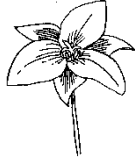


WESTHAVEN COMMUNITY SERVICES DISTRICT

P.O. Box 2015 (446 B 6th Ave. Westhaven) Trinidad CA 95570 (707) 677-0798 wcsd@suddenlinkmail.com



REGULAR MONTHLY BOARD MEETING AGENDA

The regular meeting of the Board of Directors of the Westhaven Community Services District will be held **Wednesday August 18, 2021 at 6:30 p.m. Due to the coronavirus pandemic, until further notice, this and upcoming WCSD Board meetings will be held virtually using ZOOM.**

Topic: WCSD Regular Meeting for August 2021
Time: Aug 18, 2021 06:30 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/82537617191?pwd=RDZ6N3duTVZZQVQ1elZXckw5YllsUT09>

Audio Only:

Dial: (408) 638-0968

Meeting ID: 825 3761 7191

Passcode: 636002

How to Submit Public Comment:

Members of the public may provide public comment before and during the meeting by sending email comments to the WCSD Manager at prosenblatt.wcsd@suddenlinkmail.com. Such email comments must identify the agenda item number in the subject line of the email. The comments will be read into the record, with a maximum allowance of three minutes (approximately 500 words) per individual comment, subject to the Board President's discretion. If a comment is received after an agenda item is heard, but before the close of the meeting, the comment will be included as a part of the written record of the meeting but will not be read into the record during the meeting.

1. CALL TO ORDER

2. PUBLIC COMMENT

Materials related to an item on this Agenda, including materials submitted to the Board after distribution of the Board Packets, are available for public inspection in the WCSD Office at 446 B Sixth Avenue.

Members of the public are invited to comment on any matter within the authority of the WCSD.

Comments may also be offered during the discussion of any item on the agenda.

Board discussion of matters not appearing on the published agenda is prohibited by law.

3. AMEND / APPROVE ORDER OF AGENDA ITEMS

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

4.1 Resolution 2021-5 Resolution recognizing Steven Phipps for his service on the WCSD board

5. KOSTREZWA LETTER REGARDING 401 LIST AND CURRENT ASSESSOR'S PARCEL NUMBERS

5.1 Letter to Kostrezwa regarding 401 list and current Assessor's Parcel Numbers from committee and Presidents revisions

5.2 Closed Session for review and revision of edits. **Discussion/Approval**

5.3 Presentation of Findings and revision of potential letter to Ms. Kostrezwa **Discussion/Approval**

6. REQUEST FROM SIXTH AVENUE SPEED HUMP COMMITTEE FOR LETTER OF SUPPORT FROM WESTHAVEN CSD BOARD

6.1 Request for the Sixth avenue speed hump committee for letter of support from the Westhaven CSD Board ` Casey Harmon to present request **Discussion/Approval**

7. AMEND / APPROVE MINUTES

7.1 July 21st 2021 - Regular meeting minutes **Discussion/Approval**

- 8. FINANCIAL REPORTS, DISCUSSIONS AND APPROVALS**
 - 8.1 Directors' Report – monthly billing and collections — **Discussion**
 - 8.2 Water consumption and Sales – **Discussion**
 - 8.3 Income / Expense Report. **Discussion**
 - 8.4 Finance Officer's Recommendations – **Discussion**
 - 8.5 Treasurer's Report and Recommendations – **Discussion**
 - 8.6 July's warrants – **Discussion/Approval**

- .9 MANAGER'S REPORT**
 - 9.1 Water loss: One system leak **Discussion**

- 10 ONGOING DISCUSSION OF SRF DBP PLANNING GRANT**
 - 10.1 Update on SHN Geologist activities related to well drilling. **Discussion**
 - 10.2 Update on progress for Well site 3. **Discussion**

- 11. TECHNICAL ASSISTANCE GRANT FROM DEPT OF FINANCIAL ASSISTANCE**
 - 11.1 Update on progress of technical assistance grant from DFA.-**Discussion**

- 12. ORDINANCE 2021.2 USE OF DISTRICT PROPERTY FOR RECREATION 2nd READING**
 - 12.1 ORDINANCE 2021.2 Pertaining to the use of District property for recreation. **Discussion/Approval**

- 13 WESTHAVEN DRIVE WIDENING PROJECT**
 - 13.1 Report on the "Friends of Westhaven" Westhaven drive widening project action committee **Discussion/Approval**

- 14 ORDINANCE 2014-2 ADOPTING A WATER CONSERVATION PROGRAM AND WATER SUPPLY EMERGENCY.REVIEW OF FORESEEABLE WATER SHORTAGES AND EMERGENCY STRATEGIES DISCUSSION/APPROVAL**
 - 14.1 Ordinance 2014.2 Adopting a water conservation program and water supply emergency. **Discussion/Approval**

- 15 REVISION OF BOARD POLICY AND PROCEDURE MANUAL**
 - 15.1 Revision of the Board Policy and Procedure Manual **Discussion/Approval**

- 16 FORMATION OF COMMITTEE TO NEGOTIATE EASEMENT AGREEMENT FOR WELL 3 ON VERICK PROPERTY**
 - 16.1 Formation of a committee to negotiate an easement agreement for Well 3 on Verick's property **Discussion/Approval**

- 17 DISCUSSION OF PHILOSOPHICAL, POLITICAL AND META ISSUE ASPECTS OF THE DISTRICT'S EXISTENCE AND OPERATION**
 - 17.1 Discussion of philosophical, political and meta issue aspects of the District's existence and operation **Discussion**

