

Special Meeting of the Board of Directors
November 8, 2017, at 5:00 p.m.

Hornbrook Community Hall
220 Main Street, Hornbrook, CA 96044

AGENDA

1. CALL TO ORDER: Presiding Officer: Establish Quorum, Pledge of Allegiance:

2. PUBLIC COMMENT:

Any person may address the Board at this time on any matter within the jurisdiction of the District. A maximum of **three minutes** is allowed each person and a maximum of 10 minutes per topic. The presiding officer has discretion to extend the time and/or reasonably limit the length of time for any individual comments. Written comments may be presented to the Board of Directors. Any person wishing to address the Board on an item ON THE AGENDA will be given the opportunity at that time. Speakers are encouraged to consult District Management or Directors prior to agenda preparation regarding any District matters, as no action will be taken on non-agenda issues.

3. DISCUSSION AND ACTION ITEMS:

- a. Adoption of a resolution indemnifying certain District officers in past and pending court actions
- b. Adoption of a resolution amending the 2017 Budget to transfer fund balance cash to cover the cost of general operating expenses
- c. Approval of payment of invoices for Kampa Community Solutions, LLC and Kirsher, Winston & Boston, LC, in the amount of \$1500 each, and which were delayed at the October 25, 2017 Special Meeting due to budgetary issues
- d. Approval regarding legal defense of retaliation claim by Peter Harrell and other pending litigation, approving Robert Winston and the firm of Kirsher, Winston & Boston, LC, in consultation with GM Kampa, to defend the District in the matter of the DIR/DLSE Retaliation Complaint and to continue to defend the District in pending court cases, including but not limited to those listed on this agenda
- e. Discussion and action regarding the State Water Resources Control Board, Drinking Water Division inspection and report of deficiencies dated October 31, 2017
- f. Discussion and Action regarding the District's Technical Assistance Application to the state for funding to complete a Capital Improvement Program and Water Rate Study

4. ADJOURNMENT

Meeting agendas and written materials supporting agenda items, if produced, can be received by the public for free in advance of the meeting by any of the following options:

- A paper copy mailed pursuant to a written request and payment of associated mailing fees
- An electronic copy received by email. Note – if you would like electronic copies please email Peter Kampa at pkampa@kampacs.com prior to the Board meeting.
- A limited number of copies of agenda materials will also be available at the meeting

Americans with Disabilities Act Compliance: If you require special assistance to participate in Board Meetings, please contact any HCSD Board Member. Advance notification will enable the District to make reasonable arrangements to insure accessibility.

RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
HORN BROOK COMMUNITY SERVICES DISTRICT
TO INDEMNIFY CERTAIN DISTRICT OFFICERS
IN PAST AND PENDING COURT ACTIONS

WHEREAS, numerous court proceedings in Siskiyou County Superior Court have been initiated against the following officers or employees of the District, in which the officers and employees named as defendants (listed within parentheses, below) have requested indemnification:

No. 14-671: Harrell v. Hanson, et al., (Michele Hanson, Patricia Brown and Sharrel Barnes)

No. 14-672: Olson v. Hanson, et al., (Michele Hanson, Patricia Brown and Sharrel Barnes)

No. 14-797: Hornbrook CSD v. Olson, et al. (Cross-Complaint only: Michele Hanson, Patricia Brown, Sharrel Barnes)

No. 15-205: Gifford v. Hanson (Michele Hanson)

No. 15-044: Gifford v. Dingman (Clint Dingman)

No. 17-561: Gifford v. HCSD (Clint Dingman)

No. 17-579: Olson v. HCSD (Clint Dingman)

WHEREAS, the District has been, and continues to be, legally obligated to indemnify such public officers and employees and it is therefore in the District's best interests to provide them with a legal defense in such actions, where necessary;

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

1. The District shall provide a legal defense to such public officers and employees, at District expense, and indemnify such persons against personal liability to the fullest extent allowed by law; and,

2. As to any legal defense which has already been provided to such public officers and employees in the above-described actions, the Board approves, ratifies, and reaffirms the District's past and future obligations to provide the same, and the District's engagement of Kirsher, Winston & Boston, LC, to provide said defense, including the defense of any appeals of judgments.

3. If any District officer or employee fails to reasonably cooperate in the defense of any such actions, or takes a position in an action which is adverse to that of the District or other District officers or employees, thereby creating an actual or potential conflict of interest, the Board reserves

the power to withdraw indemnity and terminate the legal defense which the District has provided.

