

REGULAR MEETING OF THE BOARD OF DIRECTORS

IDYLLWILD WATER DISTRICT

August 16, 2017 - 6:00 P.M.

AGENDA

CALL TO ORDER:

ROLL CALL:

PUBLIC COMMENTS:

Any person may address the Board at this time upon any subject not identified on this Agenda but within the jurisdiction of the District. Please note that for items not listed on the agenda, the Brown Act imposes limitations on what the Board may do at this time. The Board may not take action on the item at this meeting. As to matters on the Agenda, persons will be given an opportunity to address the Board when the matter is considered. If you wish to speak during public comment, please fill out a "Speaker Request Form" and give it to the Board Secretary. When the Board President calls your name, please immediately step to the podium and begin by giving your name and address for the record. Each speaker will be given four (4) minutes to address the Board.

1. CONSENT CALENDAR:

Consent Calendar items are expected to be routine and non-controversial, to be acted upon by the Board at one time without discussion. If any Board member, staff member, or interested person requests that an item be removed from the Consent Calendar, it shall be removed so that it may be acted upon separately.

A. MINUTES – July 10, 2017
July 19, 2017

B. FINANCIAL REPORTS JULY 2017

1. Income statement for the First month ending July 2017
2. District warrants for July 2017.

Check #	14227 - 14264	= \$	250,221.03
Gross Payroll		= \$	50,285.47
Federal/State PR taxes		= \$	17,105.32
LAIF Transfers		= \$	0.00
Transfers/charges		= \$	138.55

C. OPERATIONS REPORT FOR THE FIRST MONTH – JULY 2017

2. **BOARD VACANCY** – The Board will appoint a qualified candidate to the Board of Directors to fill the vacant seat. If necessary the Board will interview the applicants prior to the appointment.
3. **BOARD VICE PRESIDENT** – The Board will hold an election for the Vice President.

4. **AMENDMENT TO INTERIM GENERAL MANAGER'S AGREEMENT** – The Board will consider an amendment to their employment agreement with the Interim General Manager.
5. **FIELD OPERATIONS SUPERVISOR** – The Board will consider approval of a job description and salary range for the position of Field Operations Supervisor.
6. **WASTEWATER RULES AND REGULATIONS** – The Board will consider adopting an updated Rules and Regulations for Wastewater.
7. **MAJORITY OF A QUORUM** – The Board will further discuss the issue.

DIRECTORS COMMENTS :

GENERAL MANAGER'S COMMENTS:

CLOSED SESSION:

ADJOURNMENT:

To the next regular Board meeting scheduled for September 27, 2017 at 6:00 p.m., to be held at the Idyllwild Water District Boardroom, 25945 Hwy. 243, Idyllwild, CA.

Please remember during Public Comments:

- Comments should be limited to 4 minutes or less
- Comments should be directed to the Board as a whole and not directed to individual Board members.

Americans with Disabilities Act: In compliance with the ADA, if you need special assistance to participate in a District meeting or other services offered by this District, please contact the District office @ 951-659-2143 or email: admin@idyllwildwater.com. Upon request, the agenda and documents in the agenda packet can be made available in appropriate alternative formats to persons with a disability. Notification of at least 48 hours prior to the meeting or time when services are needed will assist the District staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting.

MINUTES OF THE SPECIAL MEETING
OF THE BOARD OF DIRECTORS
IDYLLWILD WATER DISTRICT

The Board of Directors of the Idyllwild Water District met in special session on July 10, 2017, in the Idyllwild Water District Board Room.

CALL TO ORDER:

The meeting was called to order by President Schelly at 11:00 a.m.

ROLL CALL:

Directors present: President Charles Schelly, Vice President Vic Sirkin, Geoffrey Caine, and Steve Kunkle. Interim General Manager Jack Hoagland, Chief Financial Officer Hosny Shouman and Board Secretary Erica Gonzales were also present.

Peter Szabadi was absent due to a scheduled vacation.

General public present: (-1-)

PUBLIC COMMENT: None

President Schelly moved Director's Comments to the front of the meeting at the request of Vice President Sirkin.

DIRECTORS COMMENTS:

VICE PRESIDENT SIRKIN – Distributed notes that he had created before the meeting. Concerned about a member of the public's accusation that the new rate structure may not be in compliance with Proposition 218. These notes address this and some other things concerned about. Did some calculations and feels that Commercial Customers are paying less for same amount of water as Residential customers. Would like rate structure to be evaluated by legal counsel. Would like legal counsel to advise on how staffing positions should be posted. Would like to see positions posted for all qualified applicants including Board members. Wants legal counsel to advise what the protocol would be if a Board member applied for a position and was qualified. Does not agree with pre-paid water included in the rate structure. Feels that the pre paid water would be a point of contention with other districts on the hill in the event of consolidation. Also feels pre-paid water does not promote conservation. Does not agree with the Pipeline Project. Feels that the cost is too great and that we should stop the project and refuse the grant.

PRESIDENT SCHELLY- Have we received a written legal opinion on our compliance with Proposition 218?

JACK HOAGLAND – We received an email confirming we are in compliance.

PRESIDENT SCHELLY – Talking about having someone on the Board that is qualified to run the WWTP is walking a thin legal line. We cannot state that “if someone will do this, then we will do this.” That is an “id pro quo” statement and the State frowns on this kind of thing heavily and will attract legal action. That type of innuendo is an area we should not get into.

VICE PRESIDENT SIRKIN – Didn’t know how to address this situation. Feels that all staff vacancies should be open to the public and conveniently located so that anyone wanting to apply can, no matter their location or current position. This is something that our legal counsel should advise us on.

PRESIDENT SCHELLY – After reading point three under notes about pre-paid water, just want to clarify that Vice President Sirkin is against subsidies?

VICE PRESIDENT SIRKIN – Not against subsidies, in general, but against the subsidies in the rate structure. Would like legal counsel to advise on this matter. May require an Actuarial to determine what the rate structure should be.

PRESIDENT SCHELLY – How long do you expect a study by an Actuary to take, reasonably? Can tell you that it will take 2-3 weeks to hire an Actuary and then the study will be in the queue for at least 3 months.

VICE PRESIDENT SIRKIN – Would like a recommendation from legal counsel on the best way to do a study and build a rate structure.

JACK HOAGLAND – Fern Valley had a study done and it cost them more than \$40,000.00. You are ok with spending that kind of money?

VICE PRESIDENT SIRKIN – Ok with it because it serves the public’s interest. Would be a good investment.

DIRECTOR CAINE – If thinking about consolidation with Pine Cove and Fern Valley, why not adopt the principle they use for their rate structures, not necessarily their rates, but the principle?

PRESIDENT SCHELLY – They are two entirely different districts, they do not have a treatment plant, commercial customers, and their source of water is different. This is Director’s Comments which is supposed to be used for future Agenda Item ideas, spent enough time on this topic.

DIRECTOR KUNKLE – Jack stated there was an opinion in email form, is fine with that. Taking pre-paid water away from the Commercial customers was the first step in getting rid of the pre-paid water altogether. That is the goal.

ITEM 1 – Memorandum of Understanding with Idyllwild Arts Foundation:

Recommendation: That the Idyllwild Water District Board of Directors consider approval of the attached Memorandum of Understanding (MOU) with Idyllwild Arts Foundation regarding Water Connection Fees.

Background: In April 2013, Idyllwild Water District and Idyllwild Arts Foundation executed a MOU related to water connection fees for anticipated activities by IAF.

With the adoption of New Rules and Regulations for Water Service by the Idyllwild Water District Board of Directors, effective July 1, 2017, the basic assumptions of the 2013 MOU are no longer valid. Therefore, Idyllwild Water District and IAF have determined that it would be in both parties interest to execute a new MOU to reflect the current water service provisions.

DISCUSSION-

Vice President Vic Sirkin made a MOTION to approve the MOU with Idyllwild Arts Foundation and Director Caine seconded. The vote was as follows:

AYES	NAYS	ABSTAIN	ABSENT
Victor Sirkin			Peter Szabadi
Geoffrey Caine			
Steve Kunkle			
Charles Schelly			

The Motion passed.

ITEM 2 – SEWER PUMPS:

Recommendation: That the Idyllwild Water District Board of Directors consider approval of replacement of the Return Activated Sludge (RAS) and Waste Activated Sludge (WAS) pumps at the Wastewater Treatment Plant (WWTP) at a cost of \$43,000.

Background: The RAS/WAS pumps are critical for the efficient operation of the WWTP. There are two such pumps, each of which, through valve manipulation can perform either function. These pumps have been in service for many years and have been rebuilt numerous times. The particular style is prone to clogging with fibrous materials that occur in sewage resulting in somewhat maintenance intensive attention to the pumps.

With the failure of one of the pumps, staff and our contract operators from Specialized Utility Services Program (SUSP) recommended changing the pumps to a different style that is not prone to clogging, Vaughan Chopper pumps, which have been used to great success in many wastewater plants in our size range (<1 MGD).

Rockwell Engineering and Equipment, the California distributor has submitted a proposal of \$11,435 per pump (\$23,220 for both including \$350 shipping). Note the cost for rebuilding the existing pumps is approximately \$8,500 each.

Quotes for installation were solicited from three firms and two firms responded. While Jimini Systems was less costly, their quote did not include installation of a support system for the new pumps. Modification to the support system is necessary because the new pumps do not fit on the existing concrete pump bases. The District would have had to engage and coordinate an additional contractor for the support system construction and installation. Since Mid-Town Plumbing will do the entire installation including the pump support system, staff recommends engaging them for the installation.

Jimini	\$16,665.
Mid-Town	\$19,578.

Total Project cost \$42,798.

