

**Burney Water District  
Board of Director's Regular Meeting  
July 16<sup>th</sup>, 2020**

**ITEM**

**1. CALL TO ORDER AND ROLL CALL**

**PRESENT:** Directors Jim Hamlin, Britta Rogers, Roger Borkey, Fred Ryness, Ellen Songer and District Manager Willie Rodriguez. (via Zoom)

**ABSENT:** None.

**CALL TO ORDER:** President Britta Rogers called the Regular Meeting to order at 6:54 p.m.

**2. PUBLIC SPEAKERS:**

None.

**3. CONSENT CALENDAR:**

**3A. Approval of Minutes of the June 18<sup>th</sup>, 2020 Regular Meeting.**

Director Borkey made a motion to approve the Consent Calendar. Director Hamlin seconded the motion.

**AYES: HAMLIN, ROGERS, BORKEY, RYNESS, SONGER.**

**ABSENT: NONE.**

**CARRIED**

**BUSINESS:**

- 4. Review and Approve Fiscal Year 2020/2021 Preliminary Budget:** District Manager Willie Rodriguez requested to table Fiscal Year 2020/2021 Preliminary Budget until next meeting in order to get an accurate number for CalPERS, employee wages and go over Engineering Costs. Director Hamlin made a motion to Approve Fiscal Year 2020/2021 Preliminary Budget. Director Ryness seconded the motion.

**AYES: HAMLIN, ROGERS, BORKEY, RYNESS, SONGER.**

**ABSENT: NONE.**

**CARRIED**

- 5. Review and Approve Resolution 2020-14 Authorizing the District to Enter into a Construction Installment Sale Agreement and Grant:** District Manager Willie Rodriguez summarized Resolution 2020-14 and answered questions. This Grant is for the Wastewater Treatment Plant upgrade and is one hundred percent grant. Director Borkey made a motion to approve Resolution 2020-14 Authorizing the District to Enter into a Construction Installment Sale Agreement and Grant. Director Ryness seconded the motion.

**ROLL CALL: HAMLIN-AYE, ROGERS-AYE, BORKEY-AYE, RYNESS-AYE, SONGER-AYE.**

**ABSENT: NONE.**

**CARRIED**

- 6. Review and Determine if Amendments are Required for the 2020 Biennial Notice for**

**Conflict of Interest Codes:** District Manager Willie Rodriguez informed the board that every two years we are required to review our Conflict of Interest Code and determine if changes are necessary or not. Because there are no changes to our organization we have determined that changes are not necessary. Director Songer made a motion that No Amendments are Required for the 2020 Biennial Notice for Conflict of Interest Code. Director Hamlin seconded the motion.

**ROLL CALL: HAMLIN-AYE, ROGERS-AYE, BORKEY-AYE, RYNESS-AYE, SONGER-AYE.**  
**ABSENT: NONE.**

**CARRIED**

7. **Review and Approve Resolution 2020-15 Adopting a Conflict of Interest Code:** Director Borkey made a motion to Approve Resolution 2020-15 Adopting a Conflict of Interest Code. Director Ryness seconded the motion.

**ROLL CALL: HAMLIN-AYE, ROGERS-AYE, BORKEY-AYE, RYNESS-AYE, SONGER-AYE.**  
**ABSENT: NONE.**

**DECLINED**

8. **Review and Approve Resolution 2020-16 Ordering Board of Directors Election; Consolidation of Elections; and Specification of the Election Order:** Director Ryness made a motion to Approve Resolution 2020-16 Ordering Board of Directors Election; Consolidation of Elections; and Specification of the Election Order. Director Hamlin seconded the motion.

**ROLL CALL: HAMLIN-AYE, ROGERS-AYE, BORKEY-AYE, RYNESS-AYE, SONGER-AYE.**  
**ABSENT: NONE.**

**CARRIED**

9. **Discuss Proposed EDF Renewables Microgrid Project at Well 6 and 7:** District Manager Willie Rodriguez summarized the Proposed EDF Renewables Microgrid Project at Well 6 and 7 and answered questions. The Board discussed the Proposal.

