



**HUMBOLDT COMMUNITY SERVICES DISTRICT  
BOARD OF DIRECTORS  
REGULAR SCHEDULED MEETING**

**AGENDA**

**DATE:** Tuesday, September 14, 2021

**TIME:** 5:00 p.m.

**LOCATION:** *In accordance with the Governor's Executive Order N-08-21 #42, HCSD Board of Directors shall conduct the District's business via teleconference.*

*The open session segment(s) of the meeting, including Public Participation, may be joined through the Zoom Website (<https://zoom.us>) by clicking on "Join A Meeting" and entering the following Meeting ID then follow the prompts for Passcode and audio. Access may also be achieved by telephone only by dialing 1-669-900-9128 followed by the Meeting ID and Passcode below:*

*Meeting ID: 817 8656 8756*

*Passcode: 475221*

*Participation protocol:*

- *Please use the MUTE function when not speaking*
- *Please use the "RAISE HAND" feature when wishing to be acknowledged for participation. Raise Hand feature is located in the lower right portion of the screen via the "REACTIONS" icon.*
- *Please do not speak out of turn; wait for the Board President to call upon you to share.*

**A. CALL TO ORDER AND ROLL CALL**

**B. CONSENT CALENDAR**

1. Approval of September 14, 2021 Agenda *Pgs 1-2*
2. Approval of Minutes of the Regular Meeting of August 24, 2021 *Pgs 3-5*

**C. REPORTS**

1. General Manager
  - a) GM Report *Pg 7*
  - b) 2022 Employee/Retiree Health Benefits Renewal Update *Pgs 9-11*
2. Engineering
3. Superintendent
  - a) August Construction Operations Department Report *Pg 13*

4. Finance Department

- a) August 2021 Check Register

*Pgs 15-26*

5. Legal Counsel

6. Director Reports

7. Other

**D. PUBLIC PARTICIPATION \*\***

\*\*Members of the public will be given the opportunity to comment on items not on the agenda by way of a Zoom meeting. Please use the information set forth above to participate. The Board requests that speakers please state their name and where they are from, be clear, concise and limit their communications to 3 to 5 minutes. At the conclusion of all oral communications, the Board or staff may choose to briefly respond with information in response to comments; however, the Brown Act prohibits discussion of matters not on the published agenda. Matters requiring discussion, or action, will be placed on a future agenda.

**E. NON-AGENDA**

**F. NEW BUSINESS**

1. Review Letter from The Mitchell Law Firm, LLP Requesting the Board Consent to Waiver of Conflict of Interest

*Pgs 27-34*

**G. OLD BUSINESS**

**H. CLOSED SESSION**

1. Pursuant to Government Code Section 54954.5(e) PUBLIC EMPLOYEE PERFORMANCE EVALUATION – General Manager

**I. ADJOURNMENT**

Next Res: 2021-11

Next Ord: 2021-01

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact Brenda Franklin at (707) 443-4558, ext. 210. Notification 48 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accessibility to this meeting (28 CFR 35.102 – 35.104 ADA Title II).

Pursuant to §54957.5(a) of the California Government Code, any public record writings relating to an agenda item for an open session of a regular meeting of the Board of Directors, not otherwise exempt from public disclosure, are available for public inspection upon request at the District offices located at 5055 Walnut Drive, Monday through Friday (holidays excepted) during regular business hours.

DRAFT – MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF DIRECTORS OF THE  
HUMBOLDT COMMUNITY SERVICES DISTRICT

The Board of Directors of the Humboldt Community Services District met in Regular Session at 5:00 p.m. on Tuesday, August 24, 2021, via tele/video conference in accordance with the Governor’s Executive Orders N-08-21.

**A. CALL TO ORDER AND ROLL CALL**

Present upon roll call were Directors Bongio, Gardiner, Hansen, and Matteoli. Director Benzonelli arrived at 5:01 p.m. Staff in attendance: General Manager Williams (GM), Legal Counsel Plotz, Superintendent Latham, Finance Manager Montag (FM), and Assistant Engineer Adams (AE).

**B. CONSENT CALENDAR**

- A. Approval of August 24, 2021 Agenda
- B. Approval of Minutes of the Regular Meeting of August 10, 2021
- C. Approval of Minutes of the Special Meeting of August 12, 2021

DIRECTOR MATTEOLI MOVED, DIRECTOR HANSEN SECONDED, TO ACCEPT AND APPROVE THE AUGUST 24, 2021 CONSENT CALENDAR. MOTION CARRIED UPON THE FOLLOWING ROLL CALL VOTE:

AYES: BENZONELLI, BONGIO, GARDINER, HANSEN, MATTEOLI  
NOES: NONE  
ABSENT: NONE

**C. REPORTS**

1. General Manager

a) General Status Report

GM reviewed his August 20, 2021 Memorandum summarizing:

- Drought and Conservation Messaging – as mentioned at the last meeting, District customers have not responded well to the Governor’s executive order in July requesting voluntary reduction in consumption by 15 per cent. GM presented a press release listing efficiency tips.
- Ridgewood Tank Status – Work is proceeding ahead of schedule with anticipation of completion and the tank back on line as early as the second week of September.
- Capital Projects – The AE, Superintendent, and GM are working diligently toward execution and completion of the current fiscal year’s aggressive Capital Improvement Program.

DRAFT – MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF DIRECTORS OF THE  
HUMBOLDT COMMUNITY SERVICES DISTRICT  
Continued; August 24, 2021

2. Engineering

- a) AE summarized his August 19, 2021 Memorandum addressing various activities of the department. Upon request for elaboration upon the Water Model, AE advised he is still identifying some intricacies such as missing details, but overall, it is working fine. GM added that the creators of the model have agreed to free of charge clarification when needed.

3. Superintendent

- a) July Operations/Maintenance Department Report

Superintendent reviewed his August 19, 2021 Memorandum elaborating upon activities over and beyond those anticipated during a standard month: testing of all stationary/portable generators, annual cathodic protection inspection/maintenance for all water storage tanks, responding to a power outage.

4. Finance Department

- a) July 2021 Budget Statement

FM reviewed the report without question adding that the State Water Board's Arrearages Survey is nearing completion which is the first step in receiving a distribution of the \$985 Million relief funding of unpaid customer bills during COVID.

6. Director Reports

Director Benzonelli – Reported her attendance at the monthly RREDC meeting wherein HBMWD advised they are still pressuring the Department of Toxic Substance Control regarding the toxic plume in Blue Lake and they continue to look for available options to maintain the majority of their 65 MGD allotment when the agreement comes up for renewal in five-years. Redway CSD reported they are completely out of water, and there was a presentation about the roll-out plans for converting HSU to a polytechnic school.

