

INVERNESS PUBLIC UTILITY DISTRICT

FIRE DEPARTMENT  WATER SYSTEM

50 INVERNESS WAY NORTH • P.O. BOX 469 • INVERNESS CA 94937 • (415) 669-1414

Board of Directors

AGENDA

SPECIAL Meeting

Thursday, April 14, 2022

9:00 a.m.

Inverness Firehouse Conference Room

1. **Call to Order; Attendance Report**
2. **Public Expression:** Opportunity for members of the public to address the Board on matters under the Board's jurisdiction but not on the posted agenda. Directors or staff "*may briefly respond to statements made or questions posed*" during Public Expression, but "*no action or discussion shall be undertaken on any item not appearing on the posted agenda*" (Gov. Code §54954.2(a)(3)). Members of the public may comment on any item listed on the posted agenda at the time the item is considered by the Board.
3. **Adoption of Resolution 267-2022:** Authorizing the closing of the current business bank account at Bank of America and opening a new business bank account at Bank of America.
4. **Adoption of Resolution 268-2022:** Authorizing opening of a new business bank account at Wells Fargo Bank
5. **Adjournment**

Posted: April 11, 2022

Material provided in the meeting packet is available on the District's website, www.invernesspubd.org, or by contacting the District office.

Items may not be taken up in the order shown on this Agenda.

For assistance in participating in this event due to a disability as defined under the ADA, please call in advance to (415) 669-1414.

THE PUBLIC IS CORDIALLY INVITED TO PARTICIPATE AND TO COMMENT ON AGENDA ITEMS

**BOARD OF DIRECTORS: KENNETH J. EMANUELS, PRESIDENT • DAKOTA WHITNEY, VICE PRESIDENT
KATHRYN DONOHUE, TREASURER • BRENT JOHNSON • DAVID PRESS**



**SHELLEY REDDING, GENERAL MANAGER/CLERK OF THE BOARD
JAMES K. FOX, CHIEF OF OPERATIONS (FIRE CHIEF, WATER SYSTEM SUPERINTENDENT)**



Board Agenda Item Staff Report

Subject: Changing Bank of America business bank account and opening new Wells Fargo business bank account
Meeting Date: April 14, 2022
Date Prepared: April 11, 2022
Prepared by: Shelley Redding, General Manager
Attachments: Resolution 267-2022 and 268-2022

**Recommended Action: (1) Authorize Staff to close the current business bank account at Bank of America and open a new business bank account at Bank of America.
(2) Open a new business bank account at Wells Fargo Bank**

The Inverness Public Utility District currently has one business bank account with Bank of America. The account was established in 1994. The District is required to maintain a bank account with Bank of America to conduct transfer of funds between the state managed Local Agency Investment Fund (LAIF) and the District bank account.

In February 2022, District staff noticed that a falsified check was passed through the business checking account at Bank of America for \$5,000.00. Staff were able to dispute the debit and secure a refund of the funds. Since that time, staff has noticed some other attempts to access funds from the District business-bank account, but only through ACH transactions. These have been identified and disputed as they have occurred, but the District account is vulnerable, and it is now necessary to close the existing account and open a new account.

Additionally, staff reports that since the beginning of the pandemic, Bank of America has consolidated several branches by closing smaller locations, including the branch located in Fairfax. This requires staff to travel further into Marin County for banking purposes. To make it easier to conduct banking activities, Staff proposes opening a business banking account at Wells Fargo, which has a local branch located in Point Reyes Station.

The Bank of America account would be maintained to receive and send funds to the LAIF account and receive tax revenues from the County of Marin. The Wells Fargo Account would be used for water system ACH payments from Water System Autopayment customers as well as payments made by check or cash deposit and other check or cash payments made to the District.

Staff recommends that the Board approve the General Manager to act as Authorized Agent to proceed with the process of closing the existing business bank account at Bank of America and open a new business bank account at Bank of America, as well as open a new business bank account for the District at Wells Fargo Bank.

RESOLUTION 267-2022

A RESOLUTION OF THE BOARD OF DIRECTORS CLOSING THE EXISTING BANK ACCOUNT WITH BANK OF AMERICA AND AUTHORIZING GENERAL MANAGER AS AGENT ESTABLISHING A NEW BANK ACCOUNT AT BANK OF AMERICA

WHEREAS Inverness Public Utility District (“District”) established business bank account number ending in 0150 with Bank of America (“Bank”) in 1994 by Resolution 75-94; and

WHEREAS, in March 2022, the District’s Bank business account ending in 0150 had fraudulent activity that was resolved with a dispute process; and

WHEREAS, in April 2022, additional electronic fraudulent activity has been detected in the District’s Bank business account ending on 0150 and was disputed successfully; and

WHEREAS, the Board of Directors have determined that existing District’s Bank business account ending in 0150 be closed and a new account be opened is in the best interests of the District; and

WHEREAS the General Manager of the District (“Authorized Agent”) should be authorized to enter into Bank’s Bank-Depositor Agreement for such an account; and

WHEREAS, that designated members of the District Board of Directors, General Manager, and Chief of Operations are authorized to be signatories of the account.

