

**SAN LORENZO VALLEY WATER DISTRICT
BOARD MEETING MINUTES**

December 4, 2014

7:30 p.m.

CONVENE MEETING/ROLL CALL:

Pres. Bruce convened the meeting at 7:30 p.m. Roll call showed Dirs. Brown, Bruce, Prather, Rapoza and Vierra were present. Acting District Manager Rogers, Deputy Director of Operations Furtado, Finance Manager Hill, and Legal Counsel, Hynes were also present.

President Bruce announced that this is the last Board meeting with Directors Prather, Rapoza and Vierra. She thanked them for their long years of service and for their leadership.

MINUTES:

Minutes Special Board of Directors Meeting of November 17, 2014.

Motion made by Dir. Rapoza to approve the minutes, as distributed, for the November 17, 2014 Special Board of Directors Meeting.

ROLL CALL:

Ayes:	Brown, Bruce, Prather, Vierra, Rapoza
Noes:	None
Abstain:	None
Absent:	None

Minutes of the Board of Directors Meeting of November 20, 2014.

Motion made by Dir. Vierra to approve the minutes, as distributed, for the November 20, 2014 Meeting of the Board of Directors.

ROLL CALL:

Ayes:	Brown, Bruce, Prather, Vierra
Noes:	None
Abstain:	Rapoza
Absent:	None

ADDITIONS AND DELETIONS TO AGENDA:

Acting District Manager Rogers would like to delete item 8b from the agenda. Director Vierra explained that the Finance Committee met with the auditor that day and he wasn't satisfied with the report and has some adjustments to make before presentation to the Board.

Motion made by Dir. Vierra to delete 8b FINANCIAL STATEMENT FOR FISCAL YEAR 2013-2014.

ROLL CALL:

Ayes:	Brown, Bruce, Prather, Rapoza, Vierra
Noes:	None
Abstain:	None
Absent:	None

ORAL COMMUNICATIONS:

Gene Ratcliffe, Felton, stated her appreciation to the outgoing board members and the remaining board members.

Roberta McPherson, Boulder Creek, also wants to express her gratitude to the outgoing board member for their long service. She recognized that the job is not always easy. She also thanks the new board members for putting themselves in the position.

John Fasolas, Felton, said that he told the Board how much he appreciates them, he would like to talk about our water tables. He would like to encourage the Board to work to bring up the water tables.

Jim Coffis, Ben Lomond, wanted to express his appreciation to the outgoing board for their many years of service and for not only maintaining but enhancing the quality of life in the valley by the actions that they have had the wisdom to take. He believes that the vast majority of the public share his appreciation.

Bruce Holloway, Boulder Creek, said that in April the Board created a Water Shortage Appeals Board and put 3 members on that Board. He thinks it's a bad idea to put a majority of the Board but not the whole Board on something like that.

Julie Hendricks, Boulder Creek, she is also Mrs. Prather. She attempted to set the record straight regarding some inaccuracies written about her husband the District.

Fred McPherson, Boulder Creek, thanked his fellow colleagues. He knows that the job is not easy and not always appreciated. Don't complain if you're not willing to serve. Thank you.

Eric Hammer, Boulder Creek, thanked the individuals that helped us get here for all of their time and energy.

WRITTEN COMMUNICATION:

Legal Counsel, Marc Hynes said that he doesn't think that there is a Brown Act violation because no action was taken.

Raymond Zachau, Felton, disagreed with legal counsel. The Brown Act violation is the agenda item in the Acting District Manager's status report that says the District is in the process of transferring the property.

Marc Hynes said that there is an item on tonight's agenda that will clear up all questions. No actions have actually been taken at this time.

Bruce Holloway, Boulder Creek, agrees with Marc Hynes, there is no Brown Act violation.

Lisa Renelle, Felton, stated that her bid was returned to her the next day.