**E. PUBLIC PARTICIPATION**

President Bongio invited the public to address the Board on any item not listed on the agenda or issues generally affecting District operations, which are within the jurisdiction of the Board.

DRAFT – MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF DIRECTORS OF THE  
HUMBOLDT COMMUNITY SERVICES DISTRICT  
Continued; August 24, 2021

Caren Spencer advised she sent an email to each Director identifying her issues requesting a response at their leisure.

**F. NEW BUSINESS**

1. Consideration of One Utility Worker Job Description Series Per Level of Expertise to Apply to All Departments

GM reviewed the report summarizing the complications presented when moving one utility worker to a different department under the current itemized descriptions. The similar skills and credentials required for each level (I, II, III) have been streamlined into three proposed job descriptions, rather than the existing nine, which will provide seamless lateral transfers between departments.

Public Comment: None

IT WAS THEN MOVED BY DIRECT HANSEN, SECONDED BY DIRECTOR MATTEOLI TO ADOPT A SINGLE UTILITY WORKER JOB DESCRIPTION SERIES PER LEVEL OF EXPERTISE TO COVER ALL THREE FIELD DEPARTMENTS. MOTION CARRIED UPON THE FOLLOWING ROLL CALL VOTE:

AYES: BENZONELLI, BONGIO, GARDINER, HANSEN, MATTEOLI  
NOES: NONE  
ABSENT: NONE

**H. ADJOURNMENT**

There being no further business, IT WAS MOVED BY DIRECTOR MATTEOLI, SECONDED BY DIRECTOR BENZONELLI, TO ADJOURN. MOTION CARRIED UPON THE FOLLOWING ROLL CALL VOTE:

AYES: BENZONELLI, BONGIO, GARDINER, HANSEN, MATTEOLI  
NOES: NONE  
ABSENT: NONE

THE BOARD ADJOURNED ITS REGULAR MEETING OF AUGUST 24, 2021 AT 5:23 P.M.

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Submitted, Board Secretary

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# Humboldt Community Services District

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*Dedicated to providing high quality, cost effective water and sewer service for our customers*

## MEMORANDUM

TO: Board of Directors

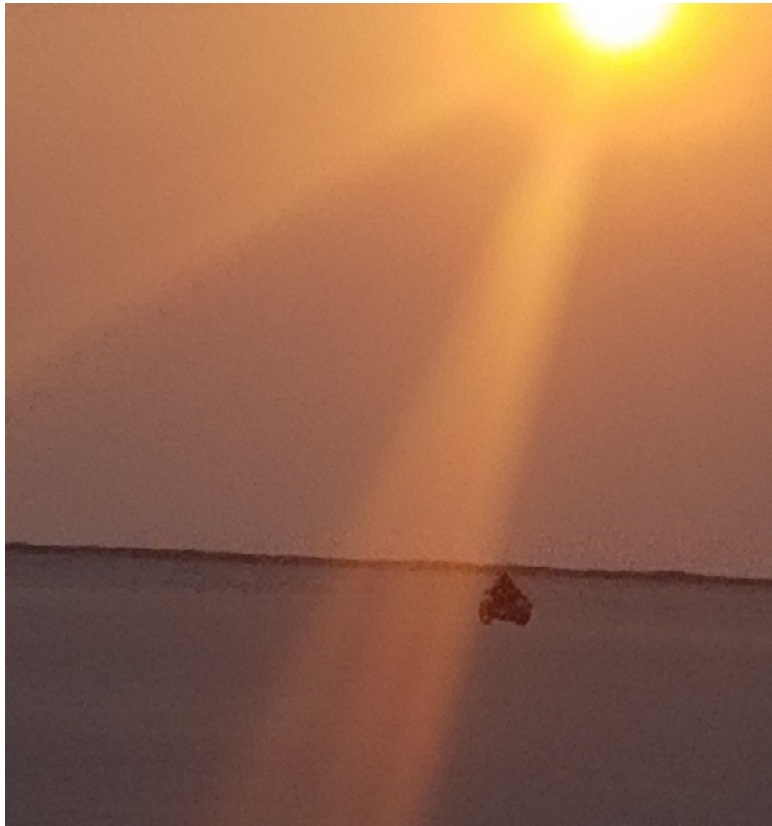
FROM: Terrence Williams, General Manager

DATE: September 10, 2021

SUBJECT: General Manager Report for September 14, 2021 Board Meeting

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I want to thank the staff at the Humboldt Community Services District for their exemplary performance over the past two weeks while I was away from the office. I was in Utah attending a memorial service for a family member. My family is a bit unconventional so the memorial took place at the Bonneville Speedway during the Motorcycle Speed Trials. As part of honoring my uncle, I built a motorcycle and participated in the event. Tears were shed and memories were shared. I received email updates from staff regarding the District's operations but nothing that required me to interrupt time with my family; and for that I am eternally grateful.



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Mailing: Post Office Box 158 • Cutten, CA 95534 • tel (707) 443-4558 • fax (707) 443-1490  
Physical Address: 5055 Walnut Drive, Eureka, CA 95503

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# Humboldt Community Services District

*Dedicated to providing high-quality, cost-effective water and sewer service for our customers*

## MEMORANDUM

To: HCSD Board of Directors  
From: Terrence Williams, General Manager  
Date: September 14, 2021  
Subject: 2022 Employee/Retiree Health Benefits Renewal Update

Every year around this time, the ACWA/JPIA update their benefits packages in preparation for the upcoming open enrollment. This year is no different. There are minor cost changes to the HMO and PPO plans, there are new mental health benefits, some minor changes to dental and vision benefits and Medicare retiree benefits are transitioning to the United Healthcare Medicare PPO. The following paragraphs provide details on each of these changes.

Fiscal Year 21/22 rates are significantly lower than the projected budget expenses of 14%. Anthem PPO plans will realize a 5% *decrease*, while HMO's will only incur a 2.2% increase. There will be no change to the life, short- & long-term disability, dental or vision premiums.

The open enrollment period for plan changes to take effect on January 1, 2022 begins October 4 and ends October 29, 2021. Open enrollment is the one time a year that an employee/director can add dependents, change medical plans, opt out of coverage (with proof of other coverage) etc., outside of a 30-day grace period for a life event (i.e., marriage, birth/adoption).

Effective September 1, 2021, Modern Health Mental Health Benefits became available to all employees, directors and their dependents. Please see the attached flyer. Modern Health's network is enhanced by partnering with coaches in addition to therapists. Patients are triaged through a self-assessment tool with an average time to connect with a provider of 1.8 days. Services are available by video, chat, and in person. This additional benefit to employees and their dependents will not increase rates billed to the District or other JPIA members. A webinar targeted toward employees was held September 8, 2021 for those interested to learn about the benefit. The session was recorded for later review.

