



**BOARD OF DIRECTORS
SAN LORENZO VALLEY WATER DISTRICT
MINUTES
DECEMBER 5, 2019**

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

1. Convene Meeting 5:30 p.m.
Roll Call: L. Farris, S. Swan, B. Fultz, L. Henry, R. Moran
Staff: R. Rogers, G. Nicholls, H. Hossack
2. Additions and Deletions to Closed Session Agenda:
3. Oral Communications Regarding Items in Closed Session:
N. Nacarri explained his position regarding the purchase of his property.
4. Adjournment to Closed Session 5:39 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 and Gina Nicholls, District Counsel
Negotiating party: Nick Naccari
Under negotiation: Price and terms of payment
 - b. PUBLIC EMPLOYEE ANNUAL PERFORMANCE EVALUATION
Government Code Section 54957
Title: District Manager

Closed Session Note:

The Brown Act prohibits the disclosure of confidential information acquired in a closed session by any person present and offers various remedies to address willful breaches of confidentiality. These include injunctive relief, disciplinary action against an employee, and referral of a member of the legislative body to the grand jury. It is incumbent upon all those attending lawful closed sessions to protect the confidentiality of those discussions. Only the legislative body acting as a body may agree to divulge confidential closed session information; regarding attorney/client privileged communications, the entire body is the holder of the privilege and only a majority vote of the entire body can authorize the waive of the privilege.

5. Convene to Open Session at 6:31 p.m.
6. Report of Actions Taken in Closed Session
Nothing to report out of Closed Session.
7. Roll Call (Open Session): L. Farris, S. Swan, B. Fultz, L. Henry, R. Moran
8. Additions and Deletions to Open Session Agenda:
9. Oral Communications:
 - L. Henry stated the ground rules for the public comment. She set the time for each individual to 3 minutes.
 - J. Mosher, Felton-spoke about the FLOW Organization. Its special interest is the health of this water district and the valley. He appreciates the hard work the Board is doing.
10. Unfinished Business:
 - a. NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE
DECLARATION LOMPICO TANKS - PUBLIC HEARING
 - R. Rogers introduced this item. He read the memo explaining the item.
 - M. Johnson, Environmental Analyst with DD&A, he said he is there to answer questions and described the comments made during public hearing period.
 - D. Loewen, Lompico-she reiterated her concern for the correct information for the number of tanks in Lompico. She also thanked the District for moving ahead with this project.
 - R. Rogers noted that there is Resolution No. 14 (19-20) before the Board.
 - S. Swan made a motion to adopt Resolution No. 14 (19-20). The motion was seconded.
 - R. Moran said he was impressed with the environmental aspects of this project.
 - L. Henry noted that the report is very interesting and everyone should read it.
 - All present voted in favor of the motion. Motion passed.
 - b. STRATEGIC PLAN
 - R. Rogers introduced this item and read from the staff memo.
 - R. Moran said he wants to be clear, he believes that Dir. Fultz drafted the strategic plan out of a good faith desire to make this an in-house document to save the ratepayers the high cost of a consultant. He thinks the strategic plan

takes away from other important projects. He noted that the 2018 grand jury recommended that the directors, staff and committee members receive training for addressing contentious issues. He believes the District would benefit by conflict resolution training before tackling the strategic plan.

L. Henry said that she wants to be sure that the Strategic Plan is done right. It should include the public and all of the Board members and staff. She would like to see outreach to the public.

Discussion by the Board and staff regarding the proposal and the contentious resolution and ad hoc committee.

L. Farris said that he read all of the emails and letters sent to the Board. He created a criteria chart to process the comments. The most common comment was that we should be using Greg Larson to facilitate the strategic plan. Why are we changing the existing strategic plan was the second most popular comment.

E. Fresco, Felton-appreciates Dir. Moran's suggestions and thanked Dir. Farris for his effort, she feels like she has been heard.

L. Ford, Felton-thanked the Board for all of their hard work. He believes that best practices should be followed.

M. Shargell, Felton-said that this matters. Echoed thanks for work. Dir. Farris demonstrated a terrific example of proving that he is paying attention. He believes that long range planning is needed.

D. Loewen, Lompico-she thinks that most of the people in the room are part of a special interest and that is environmental. We need to focus on the District providing water.

G. Mahood, suggested that the Board reconsider the idea of revising the Strategic Plan. It's not necessary and it's not a good use of District resources.

M. Wilson, Ben Lomond - he said that he wrote a letter but he doesn't have an environmental agenda. He appreciates the response of Board.

N. Macy, Boulder Creek - said she would like to keep the current Strategic Plan. The Mission Statement very well written.

