



**BOARD OF DIRECTORS
SAN LORENZO VALLEY WATER DISTRICT
MINUTES
OCTOBER 17, 2019**

Thursday, October 17, 2019 at 5:30 p.m., SLVWD, 13057 Highway 9, Boulder Creek, CA 95006.

1. Convene Meeting 5:30 p.m.
Roll Call: Fultz, Farris, Henry, Swan, Moran were present.
Staff: Rogers, Nicholls, Hossack were present
2. Additions and Deletions to Closed Session Agenda: None
3. Oral Communications Regarding Items in Closed Session: None
4. Adjournment to Closed Session 5:32 p.m.
 - a. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APN 078-233-05, located along Scenic Way in Ben Lomond
Agency negotiator: Rick Rogers, District Manager
Negotiating party: Nick Naccari
Under negotiation: Price and terms of payment
 - b. PUBLIC EMPLOYEE ANNUAL PERFORMANCE EVALUATION
Government Code Section 54957
Title: District Manager
5. Convene to Open Session at 6:30 p.m.
6. Report of Actions Taken in Closed Session:
President Henry reported that during Closed Session the Board voted unanimously to approve a satisfactory annual performance evaluation of the District Manger.
7. Roll Call (Open Session): Fultz, Farris, Henry, Moran and Swan were all present.
Staff: Rogers, Hill, Furtado, Nicholls and Hossack were present.
Pres. Henry thanked staff for work during the power outage.
8. Additions and Deletions to Open Session Agenda: None
9. Oral Communications: None

10. Unfinished Business:

a. LOMPICO TANKS - OPEN PUBLIC HEARING

R. Rogers introduced this item and read from the staff memo.

B. Fultz questioned the sizes of the tanks.

Discussion by the Board and staff regarding the tank sizes.

R. Moran said that he couldn't bring up the links on his ipad.

T. Nelson-Lompico, appreciates the forward movement on the tanks and wants the tank sizes corrected.

D. Loewen-Lompico, agreed with T. Nelson.

Discussion by the Board and staff regarding the tanks and tank sizes.

E. Frech-Lompico, asked about the cost of environmental for the Lewis Tanks.

Discussion by the Board, staff and public regarding the cost of environmental for the Lewis Tanks.

S. Swan made a motion to accept the recommendation.

G. Nicholls suggested that the motion read to open the public comment for the mitigated negative declaration and initial study for the Lompico Tanks Replacement Project.

S. Swan said that he would make that motion. The motion was seconded.

All present voted in favor of the motion. Motion passed.

b. SAN LORENZO VALLEY WATER DISTRICT STRATEGIC PLAN UPDATE

R. Rogers introduced this item and read from the staff memo.

B. Fultz said that the Admin Committee reached a consensus for recommendations for the process.

L. Farris questioned the statement that the Strategic Plan is a Board document.

Discussion by the Board regarding what the Board is responsible for in the Strategic Plan.

R. Rogers said that he views the Strategic Plan as a partnership between the Board, staff and the public. He said that he has received an unusual amount of calls with real concern about the Mission Statement.

B. Fultz said that the Committee said this is all about accountability.

R. Rogers said he doesn't think this will move ahead without a facilitator.

Discussion by the Board and staff regarding meetings days for the Strategic Plan.

N. Macy-Boulder Creek, she acknowledged a need for frugality. She is concerned about changes to Mission Statement and Strategic Plan undermining the quality and quantity of water and the watershed.

A. Krostue-Felton, agrees with N. Macy.

V. Wright-Felton, agrees that going back to the last approved plan is the best way to start along with the hiring of a facilitator.

J. Mosher-Felton, said that he reviewed the Strategic Plan from 2015 and current Fire Management Plan and found them very ambitious. These plans are going to cost money. Dir. Fultz's plan brought up concerns for the District.

E. Fresco-Felton, agrees with everyone. She said she is not happy with Dir. Fultz's changes to the Mission Statement. Please explain the reasons behind the changes.

D. Loewen-Lompico, said she doesn't see any reason to go back to the 2015 Strategic Plan.

G. Lyons, said that his sense from the last election was that the "slate" ran on fiscal conservatism and that they would be good environmental stewards. He doesn't think they are displaying that they are good environmentalists.

Karen - Felton, agrees with previous speakers that the community should be involved. The Board is accountable to future generations. Stop minimizing current cost for the pay later tradition.

V. Champlin-Ben Lomond, said we are not talking about the Strategic Plan. Please return to having this discussion a couple of times in the right forum.

B. Sprenger-Felton, said that she has a couple of statements about process. First, because our watershed is critical to all our lives, the creation of this document needs to be owned by the community. The history of this valley has been known for environmental stewardship and that is our responsibility.