Effective January 1, 2022, the following enhancements will be implemented by ACWA/JPIA:

1. Delta Dental PPO will cover 100% of preventive and diagnostic services.

2. Vision Plus

- contact lens allowance will increase from \$120 to \$150
- anti-reflective coating for \$25 copay. This was not a previously covered benefit.

Medicare Retirees

Beginning January 1, 2022, all retirees with Medicare will transition to enrollment in the United Healthcare (UHC) Medicare Advantage PPO. Premiums average 29% less than current premiums for Medicare eligible retirees. Prescription copays will not change, but virtually all deductibles will be non-existent to the retiree. Another improvement is there will only be one ID card necessary that will cover Medicare, health, and prescriptions. As the plan rolls out, more details will be released by the JPIA.

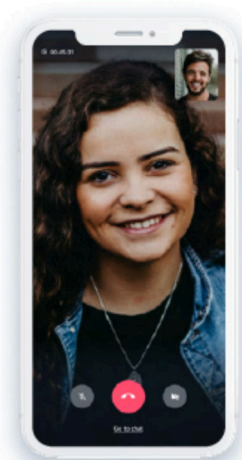
According to ACWA/JPIA, 99.85% of doctors accept UHC Medicare Advantage, so the transition should be seamless to the retiree merely requiring doctor office paperwork/billing updates. Additional benefits include a no cost gym membership at 12,000+ locations, online brain health programs, local wellness events, etc.

HCSD staff participated in an August 25 webinar to receive information about timelines, what to expect, and how to assist retirees with questions. ACWA/JPIA mailed the UHC plan announcement to retirees with Medicare on September 7, and have set up an “800” call center as well as scheduled webinars on each Wednesday in October to assist retirees with the change and to answer questions they may have.

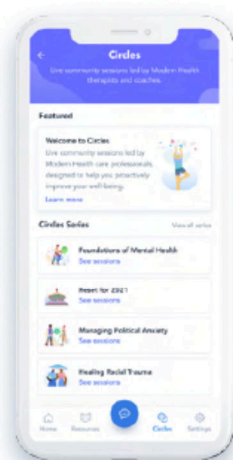


# Your home for mental wellness is here.

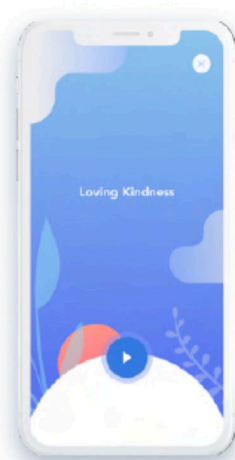
Welcome to Modern Health, your resource for mental wellness benefits so you can be the best version of yourself, at home and at work.



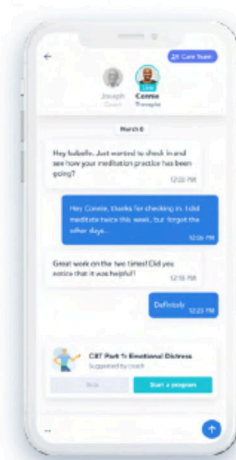
One-on-one coaching & therapy



Live group sessions

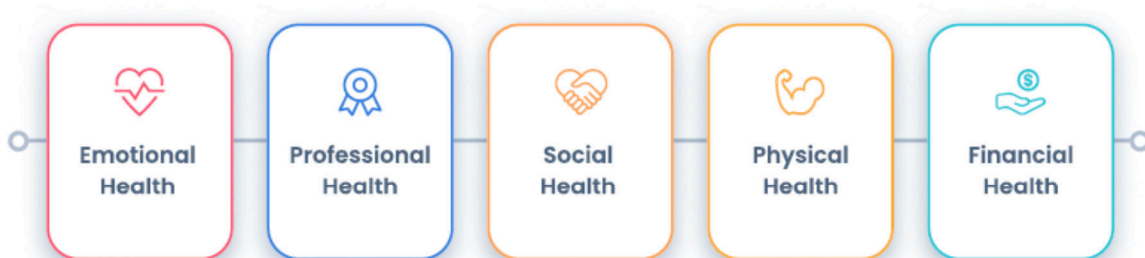


Meditations & programs



Unlimited texting

Modern Health provides support for all aspects of life:



Take the first step toward prioritizing you:  
Scan this QR code or visit [Modern Health](https://modernhealth.com) to get started.  
Questions? Email us at [help@modernhealth.com](mailto:help@modernhealth.com).



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# Humboldt Community Services District

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Post Office Box 158    Cutten, CA 95534    (707) 443-4558    Fax (707) 443-1490

To:        H.C.S.D. Board of Directors

Date:       September 9, 2021

From:      Tim Latham, District Superintendent 

Subject:   August 2021 Construction Operations Report

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General business for the month of August included water service line leak repairs on Williams Street, Felt Road and Quaker Street, a water main line leak repair on Cummings Road, sewer main line repairs at the end of Noe Street, verifying the location of a sewer lateral line on Harrison Avenue, concrete repairs on David Avenue, Eich Road and Primrose Avenue, relocating a water service on Alpha Street, modifications to an air release valve (ARV) on the water main line on Pine Hill Road and the installation of a new water service on Lindy Lane.

Other business included performing vehicle and equipment maintenance, water meter reading, customer service orders, exercising valves as part of the Valve Exercise Program, landscape maintenance around fire hydrants, hauling dirt to fill sites and preparations for the upcoming Christian Lane Steel Water Main Line Replacement Project.

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# Accounts Payable

## Checks by Date - Detail by Check Date

User: FM  
 Printed: 9/8/2021 4:55 PM

Humboldt Community Services District  
 5055 Walnut Drive – Eureka CA 95503  
 PO Box 158 – Cutten CA 95534 (707) 443-4558