4. The Board further ratifies and approves legal counsel's actions on behalf of the District and other defendants in all of the actions listed in this Resolution and authorizes its General Manager to continue to engage legal counsel to vigorously defend the District and its officers and employees in the above-named actions, as those listed below, in which no District officers have been named as defendants, and in any others which may hereafter be commenced:

- No. 15-847: Harrell v. HCSD
- No. 15-982: Gifford v. HCSD
- No. 15-1392: Gifford v. HCSD
- No. 15-1393: Olson v. HCSD
- No. 16-1088: Gifford v. HCSD
- No. 16-1089: Olson v. HCSD
- No. 16-1292: Gifford v. HCSD
- No. 16-2993: Olson v. HCSD
- No. 17-323: Olson v. HCSD
- No. 17-327: Gifford v. HCSD
- No. 17-500: Gifford v. HCSD
- No. 17-961: Gifford v. HCSD

I certify that the foregoing Resolution was adopted and approved at a duly-called and conducted meeting of the Board of Directors of the Hornbrook Community Services District held on _____, 2017, by the following vote:

Directors voting "aye" and in favor of the Resolution:

Directors voting "nay: and against the Resolution:

Directors absent:

Dated: _____

Patricia Slote, Secretary

Attest: _____
Robert Puckett, President

Hornbrook CSD

Fund 781100
 Org 405010

January 1, 2017 - December 31, 2017

	Budget	YTD	Balance
530100 Interest	\$ 300.00	\$ 453.79	\$ (153.79)
552250 Water Fees	\$ 86,291.00	\$ 57,686.75	\$ 28,604.25
552251 Water Late Fees	\$ 800.00	\$ -	\$ 800.00
611100 Regular Wages	\$ 16,590.00	\$ 13,073.22	\$ 3,516.78
623100 Workers Comp	\$ 1,494.00	\$ 571.50	\$ 922.50
728000 Special Department Expenses	\$ 75,799.00	\$ 74,023.55	\$ 1,775.45
762100 Equipment -Special Districts	\$ 2,500.00	\$ -	\$ 2,500.00
761010 Building and Improvements	\$ -	\$ -	\$ -
800000 Contingencies	\$5,000.00		\$ 5,000.00

Posted Recommended budget 1/11/17 (1/1/17) J1708255 az

Received Adopted budget 9/5/2017 did not post in Banner - Reso in SD File

Received budget transfer 9/7/17 removing \$6k from 761010 and adding to 728000

Received budget transfer 9/27/17 removing \$14k from 761010 and adding to 728000

updated through 11/2/17 az

RESOLUTION 2017-09

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE HORN BROOK COMMUNITY SERVICES DISTRICT AMENDING THE FISCAL YEAR 2017 BUDGET

WHEREAS, the Hornbrook Community Services District (District) desires to manage its fiscal affairs according to an adopted budget, and

WHEREAS, the 2017 Fiscal Budget adopted by the Board of Directors on February 28, 2017 included \$55,799 in Account #728000, Special Department Expenses to pay the District's expenses through December 31, 2017, and

WHEREAS, the monthly expenses of the District from January, 2017 through September, 2017 exceeded the budget amount of \$55,799, and the Board approved the transfer of \$6000 from 761010 to 728000 on September 6, 2017 and approved an additional transfer of \$14000 from 761010 to 728000 on September 27, 2017, and

WHEREAS, the District has a cash fund balance in the amount of \$35,198.43 as of November 2, 2017, and

WHEREAS, it is projected the amended budget amount of \$75,799 will not cover District expenses through December 31, 2017,

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the District hereby approves amending the 2017 Fiscal Year Budget to increase Account #728000 to \$95,799 by the transfer of \$20,000 from the District cash fund balance to the 2017 Budget Account #728000.

PASSED AND ADOPTED by the Board of Directors of the Hornbrook Community Services District on November 8, 2017 by the following vote.

From: Bunas, Craig@Waterboards
Sent: Tuesday, October 31, 2017 2:44 PM
To: Peter Kampa (pkampa@kampacs.com) <pkampa@kampacs.com>; 'pete@ldpcsd.org' <pete@ldpcsd.org>; Patricia Slote (hornbrookcsd@gmail.com) <hornbrookcsd@gmail.com>; 'rdpuckettsr@hotmail.com' <rdpuckettsr@hotmail.com>; 'kevindixon54@yahoo.com' <kevindixon54@yahoo.com>
Cc: Sutter, Barry@Waterboards <Barry.Sutter@waterboards.ca.gov>; 'Jeff Navarrete' <jnavarrete@rcac.org>
Subject: REQUEST CORRECTION Sanitary Defects; Hornbrook CSD Public Water System
Importance: High

Dear Hornbrook CSD Public Water System,

On September 9, 2014, this office conducted an inspection which uncovered several significant sanitary defects of the Hornbrook CSD Public Water System. Please find the attached *2014 Inspection Letter* which details these sanitary defects.