DISCUSSION:

VICE PRESIDENT SIRKIN – If the current working pump were to fail, where would we be? Would our staff be able to reinstall if we were to rebuild existing pumps? Is there a benefit to having the new pumps that chop as well as pump? Are they likely to last longer between rebuilds? Is there a savings by doing both pumps at the same time?

JACK HOAGLAND – If current pump were to fail right now, we would be in an emergency situation. Our current staff does not have to ability and knowledge to reinstall the pumps after rebuild. There is great benefit to having a pump that chops because it will reduce clogging and reduce maintenance on the pumps. Yes, spoken to people that are using this pump. Yes there is a savings.

DIRECTOR KUNKLE – If the Headworks pump were doing its job, there wouldn't be as much solids and we wouldn't have the problem we are having now, believe Jack is planning to replace the Headworks pump in the future. Disappointed that staff is not able to do more of the work on this.

VICE PRESIDENT SIRKIN – This brings up the staffing issues that need to be addressed.

DIRECTOR CAINE – Can we use this as a training program?

JACK HOAGLAND- Staff will be involved and will be observing and attempting to learn more.

Director Caine made a MOTION to approve the replacement of the Return Activated Sludge (RAS) and Waste Activated Sludge (WAS) pumps at the Wastewater Treatment Plant (WWTP) at a cost of \$43,000 and was seconded by Director Kunkle:

AYES	NAYS	ABSTAIN	ABSENT
Geoffrey Caine			Peter Szabadi
Steve Kunkle			
Charles Schelly			
Victor Sirkin			

The Motion passed.

ITEM 3 – FIELD OPERATIONS SUPERVISOR:

Recommendation: That the Idyllwild Water District Board of Directors consider approval of the attached Job Description and a Salary Range of \$33.70/hr. to \$46.71/hr.

Background: The District has been unable to recruit a Chief Sewer Operator for several years and has contracted with the Specialized Utility Services Program of California Rural Water Association to fulfill the requirements of the State/Regional Water Quality Control Board. The current fee is over \$12,000 per month for the service.

Staff has used a recruiting service (Project Partners) to assist the District in identifying potential candidates and has been successful. In order to streamline the District organizational structure, a position has been resurrected from past District operations to oversee all field operations to be called Field Operations Supervisor.

The salary range is internally consistent within Idyllwild Water District (equivalent to an annual range of \$70,096 to \$97,162).

COMMENTS:

PRESIDENT SCHELLY – This is something that Vice President Sirkin has advocated for in the past, does this job description fit idea of what the operations manager should be??

VICE PRESIDENT SIRKIN – Feels that a Field Supervisor is a valid position and one that should be equally responsible for the Water distribution and the Waste Water Treatment. Doesn't feel that this job description meets that entirely. Would like to hear legal counsel's opinion about questions that were raised earlier in the meeting.

DIRECTOR CAINE – Noticed that the primary experience recommended for the selection process is in the treatment of wastewater. Why?

JACK HOAGLAND – The person would be the Chief Waste Water Treatment Plant Operator in addition to supervising the Water Distribution side.

PRESIDENT SCHELLY – What would be the cost savings by creating this position and hiring the candidate you have spoken to? What does “act as District’s safety chairman” mean exactly?

JACK HOAGLAND – Around \$20,000 per year because we would be paying for retirement and benefits in addition to the salary. Would make sure we are in compliance with CAL/OSHA, would be the point person with ACWA/JPIA, hold safety meetings, etc.

DIRECTOR KUNKLE – On right path with this position. Hesitant to approve this because this would mean we would have 7 field employees, which is more than we have had in the past.

PRESIDENT SCHELLY – Have been hearing from multiple Board members in the meetings that we would like to do more of the work in house rather than contracting. This person would have the knowledge and adding a 7th employee would give the additional help to be able to work on projects while also being able to do the day to day operations.

DIRECTOR CAINE – Doesn’t have enough background information and doesn’t know if this position would be permanent or temporary.

PRESIDENT SCHELLY – All employees have a probationary period of 6 months where they are at- will. This is a position that we have told our General Manager that we want filled and he has worked to do what we have asked. How long have we been filling this position with SUSP, Inc.?

JACK HOAGLAND – 2 years.

President Schelly entertained a motion.

Item 3 died for lack of Motion.

DIRECTORS COMMENTS:

PRESIDENT SCHELLY – Will this be last large check to Tyler Tech for billing system implementation? Are we getting closer to having things on the website such as the recordings of the meetings?

HOSNY SHOUMAN – Yes, all additional bills from Tyler Tech will be for support help and will be regular charges.

JACK HOAGLAND – Will be bringing some more information to the Board for a more sophisticated recording system.

GENERAL MANAGER’S COMMENTS:

JACK HOAGLAND- Distributed Cost of Service Study. Stated that removing the pre-paid water feature is a plan for the future but doing it in steps. Doesn't want to shock the customers too much. Did get in contact with someone for some records management assistance to help create a better records retention policy and decide what are good records and what are bad records.

ADJOURN TO CLOSED SESSION:

President Schelly adjourned to closed session at 12:26 p.m.

RECONVENE INTO OPEN SESSION:

The Board reconvened in open session at 1:12 p.m.

REPORT ON CLOSED SESSION: President Schelly reported there was no reportable action.

ADJOURNMENT: President Schelly adjourned to the Special Meeting at 1:13 p.m.

APPROVED:

IDYLLWILD WATER DISTRICT

IDYLLWILD WATER DISTRICT

BY: _____
DR. CHARLES SCHELLY-
BOARD PRESIDENT

BY: _____
ERICA GONZALES-
BOARD SECRETARY

MINUTES OF THE REGULAR MEETING
OF THE BOARD OF DIRECTORS
IDYLLWILD WATER DISTRICT

The Board of Directors of the Idyllwild Water District met in regular session on May 24, 2017, in the Idyllwild Water District Board Room.

CALL TO ORDER:

The meeting was called to order by President Schelly at 6:00 p.m.

ROLL CALL:

Directors present: President Charles Schelly, Steve Kunkle and Peter Szabadi. Interim General Manager Jack Hoagland, Chief Financial Officer Hosny Shouman, Legal Counsel Christine Carson and Board Secretary Erica Gonzales were also present.

Director Caine was present but had to excuse himself before the meeting was called to order due to a family emergency, he returned at 6:10 pm during public comment.

General public present: (10)

PUBLIC COMMENT:

STEVE THOMPSON – Concerned about the varying Water Base Rates for varying sized water meters. Has a 1” Water Meter and does not feel he should pay more than a customer with a 5/8” Water Meter.

SUE NASH – Concerned about lack of transparency, amount of and subjects of Closed Sessions, frequency and time of Special Meetings, Idyllwild Brew Pub and newly adopted Rate Structure.

BOB GEARY – Concerned about the security of water meters, the prevention of water meter tampering. Would like to know if there are protocols in place for water meter security?

JACK HOAGLAND – Not a common issue, would have to look into securing meter where both homeowner and Idyllwild Water District will have access.

MARGE MUIR – Would like clarification on nomenclature regarding procedures of issuing water meters.

JP CRUMRINE – Noticed that the water budget was less than income but the amount of water sold was higher than budget, why the discrepancy? Also, with Idyllwild Water District having no leaks, why is water loss so high? Historically water loss has been

lowest in the area.

HOSNY SHOUMAN – Because Idyllwild Water District has moved out of Stage 2 and is effectively in no Stage of the Ordinance No. 64, the rates for the higher tiers are lower, creating less income for more water used.

JACK HOAGLAND – Is looking into how the production is recorded and trying to find a more efficient way of tracking to have a more efficient recording of the water loss. Will look into it.

ITEM #1- CONSENT CALENDAR:

MINUTES – June 14, 2017
June 21, 2017

FINANCIAL REPORTS JUNE 2017

A. Income statement for the Twelfth month ending June 2017

B. District warrants for June 2017.

Check #	14170 - 14226	= \$	182,383.77
Gross Payroll		= \$	50,479.66
Federal/State PR taxes		= \$	16,791.53
LAIF Transfers		= \$	0.00
Transfers/charges		= \$	90.10

OPERATIONS REPORT AND GRAPHS FOR THE TENTH MONTH ENDING JUNE, 2017.

No mainline leaks were reported in June. Foster Lake's level was full at 18 feet at the end of June. There was 0" of precipitation in June and there has been 27.76" of precipitation for the fiscal year to date. The static water levels at the Foster Lake Wells were 0' below ground level, and the downtown well #23 is currently pumping at 229' and the downtown well #24 is static at 18' below ground level respectively. Production for June was 1,330,363 cubic feet. June's unaccounted for water was 19.17% of water production. Fiscal year to date unaccounted for water average is 6.42% of water production.

COMMENT:

DIRECTOR KUNKLE – Inquired about various warrants including checks to Arrow Printing and California Computer Options.

JACK HOAGLAND – Explained the charges from Arrow Printing were for an informational mailer to our customers about some changes and inconveniences to them

during the transition to the new billing system and the changes to their payment options. The charges from California Computer Options were for Computer Support, backing up the system at an offsite location and various other support issues that were more in depth than the monthly service charge covers.

PRESIDENT SCHELLY – Inquired about a check to Tyler Technologies. Would like to make sure that large charge will not be ongoing.

HOSNY SHOUMAN – These are last large charges for Tyler Technologies and the billing system. Any additional costs would be the annual support fee.

DIRECTOR KUNKLE - Inquired about check to ERSC update of sewer records.

JACK HOAGLAND – Gathered all notes and edits we have recorded about Sewer Collection System along with Harold K. Smith’s notes for the last 50 years and ERSC added them to a new set of plans and created new full size maps and 4 sets of half size maps that are better for travel in the work trucks.

DIRECTOR KUNKLE – Inquired about well levels.