L. Summers-Boulder Creek, said, the question is what document do we start with? She thinks we should start with the document that had a lot of input and not the one with limited input.

Atlas - Felton, said that Boards he is familiar with start with the document that was previously approved.

R. Rogers said that the 2016 Strategic Plan almost made it over the finish line. He thinks we should move ahead and talk about the facilitator.

Discussion by the Board and staff regarding hiring a facilitator and moving the process ahead.

V. Wright-Felton, said that she has done a lot of Strategic Plans and it usually works with a facilitator comes in and works with one or two people, back and forth. You bring in a few people for discussion and/or maybe a survey. Then the facilitator meets with staff and board members and consolidates the information and takes it back out to the public where everyone can see it and provide input. Everyone will have input into the document.

Discussion by the Board and staff regarding the meetings.

B. Sprenger suggested that the facilitator should be involved in the process.

Discussion by the Board and staff regarding the hiring of the facilitator.

V. Champlin attended part of the Scotts Valley Water Strategic Plan process. He said that the facilitator was dictating not facilitating.

V. Wright she believes in listening. You need a good listener, a good writer and a good leader.

R. Rogers said that he has, Pres. Henry and Dir. Farris have held several meetings with Ms. Wright.

M. Lee said he knows an excellent facilitator.

R. Moran made a motion that the Board appoint directors Fultz & Farris to be the editors of a draft Strategic Plan and to have the District Manager hire a facilitator, either V. Wright or Rick Longenotti for public meetings to be held on November 9 & December 7.

Discussion by the Board and staff regarding dates and facilitators.

G. Nicholls said that the motion should be more open ended.

Discussion by the Board, staff and counsel.

R. Moran made a motion to appoint Directors Fultz and Farris to be the editors of a draft Strategic Plan and to have the District Manager hire a facilitator, either V. Wright or R. Longenotti not to exceed \$15,000 to facilitate public meetings on November 9th and December 7th as target dates.

Discussion by the Board and counsel.

R. Moran amended the motion to read... V. Wright or R. Longenotti or other qualified candidate.

R. Rogers said he will find a facilitator. The motion was seconded.

All present voted in favor of the motion. The motion passed.

Discussion by the Board regarding the document to start with.

c. BOARD POLICY MANUAL UPDATE

R. Rogers introduced and read the memo.

Discussion by the Board regarding Board members spending District money, specifically talking to counsel.

G. Nicholls questioned what is the language that is being referred to.

Pres. Henry said it is on page 6, Role of Individual Directors: individual directors may not commit the District to any policy, act or expenditure unless authorized by the Board of Directors.

R. Rogers he said he believes Pres. Henry is referring to individual directors talking to legal counsel without authorization. He believes that the previously read policy covers the issue. He thinks the issue needs to be discussed with legal counsel.

Discussion with Board, staff and counsel regarding limiting access to counsel.

G. Nicholls said that she doesn't think there's a problem having a policy that sets some ground rules about talking to counsel. She is concerned about saying that this language does that because it says that it has to be authorized by the Board of Directors and it isn't practical to have the Board make decisions because those decisions would have to be made in a public meeting. Privilege is gone at that point. She said she thinks there is a way to address this but she doesn't this language does that.

R. Rogers said that he refers directors to legal counsel when a legal question comes up.

G. Nicholls said that from her point of view there is not a lot of inappropriate conversations going on with counsel. In her opinion, there can be a real issue if the expense is a problem. There is a way to limit access to counsel.

Discussion by the Board, staff and counsel regarding this issue and the Board Policy Manual.

G. Nicholls to said that to get in to this will require the Board to wave attorney client privilege.

Discussion by the Board, staff and counsel regarding the waving of attorney client privilege.

G. Nicholls said that the motion should read; to wave attorney client privilege for purposes of having Open Session discussion about the legal implications of the proposed language in the Board Policy Manual just at tonight's meeting.

R. Moran made a motion that we follow the legal counsel's recommendation. The motion was seconded.

M. Lee said that he supports the motion.

C. Baughman - Boulder Creek, said he does too.

Discussion by Board and counsel regarding the motion.

Directors Fultz, Henry, Swan and Moran voted in favor of the motion. Director Farris voted no. Motion passed.

G. Nicholls said that the FPPC won't provide an opinion as to a matter that is in litigation. So, it isn't a question of how much time it would take the FPPC to respond if you made a request in this context, it's that they most certainly will not respond in this context.

Discussion by the Board and counsel regarding the process, the legal language and the Board Policy Manual.

D. Loewen said she thinks that all Board members should have access to attorney. The FPPC was used in Lompico. Counsel should come back to the Board with language that will cover this issue.