L. Henry she heard that the Board wants to do conflict resolution before continuing with the Strategic Plan.

Discussion by the Board regarding conflict resolution before the Strategic Plan.

c. PUBLIC ADVISORY COMMITTEE ON FACILITIES - UPDATE

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

Discussion by Board, staff and public regarding the number of members on the committee, Board direction of the committee, time commitment and extending deadline to allow more applications. Deadline extended to January 29, 2020 3:00p.m. seating of Committee at the February 6, 2020 BoD.

d. RESPONSE TO MATT JOHNSTON ARTICLE ON GLYPHOSATE

R. Rogers introduced and read the staff memo.

L. Henry asked who do we want to send the letter to.

G. Nicholls said it is up to the Board.

B. Fultz questioned what communication has taken place so far.

R. Rogers said he had an unofficial conversation with someone with the County.

Discussion by the Board and staff regarding the email response.

L. Ford, Felton-Recommended that the Board just drop it. The glyphosate issue has already been settled.

R. Moran said he would like to open an agenda packet and not be bombarded about glyphosate. This was an affront to him.

B. Fultz questioned if the 3rd paragraph was removed would it be acceptable.

Discussion by the Board regarding the 3rd paragraph and its appropriateness.

Unidentified woman was surprised by the Board's response to this item. She thought the reaction was beneath the Board.

L. Henry said if the email had been sent as a private citizen this would not be an issue but it was sent by an employee of the County.

Unidentified woman thanked Pres. Henry for the clarification.

Discussion by the Board regarding the content of the letter.

D. Loewen thanked R. Moran for his letter.

R. Moran said irrespective of the letter and the email from M. Johnston he went to the hardware store and saw glyphosate products on the clearance table.

B. Fultz made a motion to direct the Board President to sign the letter as drafted in the agenda packet. The motion was seconded.

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

11. New Business:

a. ANNUAL FINANCIAL REPORT FOR FISCAL YEAR 2018-19

S. Hill introduced the report. Chris Brown with Fedak & Brown gave his presentation by phone.

L. Farris questioned the net position of \$2.1 million, is that reserves?

C. Brown answered that represents the revenues you receive less your expenses. It represents net profit.

S. Hill added the restricted increased about \$1.6 million. The majority of that is the Probation Tank loan.

Discussion by the Board, staff and presenter regarding the report.

Cynthia questioned the property tax line.

S. Hill explained the property tax in the District.

Discussion by Board, staff and public regarding property, water loss.

B. Fultz made a motion to approve the Annual Financial Report for 2018-19. The motion was seconded.

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

b. ELECTION OF OFFICERS FOR 2020

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

L. Henry said that the public can comment on the President appointment but they cannot nominate or vote.

L. Ford, Felton - commented that the next president should be L. Henry or L. Farris. Both have demonstrated that they have a balanced perspective, you're inclusive, you encourage participation, you are collaborators and you're positive.

D. Loewen said that with President Henry stepping down, anyone else would be good at it. She would like to put in a word for B. Fultz. He has done an admirable job.

M. Wilson commented that all 5 Board members have strengths. He urged that they pick someone who will be best for the Board not just because they are vice president.

E. Fresco said she has worked with several of the Board members she feels that she has not been listened to by Dir. Fultz. She feels she has been labeled as the opposition. She prefers Dir. Farris she feels that he has listened to her and valued her input. He has not divided the community into us and them.

V. Wright she thinks you are all valuable people. She was concerned when Directors personally attack others in the paper. As Dir. Fultz did a couple of weeks ago. Prefers Dir. Farris because he listens and actually changes his mind based on what he hears. If you're not listening to the people, you're not doing your job.

L. Henry made a motion that S. Swan becomes the next Board President. The motion was seconded.

Discussion by the Board and Counsel regarding nominations for Board President.

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

S. Swan made a motion that L. Henry be the Vice President. The motion was seconded.

Discussion by the Board regarding the leadership development of the VP.

Dir. Farris abstained, Pres. Swan voted yes, Dir. Fultz abstained, Dir. Henry and Moran voted yes. Motion passed.

c. BOARD OF DIRECTORS MEETING DATES AND TIMES FOR 2020

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

B. Fultz said that the Board Policy Manual calls for there to be one meeting in July, November and December.

B. Fultz motion to adopt in accordance with Board Policy, first and third Thursday except for January, July, November and December and adopt Resolution No. 13 (19-20). The motion was seconded.

L. Henry said we need to think about the some of the items sooner. This agenda is too long with only one meeting in November and December.

R. Rogers said he learned this year that there have been issues planning the agendas. He plans to create a long range schedule of proposed agendas items for the year.