A MOTION was made by Director Szabadi to approve the Consent Calendar and Director Caine seconded. The vote was as follows:

AYES	NAYS	ABSTAIN	ABSENT
Peter Szabadi			
Geoffrey Caine			
Steve Kunkle			
Charles Schelly			

Consent Calendar approved.

ITEM 2 – Vacancy on the Board of Directors

Recommendation: That the Idyllwild Water District Board of Directors determine to fill the current vacancy on the Board of Directors by the appointment process.

Background: Victor Sirkin resigned from the Idyllwild Water District Board of Directors effective July 11, 2017.

State law provides the District with several options for filling the vacancies:

- The remaining Board members may appoint a qualified applicant to the position;
- The Board can call a special election to fill the position; or
- The Board can default to the Board of Supervisors of Riverside County to appoint a qualified applicant to the position.

Considering that the Board of Directors might select the least costly and most timely option for filling the Board Vacancy, Staff have posted notice of the vacancy and ran an ad in the Town Crier advising of the vacancy. Both venues solicit interested, qualified candidates to submit a letter of interest and resume of qualifications to the President of the Board of Directors by August 4, 2017. The Board of Directors can then review the applicants and make a selection at the August 16, 2017 regular meeting.

COMMENT:

A MOTION was made by Director Caine to fill the current Board vacancy by appointment and Director Szabadi seconded. The vote was as follows:

AYES	NAYS	ABSTAIN	ABSENT
Geoffrey Caine			
Peter Szabadi			
Steve Kunkle			
Charles Schelly			

Motion approved.

ITEM 3 – Construction Award for the 2017 Pipeline Project to Genesis Construction

Recommendation: That the Idyllwild Water District Board of Directors approve a Construction Contract for the 2017 Marian View Drive pipeline project with Genesis Construction in the amount of \$643,366.00 and authorize the Interim General Manager to execute the Contract.

Background: Construction bids for the Marian View Drive Pipeline Project were solicited through the required channels and the sealed bids were opened July 11,

2017 at 10 am. A copy of the bid results spreadsheet is attached. Genesis Construction of Hemet was the apparent low bidder.

A recommendation from Webb Associates is also attached. Authorization from the County to award should be received prior to the Board Meeting.

Total Project costs are:

Design	Webb	\$141,700	22.0%
Construction Services	Webb	\$89,584.	13.9%
Construction	Genesis	<u>\$643,366.</u>	
	Total Project	\$874,650.	

The construction cost represents \$224/foot for the pipe and all appurtenances including paving to County requirements. The overall project cost is \$304/foot.

The District could anticipate that somewhat larger projects (4-5,000 feet) would have some economies of scale, but should probably anticipate that further projects be estimated using at least \$275/foot (i.e., a 4,500 foot project would have an early estimated cost of \$1,250,000). The District needs to consider replacement of approximately 30,000 feet of pipeline in the next 10-15 years (about \$8,250,000 in capital project costs for pipeline only replacements).

A Notice of exemption from CEQA was filed April 13, 2017

DISCUSSION:

TOM PAULEK – When was this project approved by the Board? The CEQA document is supposed to be present at the Public Meeting when approving the project.

SUE NASH – Once file Notice of Determination, people have 30 days to file a CEQA

lawsuit complaint with the court. The time has now expired.

JACK HOAGLAND – This project was approved in September 2016 by Board action. Other items that have been voted on are the process of executing project.

TOM PAULEK – Glad to see Counsel at meeting. Would to see Counsel at every meeting to help make sure Board stays in compliance.

DIRECTOR SZABADI – That would be a significant financial cost.

DIRECTOR KUNKLE – Project is over budget, does not believe that the project was tailored to Idyllwild Water District’s “need and style,” concerned this project is going to balloon to an even greater cost. Would like to cut our losses, stop the project and refuse the grant from Riverside County.

DIRECTOR SZABADI – We need to replace pipes, previous Board did not replace anything. Believes the initial estimate was unrealistic. This project is going cost more than expected but hiring Webb will be some insurance against change orders because they designed the project. If we stop project now, will have to give the \$155,000 back to Riverside County and pay the \$80,000 for Webb. That’s a loss of \$230,000 on a project that will need to be done in the near future anyway. May not be ideal project but still a need. Would like to continue with the project.

DIRECTOR CAINE – Do we expect cost over-run?

JACK HOAGLAND – Do not expect but is possibility. This company is the low bidder, therefore they are who is approved by the County.

DIRECTOR CAINE – Does not like situation but need to move forward, have to start somewhere.

PRESIDENT SCHELLY – How long has it been since Idyllwild Water District spent money to replace any pipeline? Will this project’s cost prevent projects in the future?

HOSNY SHOUMAN – 7 years. Have been putting money away for projects, can afford replacements as long as not all at once.

A MOTION was made by Director Szabadi to approve awarding the Construction Contract with Genesis and Director Caine seconded. The vote was as follows:

AYES	NAYS	ABSTAIN	ABSENT
Peter Szabadi	Steve Kunkle		
Geoffrey Caine			
Charles Schelly			

Motion approved.

ITEM 4 – Bidding and Construction Management Assistance for the 2017 Pipeline Project

Recommendation: That the Idyllwild Water District Board of Directors approve an agreement with Webb and Associates for Bidding Assistance and Construction Management during the 2017 pipeline project in the amount of \$83,600 and authorize the Interim General Manager to execute the agreement.

Background: Preparation of the plans and specifications for the 2017 Water Pipeline replacement project is complete. Webb and Associates is the Engineer of record and Staff recommends that the firm be engaged to assist with the construction management services during the construction project including inspection and compaction testing. The attached letter proposal for the additional assistance is for the Board of Directors information.

DISCUSSION:

A MOTION was made by Director Szabadi to approve the agreement with Webb and Associates for Bidding Assistance and Construction Management and Director Caine seconded. The vote was as follows:

AYES	NAYS	ABSTAIN	ABSENT
Peter Szabadi	Steve Kunkle		
Geoffrey Caine			
Charles Schelly			

DIRECTOR'S COMMENTS: None

GENERAL MANAGER'S COMMENTS:

JACK HOAGLAND – Have received some Water Service Applications, have been reviewing and creating plans to install meters. Working with Health Dept. for final permitting on Tollgate Tank. Filed all Water Rights Extraction requirements.

DIRECTOR SZABADI – What efforts are being made to recruit for vacant staff positions? What efforts have been made to reduce the level of the WWTP?

JACK HOAGLAND – Reduced level for Distribution system from 3 to 2 in March. Wastewater taking long and a bit more complicated of a process. Would help to find a larger pool of candidates if a lower level.

TOM PAULEK – Concerned about recording device failing at previous meetings. Would like more sophisticated recording system. Concerned about not reporting out once reconvening into open session.

JP CRUMRINE – Agenda Item for Potential Litigation is very general, would like clarification as to why listed this way.

ADJOURN TO CLOSED SESSION AT 7:37 PM:

1. POTENTIAL LITIGATION AGAINST THE CITY (1 CASE) GC 54956.9(d)(2) - A point has been reached where, in the opinion of the legislative body of the local agency (District) on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the District.

2. Performance Review, Interim General Manager

RECONVENE INTO OPEN SESSION: The Board reconvened in open session at 8:52 pm.

General Manager Jack Hoagland reported that there was no reportable action.

ADJOURNMENT: President Schelly adjourned the meeting at 8:53 pm.

IDYLLWILD WATER DISTRICT

BY: _____
DR. CHARLES SCHELLY-
BOARD PRESIDENT

IDYLLWILD WATER DISTRICT

BY: _____
ERICA GONZALES-
BOARD SECRETARY

**IDYLLWILD WATER DISTRICT
WATER FUND CONDENSED INCOME STATEMENT
FOR FISCAL MONTH ENDING July 31, 2017**

CONDENSED CATEGORY	FOR THE MONTH OF			JULY	2017
	ACTUAL	BUDGET	VARIANCE	%	
OPERATING REVENUES:					
BASE-RESIDENTIAL/COMMERCIAL	55,533	55,840	-307	-0.55%	
SALES-RESIDENTIAL/COMMERCIAL	46,747	60,000	-13,253	-22.09%	
OTHER OPERATING REVENUE	3,596	4,000	-404	-10.10%	
OTHER NON- OPERATING REVENUE*	42,470	55,000	-12,530		
TOTAL OPERATING REVENUES	148,346	174,840	-26,494	-15.15%	

*Other non- Operating Revenue includes Capacity Fees paid for new Water Installations

OPERATING REVENUE BY CATEGORY	FOR THE MONTH OF			JULY	2017
	ACTUAL	BUDGET	F (U) VARIANCE	%	
BASE RATE - RESIDENTIAL	42,407	42,719	-312	-0.73%	
BASE RATE - COMMERCIAL	13,127	13,121	6	0.04%	
SALES-RESIDENTIAL	27,684	32,000	-4,316	-13.49%	
SALES-COMMERCIAL	19,062	28,000	-8,938	-31.92%	
SALES-SEWER	0	0	0	0.00%	
SALES-CONSTRUCTION/OTHER	0	0	0	0.00%	
TRANSFER FEES	275	195	80	41.03%	
TURN ON/OFF FEES	50	50	0	0.00%	
LIEN & LIEN RELEASE FEES	0	0	0	0.00%	
DELINQUENCY FEES	610	755	-145	-19.21%	
WILL SERVE LETTER FEES	1,050	2,500	-1,450	-58.00%	
OTHER MISCELLANEOUS	1,611	500	1,111	0.00%	
INSTALLATION FEES	746	5,000	-4,254	-85.08%	
CAPACITY FEES	41,724	50,000	-8,276	-16.55%	
TOTAL OPERATING REVENUES	148,346	174,840	-26,494	-15.15%	

