.

7.3 Income & Expense Report – discussion

Board packets contained an Income & Expense report for June, 2021. Total income \$22,238, total expense \$15,664, with a net operating income of \$6,574. No discussion.

7.4 Finance Officer's Recommendations – No recommendations

7.5 Treasurer's Report and Recommendations – discussion

Board packets contained a copy of the March, 2021 Treasurer's report. Account balances were as follows: Capital Reserves \$257,377.79; Operating Reserves \$52,147.64; DWR Reserve CD \$28,813.82; DWR Loan Savings \$8,830.79; Checking Account as of 7/15/2021 \$24,683.83. No discussion

6.6 February's warrants – discussion/approval

Verick moved to approve warrants #'s 6728 through 6754, plus one electronic payment to EDD and one to EFTPS for payroll tax deposits, totaling \$21,681.05. Seconded by Cline; all approved.

## 8. MANAGER'S REPORT

8.1 Water Loss – No system leaks – discussion

Board packets contained a summary table of 13 months water loss history. June 2021 water loss is at 22.9%, average water loss in the last 13 months is 21.2%.

Rosenblatt reported two system leaks and 3 leak adjustments to customers in the last month. There was discussion of whether or not to be concerned about capacity. Rosenblatt did not believe so, he said the stream flow data is reduced from last year but higher than 2019. The ponds are at capacity and can be used if needed. The board requested that Rosenblatt contact them before emergency conditions may need to be implemented. Hankin requested

reviewing Ordinance 2014-2 Adopting a Water Conservation Program and Water Supply Emergency Ordinance at the next meeting. Hankin suggested changes to the bottom of the report, he will email his suggestions to Rosenblatt to implement.

**9. ONGOING DISCUSSION OF SRF DBP PLANNING GRANT**

9.1 Update on SHN Geologist activities related to well drilling. Cline and Hankin expressed concern that we are getting close to the deadline for the wells to be drilled and the RFP has not been sent out. Hankin stated that it is important to get the RFP to the well drillers as soon as possible.

9.2 Update on progress for well site 3 CDP#2. No discussion

**10. TECHNICAL ASSISTANCE GRANT FROM STATE DIVISION OF FINANCIAL ASSISTANCE (DFA)**

10.1 Update on progress of technical assistance grant from DFA

Rosenblatt reported that he continues to work on the plant design revision. He has been doing outreach to neighbors, working on an easement for the PG& E alignment, communicating with PG&E, he met with Vadurro for the proposed treatment plant leach field and has been meeting with RCEA and Pace to discuss solar potential. Rosenblatt said that due to a chlorine shortage he is moving towards generating chlorine on site. Generating our own chlorine will give WCSD greater resilience.

**11. ORDINANCE 2021.2 USE OF DISTRICT PROPERTY FOR RECREATON**

11.1 Ordinance 2021.2 pertaining to the use of district property for recreation-discussion/approval The group discussed edits to the Ordinance 2021.2 presented in the meeting packet. After discussion it was agreed to revise the ordinance from being the dog having to be leashed or under voice control to read that “dogs are prohibited on WCSD property unless accompanied by a person and under the leash control of that person”. Verick will make the revisions to the ordinance and bring back to the board at the August meeting for second review and approval.

Verick moved to approve Ordinance 2021-2 as revised. Seconded by Swisher; all approved.

**12. WESTHAVEN DRIVE WIDENING PROJECT**

12.1 Report on the “Friends of Westhaven” Westhaven Drive widening project action committee-Discussion-The committee, Verick and Cline, submitted 10 items of concern for the District that is under review by Rosenblatt. After Verick and Cline receive Rosenblatt’s comments on the 10 items, they will write a letter to present at the August Board meeting for review and approval. Weinreb reported that she, Geoffrey Proust and Lucy Kostrzewa had a zoom meeting with May Johnson at Senator McGuire’s office. She reported that they are aware of the issue. She sent the information out to approximately 28 people on the Friends of Westhaven mailing list. Interested citizens are encouraged to contact Senator McGuire’s office.

**13. DISCUSSION OF PHILOSOPHICAL, POLITICAL AND META ISSUE ASPECTS OF THE DISTRICT’S EXITANCE AND OPERATION**

14.1 Discussion of philosophical, political and meta issue aspects of the District’s existence and operation – No discussion

**14. ITEMS FROM MEMBERS OF THE BOARD FOR FUTURE MEETINGS**

- Steven Phipps Recognition
- Discuss water shortages after review of Ordinance 2014-2 Adopting a Water Conservation Program and Water Supply Emergency Ordinance
- Revision of Board Policy and Procedure Manual – discussion / approval
- Form a negotiating committee to develop/negotiate an easement agreement for Well site 3 on Verick property

- Lucy Kostrzewa Water Service Allotment/401 List Priority (August Meeting)

**15. ADJOURN**

Verick adjourned the meeting at \_\_\_\_\_ PM.

Respectfully Submitted,

Roxanne Levang, WCSD Secretary