CONSENT AGENDA: None

UNFINISHED BUSINESS:

BOARD OF DIRECTORS POLICY MANUAL 2015

Pres. Bruce questioned whether the Board can move all of the items listed for the 1st meeting in December to the 2nd meeting in December or the 1st meeting in January.

Marc Hynes said that the Board can do whatever they want with the exception of the election of officers which must take place the 2nd meeting in December. Marc also brought to attention the item on page 10 regarding overbroad language with reference to disruptive comments. He borrowed this language from a court approved source.

Dir. Rapoza noted that the Policy Manual states that the Board will set the calendar for the year of meetings on the 1st meeting in December, this should be changed to the 2nd meeting in December when the New Board is seated. Pres. Bruce agreed.

Penelope Carpenter, Ben Lomond, asked for clarification regarding the discussion.

Chuck Baughman, Boulder Creek, thinks that Marc's statement regarding disruptive comments is not necessary.

Dir. Vierra made a motion to accept the Board of Director Policy Manual 2015 with changes by Pres. Bruce as discussed (item 9).

ROLL CALL:

Ayes:	Brown, Bruce, Prather, Rapoza, Vierra
Noes:	None
Abstain:	None
Absent:	None

NEW BUSINESS:

AWARD OF BID – SURPLUS PROPERTY SALE

Acting District Manager Rogers read the memo regarding the Award of Bid.

Dir. Vierra questioned the bid process. Pres. Bruce requested the dates of the process.

Bruce Holloway, Boulder Creek, suggested that, in the future, the District hold an auction instead of a sealed bid. Bruce questioned if the District should retain easement to this property.

Dir. Vierra explained that the property was analyzed and determined to be of no significance to the District.

Acting District Manager Rogers agreed that the property was personally visited to determine its value.

Raymond Zachau, Felton, said that the property used to be part of a resort in the 1920's and was a swimming area. Also, he said he asked for a copy of the District's bid policy and Rick was not able to provide it.

Mike Shults, Ben Lomond, questioned why he didn't buy this property long ago.

Lisa Rinelle, Ben Lomond, said that they had tried to buy the property years ago.

Dir. Rapoza said that the District is not part of this dispute.

Dir. Rapoza made a motion to accept the \$10,010 bid from Mike Shults for APN 065-202-15

ROLL CALL:

Ayes:	Bruce, Prather, Vierra, Rapoza
Noes:	None
Abstain:	Brown
Absent:	None

Dir. Rapoza questioned Dir. Brown's vote to abstain. Dir. Brown said that he doesn't have an opinion on the matter. Marc Hynes said that he can abstain but he is supposed to be advised of his civic duty.

COMMUNITY OUTREACH CITIZEN'S ADVISORY COMMITTEE – FINAL REPORT

Charles Baughman, chair of the Community Outreach Citizen's Advisory Committee described the process of the committee.

Dir. Vierra found the report enlightening.

Pres. Bruce thought that the Citizen's Advisory Committee should have direct contact with the Board.

Charles agrees with Pres. Bruce and also he would like to have the task be more defined.

Dir. Rapoza would like to have the report shared with the New Board members and staff.

Dir. Brown notes that 2 of the committee members will be joining the Board.

Pres. Bruce thanks the committee. She would like to use Civinomics and complete the Transparency Certificate.

Jim Coffis, Ben Lomond, noted that we suffered the smallest turnout of voters in District history. He thinks that highlights the need for more communication with the citizens and broader community.

Dir. Brown made a motion to accept the Community Outreach Citizen's Advisory Committee final report.

ROLL CALL:

Ayes:	Bruce, Prather, Rapoza, Vierra, Brown
Noes:	None
Abstain:	None
Absent:	None

RESOLUTIONS OF APPRECIATION FOR THE COMMUNITY OUTREACH CITIZEN'S ADVISORY COMMITTEE

Pres. Bruce read the resolution aloud.

It was discovered that the wrong date was on the resolution so a new resolution will be reprinted and distributed.

Motion was made to accept the resolution with date change.

