

HILMAR COUNTY WATER DISTRICT
BOARD OF DIRECTORS MEETING
July 31, 2023

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

Members Absent – None.

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 David Anderson.
Motion passed 5-0.

A motion to approve Bills Payable: August 2023 was made by Jim Gerdes and seconded by Frank Hilliard.
Motion passed 5-0.

A motion to approve the Extension of the Conditional Can and Will Serve Letter for Richard Ellington Subdivision (Richard and Juanita Ellington) was made by David Anderson and seconded by Tony Salvador. Motion passed 5-0.

A motion was made to table Action Item 6a – A Resolution of Intent to Increase Compensation of Board Members by Amending Hilmar Ordinance 2022-01 and calling for a Public Hearing Thereon, by Jim Gerdes and seconded by Tony Salvador. Motion passed 4-1.

A motion to Consider Claims for Damages from Brittany L. Ramirez, e.al. Presents a Substantial Risk of Litigation Which Should be Discussed in a Closed Meeting was made by Frank Hilliard and seconded by Tony Salvador. Motion passed 5-0.

A motion to Adopt Resolution No. 565: A Resolution Finding an Emergency and Authorizing Abbreviated Emergency Procedures for Construction of a New Well was made by David Anderson and seconded by Tony Salvador. Motion passed 5-0.

Meeting – 07/31/23
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The meeting was called to order at 5:30 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 our TSS and BOD results are trending in the right direction. TSS was 38 mg/L and BOD was 39 mg/L. Water use for July was high. We pumped 38.361 MG and billed for 34.391 MG for a 10.9% loss.

Curtis informed the Board that Carter Azevedo took his Water Distribution Operator Grade 1 exam and passed it. Congratulations to Carter!

Curtis reported we continue to sample on Tuesdays and Thursdays for Nitrate in the water. Results have been within the State standards. Curtis stated we may get to a point where the water quality, nitrate issue will be of great concern. Curtis has had various calls with funding agencies looking at all opportunities available to the District.

Curtis stated that the sand issue at Well 7 will be discussed later in the meeting.

Mr. Frank Hilliard stated he is concerned regarding Action Item C and the perception of the public. Mr. Jim Gerdes stated that we went through the process of amending the ordinance regarding board compensation last year and he felt by doing that the ordinance allowed the District to annually adjust the board compensation by 5%. Mr. Stuart Spencer stated that automatic annual increases are not allowed unless the District goes through the process of calling for a public hearing and then amending the ordinance. This will be discussed further under action items.

Director Reports – None.

Action Items –

- A) The bills that are due to be paid in August were presented. A motion was made and seconded to pay the bills presented.
- B) The Conditional Can and Will Serve Letter for Richard Ellington Subdivision (Richard and Juanita Ellington) was presented and a motion was made and seconded to extend the Conditional Can and Will Serve Letter.
- C) Curtis presented Resolution No. 564: A Resolution of Intent to Increase Compensation of Board Members by Amending Hilmar Ordinance 2022-01 and Calling for a Public Hearing Thereon. This is the procedural process if it's the Board's pleasure to amend the ordinance to increase Board compensation. Mr. Gerdes made a motion to adopt Resolution No. 564 with no second motion. After further discussion, Mr. Gerdes rescinded his first motion. A motion was made and seconded to table this action item until the September board meeting.
- D) Curtis informed the board the claim submitted for damages from Brittany L. Ramirez, e.al., presents a substantial risk of litigation which should be discussed in a closed meeting. A motion was made and seconded to discuss the claim submitted by Brittany L. Ramirez in a closed meeting.
- E) Curtis presented Resolution No. 565: A Resolution Finding an Emergency and Authorizing Abbreviated Emergency Procedures for Construction of a New Well. Mr. Stuart Spencer

reported that under normal circumstances the District follows the public bidding procedures. An exemption to this process is by passing a resolution by a 4/5 vote that declares an emergency circumstance. Being the District is having issues with Nitrate and sand in the water and the new well, it makes it of critical importance. If the Board finds that this is an emergency, it will allow staff to move forward without going through the public bidding process. Staff would have the ability to call and ask for bids. It's up to the Board to determine what should happen with the emergency. After a lengthy discussion, a motion and second was made to adopt Resolution No. 565. Staff was directed to prepare an RFP and solicit at least five drilling companies and set up a schedule that aligns with the property owner as to when crops will be harvested. Mr. Spencer Supinger stated that having the emergency order will short cut a lot of environmental requirements and will be able to have a notice of exemption based on the emergency status.

Discussion Items –

- A) Curtis stated he will be getting with Mr. Stuart Spencer to clarify the changes we will be requesting to the CalTrans Street Sweeping Agreement.
- B) Curtis reported that he received the results of the Median Household Income Study in electronic format. We did qualify as a disadvantaged community. The study did not cost the District anything as we were already a disadvantaged community coming into the study. Curtis commended the Board for continuing to follow up on the study.

The Directors Convened to Closed Session at 6:25 p.m. to conference with Real Property Negotiator per Government Code Section 5496.8. Location: 19903 First Street, Hilmar, CA, and Conference with Legal Counsel – Anticipate Litigation. Significant exposure to litigation pursuant to subdivision (d)(2) of Government Code Section 54956.9 (1 case).

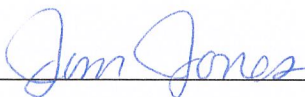
Directors returned to Open Session at 7:27 p.m. Staff was given direction by the Board of Directors.

There being no further business the meeting was adjourned at 7:28 p.m.

Respectfully Submitted,



Approved by:



Board Member



Date