



**BOARD OF DIRECTORS
SAN LORENZO VALLEY WATER
DISTRICT
MINUTES
NOVEMBER 5, 2020**

Thursday, November 5, 2020, at 5:30 p.m., via videoconference and teleconference.

Agenda documents are available on the District website at www.slvwd.com subject to staff's ability to post the documents before the meeting.

1. Convene Meeting 5:30 pm
Roll Call: Pres. Swan, V. Pres. Henry, Directors Farris, Moran, and Fultz
Staff: R. Rogers-District Manager, G. Nicholls-District Counsel, H. Hossack-Dist. Secretary
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 pm
 - a. PUBLIC EMPLOYEE ANNUAL PERFORMANCE EVALUATION
Government Code Section 54957
Title: District Manager
5. Convene to Open Session at 6:30 p.m.
Roll Call: Pres. Swan, V. Pres. Henry, Directors Farris, Moran, and Fultz
Staff: R. Rogers, G. Nicholls, H. Hossack, J. Furtado-Director of Operations, C. Blanchard-Environmental Planner, S. Hill-Director of Finance & Business Services.
6. Report of Actions Taken in Closed Session:
Pres. Swan reported that it was the unanimous decision of the Board that District Manager Rick Rogers met the objectives that were set up for him.

G. Nicholls reported that the decision was that the District Manager received a satisfactory performance review for the 2019/2020 year.
She also asked that the "chat" option not be used during this meeting. It doesn't work well with the public meeting format.
7. Additions and Deletions to Open Session Agenda: Nonw
8. Oral Communications: None

9. Unfinished Business:

a. CZU WILDFIRE DAMAGE ASSESSMENT REPORT

R. Rogers introduced this item.

J. Furtado described the damage assessment report from Sandis.

R. Rogers noted that all customers are now in potable water and now we will begin permanent repairs.

Discussion by the Board and staff regarding choke points and raw water pipeline.

b. URBAN WATER MANAGEMENT PLAN

R. Rogers introduced this item.

C. Blanchard described this item and read from the memo.

S. Swan questioned the qualifications of both proposals with such a large difference in the prices.

R. Rogers explained that WSC will require little to no staff time because of their experience with the District. Weston Assoc, will require a lot of staff time.

L. Henry noted that Weston doesn't have the experience that WSC has. She would like to see a clause stating that WSC will get a penalty for not getting the job done on time.

B. Fultz questioned how often the District has to do an UWMP and what is the criteria by which it has to be done.

C. Blanchard responded that the plan needs to be resubmitted every 5 years. There is a guidebook for putting the plan together. WSC helped develop the guidebook.

Discussion by the Board and staff regarding the plan in the past related to this UWMP and the cost.

R. Moran gave his opinion on this matter.

Discussion by the Board and staff regarding collaboration with Scotts Valley Water District, urgency, grants, and time required for the plan,

T. To said she thinks it is important to go back and try to renegotiate the cost.

Discussion by the Board and staff regarding renegotiation and the cost.

R. Rogers said that in the interest of time staff has enough direction to move forward with renegotiation and to bring this item back to the Board.

c. PANORAMA CONTRACT AMENDMENT

R. Rogers introduced this item.

C. Blanchard described this item and read from the Board memo.

B. Fultz said that Panorama has delivered significant value to the District. They had resources to map where the fire was going allowing Ops to take action and stem the damage to the water system.

R. Moran questioned hardening of the infrastructure.

T. Treis said she isn't sure at this time.

J. Furatado said that a lot of the hardening of the District will be changing the wooden pump stations to concrete block and redwood tanks being changed out.

L. Henry made a motion to direct the District Manager to move forward with the Panorama proposal. The motion was seconded.

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

d. REDWOOD PARK TANK INITIAL STUDY-MITIGATED NEGATIVE DECLARATION

R. Rogers introduced this item.

C. Blanchard read from the memo.

L. Henry said that she saw the protest letters and wondered if the District has already paid N. Nacarri for the property.

G. Nicholls responded no, closing on the property is contingent on several things including the CEQA process being approved.

L. Henry questioned how much has been spent doing our due diligence on this property and what would it cost to go back to the old tank site.

R. Rogers responded that that the District has spent \$40-45,000 and the old tank site not big enough for fire flow requirements and the excavation will cost much more. There will have to be pipeline replacement even if we don't change the tank site so there will still be road closures.

Discussion by the Board and staff regarding road closures.

S. Mast said that she appreciates the District. She lives next to the old tanks and she thinks moving the tanks is a great idea. Her only concern is the plastic pipes.

M. Johnston said that he thinks this is a good project but there are issues with the road closures.

J. Lieberman said he has concerns with the pump noise.

Mike said he is concerned about the traffic and emergency vehicles access for this project.

P. Parker said he is also concerned about the pump noise.

Discussion by the Board and staff regarding further discussion with the community regarding the Redwood Park Tanks. A community meeting will be set up to address issues.

- e. GOVERNANCE TRAINING - MOVING FORWARD
R. Rogers introduced this item and read from the memo.

Discussion by the Board and staff regarding a yearly review of the Code of Conduct, addressing contentious issues, and revisiting this item when the new Board is seated,

10. New Business:

- a. DISTRICT MANAGER ANNUAL CONTRACT REVIEW
R. Rogers introduced this item.

