



## REGULAR MINUTES

Wednesday, April 21, 2021

## ACTION MINUTES

**In Compliance with Executive Department State of California  
Executive Order N-29-20**

**Join Hangouts Meet: [meet.google.com/xuu-djir-afw](https://meet.google.com/xuu-djir-afw)  
Join by Phone: +1 617-674-4444 PINL 461 550 390 9368#**

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**1. CALL TO ORDER:** The meeting was called to order by Chairman Christensen at 6:00 p.m.

**2. ROLL CALL: Via Phone**

Director Karla Christensen  
Director Anita Ebbinghausen  
Director John Chapman  
Director Patrick Henry  
Director Roscoe Raymond

Candi Bingham, General Manager  
Gisele Wurzbarger, Board Clerk – Google Meet

**3. PLEDGE OF ALLEGIANCE:** Chairman Christensen led the Pledge of Allegiance.

**4. AGENDA:**

General Manager Bingham requested the following revisions to the Agenda:

Add 9h. Circle Tank Property. The proposed NEW Circle Tank site property has just changed ownership. The new owner has offered the District a "land swap."

Add 9i. Karla Christensen Requesting her new rental property with past due water/sewer amount be amortized over a six-month period which is a longer period of time allowed by the District's Bylaws.

**Motion by Board Member Ebbinghausen seconded by Vice-Chairman Raymond and carried by a 5 to 0 vote to approve the Regular Agenda dated April 21, 2021 as amended. Motion passed by the following vote:**

**AYES: Chapman, Christensen, Ebbinghausen, Henry, Raymond**  
**NOES: None**  
**ABSTAIN: None**  
**ABSENT: None**

**5. PUBLIC COMMENT FOR MATTERS NOT ON THE AGENDA:**

Sam Thompson, was present to speak against the Rate Increase and submit a letter of protest.

Board Clerk Wurzburger stated this matter was on the Agenda for discussion under Board Matters 9a. Public Hearing Rate Increase – Count Protest Letter and Vote on Effective Date.

Chairman Christensen discussed the following items:

1. Whether property along the highway was private or District property.
2. Water leak.
3. Whether homeowners would be notified when their meters would be moved.
4. Agenda Packet not on the District’s website.

Board Member Ebbinghausen provided brief summary of the Proposition 218 Hearing Process and Procedures.

**6. MINUTES: Discussion / Approval.**

- A. February 24, 2021 Regular Meeting.
- B. March 17, 2021 – Cancelled.

**Motion by Vice-Chairman Raymond, seconded by Board Member Henry, and carried by a 5 to 0 vote to approve the Minutes dated February 24, 2021 as amended. Motion passed by the following vote:**

**AYES: Chapman, Christensen, Ebbinghausen, Henry, Raymond**  
**NOES: None**  
**ABSTAIN: None**  
**ABSENT: None**

**7. CONSENT ITEMS:**

- a. Monthly Financial Statements - Period Ending February 28, 2021.
- b. Monthly Financial Statements - Period Ending March 31, 2021.
- c. Expenditure Report - Submitted Check Approval through February 28, 2021
- d. Expenditure Report - Submitted Check Approval through March 31, 2021.

Chairman Christensen opened the public discussion. Hearing no further comments from the public, Chairman Christensen closed the public discussion.

**Motion by Board Member Henry, seconded by Chairman Christensen, and carried by a 5 to 0 vote to approve the Consent Items - Period Ending February 28 and March 31, 2021. Motion passed by the following vote:**

**AYES: Chapman, Christensen, Ebbinghausen, Henry, Raymond**  
**NOES: None**  
**ABSTAIN: None**  
**ABSENT: None**

**8. MONTHLY OPERATIONS REPORT: Discussion.** Any matter requiring action will be placed on an upcoming agenda for consideration.

**A. Monthly Operations Report.**

The report included updates from AWA staff, construction, wastewater and water – see report for complete details for Regulatory Compliance Specialist, Wastewater, Water, Distribution and Electrical.

**February 1 thru February 28, 2021 Water Production/Sold Information:**

Well 2 - 164,436 gallons	Total Produced – 714,877 gallons
Well 3R – 223,100 gallons	Total Sold – 463,712 gallons
Well 6R – 327,341 gallons	Unaccounted Loss - 35%

Staff Hours: Water 48.50 hours

**February 1 thru February 28, 2021 Wastewater Production:**

Influent flow: 1,043,300 gallons Effluent Discharged: 223,100 gallons

Staff Hours: Wastewater 71.50 hours

**March 1 thru March 31, 2021 Water Production/Sold Information:**

Well 2 - 308,100 gallons Total Produced – 61,129,438 gallons

Well 3R – 766,500 gallons Total Sold – 479,382 gallons

Well 6R – 362,938 gallons Unaccounted Loss - 58%

Staff Hours: Water 40.00 hours

**March 1 thru March 31, 2021 Wastewater Production:**

Influent flow: 1136,900 gallons Effluent Discharged: 566,400 gallons

Staff Hours: Wastewater 48 hours

Chairman Christensen opened the public discussion. Hearing no comments from the public, Chairman Christensen closed the public discussion.