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
54653	A205 16580	Advanced Industrial Services Inc. Progress payment for the Ridgewood Tank Reha	08/06/2021	114,902.50
Total for Check Number 54653:				114,902.50
54654	A210 570485 571117 571117 571117 571117 571117 571117	Petrusha Enterprises Inc. Ridgewood Pumphouse power failure alarm syst Open/Close Reporting RdgwdPump Comml Monitoring RidgwdPump Cell Alarm Coms RdgwdPump KeypadMobile Access AES Comml Fire Alarml Comms Commercial Fire Monitoring	08/06/2021	1,806.15 45.00 76.50 120.00 15.00 105.00 79.50
Total for Check Number 54654:				2,247.15
54655	C180 4036887436 4036887436 4036887436	Canon Solutions America Inc. Constr Color Copies XLN04212-04.19.21-07.18 Constr Black Copies XLN04212-04.19.21-07.18 Use Tax Recovery Fee/ConsCopMa	08/06/2021	12.64 4.73 0.68
Total for Check Number 54655:				18.05
54656	C410 July 2021 July 2021	City of Eureka: SW General 79% Humboldt Hill 21%	08/06/2021	96,462.16 25,641.84
Total for Check Number 54656:				122,104.00
54657	C410 FY20-21CIP	City of Eureka: SW COE CIPs	08/06/2021	590,719.00
Total for Check Number 54657:				590,719.00
54658	C450 062021	City of Eureka: Water Test Microbiological Testing - June	08/06/2021	408.00
Total for Check Number 54658:				408.00
54659	C475 07152777P 0781625S	Coast Counties Peterbilt Unit #13/LED Beacon/Pulse II Med Unit #1/Remove and replace belt tensioner	08/06/2021	106.01 3,235.38
Total for Check Number 54659:				3,341.39
54660	E485 07312021 101370/3 101582/3 101638/3 101650/3	Cooney Parris and Rieke Corp Discount Earned - July So Bay well/Sand trap/Elbw 90D Ohio St sewer repair/Concrete mix 60# Unions brass comp/Reducing union/Garden spra Union brass comp/Hose barb/Reducing union	08/06/2021	-10.47 15.06 20.98 40.90 18.39

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
	101822/3	Ohio St sewer repair/Concrete mix 60#		55.94
	101850/3	Ohio St sewer repair/Concrete mix 60#		27.97
	102661/3	Hoover SLS/StarAP8x2/Paint brwn/Pest block/1		34.70
	102817/3	Receptacle wallplate/Ground receptacle		1.92
	102846/3	1x4x8 Pine/Spry pnt espresso		11.89
	102891/3	Spry pnt espresso		10.75
Total for Check Number 54660:				228.03
54661	E558	NAPA Auto Parts of Eureka	08/06/2021	
	209938	Shop/Oil filter/Delo400 15w40 Gal/Syn SW30 C		233.96
	212265	Unit #19/Brake shoes/Core deposit/Gold air filte		107.83
	213794	Unit #18/2.5 Blue Def		36.25
	214676	Purple Power car wash		15.27
Total for Check Number 54661:				393.31
54662	E650	Eureka Ready Mix	08/06/2021	
	72183	Yard/Base		1,657.55
Total for Check Number 54662:				1,657.55
54663	H010	Keenan Supply	08/06/2021	
	07312021	Discount Earned - July		-169.75
	S011918058.002	Yard restock/2 PVC brass mac pak cplg		504.95
	S011951529.002	Yard restock/IMP brass 90 street elbow		63.75
	S011955864.001	Yard restock/Nyl dbl strap srv saddle/Romac stra		603.80
	S011965620.002	Yard restock/Repair cplg/Std brass nipple		279.68
	S011965620.003	Yard Restock/Std Brass nipple		230.28
	S011977360.001	Yard restock/nyl dbl strap srv saddles/Christy wa		1,891.76
	S011984494.001	Yard restock/Street elbow/Street 45 elbow		1,016.44
	S011985062.001	Yard restock/PEP mac pak brass bend/Meter swi		845.83
	S011986682.001	Yard restock/Indiana seal shear ring cplg/Red wy		2,277.43
	S011986710.001	Yard restock/Indiana seal shear ring cplg		251.30
	S011986710.002	Yard restock/Indiana seal shear ring clip		759.07
	S011986833.001	Yard restock/Street 45 elbow		97.81
	S011997341.001	Yard restock/Wilkins dbl union wtr press red val		333.68
	S011997341.002	Yard restock/AYM rubber meter gasket		37.52
	S012000127.001	Credit/Return/Yard restock/AYM Rubber meter g		-19.51
	S012005366.001	Yard Restock/Twist tite mech test plug w metal v		70.88
Total for Check Number 54663:				9,074.92
54664	H410	Humboldt Bay Municipal Water D	08/06/2021	
	22837000	Water Purchased - July		92,390.30
Total for Check Number 54664:				92,390.30
54665	I525	Infosend	08/06/2021	
	193906	UB/Process and Mail/Bills - June		5,330.21
Total for Check Number 54665:				5,330.21
54666	J700	John's Auto Electric	08/06/2021	
	080212	Wire camera connection repair		300.00
Total for Check Number 54666:				300.00
54668	M230	Mendes Supply Co	08/06/2021	
	M213423	CH Bacticide Gal		784.40
	M213500	CH Bacticide Gal		261.47
	M213502	CH Bacticide Gal		870.38



Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
			Total for Check Number 54668:	1,916.25
54669	M350 5166430	Mid-City Motor World Unit #19/Drum brakes	08/06/2021	305.92
			Total for Check Number 54669:	305.92
54670	M450 515083084 515121436 515167221 515210082	Mission Linen Uniforms/Mats Uniforms/Mats Uniforms/Mats Uniforms/Mats	08/06/2021	371.99 222.69 391.48 218.02
			Total for Check Number 54670:	1,204.18
54671	M780 0161693-IN	Municipal Maintenance Equipmen Unit #18/Wearback boom elbow and gasket	08/06/2021	2,005.22
			Total for Check Number 54671:	2,005.22
54672	P006 027022252 027022252	PACE Supply Corp. G5 concrete boxes and lids for yard stock and rai G5 concrete boxes and lids for yard stock and rai	08/06/2021	-65.63 3,281.72
			Total for Check Number 54672:	3,216.09
54673	P130 08132021	Pacific Gas and Electric-St Street Lighting - July	08/06/2021	2,261.79
			Total for Check Number 54673:	2,261.79
54674	P190 167252	Pacific Paper Co Personal fan/Sharpie Ultra Fine/Elite image copy	08/06/2021	411.98
			Total for Check Number 54674:	411.98
54675	P430 07312021 975842 976284 976285 976667 976981 977053 977117 977117 979034 979064 979988 980844 980858	Pierson Building Center Discount Earned - July Stlwk Stl flat 0728/Stlwk Stl flat 0722/Milwauke Bulb led/Ettore cob web duster Trimmer line Yard restock/Hose clamps Meter reading tools/Bond trowel/Cutter backwoc #14 Black jack chain 16# PRV supplies/Brass comp hex hd plug/Hex nippl Unit #11/Tools/Vise grip 7"/WD-40 12oz Skylline/Rebar for manholes PVC nipple/90 deg/Ball valve Hoover Station/Chip brush/Spray coating/Attic l Duplex receptacle cover metal Tools/Milw recip 8" and 12" blades/5 pk ea	08/06/2021	-11.15 22.91 33.30 18.56 17.26 42.25 10.82 39.43 30.34 51.56 10.11 67.67 3.05 43.24
			Total for Check Number 54675:	379.35
54676	P557 1T79930	Rexel USA Inc. C-H SZ3 120V/C-H Size 3 contact	08/06/2021	1,175.65
			Total for Check Number 54676:	1,175.65
54677	S910 1	SWRCB Wastewater Treatment Plant Operator Certificati	08/06/2021	170.00

