

OAKWOOD LAKE WATER DISTRICT
REGULAR MEETING MINUTES OF JULY 27, 2021
HELD REMOTELY VIA ZOOM¹

A Regular Meeting of the Oakwood Lake Water District was held remotely, via Zoom, on Tuesday, July 27, 2021 at 7:00 p.m.

1. **CALL TO ORDER; ROLL CALL.** The meeting was brought to order at 7:00 p.m. by President Gene Oliver. Secretary Knight took rollcall, and the following Directors and staff were remotely present:

Gene Oliver, President
Steve Marino, Vice President
Tim Smith, Director
Nelson Bahler, Director
Jean Knight, District Secretary
Doug Coty, Legal Counsel

Others Present Were:

Lynn Wichert

Absent: Bert Michalczyk, District Engineer

2. **PUBLIC COMMENT**
 - a. Audience members may address the Board on any item pertaining to Oakwood Lake Water District's jurisdiction not appearing on the agenda. Please limit each presentation to five minutes. No public comment.
 - b. Written correspondence received via District email. No written correspondence received.
3. **CONSENT ITEMS:**

The following items can be acted on in one consolidated motion as recommended or may be removed from Consent and separately considered at the request of any Director.

 - a. Approve Minutes for Special Meeting of June 7, 2021 and Regular Meeting of June 22, 2021
 - b. Accept Financial Reports for June 2021
 - c. Receive Capital Projects Status Report for June 2021
 - d. Receive Fiscal Year Goals Status Report for June 2021
 - e. Infrastructure Finance and Construction Agreement Status Report for June 2021
 - f. Time Schedule Order Status Report for June 2021
 - g. Receive Quarterly Reports for Use of Spending Authority; Disposition, Acquisition or Refurbishment of Capital Assets; Administrative Adjustments to the Operating or Capital Budget and the Unplanned Replacement of Capital Assets

¹ Pursuant to Governor Newsom's Executive Order N-29-20, N-33-20 and subsequent orders, Directors will participate in this meeting remotely. No physical meeting location will be provided in order to comply with Shelter in Place Order and closure of the Oakwood Shores Association Clubhouse.

It was moved/seconded (N. Bahler/T. Smith), roll call² by Secretary Knight was responded to as follows: Gene Oliver; Aye; Steve Marino; Aye, Nelson Bahler; Aye, Tim Smith; Aye and unanimously carried by the Board of Directors of the Oakwood Lake Water District that a. The minutes for the Special Meeting of June 7, 2021 and the Regular Meeting of June 22, 2021 were approved; b. The Financial Reports for June 2021 were not accepted at this time as Director Marino pointed out that on page 15, on the summary chart, last item "Net Gain (Loss) FYTD, Budget to 6-30-21 there was a question about the figure in that column stating (\$526,200). Engineer Michalczyk will review and respond; c. The Capital Projects Status Report for June 2021 was received; d. The Fiscal Year Goals Status Report for June 2021 was received; e. The Infrastructure Finance and Construction Agreement Status Report for June 2021 was accepted; f. The Time Schedule Order Status Report for June 2021 was accepted; and g. The Quarterly Reports for Use of Spending Authority; Disposition, Acquisition or Refurbishment of Capital Assets; Administrative Adjustments to the Operating or Capital Budget and the Unplanned Replacement of Capital Assets was received.

4. ACTION/ ITEMS:

- a. Declare Vacancy on Board of Directors and Take Necessary Actions to Initiate Appointment Process. Doug Coty presented this item and it is more fully explained in the agenda materials on pages 43-44. Board Member Glen Campi submitted his resignation from the Board of Directors effective July 12, 2021 which creates a vacancy on the District's Board of Directors and which this agenda item shall serve as formal notice to the Board of the vacancy which begins the vacancy/appointment timeline. Attorney Coty detailed the procedures needed to be followed since the District is a "landowner-voting district" which means that voting rights are commensurate with the ownership of real property within the District. He went on to say that a director shall be a holder of title to land within the district; b. the legal representative of a holder of land within the district (a person duly authorize to act for, and on behalf of, a holder of title to land that is not a natural person); or c. a representative designated by a holder of title to land within the district, if the holder has filed with the district written evidence of that designation.
- b. The now vacant position's term is due to expire December 2022. The appointed person will hold office for the remainder of the term when the position will be filled by a Director duly elected at the District's next general election in 2022. Further details were explained and are also within the materials as well as all items that need to be completed

² All actions taken at this meeting will require a roll call vote. The Secretary will perform all roll calls.

