

McKinney Water District El Dorado and Placer Counties

Board Meeting Packet

McKinney Water District Board of Directors Meeting May 28, 2021

The McKinney Water District Board Meeting was convened by Director Swartfager at 8:01 am. The meeting was held via teleconference, (855) 212-0212.
Meeting ID: 963-145-770#.

ROLL CALL:

Directors Present: J. Swartfager, V. Dangler, S. Cotner, M. Noack, K. Arcidiacono

Directors Absent:

Others Present: K. Gunter, G. Payne

Approval of Minutes from the Previous Meeting

The minutes of the Regular adjourned meeting of the Board of Directors, held April 23, 2021 was approved on a motion by Director Swartfager and seconded by Director Arcidiacono by a vote of 5 to 0.

OLD BUSINESS

A. Update – Well Pump Failure Analysis Summary.

District Agent is working with Farr West to contact Liberty to upgrade their transformer.

B. Water Bill Collection Totals for May 2021

The District has received \$46,084.00 in water bills as of May 25, 2021.

C. Update on the MWD By-Laws

Ordinance 2021-1 DETERMINING THE VOTING RIGHTS FOR DISTRICT ELECTIONS AND RESCINDING ORDINANCES 1969-2, 1975-2 AND 1975-3. This Ordinance will be incorporated in the updated By-Laws. Staff contacted Attorney McMurchie, he suggested creating procedures instead of updating the By-Laws as By-Laws are antiquated. See Addendum C

On a motion by Director Swartfager seconded by Director Cotner Ordinance 2021-1 was approved by a vote of 5 to 0.

Bollard update

It was determined there are 23 Hydrant Bollards needed in the District. The District will contact several bollard installers to get price quotes for the work.

District Office: 103 Simmons Way Folsom, CA 95630 - (916) 987-7130 - karlagunter@yahoo.com

District Agent: (530) 307-9032 – wpsgraham@gmail.com

NEW BUSINESS and MONTHLY REPORTS

A. Treasurer's Report

Financial Institution	Acct#	Date	Amount
El Dorado Savings	Checking	As of 5/25/21	\$49,934.07
El Dorado Savings	Savings	As of 5/25/21	\$152,691.97
El Dorado Savings	CD maturity 3/19/22	As of 4/30/21	\$100,029.45
Bank of the West	Checking	As of 4/30/21	\$5,101.00
Bank of the West	Savings	As of 4/30/21	\$244,195.58
US Bank	Savings	As of 4/30/21	\$226,600.86
Bank Totals			<u>\$778,552.93</u>
Total Bills/Charges			\$9,153.77
Bank Totals - Less B&C			<u>\$769,399.45</u>
Notes			
Rec'd Placer Co.	Auto deposit to checking	5/17/21	\$60,199.38
Rec'd El Dorado Co.			

B. Bills, Charges and Transfers

Vendor Name	Description of Service	Total Due
District Agent, Graham Payne	April 2021 – Monthly Flat Fee Includes Phone and Meeting Attendance	\$1,110.00
Sec/Treas. K. Gunter	Services for May 2021	\$2,000.00
District Agent – G. Payne	Misc. Additional Work (included in Payroll)	600.00
SDRMA	Annual Workers Comp Program	\$864.95
Karla Gunter	Teleconference \$11.17	\$11.17
Cranmer Engineering		
Deluxe	Deposit Slips for Checking Account	\$79.74
LEC Corp	Tank Cleaning and Inspection	\$2660.00
Clauss Excavation	Snow Removal	\$185.00
Liberty Energy "Old Well"	Acct# 88513447	\$175.04
Liberty Energy "New"	Acct# 88549765	\$441.44
AT&T Security Phone	Ph 530-525-1120 162	\$142.51
AT&T Security Phone	Ph 530-525-1309 367	\$213.63
State and Fed. Taxes	April 2021 Payroll Taxes (pd. by payroll Co.)	\$124.74
Verizon	Services for April 2021 (Autopay)	\$45.55
	Meeting Hosting Fee 5/25/21 (included in payroll)	\$0.00
Director Fees	Regular Meeting 5/25/21 Swartfager, Cotner, Dangler, Noack, Arcidiacono	\$500.00
Total Bills and Charges		<u>\$9,153.77</u>

Bills/Charges & Transfer Approved This Meeting

On a motion of Director Swartfager and seconded by Director Dangler the bills and charges were approved by a vote of 5 to 0.