NOW, THEREFORE, BE IT RESOLVED that the Inverness Public Utility District may establish in its name a business checking account with Bank of America pursuant to Bank’s Bank Depositor Agreement and that Shelley Redding, as Authorized Agent of District, is authorized to establish such account.

BE IT RESOLVED that District’s General Manager is designated as Authorized Agent of this transaction.

BE IT FURTHER RESOLVED that any two of:

Kenneth J. Emanuels, President
Dakota Whitney, Director
Kathryn Donohue, Treasurer
Brent Johnson, Director
David Press, Director

Shelley Redding, General Manager
James K. Fox, Chief of Operations

of this organization are authorized to draw checks on this account, signed, as provided herein, with signatures certified to the Bank by the President of the Inverness Public Utility District. The Bank is authorized to honor and pay all checks so signed, including those drawn to the order of any two officers or other persons authorized to sign them. The Bank may honor checks signed by any two of the above individuals until a sealed notice of revocation of authority to sign is presented to the Bank.

PASSED AND ADOPTED at a regular meeting of the Board of Directors of the Inverness Public Utility District on the 14th day of April 2022, by the following vote, to wit:

AYES:

NOES:

ABSTAINING:

ABSENT:

Kenneth J. Emanuels, President

ATTEST:

Shelley Redding, Clerk of the Board

.....

I hereby certify that the foregoing instrument is a true and correct copy of the original of Resolution 267-2022 on record in this office and that subsequent to its adoption no declaration contained in Resolution 267-2022 has been amended, modified, or revoked by the governing body.

_____, Clerk of the Board, Inverness Public Utility District, County of Marin,
State of California.

By _____ Date _____

DRAFT

RESOLUTION 268 - 2022

**RESOLUTION OF THE BOARD OF DIRECTORS TO ESTABLISH A
BUSINESS ACCOUNT AT WELLS FARGO BANK AND AUTHORIZING
GENERAL MANAGER AS AGENT**

WHEREAS, Inverness Public Utility District (“District”) is a California Special District and is legally organized pursuant to the laws of the State of California; and

WHEREAS, District Board of Directors have determined that opening a business account at Wells Fargo Bank (“Bank”) is in the best interest of the District.

WHEREAS, the General Manager of the District (“Authorized Agent”) should be authorized to enter into Bank’s Bank-Depositor Agreement for such account; and

WHEREAS, that designated members of the District Board of Directors, General Manager, and Chief of Operations are authorized to be signatories of the account.

NOW, THEREFORE, BE IT RESOLVED that the Inverness Public Utility District may establish in its name a business checking account with Wells Fargo Bank pursuant to Bank’s Bank-Depositor Agreement and that Shelley Redding as Authorized Agent, of District is authorized to establish such account.

BE IT RESOLVED that District’s General Manager is designated as Authorized Agent of this transaction.

BE IT FURTHER RESOLVED that any two of:

Kenneth J. Emanuels, President
Kathryn Donohue, Treasurer
Dakota Whitney, Director
Brent Johnson, Director
David Press, Director
Shelley Redding, General Manager
James K. Fox, Chief of Operations

of this organization are authorized to draw checks on this account, signed, as provided herein, with signatures certified to the Bank by the President of the Inverness Public Utility District. The Bank is authorized to honor and pay all checks so signed, including those drawn to the order of any two officers or other persons authorized to sign them. The Bank may honor checks signed by any two of the above individuals until a sealed notice of revocation of authority to sign is presented to the Bank.”

PASSED AND ADOPTED at a special meeting of the Board of Directors of the Inverness Public Utility District on the 14th day of April 2022 , by the following vote, to wit:

AYES:

NOES:

ABSTAINING:

ABSENT:

Kenneth J. Emanuels, President

ATTEST:

Shelley Redding, Clerk of the Board

.....

I hereby certify that the foregoing instrument is a true and correct copy of the original of Resolution 268-2022 on record in this office and that subsequent to its adoption no declaration contained in Resolution 268-2022 has been amended, modified, or revoked by the governing body.

_____, Clerk of the Board, Inverness Public Utility District, County of Marin,
State of California.

By _____ Date _____

DRAFT