prior to the August 24th meeting when the position will be filled by appointment. After discussion,

It was moved, seconded (G. Oliver/S. Marino) and roll call by Secretary Knight was responded to as follows: Gene Oliver; Aye; Steve Marino; Aye, Nelson Bahler; Aye, Tim Smith; Aye and unanimously carried by the Board of Directors of the Oakwood Lake Water District that the District (a) declare a vacancy on the Board of Directors, (b) determine to fill the vacancy by appointment, (c) direct staff to fulfill notice obligations to District landowners and County, and (d) take other action as necessary in order for the Board to accept nominations and appoint a new Director as provided for by Government Code section 1780 at the Oakwood Lake Regular Board Meeting on August 24, 2021.

- c. Request Voluntary Water Conservation up to 15% per Governor Newsome Executive Order N-10-21. Attorney Coty presented this item and said that the State of California has entered what is looking like a severe drought. See pages 45-48 for addition material to this agenda item. He noted that for 2021, it appears the District has sufficient groundwater supplies but could have worse conditions in 2022 if the winter and spring remain dry. A number of measures will be posted on the District's website providing recommendations on reducing water use. Currently, there are no mandatory cutbacks required. There are minimal reporting requirements from the state. It is staff's recommendation that the board by motion request voluntary water conservation of up to 15 percent from customers and outreach to customers. And, if conditions change, staff will come back with other proposed action. After discussion,

It was moved, seconded (S. Marino/N. Bahler) and roll call by Secretary Knight was responded to as follows: Gene Oliver; Aye; Steve Marino; Aye, Nelson Bahler; Aye, Tim Smith; Aye and unanimously carried by the Board of Directors of the Oakwood Lake Water District the Board request that District customers take voluntary steps to conserve up to 15% of their annual water use as requested in Executive Order N-10-21 ad direct staff to conduct outreach and provide materials on the District website to assist with these efforts.

- d. Discuss Draft Ordinance No. 8 Increasing Director Compensation. Attorney Coty reported on this matter and said initially this item was requested fore review by Director Olive and was reported on at the July meeting. Within the agenda materials, Mr. Coty has included a draft Ordinance 8 for discussion. The last increase was in 2005 with Ordinance 5 and 6. Ordinance 5 included a reimbursement policy and Ordinance 6 increased the compensation to \$100. The compensation was only for meetings of the Board of Directors. He said that other activities of the Board could also be considered for compensation and that over the years, there have been obligations of the District that

have taken time and effort and the Director(s) were not compensated. From 2005, an increase can be made at 5% annually. The total accumulation from 2005 to the present (calculated as simple interest) would equal \$180 a month. Staff described the draft ordinance as presented in the staff report.

Director Marino said he thought an increase is merited but not sure he would want to go to the full \$180 a month. Other than that, he feels the idea is good. Director Smith had no questions. Director Bahler said he agreed with Director Marino and is not convinced about how much the increase should be. Director Oliver said he agreed with the comments made. Over the years he has been on the Board, he has observed Directors having to often go to the bookkeeper's office to sign checks and having Board members belong to ad hoc committees that meet separately. He thinks a good number could be the \$150.

The consensus of the Board was to agendize an action for a subsequent Board meeting to consider raising compensation to \$150 per day for attendance at regular and special meetings of the Board of Directors only and that would also provide for annual 5% increases to this amount but to do so in a way that would allow the Board to select a lower amount. This Ordinance will be heard and considered at the August 24, 2021 Board meeting.

5. STAFF REPORTS:

- a. Director Reports
- b. Staff Reports – See below.

Mr. Coty said he didn't hear anything from Engineer Michalczyk but construction progress on the Manteca wastewater connection is still slow.

Doug Coty said he is going on vacation starting August 5th through August 16th.

- c. Committee Report (Ad-Hoc Chiavari Landscape Replacement Water Committee) – have not met per Nelson Bahler. Doug Coty said there are still discussions going on between Lafferty and the HOA.

6. CLOSED SESSIONS:

- a. Conference with Legal Counsel – Consider Initiation of Litigation – as authorized pursuant to Paragraph 4 of Subdivision (d) of Government Code Section 54956.9: (2 *Potential Case*) – *no closed session held*.

There was no closed session.

7. ADJOURN - The meeting was adjourned at 7:52 p.m.

The Agenda for this meeting was posted in a sign board in front of the Oakwood Shores

Clubhouse, 1699 Bella Lago Way, Manteca, CA at least 72 hours preceding the meeting.

Respectfully Submitted,



JEAN L. KNIGHT
District Secretary