10. **Review Draft Letter of Intent from EDF Renewables Regarding Microgrid Project at Well 6 and 7, and Authorize District Manager to Sign Final Letter of Intent:** Director Borkey made a motion to Authorize District Manager Willie Rodriguez to Sign the Letter of Intent only if the money is refundable. Director Hamlin seconded the motion. Director Ryness was against the motion. Director Borkey would like to retract his motion and abstain from the vote. Director Hamlin made a motion Authorize District Manager Willie Rodriguez to Sign the Letter of Intent only if the required deposit is refundable. Director Ellen seconded the motion.

**AYES: HAMLIN, ROGERS, SONGER.**  
**NOES: RYNESS.**  
**ABSTAIN: BORKEY.**  
**ABSENT: NONE.**

**CARRIED**

11. **Consider Shasta LAFCO Special District Representative Nominees:** Director Hamlin nominated Director Ryness for the Alternative seat for Shasta LAFCO Special District Representative Nominees. Director Rogers seconded the motion. Director Ryness Abstained from the vote.

**AYES: HAMLIN, ROGERS, BORKEY, SONGER.**

**ABSTAIN: RYNESS.**

**ABSENT: NONE.**

**CARRIED**

- 12. Review and Discuss Request for Water Supply Assessment Letter for Shasta County Resource Management Agency with respect to the proposed Fountain Wind Energy Project:** District Manager Willie Rodriguez informed the board that the County is requiring Fountain Wind Energy Project to send a letter requesting that the District provide assurances that we can provide the project with water during construction and operations. The District's Water Ordinance has an element in it that keeps us from serving people outside the District boundaries. We can provide construction water by using a hydrant meter but we cannot provide them with permanent water for operations. For the Hatchet Ridge Wind Project we did provide water for construction only. With Board approval we believe we could provide them with construction water but that is subject to change depending on the conditions at the time they are ready for service but will not provide for operation. They would need approximately ten trucks a day for 18-24 months and do not believe there would be a negative impact. Director Borkey made a motion to send a letter with conditions that everything is contingent on us to be able to serve our customers first and new water demand, mechanical issues, power outages and any unforeseen events may make it so we cannot serve them. Director Songer seconded the motion.

**AYES: HAMLIN, ROGERS, BORKEY, SONGER.**

**NOES: RYNESS.**

**ABSENT: NONE.**

**CARRIED**

- 13. Review and Approve Proposed change to Administrative Policy Section 7000.7.1. Specified Requirements for Refund:** District Manager Willie Rodriguez informed the Board that we had a group of checks that came up for customer deposit refunds that we all under \$1.00. He asked Amanda to check if other districts had refund limits. We would like to make the Deposit Refund amount be a minimum of \$5.00 to cut a check so we won't lose money. Director Ryness made a motion to Approve the Proposed change to Administrative Policy Section 7000.7.1. Specified Requirements for Refund. Director Songer seconded the motion. Director Ryness wanted to know if it was legal and requested that District Manager verify the legalities of it and get back to the Board regarding this item and not make this change if it is not legal.

**AYES: HAMLIN, ROGERS, BORKEY, RYNESS, SONGER.**

**ABSENT: NONE.**

**CARRIED**

- 14. Confirm Board Member Attendance for 2020 SDLF Module Trainings Virtual:** Roger-No, Ellen-No, Jim-Yes, if he hasn't done them yet, Britta-Yes, Fred-Yes, if he hasn't done them yet. Director Ryness made a motion to Authorize Board Member Attendance for 2020 SDLF Module Training Virtual. Director Hamlin seconded the motion.