C. Results of the Tank Cleaning and Inspection

Liquid Engineering, our tank inspection company found ¼" sand in the bottom of the tank. Found rust on bolts in the 3rd quadrant of the tank. Suggested repainting/recoating tank within the next 10 years. The tank would be down for approximately 3 weeks. Suggested renting a temporary tank. He suggested cleaning the tank every 3 to 4 years.

D. Resolution 2021-2 – Requesting Election Services, Placer County

Resolution 2021-2 To Declare An Election Be Held Within the District's Jurisdiction And To Request The Placer County Board Of Supervisors To Consolidate This Election With Any Other Election Conducted On November 2, 2021 And Request Election Services By The Placer County Clerk. See Addendum D.

On a motion by Director Swartfager seconded by Director Arcidiacono Resolution 2021-2 was approved by a vote of 5 to 0.

E. Discussion: Add Fines for Tampering with District Property to Ordinance 2015-1 and/or Ordinance 2020-1a. See Addendum E

Ordinance 2021-2 was established to address several water theft and tampering issues within the District recently. After the Ordinance is approved, staff will contact property owners to insure awareness.

On a motion by Director Swartfager seconded by Director Arcidiacono Resolution 2021-2 was approved by a vote of 5 to 0.

F. Water Sample Analysis "Cranmer Laboratory" May 2021

Coliform/Fecal testing per sample site plan came back negative. Samples were taken at 901 McKinney Rd. in McKinney Estates.

G. District Agent G. Payne – "Monthly Report" May 2021

The Secy./Treas. presented the District Agent's Monthly Report. April, 2021 Production 606,189 Gallons. #2 Well Water – Level: Static 17.9 Dynamic 82.2 Five-minute recovery 29.2 Low for the month 12

For repairs, replacements and detailed activities see Addendum A – District Agent Monthly Report. For Additional Services Performed see Addendum B.

H. General Discussion

Karla – Vacation 6/3/21 through 6/14/21

I. Adjournment

There being no further business to come before the Board, on a motion by Director Swartfager seconded by Director Arcidiacono the meeting was declared adjourned, at 8:49 am by a vote of 5 to 0. The next regularly scheduled meeting will be held on Friday June 25, 2021 at 8:00 A.M. at 6453 McKinney Creek Rd. Homewood CA 96141.

Jerry Swartfager
President

Karla Gunter
Secretary/Treasurer

Addendum A

Agent's Report

Date	5/15/2021				
Well #2 Meter Reading	1st	1,853,124	15th	2,513,936	
Gallons Produced	660,812				
Booster #1	19318	Booster #2	18322	Booster #3	662
Power Meter Reading	Date	5/6/2021	Well # 1		
	Date	5/15/2021	Well # 2	84764	
Water Samples					
Date	Location				
5/4/2021	901 McKinney				
	Other				
Work Performed	Observations				
Date	5/5/2021 Well # 1 Flushing/Inspection				
	All Alarms Tested OK				
5/15/2021	Well # 2 Inspection				
	All Alarms Tested OK				
5/6/2021	Tank Inspection				
	Cleaning of tank				
	Secure OK				
	Water line location/USA				
5/4/2021	6640 Cascade Dr. - Replacement of driveway				
5/8/2021	727 Cascade Ave. - Foundation work at residence				
	Water Shut Off/On				
5/11/2021	510 Robin				
	Leaks Reported				
	Leaks Repaired				
	Valve Box Repaired				
	Hydrants Flushed	System Shutdown	Associated Valves	System Flush	
	Valves Exercised				
5/15/2021	Well # 2 Water level	Static - 17.9	Dynamic -	82.2	
	12		5 min. recovery	29.2	
5/15/2021	Generator Inspection/Test run	Genset ran.	OK		
	Customer Complaints				
	DHS Projects	None			
	Other				
5/6/2021	Cleaning of Water Tank				