- 18 MANAGERS PERFORMANCE REVIEW**
 - 18.1 Annual performance review for WCSD Manager **Discussion/Approval**

- 19 ADD BOARD MEMBER LLANOS AS A SIGNER FOR BANK ACCOUNTS**
 - 19.1 Add Board Member Llanos as a signer on District bank accounts **Discussion/Approval**

- 20. ITEMS FROM MEMBERS OF THE BOARD FOR FUTURE MEETINGS**

- 21. ADJOURN**

Regular Meetings of the Board occur on the 3rd Wednesday of the month at 6:30 Pm. The next Regular Meeting will be **September 15, 2021**.and will be held via zoom
This agenda is posted pursuant to the provisions of the Government Code commencing at Section 54950.
Posting locations are: 1) WCSD Office; 2) Westhaven Fire Hall and online at the Westhaven CSD website @ westhavencsd.org

The Westhaven CSD will make reasonable effort to accommodate the participation of persons with disabilities.
If you require such accommodation, contact the WCSD office at 677-0798 at least 48 hours prior to the meeting.

**WESTHAVEN COMMUNITY SERVICES DISTRICT
RESOLUTION 2021-5**

COMMENDING STEVEN PHIPPS FOR OUTSTANDING SERVICE RENDERED

COME NOW THE WCSD AND RESOLVE AS FOLLOWS:

WHEREAS it is the desire of the Board of Directors of the Westhaven Community Services District (WCSD) to give appropriate acknowledgment and recognition to individuals who have rendered outstanding service to the customers, residents, staff and Board of the District,

and

WHEREAS, Steven Phipps has with served with distinction as a member of the Board of the District for twelve years, and as the Financial Officer 2017-2018;

and

WHEREAS Steven was diligent in attendance and, in a civil manner, frequently challenged the Board as to whether contemplated Board actions were necessary and whether they sufficiently respected the individual freedom of the people who may have been affected by the contemplated actions; Steve's perspective helped make the Board's actions better thought out than they otherwise would have been; and that this is especially appreciated given the expanded scope of Board actions needed to formulate and implement a response to the compliance order the California Division of Drinking Water issued to the District;

NOW THEREFORE LET IT BE RESOLVED that the Board of Directors of the WCSD, meeting in legal and regular session convened on this day, June 16, 2021, do hereby convey their affection and gratitude to Steven Phipps for the help he brought to the District during his twelve years of service on the WCSD Board;

and

NOW THEREFORE BE IT FURTHER RESOLVED that the members of the Board unanimously express to Steven Phipps their tribute to his committed service to the WCSD; their appreciation for the help he brought in making sure our decisions were more fully thought out; their hope that they may continue to count on his friendship; and their best wishes for his future satisfaction and fulfillment.

PASSED, APPROVED, and ADOPTED this 16th day of June, 2021 by the following roll call vote:

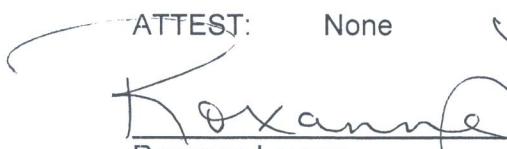
AYES: Verick, Cline, Hankin, Swisher, and Llanos

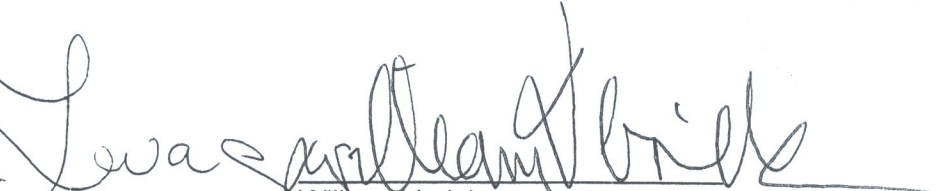
NOES: None

ABSTAIN: None

ABSENT: None

ATTEST: None


 Roxanne Levang
 Secretary
 Westhaven Community Services District


 William Verick
 President

LETTERHEAD

August 16, 2021
Lucy Kostrzewa
884 9th Avenue
Westhaven, CA 95570

Dear Ms. Kostrzewa:

This is in response to a request you made to the Westhaven Community Services District (“WCSD”). You requested that the WCSD clarify the status that some specific real estate parcels (“parcels”) that are located within the geographical area WCSD serves may or may not have with regard to priority in receiving a water service allotment from WCSD in the event WCSD obtains, in the indefinite future, permission from the California Division of Drinking Water to begin providing additional water service connections to parcels that are currently unserved by WCSD.

Attached is a copy of an agreement the WCSD reached with you in 1992 (the “Agreement”). The Agreement was intended to resolve issues involved in disconnecting an unauthorized hook up to the WCSD water distribution system by a trailer, located on what was then Humboldt County Assessor’s Parcel No. 514-041-005. WCSD agrees that the Agreement is a binding agreement between yourself and WCSD.¹

The Agreement provides that the Parcel was to be placed into what in 1992 was WCSD’s highest priority category for future water service connections (should such connections be authorized in the future). WCSD accordingly placed the Parcel into Section 401 of WCSD Ordinance 90-1.²

In a subsequent memorandum, the WCSD board president stated that the Parcel would retain its Section 401A status regardless of whether structures were moved on the Parcel or whether the Parcel was subdivided or otherwise modified by lot line adjustments so as to combine the Parcel with other parcels. In substance, this means that the WCSD granted Section 401A status for *one* water service allotment to the geographical area that in 1992 was described as Assessor’s Parcel No. 514-041-005.