E. Frech questioned when is the attorney on the clock.

Discussion by the Board, counsel and public regarding when the attorney is on the clock.

M. Lee said the District should have an administrator refusal process.

Discussion by counsel and public regarding Conflict of Interest Code process.

V. Champlin questioned if the attorney is free to say that a question is inappropriate.

G. Nicholls said that there are limits for her being able to give legal advice. It always has to pertain to District business. She said she will try to draft something that will address when a Board member can contact counsel on District business.

V. Champlin said that he thinks it is often inappropriate for third parties to interfere between one of the Board members and the attorney.

C. Baughman questioned why is the actual filing of a law suit evidence, or is it? And how would a Director make a finding if there was no evidence and there was a lawsuit?

G. Nicholls said typically a lawsuit involves allegations and not an actual fact unless it's verified.

Discussion by the Board and staff regarding Conflict of Interest Code.

G. Nicholls said she would like a motion by the Board with the intent that I would comment back and forth on an intent to make it harder than the law requires to provide defense indemnity in a Conflict of Interest situation.

Discussion by Board and counsel regarding Conflict of Interest policy and the number of items a Board member can put on an agenda.

11. New Business:

a. COMMITTEE APPLICATION

R. Rogers introduced this item and read from the staff memo.

Pres. Henry asked if G. Mahood would like to address the Board.

G. Mahood introduced herself and explained why she applied for the Engineering Committee.

B. Fultz made a motion to appoint Gail Mahood to the Engineering Committee. The motion was seconded.

R. Moran questioned the short term of the appointment.

Discussion by the Board regarding the short term appointment.

L. Farris noted that the memo says Virginia, instead of Gail Mahood.

E. Fresco is happy about this appointment.

All present voted in favor of the motion. Motion passed.

b. BEAR CREEK ESTATES WASTEWATER ENTERPRISE REQUEST FOR PROPOSALS FOR TREATMENT FACILITY ALTERNATIVES ANALYSIS

R. Rogers introduced this item and read from the staff memo.

Discussion by the Board and staff regarding the choice of WaterWorks Engineering.

L. Farris made a motion to award the BCEWE Alternative Analysis project contract to WaterWorks Engineers in the amount of \$38,500 and authorize the District Manager to execute the contract. The motion was seconded.

All present voted in favor of the motion. Motion passed.

c. PUBLIC OUTREACH

R. Rogers introduced this item and read from the staff memo.

Discussion by the Board, staff and public regarding the candy giveaway.

Pres. Henry made a motion to spend no more than \$500 on Halloween candy to give out on Halloween. The motion was seconded.

All present voted in favor of the motion. Motion passed.

d. FIRE PREVENTION PLAN

R. Rogers introduced this item and read from the staff memo.

L. Farris added that under the long term they got creative with the big picture.

L. Ford - Felton, said that the first step is to assess what has already been done. He said that there are a lot of agencies to work with throughout the valley.

Discussion with the Board and staff regarding the need for a Fire Management Plan and funds available through grants.

E. Fresco said that she is reassured that the District is working on this and supports it.

D. Loewen said that she is happy the District is working with T. Carson, a good resource for grant funding.

M. Lee said it is a great idea.

L. Farris made a motion to authorize the District Manager to move forward with an RFQ for a Fire Management Plan. The motion was seconded.

All present voted in favor of the motion. Motion passed.

R. Rogers thanked Dr. Ford for his participation.

12. Consent Agenda:

a. MINUTES FROM BOARD OF DIRECTORS MEETING SEPTEMBER 19, 2019

B. Fultz pulled the minutes because he was not present at the meeting and can't consent to the minutes.

L. Henry made a motion to approve the minutes. The motion was seconded.

Dir. Farris, Henry, Swan and Moran voted in favor of the motion. Dir. Fultz abstained. Motion passed.

13. District Reports:

• DEPARTMENT STATUS REPORTS

Receipt and consideration by the Board of Department Status Reports regarding ongoing projects and other activities.

- Engineering
- Finance & Business
- Legal
- Operations

Discussion by the Board, staff and public regarding the Dept. Status Reports.

• COMMITTEE REPORTS

- Future Committee Agenda Items
- Committee Meeting Notes/Minutes
 - Engineering Meeting - 9.5.19
 - Environmental Meeting - 9.12.19
 - Budget & Finance Meeting - 10.1.19
 - Administration Meeting - 10.2.19
 - Engineering Meeting - 10.3.19

Discussion by Board and staff regarding Committee meetings.

- SMGWA Status Report

Discussion by the Board, staff and public regarding SMGWA.

14. Written Communication: None

15. Informational Material: None

16. Adjournment 10:00 p.m.