rev. 1-12-11 ba

Addendum B

TIME SHEET

TIME PERIOD 4/15/2021 – 5/15/2021

MCKINNEY WATER DISTRICT

District Office
103 Simmons Way
Folsom, CA 95630
916 806-0510

EMPLOYEE NAME: Graham Payne	TITLE: District Agent
Monthly Salary	\$1000.00
Meeting Attendance/Phone Allowance	\$110.00

DATE	HOURS	SERVICES PROVIDED
5/4/2021	1	USA AT 6640 CASCADE DRIVE FOR THE REPLACEMENT OF DRIVEWAY.
5/6/2021	8	CLEANING OF WATER TANK AND INSPECTIONS WHILE DIVERS CLEANING AND WORKING ON TANK.
5/8/2021	1	USA AT 727 CASCADE CIRCLE FOR FOUNDATION WORK.
5/11 & 15/2021	2	SHUTOFF AND TURNON OF WATER SERVICE AT 510 ROBIN FOR RESIDENCE DEMOLITION.
TOTAL HOURS	12	

EMPLOYEE SIGNATURE:	DATE: 5/19/2021
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Addendum C

McKinney Water District El Dorado and Placer Counties

ORDINANCE NO. 2021-1

AN ORDINANCE DETERMINING THE VOTING RIGHTS FOR DISTRICT ELECTIONS
AND RESCINDING ORDINANCE NO. 1975-3, 1975-2 AND 1969-2

MCKINNEY WATER DISTRICT

BE IT ORDAINED by the Board of Directors of the McKinney Water District, Placer and El Dorado Counties, State of California, as follows:

Section 1. Each property owner(s) or entity shall have one vote for each parcel of land to which they hold title within the district as determined from the last equalized assessment roll of each of the two counties in which the lands are situated

Section 2. the McKinney Water District, Placer and El Dorado Counties, California, does hereby elect, pursuant to Section 35003.1 of the Water Code, to have the County Clerk of each of the two affected Counties prepare the voter list required by Section 23527.5 of the elections code based upon the last equalized assessment roll of each of the two affected Counties correct to reflect, in the case of transfers of land, those persons who as of the forty-five (45th) day prior to the election appear as owners on the records in the County Assessor's office of each of the two Counties, which said Assessor will use to prepare the next ensuing Assessors' Rolls. Such corrected Assessors' rolls shall be conclusive evidence of ownership and of the value of the land so owned.

Section 3. Placer County Elections Department will provide Election Services for the two Counties in which McKinney Water District resides.

Section 4. Ordinance No's. 1969-2, 1975-2 and 1975-3, each entitled "An Ordinance Determining the Voting Rights for District Elections", are hereby rescinded and repealed and shall be of no further force and effect.

Section 5. Upon adoption, this ordinance shall be entered in the minutes of the board and shall take effect immediately.

Section 6. The Secretary is directed to file a certified copy of this ordinance with the County Clerk of each of the two Counties within which McKinney Water District is located.