¹ The geographical area that in 1992 was described as Assessor’s Parcel No. 514-041-005 shall hereinafter be referred to as the “Parcel.”

² Ordinance 90-1 was amended by WCSD Ordinance 2013-1. This amendment changed the name of the highest priority category for future service connections to “Section 401A.” The highest priority category for future service connections shall hereinafter be referred to as “Section 401A.” A parcel placed in Section 401A has “Section 401A status.”

The Parcel retains its Section 401A status for a single water service allotment regardless of whether the parcel has been appended to a different parcel via a lot line adjustment, but the Section 401A status is applicable only to the geographical area of the Parcel itself, not to any other part of a larger parcel of which the Parcel has become a part. As stated above, the WCSD provide the Parcel with Section 401A status for *one* water service allotment. If, therefore, the Parcel should ever be subdivided, Section 401A status would run with only one of the subdivided portions of the original Parcel. The WCSD takes no position as to how to determine which of the subdivided portions of the original Parcel would carry with it the Parcel's Section 401A status.

The California Division of Drinking Water has forbidden the WCSD from providing new service connections until the WCSD meets two conditions. First, WCSD must bring the water it supplies into conformance with the maximum contaminant levels the State has set for disinfection byproducts. The WCSD has been working to resolve this problem for several years but has, as yet, not succeeded. The second condition WCSD must is to demonstrate sufficient capacity which, currently, WCSD cannot do given its water supply and the WCSD's ability to treat and store that water. Perhaps more importantly, the climate in Northern California has begun to change with increasing rapidity. Climate change is real. That could mean that in the short to medium term future, Westhaven could be facing a severe drought or a surfeit of water. If, in the indefinite future, the State allows WCSD to provide additional service connections, it is impossible to determine how many new hook ups will be available. It could be that there will be plenty of water to hook up all potential customers who want a connection, in which case a district priority policy would be moot. On the other hand, it could be that only one or two new service connections would be allowed.

For this reason, the WCSD declines at this time to develop new policy that would determine service connection priorities as between the parcels that currently have section 401A status.

Cordially,

At the request of Lucy Kostrzewa, the Board of the Westhaven Community Services District has considered the relevance of numerous documents which pertain to the status of specific parcels as they pertain to WCSD Ordinance 90-1, Priority for new Services, and subsequent relevant revisions of this Ordinance. We find the following:

1. The 1992 Agreement for Disconnection, signed by Kostrzewa/Diggins and the WCSD, did establish that the property owner's parcel (514-041-005) was placed in Section 401 of Ordinance 90-1, the highest priority for new service connections. This agreement was intended to resolve the unauthorized service connection that had been used at this parcel to provide water to a mobile home rental. No payment for water service to this unauthorized second dwelling had been made and, at the time, water service was not metered.
2. The status of the mobile home was further clarified in a memo of reply to Lucy Kostrzewa, dated October 1995, in which Berman stated that "the mobile home would retain its assignment to Section 401 should it be relocated on the parcel" (meaning parcel 514-041-005), "whether or not the parcel is divided". Although Berman's memo is technically not correct (priorities for new service connections are assigned to parcels rather than dwellings), the relevance here is that it notes that the 401 status applies to the entire original parcel (514-041-005), whether or not the mobile home dwelling were relocated elsewhere on that parcel or if the parcel was involved in subsequent lot line adjustment or combination with some other parcel. That is, the entirety of parcel 514-041-005 qualified for 401 status due to the presence of the mobile home which had received unauthorized service. This mobile home was demolished circa 1997 and there is no longer a second dwelling unit on the original parcel 514-041-005.
3. Since 1995, there have been several changes in parcel status related to the original parcel 514-041-005. We see no need to recite the details of these changes. As of May 04, 2021 (letter from Assessor's Office, County of Humboldt), the original parcel 514-041-005 now consists of two parts: (a) parcel 514-041-012 constitutes approximately 65% of the area of the original -005 parcel on which is located Ms. Kostrzewa's primary dwelling; (b) parcel 514-041-014 consists of a merger of the remainder of the original -005 parcel and an adjacent parcel, originally 514-041-007.
4. The Board of the WCSD agrees that the combination of the new parcel 514-041-012 and the portion of the new parcel 514-041-014 that together are essentially equivalent in location and extent to the original parcel 514-041-005 retain their Section 401 status (now defined as Section 401A of Ordinance 2013-01). The remaining area of parcel 514-041-014 (that which originally was parcel 541-041-007) would have status in Section 401B or 403 depending on status of dwelling and water supply.
5. The Board cannot comment at this time on how Ms. Kostrzewa might in the future exercise this priority status for a new service connection in the absence of a second dwelling on the area defined as equivalent to the original parcel 514-041-005 in item 4, above. The WCSD continues to operate under a compliance order due to exceedance of disinfection byproduct standards and the State Division of Drinking Water will not allow the WCSD to add new service connections until this issue is resolved. Further the District is under a moratorium on new

service connections until has demonstrated to the State Division of Drinking Water adequate available water supply to support such additional connections.

