

JCSD Minutes

**A Special Meeting of the Board of Directors of the Jacumba
Community Service District (JCSD) take place on:
Monday, March 28th, 2023, 6:00 p.m.
Jacumba Library**

MINUTES

- I. **Call to Order 6:00 pm**
- II. **Welcome to Guests**
- III. **Pledge of Allegiance**
- IV. **Welcome guest: SD County LAFCO Commissioner Barry Willis**
- V. **Roll Call, Determination of Quorum**
Present: President Katrina Westley, V. President Sarah Misquez, Felix Bachmeier, & Robert Ridge
Absent: Debra Yu
- VI. **Public Forum**

Tanya: I asked at the last meeting who was the contact before the lawsuit went to court to be sure it can be halted before any other thing happened. From the members of the JCSD water board who oversaw letting the lawyers know everything would need to be halted. Because the lawyers didn't get that message and went to court. Lawyers weren't notified everything was being stopped and proceeding from any legal action. Katrina responded she needs more explanation. The meeting from Dec 6th is where the motion was made to suspend all litigation with Highlands Center. Action did not take place following that meeting to suspend all litigation for 90 days. Felix B responded: He notified all attorneys via email the next day following the meeting. Tanya was contacted the week prior by this man that has been harassing me for the last year and a half and she can only assume that is why he was contacting her since they aren't friends. He was the president of the board. Katrina answered that would be Felix. Tanya then resumed answering she asked this question back in December and then Felix was not in the following meetings after that. Katrina: We just received the correspondence from Jan and Feb. Which will later be discussed in the meeting. Tanya: That was all I just needed confirmation that is was Felix. Maureen: Had a comment on one of the agenda items. Just wanted to let the board know that Republic Bank has been bailed out by other banks and also in leu of the decision to transfers the CD's to California Bank and Trust, Zions Bank was also one of those in jeopardy and Zions Bank is the mother bank of CB&T. Katrina: 21

This portion of the agenda may be used by any person to address the Board of Directors on any matter within the jurisdiction of the Jacumba

Community Services District. However, the Board of Directors may be unable to respond at this time until the specific item is placed on the agenda at a future meeting in accordance with the Brown Act. Allocated time for public comment is 2 minutes addressing one issue at any one time. (Brown Act, Section 54954.3)

VII. **Board Business:**

a) **Guest Speaker SD LAFCO Commissioner Barry Willis**

Commissioner Willis will present an overview of LAFCO and will be discussing his re-election for 2023. (Action)

Jeff O- What can be provided from LAFCO to the community of Jacumba? Barry- It doesn't matter what Jacumba might need it might not be in the range of there company but he can sure try to help in any way. For example another special distrist needed a D1 certification. And he was able to look into that and help find a solution. Jeff- So if this community wants to look into water treatment and get rid of the septic tanks would that be something you can help with. Barry= Something like that to change the way services are done in your community, that would definitely be something that can be done by LAFCO. Greg Curran- When do you know when to do a audit to a special agency. Barry- normally happens every 5 years unless there is a sign of corruption it would need to be a lot sooner. Maureen- Can you bring up the new senate bill that was previously spoken about. Barry: Senate Bill 938 I don't like this because it makes it easier for LAFCO to dissolve

Vote for Barry Willis Motion made by Katrina Second Felix B. Vote unanimous

Alternate David Drake Motion Katrina Second Sarah M. Vote Unanimous

b) **Approval of Minutes:** The Board will review the draft minutes from the special meeting on December 6TH and 20th, 2022 and January 24th, 2023. (Action)

Special Meeting Minutes for December 6th & 20th, 2022 tabled due to insufficient information written. TABLED-Motion Sarah Misquez Second-Katrina Westley Vote: Unanimous- Motion Passed

Monthly Meeting Minutes for February 27th, 2023 tabled due to insufficient information written Tabled Motion Katrina Westley Second Sarah Misquez Vote: Unanimous- Motion Passed

c) **General Manager's Report:**

1. General Manager's Report on status of district including detailed

financial and infrastructure updates.