ROLL CALL:

Ayes:	Brown, Bruce, Prather, Rapoza, Vierra
Noes:	None
Abstain:	None
Absent:	None

GENERAL MANAGERS REPORTS:

- a. Manager
(1) Bill List Period Ending December 4, 2014.

Motion made by Dir. Prather to approve the Bill list for the period ending December 4, 2014 in the amount of \$90,830.

ROLL CALL:

Ayes:	Brown, Bruce, Rapoza, Vierra, Prather
Noes:	None
Abstain:	None
Absent:	None

Acting District Manager Rogers shared highlights of the status reports. Specifically, issues related to the recent storm event. Also, Manana Woods asset transfer is nearly complete.

Dirs. Vierra, Prather & Bruce all agreed that the hard work by staff during the storm was appreciated.

John Fasolas, Felton, questioned the status of the fish ladder. It's working well.

- b. Director Vierra shared information from the Finance Committee 12/4/14.

Gene Ratcliffe, Felton, questioned the error with historical billing, didn't the rate payers notice that they weren't being charged?

ADJOURNMENT TO CLOSED SESSION:

President Bruce adjourned the meeting to closed session at 8:50 p.m.

Dir. Vierra left the room at 9:12 p.m. after the discussion of Items 11a and 11b, before Item 11c. Dir. Vierra stepped down per Government Code Section 1091 (b)(6)-remote interest.

RECONVENE TO OPEN SESSION:

President Bruce reconvened the meeting to open session at 9:21 p.m.

REPORT ACTIONS TAKEN IN CLOSED SESSION:

11a: CONFERENCE WITH LABOR NEGOTIATORS

No actions to report.

11b: PUBLIC EMPLOYEE APPOINTMENT

Dir. Rapoza made a motion to appoint Brian C. Lee as the new District Manager.

ROLL CALL:

Ayes:	Brown, Prather, Bruce, Vierra, Rapoza
Noes:	None
Abstain:	None
Absent:	None

11c: CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pres. Bruce announced that by a unanimous vote of members present, Director Vierra recused himself per Government Code Section 1091/1091.5, staff has been directed to hire a real estate agent, contract to be approved by the Board at a sales price of \$559,000.

ROLL CALL:

Ayes:	Brown, Prather, Bruce, Rapoza
Noes:	None
Abstain:	None
Recused:	Vierra

12a: DISTRICT MANAGER EMPLOYMENT CONTRACT

The District Manager employment contract has been approved by the Board with one change. Added to the end of paragraph 4b “Administrative leave must be used in the year accumulated.”

Bruce Holloway, Boulder Creek, questioned if there is an “Evergreen Provision” in the contract.

Marc Hynes says to take a look at paragraph 1. If a new agreement has not been negotiated the previous contract will roll over.

Dir. Vierra made a motion to execute the District Manager Employment Contract with Brian C. Lee, with change to paragraph 4b.

ROLL CALL:

Ayes:	Brown, Prather, Bruce, Vierra, Rapoza
Noes:	None
Abstain:	None
Absent:	None

The Board of Directors of the San Lorenzo Valley Water District is pleased to announce the hiring of a new District Manager. Brian C. Lee will begin work at the District January 12, 2015 as he replaces long time District Manager James Mueller.

Brian comes from Marina Coast Water District where he is the Interim General Manager. Before Marina, Brian worked for Rainbow Municipal Water District as Acting General Manager for eight years.

He has considerable experience working with Public Agencies and government organizations. While at Rainbow Municipal he managed a \$30M Capital Improvement Program, successful acquisition of State Revolving Fund loans, and rehabilitated ageing water and wastewater infrastructure. He has served as lead design team engineer for a variety of municipal projects for the San Diego County Water Authority.

Brian has a M.B.A from the University of Phoenix, B.S. in Civil Engineering, and is a Licensed Registered Professional Civil Engineer.

ADJOURNMENT:

Pres. Bruce adjourned the meeting at 9:30 p.m.

Holly B. Morrison
District Secretary