

**MINUTES
SPECIAL MEETING OF THE BOARD
OF DIRECTORS OF ELSINORE VALLEY
MUNICIPAL WATER DISTRICT
TUESDAY, DECEMBER 22, 2020**

The Special Meeting of the Board of Directors of Elsinore Valley Municipal Water District was held via teleconference, through a call-in number clearly noted on the meeting Agenda, posted in accordance with the Brown Act.

Directors Present

Phil Williams, President
Darcy M. Burke, Vice President
Andy Morris
Jared McBride

Director Absent

Harvey Ryan, Treasurer

Staff Present

Greg Thomas, General Manager
Steve Anderson, Legal Counsel
Terese Quintanar, District Secretary/Administrative Services Supervisor
Robert Hartwig, Assistant General Manager – Business Services
Ganesh Krishnamurthy, Assistant General Manager – Eng. and Operations
Christy Gonzalez, Deputy Board Secretary/Executive Assistant
Susie Evans, Sr. Executive Assistant
Greg Morrison, Government Relations Officer
Parag Kalaria, Water Resources Manager
Scott Thompson, Accounting Manager
Matt Bates, Engineering Manager
Shawnelle Morelos, Principal Engineer, Capital Projects
Nelson Nuezca, Principal Engineer, Capital Projects
Christina Henry, Community Relations Manager
Bonnie Woodrome, Community Affairs Supervisor
Kaitlyn Wu, Community Affairs Specialist
Isabel Casteran, Safety Officer
Leah Skor, Records Coordinator
Serena Johns, Sr. Management Analyst

Others Present

Brandon MacNider
Public

CALL TO ORDER

The meeting was called to order by President Williams at 9:04 a.m.

APPROVAL OF AGENDA

A motion was made by Director Morris, seconded by Director Burke, and carried unanimously to approve the Agenda as presented.

PUBLIC COMMENTS

The meeting was opened to public comments on the teleconference and in the room and there were none.

Item I.0 - CONSENT CALENDAR

Minute Order #5587

- A. APPROVAL OF:
1. Minutes of the Regular Board Meeting of December 10, 2020
 2. Minutes of the Regular Legislation, Conservation and Outreach Committee Meeting of October 28, 2020
 3. Demands
 4. Publication for Public Notice of Accumulated Unclaimed Monies for the Purpose of Transferring Unclaimed Monies to the District General Fund (*MO #5587*)

Director Burke pulled Consent Calendar Item A.4 and questioned what the percentage of effectiveness is found by outreaching in newspapers. Ms. Woodrome responded that 7% of constituents receive their information from the newspaper. She also reported this information will be posted on the website, website banner, social media and the upcoming waterlog. Director Burke requested this information be included in future staff reports.

A motion was made by Director Burke, seconded by Director Morris, and carried unanimously to:

- 1. Approve the Consent Calendar as presented.***

Item II.0 BUSINESS ITEMS**Item II.A. CUSTOMER ESCALATION – BRANDON MACNIDER APPEAL**

Minute Order #5588

President Williams reported this item is an appeal for the General Manager's decision upholding staff's denial of a request for refund by Mr. MacNider, a district customer. He then asked staff to provide a report.

Ms. Henry reported Mr. Brandon MacNider is a current Elsinore Valley Municipal Water District (EVMWD) customer and resides at 31927 Manzanita Lane in Lake Elsinore. He is disputing past due charges that were originally billed in 2010 in his name at 23726 Pinnie Circle. Following the General Manager's denial of claim on December 1, 2020 and in accordance with District Admin Code Section 2200, Mr. MacNider is formally requesting this matter be escalated/appealed to the EVMWD Board of Directors for consideration. She continued to provide background as outlined in the staff report located within the packet and concluded it is staff's recommendation the Board deny Mr. MacNider's appeal.

Mr. MacNider then reported he did live at the property for maybe two months, however, felt he was a victim of identity theft. He claimed he never made the phone calls or signed any agreements with the District. He further commented a police report was done at one time, however, its whereabouts are unknown and that he could request another one for the Board.