Greeting JCSD Board Members. Hope all is well. Water quality for March were good. The district sold construction water at the HLC well this month. LIHWAP (Low income household Water assistance program) is now offering eligible customers with a one time payment credit on water bills and as well as payment assistance for past water bills.

Look Ahead

- Valve exercising and clean out of valve cover/ holes
- Electronic Annual Reporting to SRWCB
- Hydrant Flushing

Water Production –February 27th 2023 – March 22, 2023

- Filter plant- 777,200 gallons Filtered/ 70,654,087 Daily Avg/ Gallons
 - Well 7- 0.789 MG Pumped -Static Level 43.38 ft
 - Well 8- 3,000 Gallons Pumped- Static Level 43.9 ft
 - Well 4- 3,000 Gallons Flushed – Static Level 12.9 ft
- Construction Water
- Well 6- No Production Static Level 12.90 ft
 - HLC- 1,400 Gallons Pumped – Static Level 57.65 ft
 - Park Well- No production Static Level 59.99ft

Bacteriological	Date Sampled	Result	Sample Type
Site 7- Calexico Ave	3/7/2023	Absent	Distribution
Site 8- Seeley Ave	3/7/2023	Absent	Distribution
Site 9- Park	3/7/2023	Absent	Distribution

Well # 7	3/7/2023	Absent	Source (RAW)
Well # 8	3/7/2023	Absent	Source (RAW)

Distribution System

Chlorine Residual (Distribution) 87 Samples 1.3 mg/l min/2.03 mg/l Max/ 1.55 Avg MG/L

Well Heads (7&8)-

Iron and Manganese

Mercury

Filter Vessel-

Iron and Manganese

2. General Manager will give a status report on current District Grant(s) and other grant pursuits.

Present grants are this fiscal year of 2022-2023. The JCSD could go for a USDA Grant to check if we qualify for different types of grants.

State Water Boards are approved for infrastructure rate. Maureen: Who is in charge of doing a preliminary report, but it would have to be Dudek. Katrina: They would need to come through the board as far as she is concerned, they are a conflict of interest. It wouldn't be wise to have them. Emilio has already applied for grant. They also fund the preliminary report. Emilio needs to check to see if they need a certain company to check and do the preliminary report.

Maureen: It would be a good idea to maybe get 3 or 4 engineering firms.

Emilio will get a list of engineers and will also see the status of the application.

Katrina: Balance sheet detail questions Check #7825 for a land appraisal. The charge is outrageous. Because appraisals are \$500. Why wasn't this brought to the board to decide if it should be paid. Emilio: This was approved by the previous board voted to hire OPC and acquire the land which the board approved to pay which gave us the authority to pay for any invoices. Sarah: We suspended the contract. Katrina: This is still over \$5,000.

So even though these contracts and invoices are from before they need to be approved by the current board. Also, what is the reasoning for John Hogue who isn't a board member any more being the contact and having all invoices sent to him. He was the main contact for OPC. We should have been receiving bills directly to the JCSD office for whatever reason it did not happen that way.

Why didn't we pay the invoices as we went along. Katrina: Just wants to clarify the previous board was okay with paying \$6800 for a land appraisal. Emilio:

Effectively the board approved and voted on it. Katrina: Anything that needs to be paid over \$5000 that might have been approved by previous board members need to be voted on again by the current board members even if it

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was voted on 10 years ago. Just to be aware of everything going on in the JCSD District. Sarah: Getting back to OPC even if it was suspended I understand we need to pay for all these invoices and suing people in this community then that's cheaper than paying all of this. Jacumba resident : were we updated with any status and reports from OPC. Greg: The past board wasn't transparent and got a lot of advice from William Pape. Katrina: I'm just addressing these issues. Maureen: Just to be clear all of these invoices from OPC are from before the suspension of OPC in the meeting of December 2022. Yes they are all dated back before this meeting. Also, after receiving all these invoices do we have any proof of the work product that was completed not just emails. Work product needs to be shown to the board members. Sarah: to GM why is it so hard to get paper work done. We need all the transparency not just one sheet of paper.