G. Nicholls read from the memo describing this item. COLA is 2% plus up to a 5% merit increase is being discussed.

L. Farris recommended 3.5 - 4% merit increase.

Discussion by Board and staff regarding the COLA increase.

R. Moran said the District Manager deserves the 2% COLA plus a 4% merit increase.

B. Fultz said he has misgivings about this. He is more open to a one time bonus.

L. Henry agreed with Directors Farris and Moran. Rick has outdone himself taking care of the public and staff. 2% is a slap in the face.

S. Swan said the Rick is a great leader and great leaders are priceless. He deserves the COLA plus 5% merit increase which is the maximum. He works

hard and is indispensible and he merits the most we can give him. If he could give him a bonus he'd give him that too.

L. Farris said its worth noting that the last 2 DMs made considerably more than Rick.

L. Henry said that she wants to give him the 5%.

S. Swan made a motion to award a merit increase of 5%.

B. Fultz said he would like to know precisely the amount of the increase.

G. Nicholls said the amount is approx. \$210,000. That would include the \$3941 for COLA and \$9853 for merit increase.

The motion was seconded.

Pres. Swan, Dir. Farris, Dir. Moran all voted in favor of the motion. Dir. Fultz voted no. Motion passed.

b. HARASSMENT, DISCRIMINATION, AND RETALIATION POLICY
POLICY

R. Rogers introduced this item.

G. Nicholls explained the item. This will bring what was the Sexual Harassment Policy up to date.

B. Fultz asked if the plan was to approve this item with the intention of making corrections to the punctuation.

G. Nicholls said yes.

R. Moran said he appreciates the District is taking this seriously.

S. Swan made a motion to pass Resolution No. 7 (20-21) with the edits. The motion was seconded.

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

c. BOARD MEMBER RESIGNATION
R. Rogers introduced this item.

G. Nicholls described the item.

S, Swan said that Dist. Counsel summarized his situation very well. He has sold his home and has moved to a home he owns in Texas. He has accepted an early retirement opportunity from his employer on October 5th. He

plans to continue working but he probably won't be returning to the Bay Area. His plan is to stay in Texas and resign as of December 31, 2020 primarily as a service to the community, the District, and the citizenry that elected him. He thinks that it will benefit the District to have 5 directors on the Board.

R. Moran believes that if you don't live here, you don't or shouldn't represent here. He suggested that Pres. Swan complete his term as president but recuse himself from voting.

L. Henry thinks that the resignation should take place on Dec. 31st, anything different would put a burden on the Board and the new Board members.

G. Nicholls interrupted in light of Dir. Moran's comment. She would advise Pres. Swan's recusal for further discussion and to allow Vice Pres. Henry to serve as chair for this discussion.

S. Swan agreed.

L. Farris said that this is a moral issue but he believes that there is a clear line between domicile and residence. The requirements for a Board member is domicile.

Discussion by the Board and staff regarding residence, domicile, Water Code, and replacement of Pres. Swan.

J. Mosher thanked Steve for his service and said that Dist. Counsel did a good job of summarizing the statutes. He said to allow the new Board members to be part of the decision.

J. Martin said to wait for the 2 new Board members to take office.

C. Dzendzel read from a statement for Marc Chargel saying that the newly elected Board members should be allowed to participate in his replacement. She said she agrees with him.

N. Macy said that she thinks that the Board should come up with a way for Steve to retire as he requested, allowing the new Board members to be part of the replacement.

M. Dolson everyone wants to act legally. When the legal expert is telling you that you have viable legal options I don't respect the ascension that somebody knows the law better than the legal expert. Pres. Swan leaving immediately will cause more harm than good.

E. Fresco noted that it is much harder to be elected than it is to be appointed. It would be better to have a 5 person Board and to have the 2 new Board members participate in the appointment.

G. Mahood expressed her confidence in Pres. Swan to continue to service the community. She asked that she and T. To be allowed to help select the next Board member.

T. To said that she agreed with Gail. She also agreed with the community that she and Gail have a say in the appointment.

Discussion by the Board and staff regarding specifics surrounding the resignation of Pres. Swan, timing of resignation, and options regarding special election vs. appointment.

R. Moran made a motion to allow S. Swan to stay on as President through December 31, 2020 but not be allowed to vote. The motion was seconded.

Discussion by the Board and staff regarding R. Moran's motion and the declaration of vacancy.

R. Moran said that he would withdraw the motion.

B. Fultz made a motion to declare a vacancy on the Board effective November 5, 2020.

G. Nicholls supplied the language for the motion. Pres. Swan's Board seat is vacant as of November 5, 2020 pursuant to Gov. Code 1770 sub-section E.

B. Fultz made the motion. The motion was seconded.

Pres. Swan abstained, Vice Pres. Henry voted no, Directors Farris, Fultz, and Moran voted yes. Motion passed.

Discussion by the Board and staff regarding the process by which the vacancy will be filled, by appointment or election.

Vice Pres. Henry thanked S. Swan for his service and apologized for not allowing him to finish out the year.

15. Adjournment 10:51 pm