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
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 2nd Mutual Water Company water share 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 August 18th 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 RCAA 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 willt 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

Directors Report

Westhaven CSD

Water Pumped This Month	701,760 Gallons
Water Sold This Month	612,060 Gallons
Water Loss	89,700 Gallons
Water Loss (%)	12.78 %

	Amount (\$)	# Of Accounts
Total Water	22,915.13	232
Total Late Charge	85.25	51
Total Adjustments	-406.64	23
Total Current Charges	22,593.74	233
Amount Past Due 1-30 Days	5,999.96	51
Amount Past Due 31-60 Days	902.50	10
Amount Past Due Over 60 Days	2,268.42	5
Amount Of Overpayments/Prepayments	-6,240.14	52
Total Receivables	25,524.48	232

Total Receipts On Account	22,897.31	179
Net Change in Memberships	0.00	0
Amount of All Memberships	0.00	

Turned Off Accounts (Amount Owed)	0.00	12
Collection Accounts (Amount Owed)	0.00	12
Number Of Unread (Turned On) Meters		

Average Usage For Active Meters	2,605	235
Average Water Charge For Active Meters	98.77	232

Usage Groups	Gallons	# Of Accounts	Usage Gallons	% Of Usage	% Of Sales
Over 50,000		0	0	0.00	0.00
40,001-50,000		0	0	0.00	0.00
30,001-40,000		0	0	0.00	0.00
20,001-30,000		0	0	0.00	0.00
10,001-20,000		3	36,350	5.94	3.21
8,001-10,000		3	26,320	4.30	2.51
6,001-8,000		6	42,120	6.88	4.43
4,001-6,000		38	189,280	30.93	22.29
2,001-4,000		86	245,190	40.06	38.36
1-2,000		73	72,800	11.89	23.10
Zero Usage		26	0	0.00	6.10
Total Meters		235	612,060	100.00	100.00

WATER CONSUMPTION AND BILLINGS - COMMODITY CHARGES ONLY

ITEM 8.2

Annual adjustments to the commodity rates involve estimation of anticipated water use. This report tracks billings as compared to budgeted averages based on all meters showing any use. It is not weighted to anticipate seasonal variations in water use. Adjustments for reported customer leaks have **not** been included in the monthly totals.

To compare this year's to last year's trend go to the column on the far right. ↓

DAYS BILLED	GALLONS BILLED	TOTAL NON-ZERO METERS	AVG. GAL/DAY PER METER	AVG. GAL/DAY PER PERSON AT 2.20	AVG. MONTHLY CHARGE PER ACCT.	TOTAL MONTHLY CHARGES	MONTHLY DEVIATION FROM BUDGET	CUMMULATIVE DEVIATION	
2021-2022									
JUNE 28	793,200	205	138	63	\$58.87	\$12,069			
JULY 28	612,060	206	106	48	\$45.22	\$9,314			
AVG. 28	793,200	205	138	63	\$52.15	\$10,692	\$2,348		
TOTAL	793,200					\$21,383		\$0	
LEAK ADJ.	62,261					\$333			
NET	730,939	AFTER LEAK ADJUSTMENTS					\$21,050		-\$333

BUDGETED COMMODITY PER MONTH \$41.96 \$8,561
 BUDGETED ANNUAL COMMODITY INCOME \$102,729

SOLD TO DATE			TOTAL BILLINGS TO DATE		
2021-2022	1,405,260	= 89% OF 20-21	2021-2022	\$21,383	= 91% OF 20-21
2020-2021	1,586,270		2020-2021	\$23,465	

2020-2021									
JUN 33	801,120	211	115	52	\$56.53	\$11,928	\$3,584	\$3,584	
JULY 29	785,150	211	128	58	\$54.68	\$11,538	\$3,194	\$6,779	
AUG 28	782,340	213	131	60	\$53.95	\$11,492	\$3,149	\$9,927	
SEP 35	850,140	212	115	52	\$58.75	\$12,455	\$4,111	\$14,038	
OCT 28	747,280	210	127	58	\$45.56	\$9,567	\$1,224	\$15,262	
NOV 28	727,510	210	124	56	\$37.00	\$7,769	-\$574	\$14,688	
DEC 35	914,350	207	126	57	\$45.70	\$9,459	\$1,116	\$15,804	
JAN 28	677,930	205	118	54	\$35.91	\$7,361	-\$982	\$14,822	
FEB 30	513,560	207	83	38	\$37.59	\$7,782	-\$562	\$14,260	
MAR 33	681,830	206	100	46	\$44.32	\$9,129	\$786	\$15,046	
APR 28	669,590	206	116	53	\$38.98	\$8,031	-\$313	\$14,734	
MAY 34	788,600	210	110	50	\$46.74	\$9,815	\$1,471	\$16,205	
AVG. 30	744,950	209	119	54	\$46.38	\$9,694	\$1,350		
TOTAL	8,939,400					\$116,326		\$16,205	
LEAK ADJ.	137,315					\$1,048			
NET	8,802,085	AFTER LEAK ADJUSTMENTS					\$115,278		\$15,157

BUDGETED COMMODITY PER MONTH \$40.63 \$8,288
 BUDGETED ANNUAL COMMODITY INCOME \$99,452

SOLD TO DATE			TOTAL BILLINGS TO DATE		
2020-2021	1,586,270	= 96% OF 19-20	2020-2021	\$23,465	= 96% OF 19-20
2019-2020	1,645,370		2019-2020	\$24,447	