3. Invoice payments per JCSD Admin code Sec. 5.3 over \$5,000. GM to identify all invoices received for such payments and present to Board for review, and vote. (Action)

Sarah: How much have we paid over all in Legal. Katrina Its closer to \$100,000 so far, last year was about \$45,000. Billing for Noonan Lance from December-March another \$8,660.88 we are getting charged for emails of correspondence with Felix B and they are charging for emails of Dec 6th from suspending litigation, they are charging for preparing emails for \$300 then revising the emails for \$487.50 preparing another email and revising for another \$300. Katrina questions what these charges are for since all litigation has been with held. Any invoices prior to Dec 6. Have been voted to be paid. Between Dec 6 and March are going to be reviewed again. Tanya: can the invoices be given back to the board who approved these invoices how can they paid when the board agreed to suspend litigation. Katrina: The JCSD did need to send the email to notify they are suspending and we are in process of the case, it shouldn't be dropped period. Tanya: Again asks who was the contact to talk to this attorney because these shouldn't have to be paid. Katrina explains Felix was the main contact for Noonan Lance. There will be additional billing since there was a 90 day stay for litigation. We will just have to address that since we cant just stop the case and the case stayed open. The case will go to settlement. Barry Willis: Is it in the bylaw that the board members get notified for bills over \$5,000. Katrina: Yes

Barry: Since it seems like such an issue maybe lowering that amount might be a better idea. Katrina: It will be brought up in an agenda motion for in house counseling with Ronald Naves. He will is helping us with our bylaws and revising them so they are up to code and compliant.

Motion to perform a thorough audit for all Noonan Lance Invoices for over charges to the district before payment. Katrina will submit email correspondence to Noonan Lance.

Motion: Katrina Second: Sarah M. Vote Unanimous

- d) **Legal Counsel Contact:** The board will discuss designating the Chairman and Vice Chairmen as primary and sole contact with legal counsel. (Action)

Two points of contact Chairman- Katrina Westley and **Vice Chairman** Sarah Misquez
Motion- Sarah Misquez **Second:** Felix Bachmeier **Vote unanimous-** Motion Passed

Katrina: With all the discussions we have previously had there is to many people in contact with different lawyers. It is best to just have two points of contact.

Maureen- Does this motion include office staff as well? If they get contacted by legal counsel, they have to transfer directly over to you? Katrina – Absolutely

- e) **Discussion in-house Counsel:** The Board will discuss Ron Naves expanded duties proposal per the JCSD Admin Code Sec. 4.2 General Counsel (Action)

Motion Sarah Misquez Second Katrina Westley Vote Unanimous- Motion Passed

Katrina- All board members were given a new proposal for expanding his duties in his in-house counsel. He is willing to charge us the same per hour. I believe he is our better option. He already is assisting me with the district and what better way to have him continue helping us with correcting our by laws, admin codes, and helping us vs. having county counsel help us with JCSD District when Naves is getting familiar with the District.

- f) **Discuss JCSD wells and static water levels:** The Board will discuss the implementation of tracking and providing a monthly analysis report of water level usage and effect on static water level.

No motion to made- Simply add information to GENERAL MANAGER REPORT.

Emilio Gonzalez- If the water board would like , he can do water level logs on a weekly basis instead of monthly. Katrina- Would like more of an analysis that can help explain more the water levels just to insure the safety of selling the water. Its not a motionable item. We just want something that has more information in our board packets. Felix: What about water levels for Construction water? Do those get checked daily after they are used. EG: They drop a bit but then they recharge since they are barely used. Katrina: Just wants something that better describes the quality of the wells. Maureen: I would like to see a better financial chart that differentiates construction, commercial, and residential water sales. Katrina: Something like that would be more helpful more categories instead of one group of revenue.

- g) **Discuss Highland Well and Well 8 Status:** Board will ask general manager for an update on Well 8 issues, repair options and discuss Highland Well.

No Board Vote for Action –

Emilio: Currently Well 8 is not pumping the way it should. It's getting entrained air which is a problem to the filter at the filter plant. It has to get 200 gallons per minute. It's basically not pumping that way it should be. Well 8 is just not in production and repair options, would be to probably look into other resources to have that fixed. Emilio has a report from the engineer which he can email to all board members so they have a better idea of whats going exactly in Well 8.

