

JCSD Minutes

Special Meeting of the Board of Directors of the Jacumba Community Service District
(JCSD) has been called for:

Tuesday, December 20, 2022, 6:00 p.m.

Highland Senior Center, 44681 Old Hwy 80, Jacumba Hot Springs, CA

I. OPENING PROCEDURES

A. CALL TO ORDER, 6:00pm

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL: Directors Bachmeier, Misquez, Ridge, Westley, Yu

D. PUBLIC FORUM: An opportunity for the public to comment on any topic that is within the jurisdiction of the Board and not on this agenda. Allocated time for public comment is 2 minutes for addressing one issue at any one time. (Brown Act, Section 54954.3)

Marty Kennel- When will the Highlands Center be open for Breakfast. He was redirected to speak to the Highlands Senior Board.

II. ITEMS FOR BOARD CONSIDERATION AND POSSIBLE ACTION:

a) Approval of Minutes: The board will review the draft minutes from the special meeting on December 6th, 2022 (Action) Tabled -Motion: Felix 2nd: Ridge Vote; Unanimous

- *Minutes table due to insufficient wording on previous minutes for December 6th. Felix B. has an issue with minutes from the closed session portion of Dec 6th, 2022, for section A. Says if minutes are tabled that means even closed session items are tables. To clarify by Katrina, the minutes itself are tabled. But the votes for Closed Session will stay as is as those are votes that were already made and there is no error to be changed. Felix expresses we does not understand why we do not just settle this case to be done with it instead of suspending everything. Sarah states new board members are trying to get up to speed and possibly not even agree to settle this arrangement as a board. All litigation is to be suspended until further action can be taken. New board members do not have all information to be voting on litigation.*

Mike Applemen stated on previous Special Meeting of 12-6-2022 the Highland Senior Lease was terminated. Then questioned Felix B. Instead of voting and taking legal action against Highland Senior Center why didn't the JCSD vote to just have the current Highlands board Changed.

b) Recent payment attorney invoices: President (Oral Report)

Felix Bachmeier asked why the Bill for Noonan and Lance was not an action item. Brenda stated that this bill was going to go for the monthly meeting. December's Monthly board meeting canceled due to holidays bill will be put January's agenda including full invoices for

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board members to review. Bill was issued for November. Bill was made out for work prior from the temporary suspension of lawsuits.

**Katrina, there will need to be a discussion on the date and time for the General Board Meetings. (The JCSD bylaws state all board meeting to be the 4th Tuesday of every month at the Jacumba library 5pm. During the pandemic they were moved to the Senior Center due to the space. But the bylaw can be changed upon discussion and approval of the board.)*

c) JCSD Elections of Officers: The Board will nominate and vote to appoint members of the Board of Directors to offices of President and Vice President. (Action) Katrina Westley for President Motion: Sarah 2nd Debra Yu Sarah Misquez for vice president Motion Debra Yu 2nd Katrina W. Vote unanimous

d) Reevaluate the need for the external JCSD Lease Administrator position: The Board will discuss the continued need for the external JCSD Lease Administrator position and return that role to the GM as per the Administrative Code and take appropriate action. (Action) Motion Felix 2nd Katrina W. Vote Unanimous.

e) Temporary suspension on all legal actions: Board will discuss suspending all legal action until the new Board members are fully apprised of their content and progress. Board will take appropriate action. (Action) Motion Katrina 2nd Sarah Vote Unanimous.

**Eminent Domain was suspended since months prior. Jeff Osborne and the JCSD had to come to an agreement for dismissing eminent Domain due to miscommunication. GM- An agreement has been drafted, and currently being reviewed by county counsel. Felix B to Jeff O. Your concern is does well 6 affects well 7 and 8. Jeff O.- It can potentially contaminate the main drinking water well.*

**Jeff Osborne questions there is a need for so much water to be sold out of Well 6 if the JCSD has other wells to use. Using one well is more than enough to sell water and there will be no need for big trucks coming through town. FB to Jeff, you own the land and you can say this in the agreement. Jeff responds he is just questioning why sell from multiple wells. Is there a really need to have so much water sold throughout the district. Does the town want all these trucks coming through town buying these large quantities of water. GM states it's a lot of revenue. Sarah: In the future this can be brought up as an agenda item to be discussed and reviewed.*