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
			Total for Check Number 54677:	170.00
54678	T410 1495536-01	Malcolm Kelly Inc. (2) B9 Valve boxes and lids	08/06/2021	175.89
			Total for Check Number 54678:	175.89
54679	U410	United Way of Humboldt PR Batch 00001.08.2021 UNITED WAY PR Batch 00001.08.2021 UNITED WAY PR Batch 00001.08.2021 UNITED WAY	08/06/2021 PR Batch 00001.08.2021 UNI PR Batch 00001.08.2021 UNI PR Batch 00001.08.2021 UNI	0.09 1.95 1.96
			Total for Check Number 54679:	4.00
54680	V700 INV 21-432122 INV 21-441267	Valley Pacific Petroleum Services Inc Fuel Fuel	08/06/2021	3,655.75 3,538.52
			Total for Check Number 54680:	7,194.27
54681	W208 1028	Watt's Cleaning Services Cleaning services for July 2021	08/06/2021	1,745.00
			Total for Check Number 54681:	1,745.00
			Total for 8/6/2021:	965,280.00
54682	A360 588876	AFLAC Supplemental Health Premium - July	08/10/2021	213.74
			Total for Check Number 54682:	213.74
54683	C370 09012021 09012021 09012021 09012021	City National Bank aMartin Slough AGr#12-020-01 bMartin Slough Agr#12-020-01 e1981 Bond Agr#12-020-04 f1981 Bond Agr#12-020-04	08/10/2021	54,760.08 34,039.92 23,471.29 1,278.71
			Total for Check Number 54683:	113,550.00
54684	H560 08102021	Humboldt Co Treasurer Replenish WW Reserves/Account 2542	08/10/2021	576,833.06
			Total for Check Number 54684:	576,833.06
54685	J900 Q4 FY21 Q4 FY21 Q4 FY21 Q4 FY21	ACWA/Joint Powers Insurance Authority Workers Comp Prog-Water Workers Comp Prog-Clerical/Brd Workers Comp Prog-Sewer Workers Comp Prog-Sales/Meter	08/10/2021	2,480.58 601.81 1,399.47 595.94
			Total for Check Number 54685:	5,077.80
54686	L200 60900620771	Les Schwab Tire Center of Calif Inc. Unit #13/New left front tire	08/10/2021	1,061.46
			Total for Check Number 54686:	1,061.46
54687	V500 9884623564	Verizon Wireless Internet/Phone - July	08/10/2021	387.71

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
			Total for Check Number 54687:	387.71
			Total for 8/10/2021:	697,123.77
54688	D807 4980704	DLT Solutions Annual Software Subscription Renewal 08.15.21	08/11/2021	2,153.07
			Total for Check Number 54688:	2,153.07
			Total for 8/11/2021:	2,153.07
54689	UB*01908	MARNIE ATKINS Refund Check Refund Check Refund Check Refund Check Refund Check Refund Check	08/19/2021	14.77 0.38 4.19 27.10 5.07 4.00
			Total for Check Number 54689:	55.51
54690	UB*01907	VERONICA BOYER Refund Check Refund Check Refund Check Refund Check	08/19/2021	28.15 12.34 41.31 7.74
			Total for Check Number 54690:	89.54
54691	UB*01914	NADINE BROCKWAY Refund Check Refund Check Refund Check Refund Check Refund Check Refund Check	08/19/2021	8.77 0.13 1.41 16.07 3.01 1.34
			Total for Check Number 54691:	30.73
54692	UB*01899	BOB BRUX Refund Check Refund Check Refund Check Refund Check	08/19/2021	17.86 5.07 32.78 6.13
			Total for Check Number 54692:	61.84
54693	UB*01910	GEHRIG DIEMOZ Refund Check Refund Check Refund Check Refund Check Refund Check Refund Check	08/19/2021	49.78 0.38 8.00 102.43 20.51 15.28
			Total for Check Number 54693:	196.38
54694	UB*01895	ESTATE OF DWANE L FIELDS	08/19/2021	

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
		Refund Check		59.22
		Refund Check		77.19
		Refund Check		5.63
		Refund Check		12.40
		Refund Check		124.36
		Refund Check		21.20
			Total for Check Number 54694:	300.00
54695	UB*01906	HERMAN EAGER Refund Check	08/19/2021	15.96
			Total for Check Number 54695:	15.96
54696	UB*01896	STACIA ELIASON Refund Check Refund Check Refund Check Refund Check	08/19/2021	7.28 74.84 14.01 40.79
			Total for Check Number 54696:	136.92
54697	UB*01905	GINA EMERY Refund Check Refund Check Refund Check Refund Check Refund Check Refund Check	08/19/2021	58.40 187.70 5.68 28.49 364.62 25.77
			Total for Check Number 54697:	670.66
54698	UB*01900	SOLOMON/JULIA EVERTA Refund Check Refund Check Refund Check Refund Check Refund Check Refund Check	08/19/2021	71.82 13.44 42.05 39.15 4.00 6.29
			Total for Check Number 54698:	176.75
54699	UB*01904	SAM/ELI FEATHERSTONE Refund Check Refund Check Refund Check Refund Check	08/19/2021	39.19 124.01 18.42 89.40
			Total for Check Number 54699:	271.02
54700	UB*01903	AARON FOSTER Refund Check Refund Check Refund Check Refund Check Refund Check Refund Check	08/19/2021	4.87 8.47 0.46 5.11 7.97 0.58
			Total for Check Number 54700:	27.46
54701	UB*01911	GINA GOODNER Refund Check	08/19/2021	4.13

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
		Refund Check		24.94
		Refund Check		15.77
		Refund Check		21.41
		Refund Check		2.94
		Refund Check		1.50
		Total for Check Number 54701:		70.69
54703	UB*01902	THOMAS NEEDHAM	08/19/2021	
		Refund Check		1.94
		Refund Check		7.54
		Refund Check		0.55
		Refund Check		8.01
		Total for Check Number 54703:		18.04
54704	UB*01909	ANNA NEGAARD	08/19/2021	
		Refund Check		6.16
		Refund Check		32.89
		Refund Check		4.70
		Refund Check		17.93
		Refund Check		0.45
		Refund Check		0.37
		Total for Check Number 54704:		62.50
54705	UB*01901	LATACIA PARENT	08/19/2021	
		Refund Check		36.48
		Refund Check		0.66
		Refund Check		7.33
		Refund Check		58.76
		Refund Check		10.02
		Refund Check		13.99
		Total for Check Number 54705:		127.24
54706	UB*01897	DANIEL/TAMME SCOTT	08/19/2021	
		Refund Check		27.72
		Refund Check		10.50
		Refund Check		38.45
		Refund Check		5.71
		Total for Check Number 54706:		82.38
54707	UB*01913	BARRY/MARY STEINBOCK/MURPHY	08/19/2021	
		Refund Check		9.14
		Refund Check		37.71
		Refund Check		0.54
		Refund Check		9.57
		Refund Check		69.19
		Refund Check		12.95
		Total for Check Number 54707:		139.10
54708	UB*01912	MARIA VILLAMIZAR	08/19/2021	
		Refund Check		28.23
		Refund Check		32.20
		Refund Check		6.06
		Refund Check		17.58
		Total for Check Number 54708:		84.07

