

Minutes of the REGULAR Board Meeting for the
Scotia Community Services District
Thursday, May 26, 2022 at 5:30 P.M.

A. CALL TO ORDER/ ROLL CALL/ PLEDGE OF ALLEGIANCE – 5:32 PM

Paul Newmaker, President– Present

Diane Black, Vice President – Present

Delia Ansted, Director – Present

Susan Pryor, Director – Present

Nina Sellen, Director – Present – Left meeting at 5:42pm

Leslie Marshall, GM; Vanessa Blodgett, Board Clerk Stand-in; Scott McLeran, District Legal Counsel; Mr. Kent Sawatzky call-in

B. SETTING OF THE AGENDA

No changes.

C. CONSENT CALENDAR

1. Approval of Previous Meeting Minutes – Special Meeting April 14, 2022
2. Approval of Previous Meeting Minutes—Regular Meeting April 21, 2022
3. Approval of RCB Check Registers April 1-30, 2022
4. Approval of Umpqua Check Registers April 1-30, 2022
5. Approval of RCB Mastercard Statement – March Statement
6. Approval of Umpqua Visa Statement – March Statement
7. Approval of Planwest Partners Invoice— April 2022

No Public Comment

Motion: To Approve Consent Calendar

Motion: Newmaker **Second:** Black

Motion Vote: Ayes Ansted, Black, Newmaker, Pryor, Sellen **Opposed:** None **Absent:** None

Abstain: None

D. PUBLIC COMMENT & WRITTEN COMMUNICATION

No written communication received prior to the meeting.

No public comment.

E. ADJOURN TO CLOSED SESSION - None

F. ADJOURN TO OPEN SESSION - None

G. PUBLIC HEARING – None

H. BUSINESS

1. New Business -

a. Appeal Hearing for 151/153 Main Street

- Scott McLeran, District Counsel, provides recommendations to Board regarding procedures for the appeal hearing.
- Director Sellen left meeting at 5:42p.m. (due to not being able to hear the discussion)
- Oath administered by Board Clerk and taken by District Manager and Mr. Kent Sawatzky (Appellant) for hearing
- Staff report by District Manager: presents case in support of the outstanding fees, charges, and penalties, including timeline of delinquencies and District's authority to charge specific base fees and assessments regardless of domestic water or wastewater usage.
- Appellant cross examines District Manager. Appellant: requested paper copy, does not use computers or text. Was legal hearing put on hold because of COVID? Was Appellant notified of this? Appellant left message with District legal counsel, but did not hear back. Is it appropriate to negotiate this now?
- Newmaker: It is in the Board's purview to pursue resolution of this matter
- Appellant: requested separate bill for parks and rec., street lighting, etc.
- District Manager - On August bills of every year, individually billed; also in the staff report, which Appellant confirms receiving. District is a full cost recovery entity and bills per page, plus postage for paper copies. Is Appellant willing to pay the fees?
- Appellant: Ask that the late fees be waived and payment plan for the other fees owed
- Appellant indicates that he would like to continue the hearing in order to consult with his attorney re potential settlement. Appellant requests a waiver of all late fees as part of a settlement, and requests District documents supporting the outstanding fees, charges, and penalties, including those that have incurred after he water service was shut off, be provided to him so that he can review them with his attorney. Willing to pay \$15 for print copies of documents requested.
- District Manager – Appellant still has the option to enter into a repayment plan, as offered in the 2/2/2022 letter from the District.
- Appellant – willing to enter into payment plan less the late fees. And will continue to pay monthly (would pay lump sum due, minus late fees)
- Appellant – wants documents sent to him (ordinance about late fees and payment of base fees), requests late fees be waived.
- District Manager - Needs to be resolved prior to the end of June. For it not to go on the tax roll

- Appellant – doesn't believe he should have to pay for service he was not receiving (when disconnected)
- Newmaker – does not want to set precedent to waive late fees
- District Manager - There are other approx. 6 other customers paying late fees and that have entered into payment plans.
- Appellant – are there others in a similar situation? (balance)
- District Manager – yes there are 2 to 3 other customer in similar situation
- Appellant presented his case in support of the appeal and indicates that his 3/03/22 letter to the District Board requesting an appeal hearing provides a summary of his arguments. Present evidence in support of the appeal – it's in the letter he submitted that is in the packet. The late fee seems excessive.
- Appellant- tried to contact the Scotia CSD attorneys directly. Left message and did not hear back.
- Newmaker – does Appellant have anything to add at this time?
- McLeran: Could request for meeting with staff to discuss payment plan. Board could direct staff to meet and discuss payment plan that could be presented to the Board at the next regular meeting (June 16)
- Appellant requesting to table to July (he is out of the Country for 5 weeks Appellant starting June 1, back July 9)
- District Board does not grant the requested continuance.
- Evidentiary portion of the hearing concludes. No public comment received.
- Board encourages District Manager and Appellant to meet to discuss the possibility of a 12-month payment plan of the outstanding charges. Appellant indicates a willingness to discuss a payment plan, but is leaving for Mexico on June 1, 2022, and will be unavailable until returning in July 2022.
- Board: Can payment agreement be reached by June 16
- Newmaker – can offer continuance, but has to be viable by both parties. Board wants the payment plan to reflect the full amount due.
- Can we lien the property and continue to negotiate after July? Yes
- Board: Lien the property and bring it back in July.
- District Manager: Typical 12-month payment plan is that what the board wants? Yes
- Incurs late fees until payment plan is set up
- Lien the property and revisit in July? Bring back payment plan in July 21?
- Motion: complete hearing process, continuing final determination of the appeal to July 21, 2022, interim lien the property with the current full amount due and direct staff to work with Appellant (withdrawn)

Motion – Newmaker. 2nd: Delia Ansted (Note: motion withdrawn, did not come to vote.)