**Westhaven Community Services District
FY 2020-2021 Income / Expense Report
as of July 31, 2021**

ITEM

<u>OPERATING BUDGET</u>		<u>CURRENT</u>			<u>CUMULATIVE</u>			
Annual								
<u>Budget</u>	<u>Income</u>	<u>July 2021</u>	<u>Monthly Budget</u>	<u>Over/Under</u>	<u>July 2021 thru July 2021</u>	<u>Jul '21 thru July 2021 Budget</u>	<u>Over/Under</u>	<u>% of Budget</u>
263,647	Water Sales	18,946	21,971	-3,025	18,946 ¹	18,104	842	104.7%
3,319	Water Services	505	277	228	505	277	228	182.6%
266,966	Total Income	19,451	22,247	-2,796	19,451	18,380	1,071	105.8%
	Expense							
2,802	Source of Supply	304	234	71	304	234	71	130.2%
10,098	Pumping	791	842	-51	791	842	-51	94.0%
37,521	Water Treatment	3,445	3,127	318	3,445	3,127	318	110.2%
11,740	Transmission & Distribution	543	978	-435	543	978	-435	55.5%
9,003	Customer Accounts	935	750	185	935	750	185	124.6%
138,899	Administrative & General	17,323 ²	11,575	5,748	17,323	11,575	5,748	149.7%
10,000	Operating Reserves Contrib.	0	833	-833	0	833	-833	0.0%
220,063	Total Expense	23,341	18,339	5,002	23,341	18,339	5,002	127.3%
	Net Operating Income	-3,890	3,909		-3,890			
	Capital/Other Expense							
26,402	DWR Loan	2,200	2,200	0	2,200	2,200	0	100.0%
20,000	Capital Reserve	1,667	1,667	0	1,667	1,667	0	100.0%
46,402	Total Other Expense	3,867	3,867	0	3,867	3,867	0	100.0%

Income & Expense Report Notes:

¹ Changed formula subtracting Capital/Other expenses (\$46,402) from budget total so that the percentage of budget amounts would more accurately reflect actual budget percentages.

² Admin & General is over because Property & Liability Ins., \$3682 was paid and Workers comp, \$2936.

WESTHAVEN COMMUNITY SERVICES DISTRICT
Treasurer's Report
July 2021

ITEM #

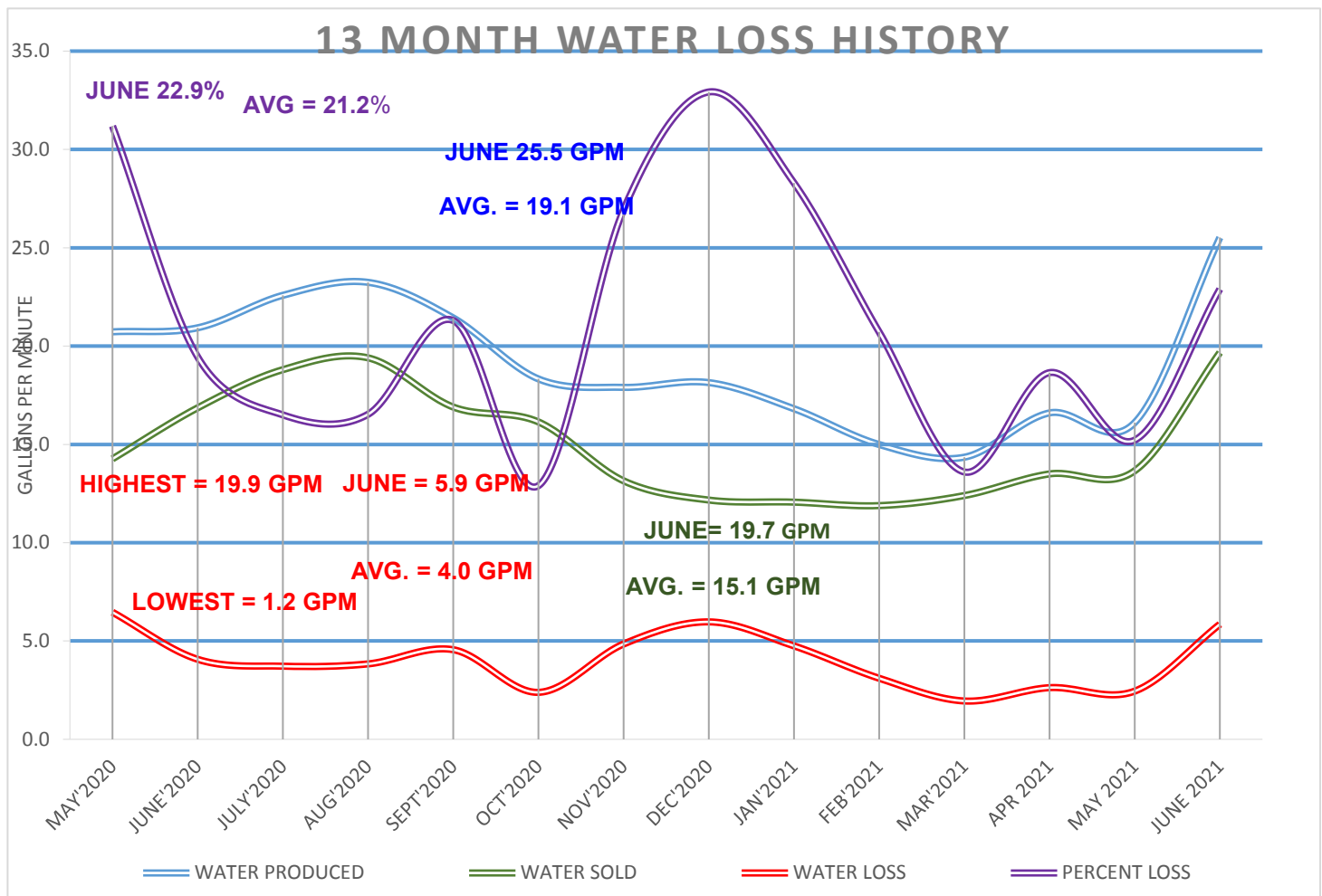
<u>BALANCE</u>	<u>CURRENT RATE</u>	<u>TYPE LOCATION</u>	<u>F/Y BUDGETED CONTRIBUTION</u>	<u>F/Y CONTRIBUTIONS YET TO BE MADE</u>	<u>F/Y DEPOSITS TO DATE</u>	<u>F/Y WITHDRAWALS TO DATE</u>
\$231,123.74	1.69800	Capital Reserves Hum Co Fund 2600	\$20,000	\$ 20,000	* \$14,952.35 7/16/21 for hydrant	1/1/2021 \$26,143.05
					Note: The last qrtly report we have received from the County was for quarter ended 9/30/2020	
\$52,190.22	0.22000	Operating Reserve LAIF # 16-12-005	\$10,000	\$ 10,000	** \$42.58	7/15/21 Interest
\$28,813.82	0.50000	DWR CD Reserve CD Umpqua 2368	Held in reserve for the term of the loan - until 2024		\$36.14	September 2020 Interest
\$11,031.25	0.03000	DWR Loan Savings Saving Umpqua 0648	Accumulates for Semi-Annual payments of \$13,200.95 to Dept of Water Resources	Automatic Monthly deposit from checking of \$2200.23 (annual total \$26,402.76)		
\$29,554.91		Checking Account (after warrants) Umpqua 5013				Checking Balance as of 8/6/2021