**B. Monthly General Manager Report.**

The Monthly General Manager Report included updates from the General Manager – see report for complete details.

Chairman Christensen opened the public discussion. Hearing no comments from the public, Chairman Christensen closed the public discussion.

**9. BOARD MATTERS: Discussion/Action.**

**a. Public Hearing Rate Increase – Count Protest Letter and Vote on Effective Date. Discussion/Action.**

No written report was submitted on this item. Chairman Christensen opened the Public Hearing - discussion.

The following individuals spoke against the Proposed Water Rate Increases - Sam Thompson, Nancy Endy and Leslie McAfee. Hearing no further comments from the public, Chairman Christensen closed the Public Hearing discussion.

For the record: Sam Thompson submitted his sealed letter of protest to General Manager Bingham for recordation.

For the record: Nancy Endy submitted 125 sealed letters of protest to General Manager Bingham for recordation.

For the record: Nancy Endy also submitted a letter regarding “Notice to Preserve Evidence” pursuant to Penal Code Section 135 and case law recognizing a duty to preserve evidence, hereby request to preserve all evidence related to:

1. The upcoming majority protest hearing on April 21, 2021, including but not limited to mailing of notice, the custody of protest, the disqualification of protests, and the calculation of the majority.
2. All documents and evidence pertaining to this matter must remain in the geographic confines of the district in the RPPUD District office, 22900 Canyon Ave. River Pines, CA 95675.
3. Citizen volunteers will be allowed to observe the accounting of the protest letters.
4. Please also take note that concealing, discarding, destroying, or tampering with evidence is a crime.
5. This notice applies to items and information that were created in the past as well as items and information that are created in the future.

Nancy Endy requested that she be allowed to observe the vote count. General Manger Bingham stated that observation would be allowed at 6 feet distant.

General Manager Bingham stated in order for Proposition 218 protest to halt the proposed increases, which more than 50 percent of the residents were required to submit formal protests. The protests would have to total 111 votes to deny the rate increase. General Manager Bingham opened the provided protest letters during the open public hearing in full view of the public.

General Manager Bingham stated for the record, the District received and counted 122 votes to deny the rate increase, which was more than 51 percent of the required votes.

General Manager Bingham stated for the record: Do customers who don't pay their water/sewer bills vote count. These property owners owe as much as \$5,000 to \$7,000 which is a loss to the District. The District has put these past due amounts on the County Tax Rolls, however these same individuals don't pay their taxes. The District's only recourse is to place a lien on said properties and collect if or when these properties sell. She stated good luck with the 1930's District Water pipes during the fire season.

No action was taken.

**b. AA Town Hall Facility Usage – Option Charge/Clean Up Duties. Discussion/Action.**

No written report was submitted on this item. Board Member Henry reported he had attended the AA Meeting on Monday and explained the options discuss by the Board to charge them if they don't want to clean the Tow Hall Facility for their usage.

Chairman Christensen opened the public discussion. Hearing no comments from the public, Chairman Christensen closed the public discussion.

No action was taken.

**c. Rescind Resolution 2021-02 – Drinking Water State Revolving Fund Financial Security Package (Construction). Discussion/Action.**

No written report was submitted on this item. General Manager Bingham reported the State requested Resolution 2021-02 – Drinking Water State Revolving Fund Financial Security Package (Construction) be rescinded and be reapproved in an open meeting.

Chairman Christensen opened the public discussion. Hearing no comments from the public, Chairman Christensen closed the public discussion.

**Motion by Chairman Christensen, seconded by Vice-Chairman Raymond, and carried by a 5 to 0 vote to rescind Resolution 2021-02 – Drinking Water State Revolving Fund Financial Security Package (Construction). Motion passed by the following vote:**

**AYES: Chapman, Christensen, Ebbinghausen, Henry, Raymond**

**NOES: None**

**ABSTAIN: None**

**ABSENT: None**

**d. Approve Resolution 2021-03 – Drinking Water State Revolving Fund Financial Security Package (Construction). Discussion/Action.**

No written report was submitted on this item. General Manager Bingham reported the State requested the approve of Resolution 2021-03 - Drinking Water State Revolving Fund Financial Security Package (Construction) submitted by the State for approval.

Chairman Christensen opened the public discussion. Hearing no comments from the public, Chairman Christensen closed the public discussion.

**Motion by Board Member Henry, seconded by Vice-Chairman Raymond, and carried by a 5 to 0 vote to approve Resolution 2021-03 Drinking Water State Revolving Fund Financial Security Package (Construction). Motion passed by the following vote:**

**AYES: Chapman, Christensen, Ebbinghausen, Henry, Raymond**  
**NOES: None**  
**ABSTAIN: None**  
**ABSENT: None**

**e. Update on Distribution Project Funding. Discussion/Action.**

No written report was submitted on this item. General Manager Bingham reported the State is willing to provided the 90% loan on the 5 million portion of the loan and 10% loan on the additional 1.6 million portions. The also made a suggested Amador Water Agency take over the District. She noted USDA will not give the District funding as previous discussed. The District has to prove to the State that the District can pay back the loan.