**Jacumba resident: I thought the new well was built for the fire department.*

f) Update on the Friday 12/9/22 Court Hearing: President to give update on the outcome of the above court hearing. (Oral report)

**Mike A- Question to the board? Is everyone up to date on litigation. He believes main contact is Felix B. and if they have the stipulation to the court hearing of December 9th. No one in the board has the stipulation from December 9th but they were shown a copy by Mike. Tanya explains our attorney should be the one providing these documents straight to the JCSD not the opposite party so they can be passed on to board members, but there has not been any shown to anyone. Mike*

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A. they did the most on there part to send any stipulation paper work they had our attorneys said it was fine but they needed to check with client which is F.B and gave him the thumbs up Ethan Boyer signed it and took it to court Friday. Felix B states that's not exactly what happened. Felix only requested an update from Ethan Boyer of the court appearance. Email Tues DEC 13. 2022 from Ethan Boyer (Request 90 days of suspension) Doesn't have full emails to show board members at the time because of email change. Felix states he did not approve of anything to be sent to anyone for Dec. 9th. Felix B emails attorneys the Tuesday before the court hearing to stop all litigation and they contacted Felix back stating this process of litigation is not something we just shake hands and walk away. Litigation needs to be settled. Felix texted Mike A. his understanding is that the attorneys are discussing how litigation can it can be settled but it has been agreed to be suspended. Felix finds out Mike A. gives direction to Brenda Hernandez; Office Manager of JCSD to draft the minutes of Dec 6. 2022.

Katrina requests all emails to be sent to her and the entire water board. Including anything form Eminent Domain.

Greg Curran: Just to clarify in the hearing of Dec 9th 2022 there is a stay of 90 days and that means no legal actions can be conducted. Felix replies that are what the word suspended means thinking it would all be settled on the hearing date of Dec 9th. There was a unanimous vote between the board to suspend any legal action.

g) JCSD employee: President will discuss an employee taking direction form the Highland SCG, Inc Lease Administrator regarding draft board minutes sent to the JCSD Attorney (Discussion)

Katrina addressed that it should have been the board themselves to give direction to Brenda to have those motions on the draft minutes ready and send to the attorneys to be able to send to the attorneys and have it sent to the judge. Brenda Hernandez the Office Manager was asked to send the draft meeting minutes by Mike Applemen. Brenda clarified minutes were not officially approved by the JCSD Water Board, they do not include any comments from the public only the votes that were made during the meeting there for only votes and motions made during our closed session were presented. No public comment was included on these draft minutes.

Mike A to clarify the court called for these motions it wasn't picking or choosing sides. All attorneys were aware of needing these motions, the JCSD has spent 60, 70, 80 thousand dollars so far and if the JCSD attorneys did not show up to court prepared with these motions the JCSD could have had the court dismiss the case. After Tuesday nights meeting Mike realized no one was prepared for this meeting. Its now Thursday afternoon lunch time and Brenda is out by 3. He explained what was needed and Brenda was able to stay longer in her work day to complete these draft minutes and have them delivered to the attorneys in a timely matter. This not terminating or canceling anything it is just to put things on hold.

h) Serving on two different Community boards: President will discuss this scenario regarding Debra Yu and Sarah Misque service on the Highland Senior Citizen Community Board. (Discussion)

** Sarah Misque and Debra Yu are no longer on the highland board. They only pertain to the JCSD. Felix B just needed confirmation to ensure there was no conflict of interest for the current*

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board members. Are there any minutes for when Misquez & Yu resigned from the Highland board. {Not any available}

* Bruce: Is the JCSD doing other board business on the water board meeting?

* Sarah responds to Felix all that needs to be known is they are no longer on any other board.

* Tanya: No one ever asked Lonna Marshall (former board member) is she pertained to any other boards, The JCSD never questioned why she was voted off the Highland board. Felix: there is available minutes from the Highland when Lonna Marshall was voted off and continued to stay on the JCSD water board as well.

* Tanya: Stated the Highland Senior Board could no longer stay in business because of a previous board member.

* Sarah M: If it was okay for Lonna Marshall to be on both boards then it should be okay for herself and Debra to be able to do the same.