**IDYLLWILD WATER DISTRICT
 WATER FUND CONDENSED INCOME STATEMENT
 FOR FISCAL MONTH ENDING JULY 31, 2017**

FOR THE MONTH OF JULY 2017

CUBIC FEET OF SALES:	ACTUAL	BUDGET	VARIANCE	%
R1	802,078	735,000	67,078	9.13%
R2	23,450	46,000	-22,550	-49.02%
R3	97,000	134,000	-37,000	-27.61%
R4	49,884	75,000	-25,116	-33.49%
R5	20,650	22,000	-1,350	-6.14%
R6	199,040	205,000	-5,960	-2.91%
NC-WWTP	37,650	37,650		
TOTAL CUBIC FEET OF SALES	1,229,752	1,254,650	-24,898	-1.98%
NUMBER OF CUSTOMER BILLS:				
R1	1,534	1,534	0	0.00%
R2	30	30	0	0.00%
R3	48	45	3	6.67%
R4	13	13	0	0.00%
R5	5	5	0	0.00%
R6	2	2	0	0.00%
S*	10	10	0	0.00%
TOTAL NUMBER OF CUSTOMER BILLS	1,642	1,639	3	0.18%

* s : Sewer Only Account

**IDYLLWILD WATER DISTRICT
WATER FUND CONDENSED INCOME STATEMENT
FOR FISCAL MONTH ENDING JULY 31, 2017**

BY CATEGORY	FOR THE MONTH OF		JULY	2017
	ACTUAL	BUDGET	F (U) VARIANCE	%
WATER OPERATING EXPENSES:				
1- WAGES AND SALARIES EXPENSES	46,219	50,000	3,781	7.56%
2- RETIREMENT PLAN AND LIFE INSURANCE	4,026	6,667	2,641	39.61%
3 -MEDICAL INSURANCE	22,124	11,500	-10,624	-92.38%
4 -UNIFORM EXPENSES	186	438	252	57.53%
5 -WORKER'S COMP INSURANCE	0	1,042	1,042	100.00%
6 -RETIREMENT MEDICAL INSURANCE	1,811	2,000	190	9.48%
7 -BOARD REIMBURSEMENT	225	1,000	775	77.50%
8 -OFFICE SUPPLIES	587	1,500	913	60.89%
9 -OFFICE CLEANING SERVICE	210	280	70	25.00%
10 -POSTAGE AND MAILING FEE	38	973	934	96.05%
11 -TRAINING AND EDUCATION	520	604	84	13.93%
12 -TRAVELING , MILEAGE, MEALS REIMBURSEMENT	193	629	437	69.40%
13 -DUES ,FEES , SUBSCRIPTIONS	894	771	-123	-16.00%
14 -COMPUTER SERVICES	1,902	2,000	98	4.91%
15 -LEGAL SERVICES	-112	869	981	112.87%
16 -UTILITIES - ELECTRICITY	5,979	8,292	2,313	27.90%
17 -UTILITIES - GAS& FUEL	555	717	161	22.49%
18 -UTILITIES - PROPANE	0	325	325	100.00%
19 -UTILITIES - TELEPHONE INTERNET	446	761	314	41.33%
20 -UTILITIES - WASTE MANAGEMENT FEE	0	184	184	100.00%
32 -AUTO AND PROPERTY INSURANCE	0	1,712	1,712	100.00%
21 -STATE-COUNTY WATER SYSTEM FEES	0	1,583	1,583	100.00%
22 -GENERAL PLANT SERVICES	6,007	4,109	-1,898	-46.20%
23 - VEHICLES REPAIRS AND MAINTENANCE	110	521	411	78.90%
24 -WATER ENGINEERING AND CONSULTING	0	875	875	100.00%
25 -LABORATORY SERVICES	0	1,042	1,042	100.00%
26 -WATER SECURITY SYSTEM	0	771	771	100.00%
27 -ADVERTISING AND PUBLISHING	10	542	531	98.07%
28 -PROPERTY TAX EXPENSES	0	233	233	100.00%
29- COMPENSATED TIME	0	1,833	1,833	100.00%
30 -BANK FEE CHARGE	139	78	-61	-78.41%
31 -WATER MAINTENCE AND SUPPLIES	0	1,042	1,042	100.00%
33 -ACCOUNTING AND AUDITING FEE	0	2,000	2,000	100.00%
TOTAL OPERATING EXPENSES:	92,068	106,890	14,822	13.87%
TOTAL INCOME AND (LOSS)	56,278	67,950		

**IDYLLWILD WATER DISTRICT
SEWER FUND CONDENSED INCOME STATEMENT
FOR FISCAL MONTH ENDING JULY 31 , 2017**

CONDENSED BY CATEGORY	FOR THE MONTH OF JULY, 2017			
	ACTUAL	BUDGET	F (U) VARIANCE	%
OPERATING REVENUES:				
BASE-RESIDENTIAL/COMMERCIAL	53,015	54,000	-985	-1.82%
OTHER OPERATING	100	25	75	300.00%
TOTAL OPERATING REVENUES	53,115	54,025	-910	-1.68%
OPERATING EXPENSES:				
1- WAGES AND SALARIES	13,597	15,000	1,403	9.36%
2- RETIREMENT AND LIFE INSURANCE	1,342	2,000	658	32.90%
3- MEDICAL INSURANCE	7,375	5,000	-2,375	-47.49%
4- UNIFORM EXPENSE	62	300	238	79.36%
5-WORKER'S COMPENSATION INSURANCE	0	145	145	100.00%
6- RETIREMENT MEDICAL INSURANCE	604	917	313	34.16%
7- BOARD REIMBURSEMENT	75	200	125	62.50%
8- OFFICE SUPPLIES	256	600	345	57.42%
9- OFFICE CLEANING SERVICES	70	150	80	53.33%
10- POSTAGE AND MAIL FEE	0	500	500	100.00%
11- EDUCATION AND TRAINING	0	500	500	100.00%
12- TRAVELING, MILAGE, MEAL REIMBURSEMENT	0	292	292	100.00%
13- DUE AND SUBSCRIPTION FEE	230	542	312	57.53%
14- COMPUTER SERVICES	634	1,000	366	36.61%
15- LEGAL SERVICES	0	500	500	100.00%
16- UTILITIES - ELECTRICITY	3,744	4,000	256	6.40%
17- UTILITIES - GAS & FUEL	124	437	312	71.56%
18- UTILITIES - PROPANE	0	25	25	100.00%
19- UTILITIES - TELEPHONE&INTERNET	139	292	153	52.43%
20- UTILITIES - WASTE MANAGEMENT FEE	0	125	125	100.00%
21- VEHICLES REPAIRS AND MAINTENANCE	37	500	463	92.68%
22- SEWER ENGINEERING SERVICES	15,158	16,000	842	5.26%
22- SEWER MAINTENANCE AND SUPPLIES	0	1,615	1,615	100.00%
23- GENERAL PLANT SERVICES	269	500	231	46.26%
24- SEWER PERMIT AND LICENSE(State Fee)	0	500	500	100.00%
25- MINOR EQUIPMENT AND SUPPLIES	0	42	42	100.00%
26- SEWER LEASE	0	250	250	100.00%
27- ADVERTISING AND PUBLISHING	3	125	122	97.22%
28- LABORATORY SERVICES	0	500	500	100.00%
29- GENERAL AUTO AND LIABILITY INSURANCE	0	570	570	100.00%
30- SECURITY SYSTEM (ADT)	0	208	208	100.00%
Total Expenses	43,717	53,333	9,616	18.03%
Total INCOME OR (LOSS)	9,398	692		

**IDYLLWILD WATER DISTRICT
SEWER FUND CONDENSED INCOME STATEMENT
FOR FISCAL MONTH ENDING JULY 31 , 2017**

FOR THE MONTH OF JULY , 2017

SEWER FUND OPERATING REVENUES

	ACTUAL	BUDGET	F (U) VARIANCE	%
BASE RATE-COMMERCIAL	35,841	33,918	1,923	5.67%
BASE RATE- RESIDENTIAL	17,174	17,202	-27	-0.16%
TRANSFER FEE	100	25	75	300.00%
FACILITY CHARGE FROM IAF	0	0	0	0.00%
INSPECTION FEE	0	0	0	0.00%
OTHER MISCE	0	0	0	0.00%
TOTAL OPERATING REVENUE	53,115	51,145	1,971	3.85%

EQUIVALENT DWELLING UNITS (E.D.U'S)