- McLeran – recommends to the Board the options it may take today on the appeal, including ruling on the appeal; making a motion of intent to grant or deny the appeal and continuing the hearing to the next regularly scheduled Board meeting for final ruling, or recessing and continuing to the matter to the next regularly scheduled Board meeting for a decision.
- District Manager – there may be room in County timeline, must be submitted in Aug. at the latest
- Motion – Motion of intent to deny appeal. Leave opportunity to establish payment plan outside appeal process by June . Motion- Pryor, 2nd Newmaker – (Note: motion withdrawn, did not come to vote.)
- Board makes a motion of intent to deny the appeal on a 4-0 roll call vote, and continues the matter to June 16, 2022 for final decision. Board directs staff to prepare a proposed resolution consistent with its motion of intent. Board indicates that if a payment plan is agreed to by Appellant prior to the June 16, 2022, and is accepted by the Board, it will agree to drop the appeal.

Motion: Motion of Intent to deny appeal. Leave opportunity to establish payment plan outside appeal process by June 9, 2022.

Motion: Pryor **Second:** Newmaker

Motion Vote: Ayes Ansted, Black, Newmaker, Pryor, **Opposed:** None **Absent:** Sellen **Abstain:** None

b. Planwest Staffing Services Contract

- President Newmaker introduced
- District Manager – Introduced staff report
- Public Comment: Appellant Appellant – jump on it, discount with 3% increases is a deal.

Motion: Authorize the President of the SCSD Board to sign the attached Planwest Partners Inc. Professional Services Agreement (Agreement).

Motion: Newmaker **Second:** Black

Motion Vote: Ayes Ansted, Black, Newmaker, Pryor, **Opposed:** None **Absent:** Sellen **Abstain:** None

c. First Reading and Consider Adoption of Ordinance 2022-4 An Ordinance of the Scotia Community Services District Board of Directors - Title X - Adopting the Prohibition of All; Water Theft, Unauthorized Use of, or Tampering with, any Scotia Community Services District Water Infrastructure

- District Manager Staff report
- Board: Has theft been an issue? There have been a few instances per District Manager
- Is there are way to lock faucets? Yes
- Public comment: Appellant Appellant – this is a problem County wide, typically cannabis, but theft will continue.
- Motion: Motion: Black and 2nd Ansted

Motion: Introduce and waiving further reading of Ordinance No. 2022-4 (except by title only), An Ordinance of the Scotia Community Services District Board of Directors, Adopting Title X - Prohibition Of Water Theft, continue decision to the next meeting.

Motion: Black **Second:** Ansted

Motion Vote: Ayes Ansted, Black, Newmaker, Pryor, **Opposed:** None **Absent:** Sellen **Abstain:** None

d. SCSD Draft Budget for FY 2021-22

President Newmaker introduced. District Manager presented staff report.

- CPI increase 7.1% for water/sewer; 3% for benefit assessments
- All District costs have increased (supplies, etc.) more than the 7% (150%-200%)

No Action: informational only, will notice for public hearing and adoption by resolution next month.

e. LAFCo Election Ballot

President Newmaker introduced. District Manager presented staff report. Board would like more time to research.

Motion: Motion to continue to June 16, 2021 meeting

Motion: Pryor **Second:** Ansted

Motion Vote: Ayes Ansted, Black, Newmaker, Pryor, **Opposed:** None **Absent:** Sellen **Abstain:** None

f. As a Result of a Local Emergency, Authorize Remote Teleconference Meetings of the Scotia Community Services District Pursuant to Brown Act Provisions (AB361)

President Newmaker introduced. District Manager presented staff report.

Motion: Hybrid As a result of a local emergency, The Scotia CSD Board authorizes remote teleconference meetings of the legislative bodies of Scotia Community Services District pursuant to Brown Act provisions for the June 2022 regular Board meeting, and any special meetings

Motion: Newmaker **Second:** Black

Motion Vote: Ayes Ansted, Black, Newmaker, Pryor, Opposed: None Absent: Sellen
Abstain: None

2. Old Business – None

I. REPORTS

(5

minutes each)

The Board may briefly discuss any particular item raised; no action will be taken on these items.

1. President's Report - none

2. Board Director Reports - none

3. General Manager's Report: Reported on status of Corridor Project (Pump update. Pump got sent back, bearing issue, motor not damaged. Easements, Caltrans, HSC/HRC, Great Redwood Trail Authority (GRTA)), Dam Embankment Repair, Tesla – project/funding on hold, PGE @ WTP, NPDES/NCRWQB/EPA Inspection of facilities and grant application discussion, Baseball Restrooms (in flood zone. County required permit requiring flood reinforcement), Museum ADA upgrade (awaiting County comments/permit), Garage evictions.

4. Board Clerk's Report - none

5. District Counsel's Report - none

6. Engineer's Report - none

J. BOARD TRAINING - None

K. ADJOURNMENT – 7:48 PM

Approved:



Paul Newmaker, President

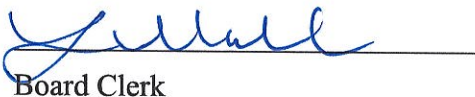
Board of Directors

Scotia Community Services District

6/16/22

Date

Attest:



Board Clerk

Scotia Community Services District

for Julie Hawkins

6/16/2022

Date

