

HILMAR COUNTY WATER DISTRICT  
BOARD OF DIRECTORS MEETING  
March 7, 2023

Members Present – Jim Jones, David Anderson, Jim Gerdes, and Tony Salvador.

Members Absent – Frank Hilliard

Public in Attendance – None.

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**Action Items**

A motion to approve the Consent Items was made by Jim Gerdes and seconded by Tony Salvador. Motion passed 4-0.

A motion to approve Bills Payable: March 2023 was made by Jim Gerdes and seconded by David Anderson. Motion passed 4-0.

A motion to approve the Engineering Services Agreement for Project W02-2122: Secondary Transmission Main, with QK Inc., in the amount of \$84,400.00 was made by David Anderson and seconded by Tony Salvador. Motion passed 4-0.

**Meeting – 03/07/23**  
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The meeting was called to order at 5:28 p.m. by President Jim Jones.

**Consent Items** – A motion was made and seconded to approve the Consent Items.

**Public Forum** – None.

**District Manager’s Report** –

Curtis reported the total water pumped for February was 14.756MG and we billed for 14.727MG for a loss of .002%. The TSS results for February were within the State limits. The TSS result for February was 27.3mg/L and BOD was 28mg/L. At the beginning of last summer, we started working with Aquafix by using their products on a trial basis. We are optimistic with the results we have received and will continue to work with Aquafix. We did receive a credit back of \$8,000.00 in February for being part of their data trial. That is half of what the District originally paid for the products. Jonathon continues to do a great job in maintaining communication with Aquafix and operating the plant. The max flow at the plant was higher than normal. Rain has been a contributing factor. The max flow was .418MG for 76% of plant capacity and the average flow was .380MG for 69% of plant capacity. The total flow for the month was 10.651MG. We are working on going forward with the WWTF Safety Improvements.

Curtis informed the Board we have been working on some manual and plan updates. We had Stacy, with Henderson Hatfield, update our employee manual. We had incremental changes made over the last 4 years, but needed to revamp the manual based on all the new California laws etc. We updated

the sanitary sewer master plan. We also, updated the documents for the bacteriological site sampling plan.

Curtis informed the Board, that Mr. Hilliard inquired into the possibility of changing the date for the April meeting? We can discuss this topic at the same time as Discussion Item 7a regarding the July meeting? The Board stated we can discuss it with discussion item 7a.

**Director Reports** – Mr. Gerdes stated to have the field staff maintain the work trucks clean.

**Action Items –**

- A) The bills that are due to be paid in March were presented. A motion was made and seconded to pay the bills presented.
- B) Curtis presented the Engineering Services Agreement for Project W02-2122: Secondary Transmission Main, with QK Inc., in the amount of \$84,400.00. This agreement allows QK to put together plans and specs for this project and it can be ready should a grant opportunity present itself. We can move on with this project sooner than later. A motion was made and seconded to approve the Engineering Services Agreement with QK Inc. in the amount of \$84,400.00.

**Discussion Items –**

- A) Curtis stated the July meeting is currently scheduled for July 11<sup>th</sup> and inquired if everyone is good with that date? The Board replied “Yes”. As stated earlier, Mr. Hilliard inquired to consider pushing the April meeting to Wednesday, April 5<sup>th</sup>? Mr. Jones also inquired, to push the May meeting to Wednesday, May 3<sup>rd</sup>? Everyone present agreed to make those changes. We will post the changes on our website and at the office.
- B) Mr. Stuart Spencer, the District’s Legal Counsel, presented the legal memorandum regarding updates to the Brown Act regarding video conferencing. During the COVID emergency period, the Governor issued emergency executive orders suspending the Brown Act rules related to conducting meetings over videoconference. Those rules were temporary. As the executive orders have expired, the legislature has revisited the Brown Act rules related to videoconferencing, to try to bring the rules more in line with modern technology and the post-Covid prevalence of its use. The memorandum states the old and new rules for video conferencing.
- C) Curtis reported he and Dina attended a video conference call with Neil McCormick from CSDA and Rick Wood, the Financial and Administration Director, regarding the investment group California CLASS, a joint powers authority investment pool. We currently have funds in the Local Agency Investment Fund (LAIF) with the State Treasurer’s Office. CLASS is relatively new to California with nationwide exposure. LAIF’s performance in the last 2 to 3 years has averaged 1.5% to 2% return. CLASS does have the same flexibility as LAIF with twice as much return on the investment. As of February 8<sup>th</sup>, the Prime fund yield for CLASS was 4.713% and LAIF’s was 2.51%. During the call, Rick offered, as a courtesy for being a CSDA member, to look over our Investment Policy. Dina emailed the policy to Rick and he replied with his suggestions for changes in the policy. We have prepared a revision of the investment policy and will have legal counsel review it and make it part of planned future policy changes. Curtis, requested for Board permission to move some funds from LAIF into

CLASS. We will not change the amount being invested just where it's being invested. Mr. Stuart Spencer, legal counsel, stated these funds are put together to get a better return and to have safe investing opportunities.

**Closed Session –**

The Directors Convened to Closed Session at 6:10 p.m. to conference regarding Public Employee Matters – Water Operator and Real Property Negotiator per Government Code Section 54956.8. Location: TBD, Potential Test Well Sites.

Directors returned to Open Session at 6:23 p.m. Staff was given direction by the Board of Directors.

There being no further business the meeting was adjourned at 6:23 p.m.

Respectfully Submitted,

*Trina Burges*

Approved by:

*Jim Jones*  
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Board Member

*4-5-23*  
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Date

## LEGAL MEMORANDUM

To: Board of Directors, Hilmar County Water District  
From: Stuart Spencer, District Counsel  
Date: March 7, 2023  
Re: Updates to Brown Act regarding video conferencing

During the COVID emergency period, the Governor issued emergency executive orders suspending the Brown Act rules related to conducting meetings over videoconference. Those rules were temporary. As the executive orders have expired, the legislature has revisited the Brown Act rules related to videoconferencing, to try to bring the rules more in line with modern technology and the post-Covid prevalence of its use. This memo summarizes the new rules, as they relate to HCWD.

**OLD RULES:** in order to meet over Zoom or have a board member attend over Zoom, three conditions needed to be met:

1. An agenda would have to be posted at every location a board member would physically be during the meeting,
2. Every location had to be on the posted agenda, and
3. Every location needed to be accessible to the public.

**NEW RULES:** Video conferencing allowed, subject to the following rules:

1. A quorum of the board must physically be in a single location, which is open to the public
2. Board members may participate remotely in only TWO situations:
  - a. "Just Cause."
    - i. There are only FOUR circumstances that qualify for "Just Cause:"
      1. Childcare or caregiving of a family member
      2. Contagious illness
      3. Physical or mental disability
      4. Travel while on District Business
    - ii. This can be used only 2 times per year, per board member
    - iii. Board member must notify the rest of the Board at the earliest opportunity (which may be at the start of the meeting), including an explanation of the circumstances
  - b. "Emergency"
    - i. Board member requests Board approval
    - ii. Must be a physical or family medical emergency that prevents in person attendance
    - iii. Requesting board member must give a very brief explanation (less than 20 words) of the emergency circumstances; but is never required to disclose private health information
    - iv. Board must approve by majority vote at beginning of the meeting
  - c. Can't appear remotely more than three months in a row, regardless of the reason
3. Remote board member must disclose if any other adults are in the room with him
4. If a board member participates remotely, the public must also be provided a way to participate remotely
  - a. The agenda must explain how to remotely participate
  - b. The District must be able to provide reasonable accommodations for individuals with disabilities, and the procedure for requesting them must be on the agenda