Katrina: Maybe hiring a different hydrologist would be a better option, I don't want Trey around our water. Can we have a different hydrologist come in and have an honest opinion to bettering the Well. What would be a repair options? Emilio- honestly there is no real repair option, mostly it would be to wait it out and see if we can get a recharge on the well because the pumping level goes down to 200-300 ft. Felix was present when they checked out the well and describes it as a can a sprite. The well had so much bubbles with no smell. Robert R- You can fill up bags of air with that well. Katrina: This is very concerning but that would be a good idea to have a independent certified hydrologist come out and check on the well. Rick Morrison- Natural gas is odorless and sometimes even tasteless where you cant see it. Robert Ridge- There was a meter put down the well and it didn't register any type of gas. Katrina- Will reach out to her contacts to see who we can hire with honesty and great integrity to come and help us out find a solution for this well. We can send out bids. Emilio: Highland Well we are working with the regulator to see if it is even permitted and up to standards with there requirements for drinking water well. I have sent her permits and drillers logs. He is just waiting for approval so we can get it amended if we use another water source. Katrina: Why not just test the water? Emilio: There is no point in spending the money in testing the water if the regulator doesn't approve the well as a drinking water well. Katrina: Is the Well supported multiple construction water sales. Is the flow meter electronic? Felix: We cant have multiple construction companies b on one meter. Emilio: that would be very confusing to keep log of. Katrina: There has to be a better way to keep track to have multiple meters. Like some type of code or pin and it keeps track of when there cut off after there usage limit, something electronically. How can you protect the usage of the well? Maureen: He protects the well by only having the one contractor a day on each well. It even makes it a lot easier. The meter is the one that keeps track of the usage. Emilio: The previous boards voted on capping the water usage at 150,000 gallons a day when it can potentially do over 280,000 gallons a day. But the capped it so its not over used. Jeff: That means that you can fill 37 water trucks a day with all that water. Tanya: That's 37 trucks to many coming through town. Sarah: In the agreement we have for CWS it says they keep track of there water usage. They keep there own water logs and send over the logs to the JCSD and Emilio compares it to what he has logged since he checks these meters on a daily basis. Emilio will review the contract to ensure that the wording is correct. There is no water not being charged for. Any water that goes through those meters it gets charged for. Over fills anything the contractors are aware they are being charged. Sarah: But why do we need to sell so much water? She understands the revenue from it we need the money. But why sell so much if we are having trouble with our other wells. Emilio: When we get the hydrologists we will have him assess all of over water sources to see what we can and not use.

h) Discuss moving CD from First Republic Bank to California Bank and Trust: Board will discuss possible movement of CD's (Action)

Katrina: I did not receive the information that I needed and in this point in time I would like to leave it where its at. We need to know the terms of moving the CD's we can loose money in them. Jeff: How much money is in CD's roughly about 400, 000. But it is separated between 3 different CD's. Emilio: was just worried and wanted to bring it up so the board was aware of the situation. First Republic might get sold but anyone under 250,000 should be okay. Just need to insure that they are FDIC Insured. Brenda and Emilio are the only people that have access to these accounts. But we can have the Chairmen added to the accounts. Katrina: Who else has been signed to these bank accounts. In the passed it has been Christine Cortese which was a previous Chairman of the JCSD Water board. Possibly 2019- 2021. Maureen recommends if its going to be changed or moved to a different bank. It needs to be motioned put in the minutes approved and need to be taken to the bank. Katrina, Brenda, and Emilio would need to go down and set up the accounts.

Motion to keep CD's in First Republic Bank Motion Katrina Second Sarah Vote: Unanimous

i) Directors and Staff Report

1. This portion of the agenda may be used by the Board of Directors or management to make informal oral reports on their activities.
-None reported
2. This portion of the agenda may be used by the Board of Directors to make requests for future agenda items.
-None reported
3. This portion of the agenda may be used for the Board to consider requests for Board Members or Staff to attend training or association meetings at the District's expense.
- *Ethics 1234 is one that needs to be done. The JCSD staff will let the board members know when they are due for any training. All trainings completed have been stored by Brenda Hernandez at the JCSD office.*

VIII. Adjournment 7:36 pm

Brenda Hernandez, Office
Manager