*Mike A. Questions Felix B. was Lonna Marshall voting on anything related to litigation pertaining to the Highland Senior Center. Felix responds absolutely and voted on everything. Felix now questions if this a conflict of Interest. Sarah and Debra express that if it is a conflict of interest that they pertain to both boards then it should have been the same as when Lonna had voted on anything regarding Highlands.

*Felix asks if Lonna was already voted off the Highland Board before Litigation was filed with Highlands. Tanya says Felix received all information on why she was voted off the Highlands.

*Bonnie: What difference does it make if they were to pertain to both boards. They don't vote where they are not supposing to vote to avoid conflict of Interest.

* Jacumba resident to Felix have you always look out for the best interest of this community after all the money that was spent because herself still has infrastructures from 10 years ago that you guys are still waiting to be fixed and instead are spending all this money on lawyers and fighting over this stuff that L.M caused. That's why everyone is upset with you, you have the conflict of Interest. Felix B. answers his point is to not blame him because the highland board was suspended and they have their own chairman. Felix questions Greg Curran if he had some type of responsibility to help the Highland Board.

*Board members can be on any boards they desire. If there is a conflict of interest, board members must recuse them selves from voting on that particular item.

*Mike A: States that Lonna Marshall is a corporate officer for the Highlands, not only a board member. She is the CEO of the Highland center corporation and remains the CEO months after her removal from the board. She was allowed to vote in all closed sessions and regular monthly board meetings and had access to vote to sue the former entity she was part of and is considered a conflict of interest.

i) Consulting update: Research Lead, Board Member Katrina Westley, will present her consult findings and recommendation(s). Board will take appropriate action. (Action) Motion for Ronald Naves for consultant of the JCSD. Motion Katrina W 2nd Debra Vote Unanimous – Motion Passed

* Katrina did much research on recommendations and costs for strategic consulting companies, reached out to different water companies throughout the county, and spoke to the CSDA. To have someone come in right now and do an overall strategic operations planning will at least be \$150,000. Katrina had a zoom Interview with Ronald Naves will come in and check all compliance and by laws for the JCSD. Naves is a water board consultant, attorney and has amazing credentials. Katrina has information available about him with her. He is willing to work at a discounted rate. Due to his water board experience, he will be able to help the district at a more

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effectively and cost-efficient price. Unfortunately, there will be some money that will need to be spent but Naves can do it all for one price. Instead of having many different people coming into the district.

**Bruce: In the previous years wasn't there someone that came into help for the same situation and now we are back to the same problems. Katrina responded that is the next agenda item to be discussed.*

**Bonnie: what if Naves doesn't work out? Katrina responds that we will just get rid of him but doubts that will happen with all his background it seems to be the best option at the moment.*

j) Search for additional auxiliary staffing for operations support: Board discussion and appropriate action. (Action) Motion Sarah 2nd Katrina W Vote Unanimous.

**Katrina: The staff needs the support for getting our other wells and running. We need someone to have a strategic plan done for the JCSD. Maybe looking into a previous company, we had work for the JCSD before. We have aging infrastructures, The JCSD has a lot of work that needs to be done like tanks and other wells that need to be worked on. Financially it would make more sense to have someone help us with operations. Katrina would like to get a proposal from Julie Meeks to see if she is able to come out and help since she knows the company.*

k) Highland Senior Center: HSC Lease Administrator will present an update and discuss damages. (Oral Report)

**Mike is working on getting the Highland center remodeled, but was unsuccessful with an SDGE company because of the litigation going on with the JCSD. SDGE received a call from the former JCSD lease administrator and indicated Highlands was in the middle of litigations and they were in for a loss. SDGE passed on helping the Highlands so Mike pointed out the Boulevards Center might need help. They have gotten at least 400-\$500,000 worth in T I's done to the building and it's all official and running through the county. He is hopeful that the company turns around and is willing to help the Highland Center. Financial consequences are being put into effect with the litigation between the JCSD and the Highland Center.*

**Bonnie: Does the JCSD have Liability insurance for the board of directors and would like a copy of that policy. Insurance was her business and would like to see the airt and omissions policies that we have for the district. EG will forward to her and Board Members. Probably to policies.*

** Tanya revisits Martys comment from earlier. The Highlands won't be open for a while due to the floors in the kitchen not being able to pass inspections.*

V. ADJOURNMENT 7:38 PM

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