President

Jerry Swartfager

ATTEST:

Secretary/Treasurer

Karla Gunter

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McKinney Water District El Dorado and Placer Counties

I hereby certify that the foregoing is a full, true and correct copy of an ordinance duly enacted by the Board of Directors of the McKinney Water District, Placer and El Dorado Counties, California, at a meeting thereof held on the 28th day of May, 2021, by the following vote:

AYES and in favor thereof, Directors:

NOES, Directors

ABSENT, Directors:

Secretary/Treasurer
McKinney Water District
Karla Gunter

APPROVED:

President
Jerry Swartfager

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Addendum D

NOTICE OF GOVERNING BOARD MEMBER ELECTION

Resolution No. 2021-2

RESOLUTION OF THE GOVERNING BODY OF THE

McKinney Water District

DECLARING AN ELECTION BE HELD IN ITS JURISDICTION;
REQUESTING THE BOARD OF SUPERVISORS TO CONSOLIDATE THIS ELECTION
WITH ANY OTHER ELECTION CONDUCTED ON SAID DATE;
AND
REQUESTING ELECTION SERVICES BY THE COUNTY CLERK.

WHEREAS, this District Governing Body orders an election to be held in its jurisdiction on
November 2, 2021; at which election the issue(s) to be presented to the voters shall be:

NOMINATION OF CANDIDATES FOR THE GOVERNING BODY

1. Said election shall be to fill a vacancy for the following Board Members(s) who resigned and/or whose term(s) expired:

Incumbent's Name	Division Number (if applicable)	Regular/Short Term
Jerry Swartfager	N/A	Regular
Scott Cotner	N/A	Regular

2. Said Directors for this District are elected in the following manner:

 At Large.

There are no divisions in the District; all voters within the District vote for all candidates.

 By Division.

Districts are split into areas; only those voters residing in the area may vote for candidates who run in the area.

 Qualified by Division-Elected at Large.

Directors must qualify to run by living in a specific division, but all voters within the District may vote on all candidates.

 X Qualified by Division-Elected at Large.

Directors must be a landowner. Multiple ownerships can designate single owner to cast vote or cast pro rata share..

3. Said District has determined the following election particulars:

- The length of the Candidate Statement shall not exceed 200 words.
- The cost of the Candidate Statement shall be paid by the Candidate.

MEASURE(S) TO BE SUBMITTED TO THE VOTERS (IF APPLICABLE)

(If this election is strictly for deciding one or more measures and no candidates are to be elected, please complete #4 through #6 below)

4. Said District does not request that the following measure(s) be decided at this election.

5. Said District has determined the following election particulars:

- In the case of a tie vote, the election shall be determined by LOT.
- The County Clerk is requested to provide election services. If the District requests the Placer County Office of Elections to provide election services, all applicable costs will be paid for by the District.

6. The District hereby certifies that (please check one):

 There have been changes to the District boundary lines since our last election as shown on the attached map and/or legal description.

 X There have been no District boundary changes since our last election.

BE IT RESOLVED that the Board of Supervisors of the County of Placer is hereby requested to:

1. Consolidate the election with any other applicable election conducted on the same day;
2. Authorize and direct the County Clerk, at Governing Body expense, to provide all necessary election services.

This Resolution shall be considered a Notice of Election and Specification of Election Order if applicable.

PASSED AND ADOPTED by the Governing Body on May 28, 2021.

AYES: Director Swartfager, Noack, Cotner, Arcidiacono and Dangler

NOES: None

ABSENT: None

ATTEST: _____
SECRETARY OF THE BOARD

CHAIR OF THE BOARD

Addendum E

McKinney Water District | El Dorado and Placer Counties

ORDINANCE 2021-2

AN ORDINANCE OF THE MCKINNEY WATER DISTRICT BOARD OF DIRECTORS PROHIBITING THE THEFT OF WATER AND TAMPERING WITH DISTRICT FACILITIES THE MCKINNEY WATER DISTRICT "DOES ORDAIN THE FOLLOWING"

SECTION 1 – PURPOSE

The purpose of this Ordinance is to protect the public water supply system from theft and tampering with district facilities.

SECTION 2– RESPONSIBILITY

The District is authorized and empowered to acquire, own, operate, maintain, construct, finance, improve and extend a public water system.