Director McBride commented he has reached out to staff for signed receipts or proof of call records, however, did not receive any. Ms. Henry responded that in 2010 the District did not record the phone calls. She further explained signed arrangements are not keep on file, as they are not a part of the District's retention policy. There is a copy of the arrangement that is kept on the account, but is computer generated not a signed copy. Director McBride commented the Board needs to follow the facts and the evidence. He felt the notes in the Board packet and the notes given to him just recently did not clearly state he lived there two years. He also felt Mr. MacNider agreeing to a payment plan was not an admission of guilt. Having no signed agreement, receipts or call records pinpointing Mr. MacNider, he expressed his hesitation to put this much debt on the customer when the facts are unclear.

Answering a question from Director Morris, Ms. Henry commented that when someone calls in for service a driver's license, social security number, and name is used to cross reference any past due balances. Director Morris requested documentation that would corroborate with what Mr. MacNider is saying, perhaps a police report documenting the identity theft, or another bill showing that he lived somewhere else during that time.

Director Burke asked Ms. Henry if she recognized the voice on the phone as the same individual from ten years ago. Ms. Henry responded she did recognize the voice along with his face from ten years ago when he came into the District's lobby, and later at Small Claims Court. Director Burke commented she understands how frustrating this may be and wanted to make sure Mr. MacNider understood the rules for this appeal. She continued to ask questions on utility payment process to his landlord at that time, and if he could possibly get a statement from them on confirming location of his residence during the specified time.

Director Williams commented he had a hard time corroborating his story and questioned if there was anything or anybody that can come forward on his behalf.

Director Burke mentioned it is our policy to send individuals to collections for outstanding balances and wanted to know if he ever received any notification from them. Mr. MacNider responded he was never notified of a past due bill. Director Burke continued to comment there are conflicting statements from Mr. MacNider's own emails on where he lived. It would be helpful to have more information to validate his statement of identity theft, along with his living arrangements and what the situation was at that time.

Director McBride commented the District's facts are not as strong as well, since there wasn't clear technology at that time and there were no signed records or call records.

Mr. Anderson shared with the Board that they are not limited to the items within the Board packet, but can also consider the primary witness, Ms. Henry, and what she has shared.

President Williams suggested giving Mr. MacNider two weeks to prove he didn't live there during that time. Mr. MacNider commented he would not be able to come up with the documentation since it was ten years ago, and that he would respect the Board's decision.

A motion was made by Director McBride to allow Mr. MacNider a two-week extension to provide more documentation of his living arrangements during that time. Director McBride's motion failed for lack of a second to the motion.

A motion was made by Director Burke, seconded by Director Morris, and passed 3-1, with Director McBride opposing, to:

1. Deny Mr. MacNider's Appeal.

Item III. A GENERAL MANAGER'S REPORT

Mr. Thomas reported Congress recently passed the next stimulus bill of \$900B relating to COVID-relief efforts and funding the government through September 2021. There is approximately \$638M for water, primarily for low-income and Native Americans, going through States via grants.

He then reminded the Board of upcoming District closures due to the holidays, and thanked the Board for making 2020 a great year. He wished everyone a Merry Christmas.

Item III. B LEGAL COUNSEL'S REPORT

Mr. Anderson reported on a recent decision by the Los Angeles Superior Court upholding a FPPC decision imposing a \$1.3M fine on the County of Los Angeles. This decision was based on a public agency acting in the capacity to spend money

to endorse and having to disclose how much money is spent through committee statements.

President Williams questioned if public agencies can now support measures to increase their revenue. Mr. Anderson responded that is a separate area of the law, and it has always been a fine line on what is public education and political endorsement.

Item III. C BOARD COMMITTEE REPORTS

There were no reports.

Item IV.0 DIRECTORS' COMMENTS AND REQUESTS

Director McBride wished everyone a Merry Christmas and that he is looking forward to serving in the next year. He appreciates working with the Board members and all the hard work from staff.

Director Morris echoed Director McBride's comments and wished everyone a Merry Christmas.

Director Burke commented the lead and copper rule came out today. After conversations with EPA, the challenges will be with residents who have lead pipes. The expectation will be on the water agencies, not the residents, to finance the replacement. She wished everyone a Merry Christmas.

President Williams thanked staff for working through these trying times. But as typical with EVMWD, we rose to the challenge and he is very proud. He wished everyone a Merry Christmas and Happy New Year.

Item VI.0 ADJOURNMENT

The meeting was adjourned at 10:02 a.m.

Phil Williams, President of the
Board of Directors of the
Elsinore Valley Municipal Water District

ATTEST:

Terese Quintanar, Board Secretary
to the Board of Directors of
Elsinore Valley Municipal Water District