Board Member Ebbinghausen requested General Manager Bingham contact to the State with tonight's results regarding the customer's rate increase denial received during tonight Public Hearing. General Manager Bingham requested this item be placed on

Chairman Christensen opened the public discussion. Hearing no comments from the public, Chairman Christensen closed the public discussion.

General Manager Bingham requested this item be placed on the next agenda to continue loan options.

No action taken.

**f. Approve Resolution 2021-04 – Adopting Changes to Rate and Fee Schedule. Discussion/Action.**

No written report was submitted on this item. Board Clerk Wurzbarger reported the action would be to deny Resolution 2021-04 Adopting Changes to Rate and Fee Schedule based on the Public Hearing Protest.

For the record: The District counted 122 votes to deny the rate increase, which was more than 51 percent of the required votes.

Chairman Christensen opened the public discussion. Hearing no comments from the public, Chairman Christensen closed the public discussion.

**Motion by Chairman Christensen, seconded by Board Member Henry, and carried by a 2 to 1 (Chapman, Raymond abstained) Resolution 2021-04 – Adopting Changes to Rate and Fee Schedule. Motion passed by the following vote:**

**AYES: Christensen, Henry,**  
**NOES: Ebbinghausen**  
**ABSTAIN: Chapman, Raymond**  
**ABSENT: None**

**g. River Access Dam Committee Update. Continued Discussion.**

No written report was submitted on this item. Chairman Christensen state the River Access Dam was shut down to May 1<sup>st</sup>. General Manager Bingham requested the information for reporting to the State.

Chairman Christensen opened the public discussion. Hearing no comments from the public, Chairman Christensen closed the public discussion.

No action taken.

**h. Circle Tank Property. The proposed NEW Circle Tank site property has just changed ownership. The new owner has offered the District a "land swap."**

General Manager Bingham reported the new owner of the Circle Tank Property has offered the District a "land swap." This means the District would give them the current site in which Circle tank is located and the new owner would give the District land for the new tank along with easement access. Staff explained to the property owner the District would not be able to do the swap until the District's funding had been approved. They were in agreement if it is no more than two years, but preferably the earlier the better. Staff informed the new owner that this matter would be brought before the Board for consideration.

Chairman Christensen opened the public discussion. Hearing no comments from the public, Chairman Christensen closed the public discussion.

**Motion by Board Member Henry, seconded by Vice-Chairman Raymond, and carried by a 5 to 0 vote to approve the "Circle Tank Land Swap" as discussed when the District's funding has been approved based on no more than two years to acquired funding. Motion passed by the following vote:**

**AYES: Chapman, Christensen, Ebbinghausen, Henry, Raymond**  
**NOES: None**  
**ABSTAIN: None**  
**ABSENT: None**

**9i. Karla Christensen Requesting her New Rental Property with past due water/sewer amount be amortized over a six-month period which is a longer period of time allowed by the District's Bylaws.**

Due to conflict of interest, Karla Christensen must abstain from voting on this item. Karla Christensen recused herself from this item.

General Manager Bingham reported Karla Christensen informed staff she was moving into a property that has been abandoned and has a water/sewer balance owed to the District of \$2,492.16. She submitted a request to the Board asking that she be allowed to pay this off the \$2,492.16 during an extended period of time which is allowed by the District's Bylaws.

The District Bylaws state that an "overdue" balance may be amortized over a six-month period. Meaning, \$2,492.16 divided by 6 (mos.) = \$415.36/mo. Plus the current water/sewer bill each month, which is a minimum of \$143.13 = \$558.49 for six months. If a payment is late, then the amortization agreement with the District is null and void and balance is then due in full.

Vice-Chairman Raymond opened the public discussion. Hearing no comments from the public, Vice-Chairman Raymond closed the public discussion.

**Motion by Board Member Ebbinghausen, seconded by Vice-Chairman Raymond, and carried by a 4 to 0 vote (Chairman abstained) to deny Karla Christensen's Request to allow an extended amortization period which is allowed by the District's Bylaws. Motion passed by the following vote:**

**AYES: Chapman, Christensen, Ebbinghausen, Henry, Raymond**  
**NOES: None**  
**ABSTAIN: None**  
**ABSENT: None**

Chairman Christensen returned to the meeting.

**10. BOARD OF DIRECTORS COMMENTS/REPORTS:** Discussion Only.

a. Capital Improvements and general repairs necessary at the District. Continued Item.

**11. COMMITTEE COMMENTS/REPORTS:** Continued Item.

None.

**12. FUTURE AGENDA TOPICS:**

a. Distribution Project Funding Loan Options. Continued Discussion.

b. Maintenance Fees. Discussion/Action.

**13. ADJOURNMENT:** The meeting adjourned at 7:34 p.m. to the rescheduled meeting on May 19, 2021.