SECTION 3 – TAMPERING AND THEFT OF WATER SUPPLY

3.1. Water Theft – For purposes of this Ordinance, "water theft" means and includes all of the following:

- a) The use, diversion, receipt or taking of District water by any means from any public fire hydrant, blow-off valve, water main, water service lateral or other District facility or connection to a District facility, to which a District authorized metering device has not been installed or has been removed by the District; and
- b) The use, diversion, receipt or taking of District water by any means without paying the full and lawful District charges for such water, or by tampering with District property or facilities, such as by removing a lock or plug that has been placed on a customer's service or meter, or unauthorized use, or by tampering with a service connection to any District facilities and any public fire hydrant.

3.2 Unauthorized Use – For the purposes of this Ordinance, "unauthorized use" includes the use of water from a stationary service connection where lawful water service has been discontinued or from a public fire hydrant to supply water outside of the District service area, regardless of whether payment is provided to the District for the water drawn from the public fire hydrant, or any use of the hydrant meter in violation of the terms and conditions of the hydrant meter permit.

3.3 Tampering – Tampering with District equipment or facilities is considered grounds for discontinuance of utility service. "Tampering" shall include, but not be limited to:

- a) Opening valves at the curb or meters that have been turned off by District personnel
- b) Breaking, picking or damaging cut-off locks.
- c) Bypassing meters in any manner
- d) Taking unmetered water from hydrants by anyone other than authorized official of a fire department, fire insurance company or District employee for any purpose other than firefighting, testing, or flushing of water mains and fire hydrants
- e) Use of sprinkler system water for any purpose other than fire protection

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- f) Removing, disabling or adjusting meter registers
- g) Connecting to or intentionally damaging water lines, valves or other appurtenances
- h) Moving meters or extending service without written permission of the District
- i) Any intentional act of defacement, destruction or vandalism to District property
- j) Any intentional blockage or obstruction of District property

3.4 Misdemeanor – Water theft and tampering are prohibited. Each act of water theft or tampering constitutes a misdemeanor under state law

3.5 Reportable Offense – If any person takes water from a fire hydrant without authorization or otherwise tampers with District Property, the District shall submit a record of the vehicle license plate number, available photographs and any other applicable information to the Placer or El Dorado County Sheriff's Department

3.6 Prosecution – The District may report any water theft to the appropriate prosecuting criminal agency and request prosecution of said activity pursuant to the Penal Code.

SECTION 4 – ADMINISTRATIVE PENALTIES.

4.1 – Remedies – In addition to pursuing criminal penalties, the District, upon discovering water theft or tampering with District property, may also pursue the following remedies available.

- a) Require the immediate removal of any equipment, connections or tools used to accomplish the water theft of District property.
- b) Penalties for tampering with and or damaging a water service or fire hydrant will be assessed as follows:
 - I. First Violation - \$250.00
 - II. Second Violation - \$500.00 within a 12-month period, and
 - III. Third and Subsequent - \$1000.00 within a 12-month period.
- c) The customer/individual will be charged all costs incurred by the District associated with reporting the incident including but not limited to labor, materials and equipment used to report the incident and all costs incurred by the District to replace or repair any District facilities or other items that were tampered with, damaged or removed for the purpose of receiving water without paying the full lawful charge. These costs are subject to an overhead and administrative charge of fifteen percent (15%). No further service shall be allowed at the address until all fees and charges are paid in full.

SECTION 5 – OTHER REMEDIES

- k) **5.1 Enforcement Action** – In addition to any other remedies provided in this Ordinance or available under applicable law, the District may alternatively seek injunctive relief in Placer or El Dorado County Superior Court or take enforcement action. All remedies provided herein shall be cumulative and not exclusive. If a customer or any other person turns on water service without District authorization, tampers with any locked water meter, tampers with a service connection or District Facilities, bypasses a

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meter, makes an unauthorized connection to District facilities without District permission, or commits water theft, the District may:

- a) Turn off the water service and install a lock.
- b) Estimate, if necessary, the water taken and charge the customer, offender or water recipient for the water taken from the District facility, plus any other amount reflective of the District's costs for such estimate and relate activities:
- c) Charge the customer, offender, or water recipient for the damage to the District locks, meter or other property;
- d) Remove the meter and plug service
- e) Terminate and remove the service from its connection to the water main.
- f) Charge a deposit reflective of the District cost to reestablish service.
- g) Require the return of any District hydrant meter
- h) Prohibit any person who has committed three violations of this Ordinance within a twelve-month period from obtaining a District hydrant meter permit for a period of three (3) years from the date of the third violation.