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
54709	A160	ACWA-JPIA	08/19/2021	
	0672002	aMedical Plan - Employees		51,661.67
	0672002	bDental Plan - Employees		1,661.92
	0672002	cVision Plan - Employees		328.23
	0672002	dLife/AD&D Plan - Employees		397.62
	0672002	eMedical Plan - Board Members		12,754.75
	0672002	fDental Plan - Board Members		448.76
	0672002	gVision Plan - Board Members		78.15
	0672002	hLife/AD&D Plan -Board Members		28.49
	0672002	iMedical Plan -Retired Members		24,939.02
	0672002	jDental Plan - Retired Members		1,158.28
	0672002	kVision Plan - Retired Members		328.23
	0672002	ICOBRA - Medical		1,170.14
	0672002	mCOBRA - Dental		33.72
	0672002	nCOBRA - Vision		15.63
			Total for Check Number 54709:	95,004.61
54710	B100	B and B Portable Toilets	08/19/2021	
	121578	Service District owned portable toilet/July		88.21
			Total for Check Number 54710:	88.21
54711	C036	Corporate Payment Systems	08/19/2021	
	240728012002070	DT/Galco/Rigewood pump/Core and coil sm pw		76.99
	242316812164000	WP/Harbor Freight/Generator		943.94
	244309911974008	TL/Microsoft		84.00
	246392312009000	MM/IAPMO/Uniform plumbing code ebook/AE		239.00
	247333411990290	TKW - GM/Former GM Lunch Review		40.00
	247554211887318	DT/Grainger/StepUpDown voltage converter 50		97.40
	248019712007627	MT/Fleetpride/18"x18" red cotton wire loop flag		19.25
	249064111991261	TL//DRI Crash plan		29.97
			Total for Check Number 54711:	1,530.55
54712	C180	Canon Solutions America Inc.	08/19/2021	
	4036994221	Office/Black Copies WXD03492-06.30.21-07.30		7.74
	4036994221	Office/Color Copies WXD03492- 06.30.21-07.30		144.46
	4036994221	Use Tax Recovery Fee/OfficeCop		5.90
			Total for Check Number 54712:	158.10
54713	C430	City of Eureka: WA	08/19/2021	
	07312021	Water Purchased - July		72,481.00
			Total for Check Number 54713:	72,481.00
54714	F010	Farmer Brothers Co	08/19/2021	
	81501532	Med Rst 2.0/Fr Rst DC 2.0		152.97
			Total for Check Number 54714:	152.97
54715	H810	Humboldt Waste Management Auth	08/19/2021	
	20222-292944	Greenwaste		8.82
			Total for Check Number 54715:	8.82
54716	J700	John's Auto Electric	08/19/2021	
	080236	Labor to fix lateral sewer camera		640.00
			Total for Check Number 54716:	640.00

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
54717	J800 123036	Johnson's Mobile Rentals LLC Rental fencing for the Ridgewood Tank Off-line	08/19/2021	252.78
Total for Check Number 54717:				252.78
54718	M340 021950 104762 104858	Mercer Fraser Co Skyline/Manholes and cleanouts Skyline Dr./Concrete for valve cans county pave Meadow Lane/Harbor View/Short load concrete	08/19/2021	437.47 855.00 417.53
Total for Check Number 54718:				1,710.00
54719	M560 48307	The Mitchell Law Firm LLP Legal Services - July 2021	08/19/2021	704.00
Total for Check Number 54719:				704.00
54720	N430 029662/1 029809/1 C27745/1	Nilsen Feed and Grain Co. Rice straw 4545 Cummings Rd/Rice straw Credit/Ovrpymt 27745/1	08/19/2021	10.32 10.32 -10.25
Total for Check Number 54720:				10.39
54721	N570 159888	North Coast Labs Ltd Analysis of 2nd Qtr South Bay Well TCP	08/19/2021	230.00
Total for Check Number 54721:				230.00
54722	R250 27203124	Recology Humboldt County Garbage Service - July	08/19/2021	488.26
Total for Check Number 54722:				488.26
54723	S495 37359	Shred Aware Pick Up/Shredding/64 Gal Bin/27" Shredinator	08/19/2021	114.00
Total for Check Number 54723:				114.00
54724	U091 21DIG148636	USA N Ca Nev Benefit of DS Board CA Annual Fee Regulatory Costs	08/19/2021	755.17
Total for Check Number 54724:				755.17
54725	U730 674415	USA Bluebook Valve wrenches/Telescope gate valve key	08/19/2021	381.27
Total for Check Number 54725:				381.27
54726	X800 3556B84114	Xylem Inc. Flygt pump parts	08/19/2021	377.27
Total for Check Number 54726:				377.27
Total for 8/19/2021:				177,704.19
54740	UB*01919	NEAL CARNAM Refund Check Refund Check Refund Check Refund Check	08/25/2021	23.98 1.14 3.85 54.31

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
		Refund Check		8.23
		Refund Check		22.08
Total for Check Number 54740:				113.59
54741	UB*01917	PATRICK CLONEY	08/25/2021	
		Refund Check		16.39
		Refund Check		10.70
		Refund Check		66.54
		Refund Check		65.54
Total for Check Number 54741:				159.17
54742	UB*01920	MICHAEL WILLIAMS	08/25/2021	
		Refund Check		167.08
		Refund Check		332.92
Total for Check Number 54742:				500.00
54743	UB*01918	STACEY ZOLNOSKI	08/25/2021	
		Refund Check		1.33
		Refund Check		15.25
		Refund Check		14.37
Total for Check Number 54743:				30.95
Total for 8/25/2021:				803.71
54727	UB*01916	JASON/CARA MITCHELL	08/26/2021	
		Refund Check		4.19
		Refund Check		2.66
		Refund Check		23.46
		Refund Check		28.00
		Refund Check		8.06
		Refund Check		43.04
Total for Check Number 54727:				109.41
54728	UB*01915	ZOE RIVERA	08/26/2021	
		Refund Check		1.77
		Refund Check		5.03
		Refund Check		3.44
		Refund Check		13.72
		Refund Check		9.84
Total for Check Number 54728:				33.80
54729	C430 INV01620	City of Eureka: WA Water Purchased Reconciliation through FY 20/2	08/26/2021	
				13,347.20
Total for Check Number 54729:				13,347.20
54730	F049	Fastenal Company	08/26/2021	
	CAEUR116973	D Alk Btry		4.26
	CAEUR116973	Electrical tape/Chisel tip permanent marker/Pipe		27.72
	CAEUR117173	Black nitrile/Blue Latex/Med grade/Gloves/D Al		280.87
	CAEUR117289	Respirator w Exhale valve		39.61
	CAEUR117439	Insect repellent		44.60
	CAEUR117439	Elect tape/Blk paint		50.99



Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
			Total for Check Number 54730:	448.05
54731	F050 CAEUR116970 CAEUR117017 CAEUR117288	Fastenal Industrial Round point shovel/Square point shovel Water Service repair parts/Worm drive clamps St 24" Wood push broom/Lg metal push broom bra	08/26/2021	30.02 33.85 81.35
			Total for Check Number 54731:	145.22
54732	H045 ENG-7429	Harper and Associates Engineering Inc. Inspection and engineering services for the Ridge	08/26/2021	12,250.50
			Total for Check Number 54732:	12,250.50
54733	M888 JN#6745	Myrtle town Body Shop Unit #15/Repairs per Estimate/Job Number 6745	08/26/2021	4,683.26
			Total for Check Number 54733:	4,683.26
54734	N710 6708	North Coast Unified Air Qualit Annual Renewal Fees/Diesel Generators for July	08/26/2021	4,993.91
			Total for Check Number 54734:	4,993.91
54735	P010 09072021 09072021 09072021 09072021 09072021 09072021 09072021	Pacific Gas and Electric-GN gSpark energy Gas/LP Gas Chgs fOffice/Yard eKS/HH Sewer System dGeneral Sewer System aWA Pump & District/Cummings bHH Water System cFW/MR Water System	08/26/2021	52.05 4,895.11 1,015.80 3,030.18 6,333.31 8,510.87 735.35
			Total for Check Number 54735:	24,572.67
54736	P805 19-7868	Pintermedia LLC Repair broken website menu	08/26/2021	47.50
			Total for Check Number 54736:	47.50
54737	S850 09152021+10	Suddenlink Internet/Phone 08.24.21 - 09.23.21	08/26/2021	523.82
			Total for Check Number 54737:	523.82
54738	U410	United Way of Humboldt PR Batch 00002.08.2021 UNITED WAY PR Batch 00002.08.2021 UNITED WAY PR Batch 00002.08.2021 UNITED WAY	08/26/2021	0.65 1.80 1.55
			Total for Check Number 54738:	4.00
54739	W330 0048078-IN	WECO Industries Lateral sewer camera parts	08/26/2021	557.86
			Total for Check Number 54739:	557.86
			Total for 8/26/2021:	61,717.20
54744	P275	Parcel Quest	08/31/2021	

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
	6397-5-2021	Annual fee Parcel Quest 3 users/07.01.20-06.30.		2,998.00
Total for Check Number 54744:				2,998.00
Total for 8/31/2021:				2,998.00
Report Total (90 checks):				1,907,779.94

# Humboldt Community Services District

*Dedicated to providing high quality, cost effective water and sewer service for our customers*

## AGENDA REPORT

**For HCSD Board of Directors Regular Meeting of:** September 14, 2021

**AGENDA ITEM:** F.1 (New Business)

**TITLE:** Review Letter from The Mitchell Law Firm, LLP Requesting the Board Consent to Waiver of Conflict of Interest

**PRESENTED BY:** Terrence Williams, General Manager

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### **Recommendation:**

It is recommended that the Board review and consider approving the attached letter from District Counsel, disclosing a conflict of interest with the City of Eureka and requesting the Board's consent to exclusively represent the District concerning the District's existing contracts with the City, while continuing to represent the City in unrelated Code Enforcement matters. Approval by roll call vote.

### **Summary:**

The District's Legal Counsel, Ryan Plotz, is a member of The Mitchell Law Firm, LLP. The Mitchell Law Firm has historically represented the City in the defense of civil rights and police practices matters and currently represents the City in the prosecution of certain misdemeanor Code violations. The Mitchell Law Firm has not provided any advice or counsel to the City regarding the wastewater treatment plant or any agreements between the City and the District. The Mitchell Law Firm did represent a local contractor in the litigation arising from the Martin Slough interceptor project.

In order for the District's Legal Counsel to advise the District in matters related to the performance of contracts between the District and the City, an acknowledgement of the conflict with The Mitchell Law Firm would need to be signed by the District's Board of Directors and the City Council (Draft Conflict Waiver included in this packet). This waiver does not authorize The Mitchell Law Firm to bring litigation against the City arising from either parties' performance without obtaining further conflict waiver.

Staff would like the ability to be advised by the District's General Legal Counsel regarding contract performance items because of the general rapport, convenience, and Counsel's understanding of the relationships.

Staff is also working to obtain and evaluate a collection of proposals from a select group of legal firms to represent the District in the renegotiation of the Water Purchase Agreement and the Wastewater Treatment Agreement. These will be brought to the Board for review and selection of Conflict Counsel at a future meeting.

**Fiscal Impact:**

None



## THE MITCHELL LAW FIRM, LLP

CLIFFORD B. MITCHELL (1927 - 2010)

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\* Of Counsel

\*\*Provisionally licensed

September 8, 2021

### Via E-Mail Only

Board of Directors  
C/O Terrence Williams, General Manager  
Humboldt Community Services District  
5055 Walnut Drive  
Eureka, CA 95503  
Via email to: [twilliams@humboldtcsd.org](mailto:twilliams@humboldtcsd.org)

Mayor and Councilmembers  
C/O Robert Black, City Attorney  
City of Eureka  
531 K Street  
Eureka, CA 95501  
Via email to: [rblack@attyblack.com](mailto:rblack@attyblack.com)

### **Re: Disclosure of Conflict of Interest; Request for Mutual Waiver Humboldt CSD – City of Eureka**

Dear Mayor Seaman, President Bongio, Councilmembers and Directors:

This letter requests the consent of the City of Eureka (“City”) and the Humboldt Community Services District (“HCSD”) to The Mitchell Law Firm, LLP’s (“Law Firm”), exclusive representation of HCSD in connection with providing legal advice and counsel regarding existing contractual agreement between the City and HCSD relating to the joint use of the Elk River Wastewater Treatment Plant (“WWTP”) and existing water purchase agreement, while continuing to represent the City in unrelated matters.

### Existing Relationships

Both HCSD and the City are existing clients and valued of the Law Firm. Law Firm, principally through attorney Ryan Plotz, serves as District Counsel for HCSD, providing advice and counsel on a wide variety of subjects.