RESIDENTIAL	456	456	0.0	0.00%
COMMERCIAL	937	937	0.0	0.00%
TOTAL E.D.U'S	1,393	1,393	0.0	0.00%

**IDYLLWILD WATER DISTRICT
DISTRICT WARRANTS AND OTHER DISBURSEMENTS
FOR THE MONTH ENDED JULY 31, 2017**

DATE	CHECK NUMBER	PAYEE	DESCRIPTION	AMOUNT
07/10/17	14227	ACWA/JPIA	Monthly Medical Insurance for July	13,185.25
07/10/17	14228	B&W Pipe and Supply	Supplies for Water	25.87
07/10/17	14229	California Computer Options	Computer Support	1,493.12
07/10/17	14230	Chase Credit Card	Training for Ivan \$395.00, Training for Jerry \$125.00, Office Supplies \$289.52 Snacks for Board Meetings \$44.97	1,030.91
07/10/17	14231	County of Riverside	LAFCO Fees	666.98
07/10/17	14232	Forest Lumber	Supplies for Water and Sewer	201.07
07/10/17	14233	Four Seasons Cleaning Service	Monthly Cleaning for Office	280.00
07/10/17	14234	Frontier Communications	Phone and Internet for Shop and WWTP	398.56
07/10/17	14235	Home Depot	Tools and Supplies for Water and Sewer	110.38
07/10/17	14236	Mission Linen	Monthly Uniform and Laundry Service	247.72
07/10/17	14237	NAPA Auto Parts	Auto Parts	146.51
07/10/17	14238	BlueTarp Financial	Renew membership account	39.99
07/10/17	14239	SCE	Monthly Electricity Charge	8,907.47
07/10/17	14240	Tom Lovejoy	Reimbursement for Retiree Health Care	2,414.00
07/10/17	14241	Tyler Technologies	Hotel, lodgind and labor for go live assistance	4,400.32
07/10/17	14242	Verizon Wireless	GM and on call cell phone monthly charge	156.41
07/10/17	14243	Pacific Slope Tree Coop, Inc.	Remove dead and fallen tree from tank area	2,200.00
07/10/17	14244	Gallade Chemical, Inc.	Chemical Supplies for Water and Sewer	1,027.25
07/10/17	14245	ACWA/JPIA	Workman's Comp Insurance for 4th Quarter	3,127.91
07/10/17	14246	Idyllwild Arts Foundation	Reimburse monies after dissolution of MOU	123,742.00
07/10/17	14247	Dig Alert	17 New Ticket Charges	25.50
07/10/17	14248	USA Bluebook	Supplies to Water and Sewer	1,191.93
07/10/17	14249	Webb Associates	Preliminary Design Services for Pipeline Project	2,129.62
07/19/17	14250	ACWA/JPIA	Medical Insurance for August	13,185.25
07/19/17	14251	Allstate Benefits	Monthly Life Insurance	358.21
07/19/17	14252	Browning Electric	Trouble shoot why Foster Lake had no power during SCE Brownout	158.00
07/19/17	14253	Central Communications	Monthly Answering Service Charge	102.00
07/19/17	14254	Harlod K Smith	Concrete for Foster Lake	1,115.21
07/19/17	14255	Hemet Oil Company	Fuel for Work Trucks	2,025.92
07/19/17	14256	Idyllwild Town Crier	Ad in Paper for Board Vacancy	13.95
07/19/17	14257	Idyllwild Water District	To be debodited at Bank of Hemet for Payroll	48,000.00
07/19/17	14258	Jeannine Olsen	Reimburse Cash Drawer for Lein Release Fees	46.00
07/19/17	14259	SCE	Monthly Electricity Charge	815.20
07/19/17	14260	Staples Credit Plan	Office Supplies	1,022.03
07/19/17	14261	SUSP, Inc	Sewer Consulting Fee	12,580.00
07/19/17	14262	T-Mobile	Monthly Charge for Solar Panels	29.99
07/19/17	14263	West Yost Associates	Engineer Consulting for WWTP	2,578.00
07/19/17	14264	California Computer Options	IT Support with security	1,042.50
TOTAL DISTRICT WARRANTS				\$250,221.03
OTHER DISBURSEMENTS:				
TOTAL PAYROLL				50,285.47
NET PAYROLL CHECKS-DIRECT DEPOSIT				36,158.36
FEDERAL PAYROLL TAXES-ELECTRONIC TRANSFERS				13,063.57
STATE PAYROLL TAXES- ELECTRONIC TRANSFERS				4,041.75
L.A.I.F. ELECTRONIC TRANSFERS				0.00
BANK SERVICE CHARGES AND FEES				138.55
TOTAL DISTRICT WARRANTS & OTHER DISBURSEMENTS				300,645.05

Operations Report for July 2017

Currently – No Stage

Production – July 1,453,331 C.F / 228 Avg GPM

Foster Lake level -16' 7"-

Water and Sewer installations -1 Water installation-

Leaks -1-

Mainline -0-/Unmetered -1/Metered –0

July Water Loss = 8.58% -- 8.58% Y.T.D.

Production

Drinking water storage-3.3 MG

14 wells available/12 utilized/ 6 full time/ 6 part time

Wastewater Treatment Plant

July 2017 -Average daily flow 1,150,469 gpd/Average weekend flow 1,185,078 gpd

July 2016 -Average daily flow 98,359 gpd/Average weekend flow 107,516 gpd

Precipitation

July 2017 – 0.02”/ Y.T.D. – 0.02” July 2016 – 0.21” / Y.T.D – 0.21”

Diversion -648,400 C.F.-

STATIC WELL LEVELS

	July 2017	July 2016	July 2015
Foster Lake (Average 3 wells)	1' Static	33' Static	43' Static
Well # 26 (Nature Center)	52' Static	239' Pumping	93.3' Static
Well # 27 (Nature Center)	42' Static	115' Static	91.7' Static
Well #28 (Rockdale)	198' Pumping	143' Static	144' Static
Downtown Wells* #23 & #24	217' Pumping 18' Static	232' Pumping 163' Pumping	29' Static
FV1A	377' Pumping	387' Pumping	386' Pumping
FV2	289' Pumping	296' Pumping	258.8' Pumping

*Downtown Wells Static level is an average for 2015. July 2016 and 2017 both well levels are included.

Memo

To: Board of Directors

From: Interim General Manager

Date: August 16, 2017

Subject: ITEM #2 - CONSIDER FILLING A VACANCY ON THE BOARD OF DIRECTORS

Recommendation

Appoint a qualified candidate to fill the current vacancy on the Board of Directors.

Background

As a result of the resignation of Victor Sirkin, the Idyllwild Water District Board of Directors has a vacancy.

State law provides the District with several options for filling the vacancies:

- The remaining Board members may appoint qualified applicants to the position;
- The Board can call a special election to fill the positions; or
- The Board can default to the Board of Supervisors of Riverside County to appoint a qualified applicant to the position.

The Board, at its July 16, 2017 Regular Meeting, chose to appoint a qualified candidate as the most expeditious and fiscally prudent option.

The appointed board member will be required to stand for election at the next regularly scheduled election in August 2019 if they desire to continue on the Board.

Two residents have submitted letters of interest for the vacant position:

Catherine Dearing

Susan Nash

Each interested resident will have a 3-minute opportunity to address the Board of Directors at the meeting prior to the Board decision process.

Attachments

August 1, 2011

To whom it may concern:

I am interested in being a board member
for Idyllwild Water District.

Sincerely,

Catherine Jearung

Po Box 344

54050 Strawberry Valley
Drive

951-659-2824

grizabella11@yahoo.com

Susan Nash
53300 Meadow Drive
P.O. Box 4036
Idyllwild CA 92549
909-228-6710
snash22@earthlink.net

August 3, 2017

Charles Shelley, President
Board of Directors
Idyllwild Water District
25945 Hwy. 243
P.O. Box 397
Idyllwild CA 92549
(Personally delivered)

Idyllwild Water District Board of Directors:

I am very interested in being appointed to the Board of Directors of the Idyllwild Water District. The Idyllwild Watershed is facing numerous, often conflicting, demands on our limited water supply and sewer capacity. Human induced Climate Change and increasing severity and duration of drought in our watershed is real. The increased water and sewer demands from growth are real. For instance, we have the Idyllwild Community Center, the Idyllwild Brew Pub and the planned 30-room motel/hotel vacation rental, condo complex. All of these and other new projects continue to stress our antiquated water and sewer systems.

As a Board member I will work to make certain that all of the District's discretionary decisions are only discussed at our regularly scheduled monthly Board meetings, an audio of which shall be archived online. I will insist that the Board at the monthly meetings shall first approve all discretionary actions taken by staff. Closed sessions shall be strictly limited to issues stated in the Brown Act and Special Meetings shall be reserved for one-item emergencies only.

I will insist that all procedural & substantive laws and regulations are strictly enforced. This includes but is not limited to the Brown Act, the Public Records Act, the California Environmental Quality Act, Forest Service permits and regulations, the Clean Water Act as enforced by the Santa Ana Regional Quality Control Board, the Fish and Game code and the Army Corp of Engineers regulations and permits. I will seek legal advise from the District's legal counsel.

I will seek to get to the bottom of why we cannot attract and keep employees who want to live on the Hill and stay with our district. I am committed to working with, not battling against, Fern Valley and Pine Cove Water Districts. I would request quarterly joint meetings to find out how we can work together to sustain the interconnected water systems in our mountain watershed.

EDUCATIONAL HISTORY

- ✦ 1963- High School
- ✦ 1967 BS English Education
- ✦ 1973 Masters English Education
- ✦ 1978 Special Education Credential
- ✦ 1985 Law degree, admitted to CA Bar

EMPLOYMENT HISTORY

- ✦ 1967-1968 English teacher (9-12)
- ✦ 1978-1980 Special Education teacher
- ✦ 1985-1987 Staff Attorney, California Court of Appeal, 4th district, div. 2.
- ✦ 1987-2002 Deputy County Counsel, San Bernardino
- ✦ 2002 – present Private practice environmental law.

Susan Nash

Memo

To: Board of Directors

From: Interim General Manager

Date: August 16, 2017

Subject: ITEM #3 - ELECT A VICE PRESIDENT OF THE BOARD OF DIRECTORS

Recommendation

Staff recommends the Board of Directors elect a Vice President.

Background

Because of the resignation of Victor Sirkin, the Idyllwild Water District Board of Directors has a vacancy at the position of Vice President.

The Board of Directors will select one of its members to serve as the Vice President of the Board.

Memo

To: Board of Directors

From: Interim General Manager

Date: August 16, 2017

Subject: ITEM #4 - CONSIDER AN AMENDMENT TO THE EMPLOYMENT AGREEMENT OF THE INTERIM GENERAL MANAGER

Recommendation

Staff recommends the Board of Directors approve an amendment to the Employment Agreement with the Interim General Manager.

Background

The Board of Directors of the Idyllwild Water District entered an agreement with the Interim General Manager in December 2016 for 120 hours a month of work. As a number of projects have moved forward and the staff has become more stable, the Interim General Manager recommends that the time commitment be reduced to 90 hours per month with a reduction in the compensation to \$7,000 per month (from \$8,800) and personal time off to 10 hours per month (15 days per year) from 13.3 hours per month (20 days per year).