Recently, on October 24, 2017, this office conducted another inspection of the Hornbrook CSD Public Water System. **Almost all of the sanitary defects that were noted in the previous inspection of September 9, 2014, have not been corrected.** Sanitary defects observed include direct evidence of rodents entering Tank 2 and sizable gaps in Tank 1, Tank 2 and Well 4 which may allow ground rodents or bats to enter and infect the water. (Photos were taken of these defects but exceed the computer server capacity to send by email at this time).

Therefore, please find the attached *Tech Memo October 31, 2017*, which details the most important sanitary defects of this public water system and which represent immediate and significant threats to public health. **Please make the corrections to these Sanitary Defects, take pictures of the repairs, and send a brief report of these activities to this office by November 17, 2017. Please ensure that ALL of the water is being disinfected with a significant chlorine residual (>1.0 mg/l free chlorine).**

If this office does not receive evidence of correction of these sanitary defects by November 17, 2017, a formal *Compliance Order* will be issued to require these repairs.

Please contact me if you have questions or comments. Thanks

Craig M. Bunas, P.E.
Associate Engineer
State Water Resources Control Board
Division of Drinking Water, Klamath District
364 Knollcrest Drive, Suite 101
Redding, CA 96002

Phone (530) 224-4887
Fax (530) 224-4844

Website: http://www.waterboards.ca.gov/drinking_water/programs/index.shtml
Chemical Monitoring Schedules (raw water): <https://sdwis.waterboards.ca.gov/PDWW/>

October 31, 2017
Technical Memorandum:
Significant Sanitary Deficiencies
Hornbrook CSD Public Water System
Inspection 10-24-2017
By CM Bunas
SWRCB, Division of Drinking Water Redding Office

NEED CORRECTION AS SOON AS POSSIBLE:

Tank 1 (North):

1. Seal the 1" gaps between the plywood tank wall and the steel inlet pipes.
2. Thoroughly inspect the entire tank (including under the gables, eaves and tank roof ridgeline) and seal all openings into the tank 3/16" or greater in size.
3. Install a screen on the discharge of the tank overflow pipe.
4. Repair access doors so that it fits neatly (no gaps) when closed.

Tank 2 (South):

1. Thoroughly inspect the entire tank (including under the gables, eaves and tank roof ridgeline) and seal all openings into the tank 3/16" or greater in size.
2. Repair flapper valve, or remove flapper valve and install a screen on the discharge of the tank overflow pipe.
3. Repair access doors so that it fits neatly (no gaps) when closed.

Well No. 4 (Second well from furthest south between I-5 and Bradley-Henley Rd.; First well south of Tank 2):

1. Install a screen on the discharge of the artesian bleed pipe.
2. Repair or seal gap in electrical conduit into the wellhead.
3. Cap or seal "sounding tube."

Answer question: Is water from wells No. 2 and No. 4 being delivered to Tank 2 without chlorination?

REQUEST FOR TECHNICAL ASSISTANCE

Instructions: If an item is not relevant or unknown enter "not applicable" or "unknown."

Please e-mail the completed form to: DFA-TArequest@waterboards.ca.gov

An electronic copy of this form can be obtained at:

http://www.waterboards.ca.gov/water_issues/programs/grants_loans/proposition1/tech_asst_funding.shtml

Community, System, or School Name:

Public Water System ID No. (if applicable):

Service Area Population:

County:

Number of Service Connections:

Estimated Median Household Income (MHI) of Service Area:

MHI Source:

Check the box that best describes the type of organization in need of TA:

- Tribe Municipal entity Private entity, nonprofit Private entity, for profit
 School/School District/Local Education Agency Other _____

Type of TA Need: Drinking Water Wastewater Storm Water Groundwater

Problem/Request. Briefly summarize the problem or the need for technical assistance. If enforcement has been taken, please provide a copy of enforcement documentation or enforcement order number. Provide any deadlines or time schedules (if applicable):

Possible Next Steps or Solutions (if known):

Please provide a contact for correspondence regarding this request:

Name

Title

Mailing Address

City/State

Zip Code

Phone Number

E-mail Address