Discussion by the Board and staff regarding agenda planning.

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

d. BOARD MEMBER COMMITTEE APPOINTMENTS FOR 2020

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

L. Henry made a motion to leave the committees the same. The motion was seconded.

L. Farris said he would like to have some discussion.

Discussion by the Board and staff regarding the committee chairs.

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

e. UTILITY BILLING POLICY - SB998 COMPLIANT

S. Hill introduced and explained this item.

*L. Henry left the room and then returned within a minute.

G. Nicholls explain

S. Hill noted the specific changes.

S. Swan questioned if we currently do not have a late fee.

S. Hill explained the current procedure.

S. Swan questioned how many people to we turn off per year.

S. Hill said that we do about 240 - 250 tags per month and around 30 shutoffs per month.

Discussion by the Board and staff regarding the explanation for the public of the new process and tenant/owner responsibility.

B. Fultz said the B & F committee has reviewed this. This change will require the equivalent of one fulltime person to administer. He questioned the word interim.

G. Nicholls explained interim as this policy needs to be formalized in an Ordinance and made part of the Rules & Regulations. The time line for doing that wasn't consistent with getting this rolled out for the February 1st compliance.

Discussion by the Board and staff regarding this process.

L. Farris suggested a proposed change. Help for people with turn offs.

Discussion by Board and staff regarding turn offs and life line rates.

B. Fultz made a motion to accept Resolution No. 15 (19-20) Interim Utility Billing. The motion was seconded.

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

f. RATES AND CHARGES

S. Hill introduced this item and explained the rates and charges.

Discussion by Board and staff regarding rates and charges.

L. Farris made a motion to pass Resolution No. 16 (19-20). The motion was seconded.

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

g. DISTRICT LOGO

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

Discussion by Board and staff regarding the cost of the design.

S. Hill presented the 4 options to the Board.

Discussion by the Board and staff regarding the logo. It was decided to take the logos to the public to vote on a design. The results of the poll will be presented at the January 16, 2020 BoD meeting.

h. PERSONNEL SYSTEM RULES & REGULATIONS FOR 2020

G. Nicholls introduced this item. Policy needs to be updated but at a later date.

Discussion by the Board and staff regarding voting on the three resolutions.

B. Fultz made a motion to adopt Resolution No. 11 (19-20) Personnel Rules & Regulations 2020. Motion was seconded.

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

i. SEXUAL HARASSMENT POLICY FOR 2020

G. Nicholls said that the same explanation for the previous item applies to this item.

B. Fultz made a motion to adopt Resolution No. 12 (19-20) Sexual Harassment Policy for 2020. Motion was seconded.

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

j. RESPECTFUL WORKPLACE POLICY FOR 2020

G. Nicholls said that the same explanation applies to item 11j. Resolution No. 10 (19-20).

B. Fultz made a motion to adopt Resolution No. 10 (19-20) Respectful Workplace Policy for 2020. The motion was seconded.

L. Farris questioned who needs training for this.

G. Nicholls said that it is the practice to have management trained but she doesn't know that it is in this policy.

Discussion by Board and staff regarding who needs training.

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

12. Consent Agenda:

- a. MINUTES FROM BOARD OF DIRECTORS MEETING NOVEMBER 7, 2019
- b. MINUTES FROM SPECIAL BOARD OF DIRECTORS MEETING NOVEMBER 13, 2019

G. Nicholls explained that if nobody requests that an item be pulled from the agenda, under California law, it is considered approved. She typically counsels that a vote is not required but the SLVWD Board Policy Manual requires a vote.

B. Fultz made a motion to adopt the Consent Agenda. The motion was seconded.

All present voted in favor of the motion. 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
 - OperationsDiscussion by the Board and staff regarding PSPS, Fall Creek no violations, Probation Tank grand opening, Bill List being \$million, sample test results and the website.
- COMMITTEE REPORTS
 - Future Committee Agenda Items
 - Committee Meeting Notes/Minutes
 - Engineering Meeting - 11.7.19

14. Written Communication:

- Email from C. Finnie 11.12.19
- Email from K. Holl 11.18.19
- Email from D. Loewen 11.19.19
- Email from L. Ford 11.19.19
- Email from B. Sprenger 11.20.19
- Email from P. Machlis 11.20.19
- Email from L. Summers 11.22.19
- Email from L. Henry 11.23.19
- Email from M. Dolson 11.23.19
- Email from L. Watson 11.23.19
- Email from C. Dzendzel 11.23.19
- Email from J. Mosher 11.26.19
- Email from E. Fresco 11.27.19

15. Adjournment 10:20 p.m.