This action coupled with beginning exploration of succession options will start the transition process and save the District money.

**FIRST AMENDMENT
TO
EMPLOYMENT AGREEMENT**

This Amendment to the Employment Agreement, dated December 22, 2016 between Idyllwild Water District (“Employer” or “District”) a government entity formed under Section 30000 of the California Water Code, and John E. Hoagland (“Employee”) an individual makes changes to Sections 3a and 3b(iii).

Section 3a is changed to read:

(a) Compensation. Employer shall pay Employee a salary of Seven Thousand Dollars (\$7,000) per month, in accordance with Employer’s regularly established policies for payroll distribution based on ninety (90) hours per month of work. Employee’s compensation may be increased in Employer’s sole discretion.

Section 3b(iii) is changed to read:

(iii) Personal Time Off (PTO) Employee shall accrue Thirteen and one-third hours per month, i.e., 20 days per year) of paid Personal Time Off through July 31, 2017. After August 1, 2017, Employee shall accrue ten hours per month, i.e., 15 days per year. Employee shall give the Board of Directors advanced notice of foreseeable absences from his duties including the reasons, anticipated dates and duration of any such absence. Although said accrual shall begin on January 1, 2017, Employee shall only receive actual credit for said initial accrual on April 1, 2017, at which time forty (40) hours of credit will be assigned to Employee. After April 1, 2017 Employee shall accrue and received credit for PTO in the same manner as other employees.

All other terms and conditions of the Agreement shall remain the same as first written.

Approved by the Board of Directors of the Idyllwild Water District on August 16, 2017.
Effective date August 1, 2017.

JOHN E. HOAGLAND

IDYLLWILD WATER DISTRICT

By: _____
Charles Schelly, President of the
Idyllwild Water District
Board of Directors

Memo

To: Board of Directors
From: Interim General Manager
Date: August 16, 2017
Subject: ITEM # 5– FIELD OPERATIONS SUPERVISOR

Recommendation: That the Idyllwild Water District Board of Directors consider approval of the attached Job Description and a Salary Range of \$33.70/hr. to \$46.71/hr.

Background: The District has been unable to recruit a Chief Sewer Operator for several years and has contracted with the Specialized Utility Services Program of California Rural Water Association to fulfill the requirements of the State/Regional Water Quality Control Board. The current fee is over \$12,000 per month for the service.

Staff used a recruiting service (Project Partners) to assist the District in identifying potential candidates and although successful, the Board of Directors failed to approve this item at the July 10, 2017 Special Meeting and the candidate is no longer available. In order to streamline the District organizational structure a position has been resurrected from past District operations to oversee all field operations to be called Field Operations Supervisor. A job description is attached.

The salary range is internally consistent within Idyllwild Water District (equivalent to an annual range of \$70,096 to \$97,162).

Consistent with State Regulations the salary range requires approval at a regular meeting.

By establishing this position and salary range, the District will be in a position to make an immediate offer upon identification of a viable candidate.

POSITION TITLE: FIELD OPERATIONS SUPERVISOR

SUPERVISOR TITLE: General Manager

FLSA Status: [] Exempt [X] Non-Exempt

DEFINITION

Under general direction, to implement, manage and coordinate the Field activities of the Idyllwild Water District including the wastewater and water system operations.

CLASS CHARACTERISTICS

This is a supervisory level classification with responsibility for supervising and directing the field activities of the District. Responsibility consists of organizing assigned services, as well as budget, personnel and safety administration for the wastewater and water operations of the District. This position reports to the General Manager and directly supervises support staff.

EXAMPLE OF DUTIES (Duties may include, but are not limited to, the following):

- Implement, manage and coordinate operation and maintenance activities and achieve assigned goals and objectives of the wastewater and water system operations, regulatory compliance and reporting; recommend necessary resources, staffing organizational structure and strategies
- Organize and supervise all aspects of the District's wastewater collection, treatment and disposal operations and provide Administrative direction to the Water Operator staff regarding water production, treatment and distribution facilities, operations, and maintenance programs
- Oversee and satisfy the District's Regulatory compliance and reporting responsibilities
- Implement and manage programs to insure compliance with safety and health programs for the Field staff
- Direct the District's emergency back-up power planning and systems maintenance, annual groundwater production audit, and groundwater production planning
- Provide effective management of the District's resources

Job Description: Field Operations Supervisor

- Review and evaluate work methods, procedures, services and products; identify and recommend evaluation standards and criteria; monitor and assess measures of effectiveness and efficiency
- Participate in hiring, supervising, training and evaluating assigned staff; establish work standards and expectations; conduct performance evaluations; counsel and discipline employees as required
- Develop recommendations for budget preparation; participate in monitoring appropriations and expenditures; allocate required work hours, recommend midyear adjustments as necessary
- Act as the District's Safety Chairman
- Respond to and resolve difficult and complex citizen inquiries and complaints or make recommendations to the General Manager for their resolution.
- Prepare reports and other necessary correspondence to boards, commissions, and committees
- Designated as Chief Plant Operator for the Wastewater Treatment facility and must sign an acknowledgement accepting this responsibility and file it with the State Water Resources Control Board (SWRCB); act as liaison with other agencies as it pertains to wastewater activities, legal obligations and agreements
- Notify the State Department of Health Services (DHS) and Regional Water Quality Control Board(RWQCB) of spill events, wastewater collection spill events or any effluent discharge violations
- Develop goals and objectives consistent with the District's strategic and annual business plan;
- Perform related duties as assigned

QUALIFICATIONS

Knowledge of:

- Principles and practices of public wastewater utility operations and maintenance
- Principles and application of Supervisory Control and Data Acquisition (SCADA) Systems
- Principles and practices of public water utility operations and maintenance

Job Description: Field Operations Supervisor

- Principles of employee supervision including training, development and performance evaluation
- Principles of ground water extraction and management
- Principles of energy management
- Techniques of public agency budget administration
- Principles and practices of sound safety management
- General principles of public administration and management related to the implementation and evaluation of programs, operations and services
- Applicable laws, codes and regulations

Ability to:

- Implement and evaluate a full range of operations and maintenance and services
- Evaluate operational and administrative problems and formulate effective strategies and solutions
- Select, supervise, train and evaluate assigned staff
- Coordinate assigned activities with those of other public agencies and District staff
- Administer an adopted budget
- Interpret and apply laws, codes, regulations, policies and procedures
- Comply with and enforce the District's Safety, Health and Environmental policies
- Operate hand tools, power tools and heavy equipment
- Gain cooperation through discussion and persuasion

SELECTION GUIDELINES

The appropriate knowledge, skills and abilities can be achieved through a variety of combinations of experience and training. A typical example is:

Experience: Five (5) or more years of increasingly responsible experience in the operation, construction, and/or maintenance of wastewater treatment plants, and wastewater collection systems, with a minimum of two (2) years supervisory experience/capacity or equivalent (i.e. experience as an acting supervisor, and/or supervising a project or team).

Job Description: Field Operations Supervisor

Training: Any combination of formal or informal training and education to include graduation or equivalent from high school supplemented by college level courses in Water, Wastewater, Management, and/or Public Works Administration.

Licenses and Certificates:

- Grade 3 Wastewater Treatment Plant Operator Certificate issued by the State Water Resources Control Board,
- Grade 3 Collection System Maintenance Certificate issued by the California Water Environment Association (CWEA)
- Grade D2 Water Distribution Certificate issued by the State Water resources Control Board
- Valid California driver's license

PHYSICAL REQUIREMENTS/WORKING CONDITIONS

The essential functions of this position may require the employee to perform the following physical activities:

- Communicate verbally with District management, co-workers, and the public in face-to-face, one-to-one and group settings
- Stoop, kneel, crouch, crawl and climb during regular duties
- Regular attendance
- Regularly use a telephone or radio for communication
- Sit, stand, walk for extended periods
- Walk for extended periods
- Hearing and vision within normal ranges
- Lifting (up to 60 lbs.)
- Operate a District vehicle traveling to District facilities and/or District business

The essential functions of this position may expose the employee to the following working conditions:

- Inclement weather
- Toxic materials and gas hazards

Job Description: Field Operations Supervisor

- Electrical hazards
- Biological and blood borne hazards
- Water and drowning hazards
- Traffic Hazards
- Height and falling hazards
- Confined space hazards
- Potential earth cave-in
- Potentially dangerous tools and equipment
- Potentially dangerous animals and insects (dogs, puma, coyotes, bees, spiders, snakes)

OTHER REQUIREMENTS

This position is classified as non-exempt from state and federal overtime pay provisions, because the duties and responsibilities do not meet the requirements for exemption under the Fair Labor Standards Act. The position may be required to work varying hours, weekends and holidays as the day-to-day job duties may require.

Memo

To: Board of Directors

From: Interim General Manager

Date: August 16, 2017

Subject: ITEM #6 – WASTEWATER RULES & REGULATIONS – RECREATIONAL VEHICLES' USE OF THE SEWER SYSTEM

Recommendation

Staff recommends the Board of Directors discuss the issue and provide guidance to staff.

Background

The Policy Committee referred this issue to the full Board of Directors as it was grappling with RV use of the sewer. Several scenarios were considered and no consensus was reached regarding the extent of control that should be exerted on RV use of the sewer.

The Committee thought that the entire Board of Directors should express their views in an effort to reach a consensus.

Memo

To: Board of Directors

From: Interim General Manager

Date: August 16, 2017

Subject: ITEM #7 – CONSIDER THE ISSUE OF MAJORITY OF A MINIMUM QUORUM

Recommendation

Staff recommends the Board of Directors Discuss the issue as requested by Director Caine.