WESTHAVEN CSD • MANAGER'S REPORT
JUNE 2021

8.1 Water Loss

Water loss increased from 2.5 gpm in May to 5.9 gallons per minute in June equaling 22.9% of total production of 1,029,210 gallons. The table below is a summary of water loss since July 2003.

FROM JULY 2003	PRODUCED GPM	SOLD GPM	LOST GPM	LOSS % OF SOLD	LOSS AS % OF PRODUCTION	MONTHLY	MONTHLY
						GALLONS	LOSS GALLONS
JUNE 2021	25.5	19.7	5.9	22.9	29.9	788,600	119,990
AVG. ALL	21	15	6	29	42.6	939,633	281,890
24 MO AVG.	18.3	14.8	3.5	19.1	23.8	798,717	153,510
13 MO AVG.	19.1	15.1	4.0	21.2	26.8	833,576	177,582
MINIMUM MONTH EVER	11.2	10.0	1.2	9.8		488,090	55,490
	JAN 2018	FEB 2013	DEC 2018	MAR 2007		APR 2017	DEC 2018
MAXIMUM MONTH EVER	34.8	23.4	19.9	61.8		1,523,405	916,340
	JUL 2004	JUL 2003	NOV 2016	NOV 2016		JUL 2004	NOV 2016



Annual Data 7/16/16 8.1 gpm 7/16/17 8.9 gpm 7/16/18 6.9 gpm 7/16/19 7.4 gpm 7/16/20 5.6 gpm 7/16/21 5.5 gpm
 Stream flow monthly average 7/16 52.9 gpm 7/17 82.4 gpm 7/18 49 gpm 7/19 32 gpm 7/20 40 gpm 7/16/21 35 gpm (Day)
 8.1 One system leak Two customer leaks **Discussion**

**ORDINANCE RE USE OF DISTRICT PROPERTY FOR RECREATION 2021-2
WESTHAVEN COMMUNITY SERVICES DISTRICT (“WCSD”)**

AN ORDINANCE CONCERNING USE OF WCSD PROPERTY FOR RECREATION

Be it ordained by the Board of Directors of the Westhaven Community Services District, Humboldt County, California, as follows:

ARTICLE 1 GENERAL PROVISIONS

Section 101 Short Title: This Ordinance shall be known and may be cited as “PUBLIC USE OF WCSD PROPERTY FOR RECREATION.”

Section 102 Words and Phrases: For the purpose of this Ordinance, all words used herein in the present tense shall include the future; all words in the plural number shall include the singular number; and all words in the singular number shall include the plural.

Section 103 Effect of Definition: The definition of a word applies to any of its variants.

Section 104 Severability: If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

ARTICLE 2 DEFINITIONS

Section 201 Recreation includes any use of WCSD (“District”) property by any member of the general public, where that use does not concern official WCSD business.

WCSD Ordinance 2021-2
Ordinance re Recreational Use of
District Property

ARTICLE 3 POLICY

Section 301 Prohibition on Dogs: Dogs are prohibited WCSD property unless on a leash or under the verbal control of the person accompanying it.

Section 302 Presence of Dogs as Trespass: The presence of a dog on WCSD property that is not on a leash or under the verbal control of the person accompanying it constitutes a trespass.

Section 303 Termination of Unsafe Behavior: In the event any person and/or any animal accompanying a person is, or has been, on WCSD property and has engaged in behavior that any WCSD staff member believes to be unsafe, whether that behavior was believed to be: (a) unsafe to the person who exhibited that behavior; (b) unsafe to other people; or a danger to the District's property or operations, any WCSD staff member is authorized order the person and/or animal to vacate WCSD property. Any WCSD staff member is further authorized to ban any person and/or any person's animal that has engaged in behavior the staff member believed to be unsafe to people or a danger to property or operations from any further recreational use of WCSD property.

Section 304 Failure to Comply is a Trespass: Any person who does not comply with an order by a WCSD staff member to vacate WCSD property, or who violates a ban on further recreational use of WCSD property, has committed a trespass.

Section 305 Abatement of Trespass: The WCSD General Manager and Staff are authorized to contact relevant law enforcement agencies to obtain assistance in abating any ongoing trespass on WCSD property. Upon receiving further authorization from the WCSD Board, the WCSD General Manager may take necessary further legal action to enjoin, or to obtain monetary redress for, any trespass on WCSD Property.