Law Firm, principally through attorney Ryan Plotz and Edwin Aguilar, represents the City in prosecuting violations of the Eureka Municipal Code in the Humboldt Superior Court and other Code Enforcement matters under the direction of the City Attorney.

### Existing Contractual Agreements

HCSD is a contracting partner with the City through which the District has rights to 32.1 percent of the treatment capacity of the WWTP and, in turn, the District's rate payers pay for 32.1 percent of the operations, maintenance and capital improvements to the shared facility. HCSD also purchases from the City a portion of its water supply under a separate contract.

By way of this letter, Law Firm is requesting the mutual consent of the City Council and the HCSD Board of Directors to Law Firm's exclusive representation of HCSD in matters relating to contract interpretation and performance of the existing agreements. It is my understanding that the City Attorney's Office provides advice and counsel to the City concerning the existing agreements with HCSD.

If approved, the consent would not extend to (i) any litigation that may arise in the future between HCSD and the City concerning or arising from the existing agreements or (ii) the direct negotiation between HCSD and the City concerning new or revised agreements for the shared use of the WWTP or water purchase. If either event arose in the future, we would assist HCSD in finding alternative counsel or request your further consent.

If disapproved by either entity, Law Firm will declare a conflict and assist HCSD to obtaining alternative counsel.

### Potential Conflicts of Interest

Our Law Firm's representation of HCSD regarding the existing agreements with the City creates a conflict of interest relating to our representation of the City because the interests of HCSD and the City are not identical and may, in certain aspects, conflict with

one another. Our exclusive representation of HCSD in this matter requires that we represent HCSD's interests vigorously, even if HCSD's interests do not align with the City's interests. Providing your mutual consent to this letter authorizes Law Firm to exclusively represent HCSD regarding matters of contract interpretation and performance of the existing agreements with the City without regard to what may be in the best interest of the City.

Providing your mutual consent does not, however, obviate our obligation to maintain client confidences or otherwise permit us to disclose any confidential information obtained from the City to HCSD. At this time, we believe that we can exclusively represent HCSD as to the existing agreements and still maintain our duty of loyalty and confidentiality to the City in all unrelated matters in which we represent the City. We do not believe we have obtained any confidential information from the City which is material to our representation of HCSD. Further, we do not believe we have obtained any confidential information from HCSD that is material to our representation of the City in unrelated matters.

Nevertheless, if additional facts come to our attention which lead us to believe that: (i) we could not maintain our duty of loyalty and confidentiality to the City or HCSD, (ii) the issue in dispute is substantially related to the same issue in an unrelated matter in which we represent the City; or (iii) we have obtained confidential information from HCSD, which is material to our representation of the City in unrelated matters, we would require further written consent from HCSD and the City before we could continue to represent HCSD in matters concerning the existing agreements.

Rule 1.7 of the California Rules of Professional Conduct provides in pertinent part:

(a) A lawyer shall not, without informed written consent from each client and compliance with paragraph (d), represent a client if the representation is directly adverse to another client in the same or a separate matter.

(b) A lawyer shall not, without informed written consent from each affected client and compliance with paragraph (d), represent a client if there is a significant risk the lawyer's representation of the client will be materially limited by the lawyer's responsibilities to or relationships with another client, a former client or a third person, or by the lawyer's own interests.

(c) Even when a significant risk requiring a lawyer to comply with paragraph (b) is not present, a lawyer shall not represent a client without written disclosure of the relationship to the client and compliance with paragraph (d) where:

(1) the lawyer has, or knows that another lawyer in the lawyer's firm has, a legal, business, financial, professional, or personal relationship with or responsibility to a party or witness in the same matter; or

(2) the lawyer knows or reasonably should know that another party's lawyer is a spouse, parent, child, or sibling of the lawyer, lives with the lawyer, is a client of the lawyer or another lawyer in the lawyer's firm, or has an intimate personal relationship with the lawyer.

(d) Representation is permitted under this rule only if the lawyer complies with paragraphs (a), (b), and (c), and:

(1) the lawyer reasonably believes that the lawyer will be able to provide competent and diligent representation to each affected client;

(2) the representation is not prohibited by law; and

(3) the representation does not involve the assertion of a claim by one client against another client represented by the lawyer in the same litigation or other proceeding before a tribunal.

(e) For purposes of this rule, "matter" includes any judicial or other proceeding, application, request for a ruling or other determination, contract, transaction, claim, controversy, investigation, charge, accusation, arrest, or other deliberation, decision, or action that is focused on the interests of specific persons, or a discrete and identifiable class of persons.

In accord with the foregoing, written consent to the exclusive representation of HCSD in matters concerning the existing agreement with the City and concurrent representation of HCSD and the City in unrelated matters is hereby requested.



Consent

As attorneys where we have a relationship with multiple parties a conflict of interest must be disclosed and informed written consent obtained from both parties. Accordingly, we are seeking the informed written consent of the City Council and the Board of Directors before exclusively representing HCSD in matters concerning the existing agreements concerning the WWTP and water purchase.

Request

If, after considering the foregoing, the Council and Board are each willing to consent, please sign and return to us the enclosed copy of this letter (i) acknowledging that we have informed you of our existing relationship with the City and HCSD; (ii) acknowledging that HCSD and the City have been advised of the conflict of interest associated with our exclusively representing HCSD in matters concerning the existing contracts while continuing to represent the City in wholly unrelated matters; and (iii) indicating that you consent to our representation as described in this letter.

If either the City or HCSD is not willing to consent, we will declare a conflict and assist HCSD in locating alternate counsel for issues related to any direct agreements between your two entities.

If you have any questions regarding this letter, please call us before signing and returning the enclosed copy of this letter.

Very truly yours,

THE MITCHELL LAW FIRM, LLP



Ryan T. Plotz

**CONSENT**

The Mitchell Law Firm, LLP (“Firm”) has explained the conflict of interest related to Firm’s exclusive representation of Humboldt Community Services District in connection with the existing agreements with the City for the shared use of the WWTP and water purchase, while concurrently representing the City in unrelated matters. On behalf of our respective entity, we acknowledge the disclosure of the Firm’s past and continuing representation of both HCSD and the City in unrelated matters, the conflict that will arise if Firm exclusively represents HCSD in matters concerning the existing agreements, and the consequences of such conflicts. The undersigned, as authorized representative, nevertheless provides informed written consent to the Firm’s exclusive representation of HCSD in connection with the existing agreements with the City and its continuing representation of HCSD and the City in unrelated matters.

**HUMBOLDT COMMUNITY  
SERVICES DISTRICT**

Date: \_\_\_\_\_

By: \_\_\_\_\_

Name: Alan Bongio

Title: President of the Board of Directors

**THE CITY OF EUREKA**

Date: \_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_