5.2 Other Costs – Any violation that causes the District to repair, restore, replace, or relocate a District owned facility will be billed on a time and material basis plus an overhead and administrative charge of fifteen percent (15%). Nonpayment of such amounts may result in termination of service.

SECTION 6 – NOTICE

6.1 Notice of Violation - A Notice of Violation shall be mailed or delivered to the customer, customer's agent, offender or water recipient when evidence suggests the possibility of theft of service at the customer's property.

6.2 Order to Cease. - If the violation does not constitute an immediate threat to public safety or the integrity of the District's water system, the customer, offender or water recipient shall be ordered to immediately cease the unlawful practice.

6.3 Delivery of Notice of Violation – A Notice of Violation shall be mailed or delivered to the customer, offender or water recipient after water service is cut off for the following:

- a) In the opinion of the District's Staff, theft of service is clearly evident on the customer's property or property where the offense occurred and immediate action is necessary;
- b) In the opinion of the District's Staff, there is an immediate threat to public health or safety.

6.4 Invoicing. - The district shall calculate the amount of damages and penalties to be imposed, and shall send a bill to the customer, or if the offender is not the customer of record, an invoice from payment of the damages and penalties may be sent to the offender or water user or recipient.

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6.5 Fees and charges. – All costs relating to the district processing and handling of the water theft, investigation and enforcement thereof and potential charges for reestablishment of service, shall be borne by the party having responsibility for the water account at the time of the water theft, or if there is a customer of record, by the offender, water user or recipient. These charges include, but not limited to, investigation and enforcement costs, service call charges, water charges, turn off of service, charges for damage to district facilities and equipment, and plug and or termination fees. Before the meter will be replaced and service reestablished, the party requesting service, if in anyway involved or related to, or associated with parties involved in the water theft, shall deposit an amount reflective of the district's cost, plus the standard equipment reinstallation fee, in addition to any service call charges, and any amount representing any damage to the district property.

6.6 Other Costs. – All charges relating to the District's processing and handling of the water theft involving the taking of water from a public fire hydrant shall be borne by the offender or water user recipient, including, but not limited to, the cost of any water, charges for any damage to District facilities and equipment, and costs of investigation and enforcement.

6.7 Appeals Process. – Any person (an "appellant") who wishes to appeal the imposition of an administrative penalty imposed by the District pursuant to this Ordinance, or who wishes to appeal the imposition of a three-year prohibition on a hydrant meter permit shall comply with the following procedures.

- a) The appellant shall submit an appeal request to District Staff no later than fifteen (15) calendar days from the date of the bill or invoice sent to the customer or offender.
- a) A response to the appeal request shall be provided by District Staff, or his or her designee, within forty five (45) calendar days from the receipt of the appeal request form. The appeal will be presented to the Board of Directors. The appellant may request to provide evidence in writing or in person in support of his or her appeal. The decision of the Board of Directors shall be final.
- b) Within ten (10) business days after the denial of the appeal is deemed final, the appellant shall pay any disputed penalties imposed by the District.

* * * *

I hereby certify that the foregoing is a full, true, and correct copy of an Ordinance duly adopted and passed by the Board of Directors of the McKinney Water District, Placer and El Dorado Counties, California at a meeting held on the 28TH day of May 2021 by the following vote;

AYES: Directors, Swartfager, Cotner, Dangler, Noack, Arcidiacono

NOES: None

ABSENT: None

McKinney Water District

APPROVED:

Jerry Swartfager
President

Karla Gunter
Secretary/Treasurer

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