Approved:

President
Westhaven Community Services District

ATTEST:

Secretary
Westhaven Community Services District

SECRETARY’S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of Ordinance 2021-2 “Ordinance re: the recreational use of district property “, passed and adopted at a regular meeting of the Board of Directors of the Westhaven Community Services District, Westhaven, California, held on the 21st day of July 2021 by the following roll call vote:

AYES:

NOES:

ABSENT:

**ADOPTING A WATER CONSERVATION PROGRAM AND WATER SUPPLY
EMERGENCY ORDINANCE**

WHEREAS, article X, section 2 of the California Constitution declares that waters of the State are to be put to beneficial use, that waste, unreasonable use, or unreasonable method of use of water be prevented, and that water be conserved for the public welfare; and

WHEREAS, conservation of current water supplies and minimization of the effects of water supply shortages that are the result of drought are essential to the public health, safety and welfare; and

WHEREAS, regulation of the time of certain water use, manner of certain water use, design of rates, method of application of water for certain uses, installation and use of water-saving devices, provide an effective and immediately available means of conserving water; and

WHEREAS, California Water Code sections 375 *et seq.* empower any public entity which supplies water at retail or wholesale to adopt and enforce a water conservation program to reduce the quantity of water used by those within its service area after holding a public hearing and making appropriate findings of necessity for the adoption of a water conservation program; and

WHEREAS, Water Code section 375, subdivision (c) defines “public entity” to include a city, county, special district, water authority, or any other municipal public corporation or district; and

WHEREAS, pursuant to Water Code section 376 and Government Code 6061, the Westhaven Community Services District (“WCSD”) must publish in a newspaper of general circulation any ordinance or resolution adopting a water conservation program within 10 days after its adoption; and

WHEREAS, Water Code section 377 establishes that, from the publication of an ordinance or resolution pursuant to section 376 until the repeal of the ordinance or end of the emergency, it is a misdemeanor punishable by up to 30 days in county jail and/or a fine of up to \$1,000 for any person to violate a requirement of the water conservation program; and

WHEREAS, Water Code sections 350 *et seq.* empower the WCSD to declare a water service emergency and to adopt such regulations and restrictions on the delivery of water and water consumption for public use as will in the Board’s sound discretion conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation and fire protection; and

WHEREAS, WCSD does not have sufficient water storage capacity to forecast into the future whether available water is likely to diminish, which means that it is impractical for WCSD to design and implement a multi-step drought response conservation program; and

WHEREAS, WCSD has the ability to monitor water supply and consumption on a weekly or daily basis and is therefore able to observe in close to real time when drought causes water supply to diminish such that water consumption threatens to exceed water supply; and

WHEREAS, current consumption of water supplied by WCSD on a per household basis averages less than 100 gallons per day, and WCSD customers have, on average, adopted most water conservation measures traditionally included in a water conservation program; and

WHEREAS, WCSD long-ago implemented a rate structure designed to encourage water conservation; and

WHEREAS, given the WCSD's lack of water storage capacity, should it be observed that water consumption threatens to exceed water supply a water supply emergency would exist; and

WHEREAS, the remaining, effective means to further conserve water is to adopt in advance, and to implement and enforce, in the event the Board declares a water shortage emergency, those comprehensive water conservation measures that shall be taken should a drought threaten that water supply may be insufficient to meet traditional demand; and

WHEREAS, comprehensive water conservation measures taken to avoid a drought-induced supply shortfall will allow the WCSD to delay or avoid imposing water rationing or more drastic measures to restrict or allocate water consumption; and

WHEREAS, on May 21, 2014, the WCSD held a public hearing and made appropriate findings of necessity for the adoption of a Water Conservation Program and Water Supply Emergency Ordinance ; and

WHEREAS, upon the adoption of a resolution finding and declaring the existence of a drought emergency or water shortage emergency pursuant to California Water Code sections 350 et seq. and sections 71640 et seq., the WCSD shall be authorized to implement the provisions of the Water Conservation Program and Water Supply Emergency Ordinance hereby established by this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the WCSD, as follows:

1. This Ordinance is effective immediately upon adoption or as otherwise established by State law; and
2. Pursuant to Water Code section 376 and Government Code section 6061, the WCSD shall publish in a newspaper of general circulation this ordinance adopting a water conservation program within 10 days after its adoption; and
3. This Ordinance establishes regulations to be implemented during times of declared water shortages, or declared water shortage emergencies; and
4. When the WCSD Board of Directors ("Board") finds that in the preceding week water supply, measured as total source capacity and excluding water in storage in the two open reservoirs, was no more than 110% of total consumption in that same preceding week (including any leakage from WCSD's distribution system), the Board may find that a water shortage emergency exists. A water shortage emergency, once declared pursuant to this subparagraph, shall remain in effect until the Board finds that the conditions specified in this paragraph no longer exist.
5. Excepting in the event of a breakage or failure of an impoundment, pipe line or conduit causing an immediate emergency, any Board declaration of a water shortage emergency shall be made after a public hearing on the declaration of emergency, with notice of the time and place of the hearing published pursuant to Section 6061 of the Government Code at least seven days prior to the date of the hearing in a newspaper printed, published and circulated within Humboldt County, California. Notice of the time and place of the hearing shall also be posted at the bulletin board at the Westhaven Fire Hall. At any hearing conducted pursuant to this paragraph, consumers of WCSD-supplied water shall have an opportunity to be heard to protest against the declaration and to present their respective needs to the Board.