**AYES: HAMLIN, ROGERS, BORKEY, RYNESS, SONGER.**

**ABSENT: NONE.**

**CARRIED**

**REPORTS:**

- 15. Presidents Report:** Britta wanted to know if we wanted to meet for Committee Meeting on a regular schedule. Willie said depends on if they would like to meet virtually or in person,

depends on comfort level. Willie would like to have discussions with each committee to see how they would like to have those meetings. Ellen would like to wait a couple of months and Roger would like to wait also. Maybe wait until September to meet. Discuss in August about starting back in September.

16. **Director Reports / Committee Reports:** Director Ryness reported that he got re-elected to the CSDA Board.
17. **Pool Manager's Report / Friends of the Pool Committee Report:** Pool Manager Stephanie McQuade reported that Water Fitness and Lap swim began on Monday June 8<sup>th</sup>, Swim Lessons began on June 15<sup>th</sup> and BWD Member Swim, formally known as public swim, began on Friday June 18<sup>th</sup>. We have not generated as much revenue this year as we have in the past for Lap Swim and Water Fitness due to the strict guidelines due to COVID-19. Most of our Lap Swim and Water Fitness sessions fill up due to the limited space. Swim Lessons have been mostly full, only maybe two classes out of the three sessions we have had haven't been completely full. Our Private Lessons are booked until mid-August. We have gotten some backlash for only letting BWD Residents attend our Member Swim, we understand that everyone would like to come to the pool but due to COVID-19 we will not be allowing non-members to attend our BWD Member swim this season. Our operations have been working and is going very smoothly, it is a lot of paperwork and takes time but I'm just glad we were able to make it work. I have a great crew and everyone has really stepped up this season and gone above and beyond what has been asked of them. Our plan is to stay open until September 4<sup>th</sup> this year.
18. **District Manager's Report:** Willie reported on the following items:
  - Met with PACE Engineering several times going over pre-construction stuff. Main Lift Generator Project is in the works and the generator should be here in August or September and should be completed in September.
  - Got a notice regarding prop 68 regarding Parks Grant Funding. The minimum award is \$175,000.00. There are several different rounds and they sent an email out regarding the projects that have already been funded. Would like to get money for the pool and would like to get some master planning done for the pool just to plan for our future.
  - Grants are moving forward. Will find out results for the IWRMP funding that we applied for requesting to change out the meters in the next month or two.
19. **Adjourn to Closed Session:** Don't need to adjourn. Legal- Sibert v Burney Water District – had a motion to dismiss the case and the Judge saw that on July 13<sup>th</sup> and before that issued a tentative ruling in favor of the District because it wasn't filed in a timely manner – Don's representative asked the Judge to change his mind and he didn't get a chance to look at it so he pushed it back to July 28<sup>th</sup> and our legal council thinks it will get dismissed. Head Start Development – have had a hard time keeping pools clean this summer due to the windy conditions and would like to hold off on them starting construction until September after the pool closes.  
**Closed Session Per Section 54956.9(a) Conference with Legal Council – Existing Litigation**  
**Title: Sibert v Burney Water District**
20. **Closed Session Per Section 54956.8 – Conference with Real Property Negotiators.**  
**Property: Pool Property, 37461 Bailey Ave., Burney, CA 96013.**  
**Agency Negotiator: Willie Rodriguez**  
**Negotiating Party: Shasta County Head Start Child Development, INC.**

**Under Negotiation: Price and Terms of Payment.**

21. **Reconvene Open Session and Announce Any Reportable Actions Taken in Closed Session:**
22. **Review Future Agenda Items and Summarize Board Direction:** Fiscal Year 2020/2021 Preliminary Budget.
23. **Adjournment:** Director Hamlin moved for adjournment. Director Ryness seconded the motion. The meeting was adjourned at 9:29 p.m.

**AYES: HAMLIN, ROGERS, BORKEY, RYNESS, SONGER.**  
**ABSENT: NONE.**

**CARRIED**

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CHAIRPERSON

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BOARD SECRETARY