Background

The Board of Directors of the Idyllwild Water District has discussed this issue at prior meetings. Material provided by the District's General Counsel is attached for the Board's reference.

Director Caine requested that the issue be revisited.

California Water Code Sections Regarding Board of Directors Voting

30524.

A majority of the board shall constitute a quorum for the transaction of business.
(Added by Stats. 1949, Ch. 274.)

30525.

No ordinance, resolution, or motion shall be passed or become effective without the affirmative votes of at least a majority of the members of the board.
(Added by Stats. 1949, Ch. 274.)

I believe your former general counsel is likely correct on this question. The annotations for Water Code section 30525, citing the Attorney General, state that an affirmative majority vote of the total members of the board of directors *and not merely a majority of a quorum or a majority of the number voting* is required for official action. (55 Ops.Atty.Gen. 26 (Jan. 19, 1972).)

Water Code Section 30500 states “Each district shall have a board of five directors each of whom, whether elected or appointed, shall be a voter of the district.” Action taken on behalf of a county water district by its board of directors requires the affirmative votes of at least a majority of the members of the board. (95 Ops.Atty.Gen. 43, fn. 2 (2012).)

If you would like a more formal opinion, please let me know. Feel free to contact me if you wish to discuss.

Thank you,

Christine M. Carson | Sr. Associate

Aleshire & Wynder, LLP | 2361 Rosecrans Ave., Suite 475, El Segundo, CA 90245

Dir: (424) 269-3347 | Fax: (310) 532-7395 | ccarson@awattorneys.com | awattorneys.com



ATTORNEY-CLIENT PRIVILEGE AND ATTORNEY WORK PRODUCT

TO: John Hoagland, General Manager
FROM: Christine M. Carson, Esq.
DATE: June 21, 2017
RE: Voting Requirements

We have been asked to provide an opinion on the minimum number of votes required for the Idyllwild Water District (“IWD” or “District”) Board of Directors to take action. IWD asks whether a majority of a quorum (two votes) could be used to take action if only three members are present due to either absences from the meeting or vacancies.

Our opinion is that the County Water District Law requires three affirmative votes for the Board of Directors to take action.

BACKGROUND

The County Water District Law applies to county water districts such as IWD.¹ Water Code Section 30500 states “Each district shall have a board of five directors each of whom, whether elected or appointed, shall be a voter of the district.” Under the County Water District Law, the Board of Directors can “act only by ordinance, resolution, or motion.”² Under Section 30524, “a majority of the board shall constitute a quorum for the transaction of business.”³ However, Section 30525 reads, “No ordinance, resolution, or motion shall be passed or become effective without the *affirmative votes of at least a majority of the members of the board.*”⁴

A question has arisen concerning how to interpret Section 30525, i.e. in the absence of two directors, would a majority of a quorum suffice for action, or would a majority of the statutorily-required number of members be required.

¹ See generally *id.* § 30000 et. seq.

² *Id.* § 30523.

³ A legally mandated abstention does not count toward quorum, but a discretionary abstention does. (94 Ops. Cal. Atty. Gen. 100 (2012).)

⁴ *Id.* § 30525 (emphasis added); 95 Ops. Atty. Gen. 43, fn. 2 (2012).

We are informed that last year the prior General Counsel opined (verbally) that it always took three “yes” votes to take action, but County Counsel opined (verbally) that a majority of a quorum (two votes) could result in action if there were only three members serving on the Board of Directors at the time. Thus, IWD would like clarification of the number of votes required for action.

ANALYSIS

General Rule

In the absence of a “*contrary*” statute, a simple majority of a collective body constitutes a quorum, and a majority of a quorum is empowered to act for the body. (*FTC v. Flotill Products* (1967) 389 U.S. 179, 183; *People v. Harrington* (1883) 63 Cal. 257; 66 Ops. Cal.Atty.Gen. 336 (1983); 62 Ops. Cal.Atty.Gen. 698 (1979); 58 Ops.Cal.Atty.Gen. 706 (1975); 55 Ops.Cal.Atty.Gen. 26 (1972).)

However, Water Code Section 30525 is a “*contrary* statute,” as are other statutes which refer specifically to the “*members*” of the collective body as distinguished from the “*body*” itself. (*Dry Creek Valley Ass’n, Inc. v. Board of Supervisors* (1977) 67 Cal.App.3d 839, 845; *Fisher v. Board of Police Commissioners* (1965) 236 Cal.App.2d 298.)

Opinions Interpreting County Water District Law

An opinion by the California Attorney General in 1972 interpreted Section 30525, and considered a similar question to the one at hand.⁵ In that case, the board of directors of a county water district consisted of five members. There were three abstentions from a vote to elect one of the directors as Vice President. There were two votes in favor of the director as Vice President. The Attorney General concluded:

“Section 30525 requires action by the affirmative votes of a majority of the whole board *and that a majority of a quorum or a majority of the number voting will not suffice.*”⁶

Note: This opinion did not specifically address situations where “the existing membership of the board has been reduced by vacancies in office.”⁷ However, the Court of Appeal addressed vacancies in *Price v. Tennant Community Services Dist.* (1987) 194 Cal.App.3d 491.

⁵ See 55 Ops.Atty.Gen. 26 (Jan. 19, 1972).

⁶ *Id.* at 30 (emphasis added).

⁷ *Id.* at 29.

In *Price v. Tennant Community Services District*, the Court interpreted Government Code sections containing language similar to Water Code Sections 30524 and 30525.⁸ Specifically, the Code sections mandated that special district boards require “affirmative votes of at least a majority of the members of the board” to take action and to fill vacancies.⁹ Government Code Section 1780 allowed “remaining members” of a district board to vote and fill vacancies.¹⁰ The Court concluded that even though Section 1780 allowed for “the remaining members” of a board to vote to fill vacancies, Code Section 1780 “presupposes there will be sufficient remaining directors” to compile a majority to take action.¹¹ Thus, the Court of Appeal held a district board still needs three votes to fill vacancies even when the number of board members serving is reduced. Here, we believe a court would likely come to a similar conclusion. Since IWD has a statutory membership of five directors, action requires three votes even if there are vacancies.

In California Attorney General Opinion 91-502 (March 18, 1992), the court addressed the interpretation of language requiring a majority or super-majority of a *council* versus a majority or supermajority of the *members*. The Attorney General stated:

“Where any particular act is required to be done by a specified vote, the rule is generally held to be that the requirement is met by a proportion of the vote of those constituting a quorum to do business. So ‘*unanimous consent of the council*,’ as used in a council rule, was construed to require unanimity of a quorum only. However, where the act must be done by a distinct proportion ‘of all of the **members** elected’, or of all the members of the council, ‘it is manifest that the law should be construed by counting the whole membership of the body in question.’” (91-502 Ops.Cal.Atty.Gen. (1992), citing 4 McQuillin, *Municipal Corporations* (3d ed. Rev.), Section 13.31a, pp. 708-709 [emphasis added].)

Section 30525 references “affirmative votes of at least a majority of the members of the board.” Thus, under the reasoning above, three votes would be needed.

Finally, in a 2012 Fair Political Practices Commission (FPPC), a director of a water district board posed the question of whether he could vote on a sewer line relocation, despite his conflict of interest, if it was necessary to achieve a quorum of three, where there were only three members serving, including himself (due to two vacancies). The FPPC said the director could not participate to achieve a quorum because the district could simply fill the two vacant seats to achieve a quorum. Similarly, here, if there were several

⁸ *Id.* at 496.

⁹ *Id.* at 495.

¹⁰ *Id.*

¹¹ *Id.* at 499.

vacancies preventing a three person vote, it is likely a court or the attorney general would state the solution is to fill the vacancies.

CONCLUSION

Our opinion is that the Board of Directors needs three affirmative majority votes, not merely a majority of a quorum or a majority of the number voting, to take action even in the event of two absences or vacancies.

Stephanie Grimes

From: Jack Hoagland <jack@idyllwildwater.com>
Sent: Tuesday, June 20, 2017 1:38 PM
To: Stephanie Grimes
Subject: Request for older AG Opinion

Ms. Grimes,

I would like a copy of:

55 Ops.Atty.Gen.26 (January 19, 1972).

It is cited in the annotated Water Code Section 30325.

I am trying to have all the information available to circumvent some confusion that plagued this District in 2016 prior to my engagement.

Thank you for your assistance.

Jack
John Hoagland
General Manager
Idyllwild Water District
Office 951-659-2143
Cellular 951-704-4715
Jack@idyllwildwater.com

The quoted language, we believe, furnishes the construction to be given to the term "heart trouble" as used in section 31720.5. The term "heart trouble" contemplates any injury or disease to that portion of the body which, from an anatomical standpoint, is the heart.

In *Havel v. Industrial Acc. Com.*, 154 Cal. App. 2d 737 (1957), it was contended that the heart trouble presumption found in section 3212.5 had not been overcome. After reviewing the medical testimony the court said:

"Petitioner argues that inasmuch as medical science cannot scientifically demonstrate the cause of coronary arteriosclerosis, a medical opinion that the petitioner's underlying condition was neither caused by nor arose out of his employment does not controvert the presumption of section 3212.5. This argument is plausible but not tenable. The law does not require demonstration; that is, such a degree of proof as, excluding possibility of error, produces absolute certainty. (Code Civ. Proc., § 1826.) Neither absolute certainty nor conclusive proof is required to overcome a rebuttable presumption and all the law requires is proof reasonably certain in view of all the circumstances. (*Wirz v. Wirz*, 96 Cal. App. 2d 171, 175 [214 P.2d 839, 15 A.L.R.2d 1129].) The quantum of evidence necessary to overcome a rebuttable presumption depends upon the character and circumstances of the particular case, and no hard-and-fast rule can be laid down other than that proof to a reasonable certainty, such as would convince the mind of an ordinary man must be presented."