6. For the duration of a declared water shortage emergency, the following mandatory conservation measures shall apply to all WCSD customers:
- a. Landscape irrigation is prohibited unless the General Manager finds that landscape irrigation is necessary for erosion control; or if a state or local Fire Marshal specifies landscape irrigation that is necessary for fire protection.
 - b. Washing down hard or paved surfaces, including but not limited to sidewalks, walkways, driveways, parking areas, tennis courts, patios or alleys, is prohibited except when necessary to alleviate safety or sanitary hazards, and then only by use of hand-held bucket or similar container.
 - c. Using water to wash or clean a vehicle, including but not limited to any automobile, truck, van, bus, motorcycle, boat, motor home, or trailer, whether motorized or not, is prohibited, except by use of a hand-held bucket or similar container.
 - d. All water leakage in customers' water distribution systems shall be repaired within seven(7) days of the declaration of a water shortage emergency. For purposes of this subparagraph, "water leakage" means leakage from any hoses, fittings, valves, faucets, toilets or above- or below-ground pipes. For purposes of this ordinance, "customer" includes the owner of record and the occupant (if distinct from the owner) of the assessor's parcel to which WCSD supplies water.
 - e. Pursuant to Water Code § 71601(b), the WCSD may conduct an audit of a customer's water use with the aim to determine whether landscape has been irrigated in violation of this Ordinance or whether the customer has unrepaired leakage in violation of this Ordinance. Audits conducted pursuant to this subparagraph shall be performed in a manner as determined to be appropriate by the General Manager.
 - f. In the event the General Manager determines that there is unrepaired leakage in the customer's water distribution system, the General Manager shall notify the customer of the existence and (if feasible) the location and flow rate of any leakage.
 - g. If, pursuant to subparagraph 6(f) above, a customer has been notified of unrepaired leakage, then the customer shall repair the leakage within three (3) days unless other arrangements have been made with the General Manager.
 - h. Upon declaration of a water shortage emergency, the WCSD's leak forgiveness policy is suspended for the duration of the declared water shortage emergency.
7. If the General Manager determines that a customer has violated any of the mandatory water conservation measures in paragraph 6, above, then WCSD shall impose the penalties provided by this paragraph.
- a. The General Manager shall provide written notice to the customer. The notice shall be dated and shall specify the address, the nature of the violation, list the steps that must be taken to comply with this Ordinance and the name and telephone number of a District staff person from whom additional information can be obtained. In addition, the notice shall advise the customer that suspension of water service to the customer's property will result from continued non-compliance. These provisions are for a first violation within any consecutive twelve month period.

- b. If, within seven (7) days, the customer fails to comply with the requirements of the notice the General Manager provided pursuant to subparagraph 7(a) above, then a second violation shall occur and the General Manager shall issue a second notice to the customer containing the information specified in subparagraph 7(a) above. A customer who has committed a second violation shall be fined in an amount not to exceed Fifty Dollars (\$50.00), which shall be charged to and billed on the customer's account.

If in the discretion of the General Manager, satisfactory progress is being made on steps to correct the violation, a second notice will not be issued and no further action shall be taken.

- c. If, within a seven (7) days, the customer fails to comply with the requirements specified in the notice the General Manager provided to the customer pursuant to subparagraph 7(b) above, a third violation shall occur and the General Manager shall issue a third notice to the customer containing the information specified in subparagraph 7(b) above. A customer who has committed a third violation shall be fined in an amount not to exceed Two Hundred Dollars (\$200.00), which shall be charged to and billed on the water user's account.

The third notice shall also notify the customer that WCSD will suspend water service to the customer's property within ten (10) calendar days unless the customer is in compliance with the provisions of this Ordinance. Suspension of water service shall conform to the notice requirements and procedures for termination of water service that are established in WCSD Resolution 2013-6. Suspension of water service pursuant to this subparagraph shall remain in effect until the customer is in compliance with the provisions of this Ordinance or until the water supply emergency is no longer in effect, whichever occurs first.

- d. The General Manager shall have the authority to extend any deadlines by a period not to exceed 30 days.

Passed and adopted this Twenty-First day of May 2014, by the following roll call vote:

AYES: Hankin, Moon, Phipps, Smith, Verick
NOES:
ABSTAIN:
ABSENT:

Gregory Smith, President
Westhaven Community Services District

ATTEST:

Richard Swisher, General Manager
and
Acting Secretary,
Westhaven Community Services District

ITEM 15.1

Suggested revisions to Board Policies and Procedures Manual

Section 13.0 Appointment of Directors

Revised entries:

13.7.6 Strike existing text and replace with: **All applicants shall be present at the time of interviews.**

13.7.7 At the beginning of the interviews, ~~each individual~~ applicants will be thanked.....

13.7.8 Add to end of existing text: **Order of applicant responses should be changed for each question so that all applicants have an equal chance of being the first applicant to respond to a particular question.**

13.7.9.2 Replace existing language with the following:

Board members shall adopt *ranked-choice voting*, indicating their preferences (1=top choice, 2= second choice, etc.) for all applicants. If an applicant wins a majority of first-preference votes, he or she is declared the newly appointed Director. If no applicant wins a majority of first-preference votes, the applicant with the fewest first-preference votes is eliminated. First-preference votes cast for the failed candidate are eliminated, lifting the second-preference choices indicated on those ballots. A new tally is conducted to determine whether any applicant has won a majority of the adjusted votes. The process is repeated until an applicant wins an outright majority.