All that can be said as to the meaning of the words "evidence to the contrary" as used in section 31720.5 is expressed in the statement to the court. To apply the court's statement to the question asked it can be said that "evidence to the contrary" is proof to a reasonable certainty such as would convince the mind of an ordinary man that the presumption had been rebutted.

Opinion No. SO 71-28—January 19, 1972

SUBJECT: VOTE NECESSARY FOR ACTION BY BOARD OF DIRECTORS OF A COUNTY WATER DISTRICT—A majority vote of the whole board is necessary for any action by the board of directors of a county water district.

Requested by: ASSEMBLYMAN, 5th DISTRICT

Opinion by: EVELLE J. YOUNGER, Attorney General
Raymond H. Williamson, Deputy

The Honorable John F. Dunlap, Assemblyman, Fifth District, has requested an opinion on the following question:

Under section 30525 of the Water Code relating to county water districts, is a majority vote of the five members of the board of directors, or only a majority vote of those directors actually voting on a motion, required for official action? The question assumes that there is a quorum present.

The conclusion is:

Action by the board of directors of a county water district necessitates a majority vote of the whole board.

ANALYSIS

The inquiry arises by reason of a vote on a motion to elect a Vice President at a meeting attended by all members of the Board of Directors of the American Canyon Water District. The Board of Directors consists of five members (section 3500)¹ and a motion to elect one of the directors as Vice President resulted in two yes votes and three abstentions.

The applicable sections governing actions by county water districts are:

"The board shall act only by ordinance, resolution, or motion."
(Section 30523.)

"A majority of the board shall constitute a quorum for the transaction of business." (Section 30524.)

Section 30525 reads as follows:

"No ordinance, resolution, or motion shall be passed or become effective *without the affirmative votes of at least a majority of the members of the board.*" (Emphasis added.)

The prevailing rule as respects the number of votes required for action by a collective body is that in the absence of contrary statutory provision, a majority of a quorum constituted of a simple majority of a collective body is empowered to act for the body (*FTC v. Florill Products*, 389 U.S. 179, 183 (1967)).

The term "quorum" is not to be confused with the number of votes required for effective action by the board. A "quorum" is defined as:

"... the number of officers or members of a body that when duly assembled is legally competent to transact business." (Webster's Third New International Dictionary, p. 1868, 1961 Edition.)

The prevailing rule is the rule expressed in the early case of *People v. Harrington*, 63 Cal. 257, 259 (1883); and repeated in *Martin v. Ballinger*, 25 Cal. App. 2d 435, 437 (1938), as having been conceded by the parties to the latter action. Although *People v. Harrington* and *Martin v. Ballinger* were both decided after the enactment of Political Code section 15, the courts did not refer to that section. Political Code section 15 provided:

"Words giving a joint authority to three or more public officers or

¹ All references are to the Water Code unless otherwise indicated.

other persons are construed as giving such authority to a majority of them, unless it is otherwise expressed in the Act giving the authority."

Identical language now appears in Code of Civil Procedure section 15 and Civil Code section 12; and substantially identical language is set forth in Education Code section 8 (former Education Code section 4).

In 12 Ops. Cal. Atty. Gen. 98 (1948) this office considered the question of whether Education Code section 8 (former Education Code section 4) established a rule contrary to the general rule that a quorum may act upon majority vote of the quorum. We concluded that it did not, and that Education Code section 8 should be considered as complementary to the rule that a quorum must be present at a meeting to transact business and that a majority of the quorum may successfully act. See also, 41 Cal. Jur. 2d, Public Officers, section 127, p. 13; *People v. Hecht*, 105 Cal. 621 (1895).

Thus the inquiry narrows to whether the wording of section 30525, *supra*, expresses a rule contrary to the general or prevailing rule. We conclude it does.

This conclusion is based in part upon the wording of sections 30524 and 30525, and also in part upon authorities construing charter or statutory provisions similar to section 30525. It is significant that the Legislature has enacted two separate provisions or sections, one expressly dealing with the minimum number of members competent to transact business (the quorum section) and another dealing with the minimum number of votes necessary for effective action (effective action section). If the Legislature had intended that a majority of a quorum constituted of a simple majority of the members of the board could effectively adopt or pass an ordinance, resolution or motion, we believe it would have enacted only section 30524; or if it were inclined to enact two sections on the matter, it would have used the words "majority of the members present" or "majority of a quorum," instead of the phrase "at least a majority of the members of the board," in section 30525. It is also significant that in the quorum section (30524) the Legislature has referred to a "majority of the board," whereas in the effective action section (30525) the Legislature has used the phrase "the affirmative votes of at least a majority of the members of the board" (emphasis added). Assuming, *arguendo*, the words "majority of the members of the board" could be construed as referring to a quorum, the modifying words "affirmative votes of at least" requires passage by a number of votes equivalent to at least the number of members necessary to constitute a quorum.

Although no authorities construing section 30525 could be found, in *Fisher v. Board of Police Commissioners*, 236 Cal. App. 2d 298 (1965) the court considered similar provisions of the Los Angeles City Charter. The charter established a Board of Police Commissioners consisting of five members and provided that "the powers" of the Board "shall be exercised by order or resolution of a majority of its members." (Emphasis added.) The court held that an order or resolution adopted by the vote of less than three of the five members of the board did not constitute an exercise of the board's powers under the charter provisions.

While the *Fisher* case involved a quasi-judicial determination by a board, this affords no basis for distinguishing that case from the instant matter, since there is no recognized exception for quasi-judicial action to the general rule that a majority of a quorum may effectively act. See *FTC v. Flotill Products, supra*, at pp. 184-185.

In 23 Ops. Cal. Atty. Gen. 99 (1954) this office held that the phrase "majority of all entitled to vote," as used in former Education Code section 4902.05 relating to augmented county committees on school district organization, required action by a majority of the county committee as a whole, and that a "majority of the votes cast" or "a majority of a quorum" would not satisfy this expressed statutory requirement. The phrase "the affirmative votes of at least a majority of the members of the board," as used in section 30525, is analogous to the phrase "a majority of all entitled to vote" as used in former Education Code section 4902.05.

It should be noted that we are not here concerned with the question of when the existing membership of the board has been reduced by vacancies in office, must the computation of the number of votes necessary for effective action be based upon the entire authorized number of positions on the board or merely on the existing number of members. See 49 Ops. Cal. Atty. Gen. 30 (1967) and *Nesbitt v. Bolz*, 13 Cal. 2d 677 (1939).

Accordingly, it is concluded that section 30525 requires that action by the board be by an affirmative majority vote of the whole board and not a majority of a quorum.

Although not explicitly asked in the question, it is also concluded that the purported election of the vice president was not effective.

The Water Code provides that within 30 days after taking office the directors "shall meet and shall elect one of their number president and may elect one of their number vice president." (Section 30520.) Since under section 30523 the board may act only by ordinance, resolution, or motion, and since the provisions of section 30525 are applicable to all ordinances, resolution or motions, the provisions of the latter section were applicable to the motion to elect a vice president.

The votes of the three abstaining members cannot be considered as votes in favor of the motion to elect the vice president since section 30525 requires the affirmative votes of at least a majority of the members of the board. See *State v. Gruber*, 373 P.2d 657 (Ore. 1962) and cases cited therein. Because of this statutory requirement of affirmative action by at least a majority of the members of the board, the case of *Martin v. Ballinger*, 25 Cal. App. 2d 435 (1938), *supra*, which held that under the particular statute there involved the members not voting were deemed to have acquiesced in the action of a majority of a quorum vote, is distinguishable.

We, therefore, conclude that section 30525 requires action by the affirmative votes of a majority of the whole board and that a majority of a quorum or a majority of the number voting will not suffice.

Opinion No. CV 71-280—January 19, 1972

SUBJECT: OCCASIONAL USE OF SAN RAFAEL STREETS BY SAN FRANCISCO DRIVING SCHOOL WITHOUT CITY BUSINESS LICENSE—A driving school licensed by the City and County of San Francisco is not subject to licensure by the City of San Rafael for its mere occasional use of that city's streets.

Requested by: STATE SENATOR, 1st SENATORIAL DISTRICT

**Opinion by: EVELLE J. YOUNGER, Attorney General
Anthony S. Da Vigo, Deputy**

The Honorable Randolph Collier, State Senator, First Senatorial District, has requested an opinion on the following question:

May the City of San Rafael require a driving school to take out a city business license where the school, which is located in and licensed by the City and County of San Francisco, (a) will on occasion take a San Francisco resident student to drive along the streets of the City of San Rafael, or (b) will on occasion pick up a student at his place of residence in the City of San Rafael, begin the lessons on the streets of that city, continue without the city limits, and return the student to his place of residence?

The conclusion is:

The driving school is not subject to licensure for its mere occasional use of streets or deliveries within the City of San Rafael.

ANALYSIS

The business license ordinance which is the subject of this inquiry, number 963 of the Municipal Code, City of San Rafael, provides in section 10.04.230 that it shall be unlawful for any person to transact or carry on any business, trade, profession, calling or occupation without first having procured a license from the Business License Administrator so to do. Section 10.04.050(Y) specifically provides for the licensing of persons whose place of business is located outside of the City of San Rafael who transact business within the city. Section 10.04.210 provides that the ordinance is enacted solely for the purpose of raising revenue for municipal purposes and not for the purpose of regulation. The question of preemption of State regulatory provisions (Vehicle Code, section 11100 et seq.) does not pertain to the local revenue tax. 40 Ops. Cal. Atty. Gen. 241 (1962); *Willingham Bus Lines, Inc. v. Municipal Court*, 66 Cal. 2d 893 (1967).