



BOARD OF DIRECTORS
SAN LORENZO VALLEY WATER
DISTRICT
REGULAR MEETING
MINUTES
OCTOBER 20, 2022

To hear the Board's full meeting, watch the video available at: [Government On-Demand – Community Television of Santa Cruz County \(communitytv.org\)](https://www.communitytv.org)

Thursday, October 20, 2022, at 5:30 p.m., via videoconference and teleconference.

1. Convene Meeting 5:30 p.m.
Roll Call

Board Members Present:
Jayme Ackemann, Vice President
Bob Fultz, Director
Jeff Hill, Director
Mark Smolley, Director

Gail Mahood, President – Absent and excused because of sickness by a unanimous vote of the Board.

Staff Present:
Rick Rogers, District Manager
Gina Nicholls, District Counsel
Holly Hossack, District Secretary

2. Additions and Deletions to Closed Session Agenda: None

3. Oral Communications Regarding Items in Closed Session: None

4. Adjournment to Closed Session: 5:33 p.m.

- a. CONFERENCE WITH LEGAL COUNSEL– ANTICIPATED LITIGATION
Possible initiation of litigation pursuant to Gov. Code section 54956.9(d)(4): One Case.
- b. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APNs 083-251-71 (540 acres of watershed land) and 083-251-21 (wastewater system land) over which the District may need easements
Agency negotiators: District Manager, Rick Rogers;
District Counsel, Gina Nicholls
Negotiating parties: Jim Moore, Big Basin Water Company
Under negotiation: Price and terms of payment

- c. CONFERENCE WITH LABOR NEGOTIATORS
Gov. Code section 54957.6
Agency designated representatives: District Manager, Rick Rogers;
District Counsel, Gina Nicholls
Employee Organizations: Classified Employees Union and Management,
Supervisory and Confidential Employees Unit
- d. PUBLIC EMPLOYEE ANNUAL PERFORMANCE EVALUATION
Government Code section 54957
Title: District Manager

5. Convene to Open Session: 6:30 p.m.

6. Report of Actions Taken in Closed Session:

G. Nicholls reported that the Board voted 3 to 1 in favor, with Dir. Fultz voting no, to direct staff to look into possible eminent domain for the recommended Felton Heights Tank site at the end of Lost Acres Drive.

7. Re-Convene Meeting

Roll Call

Board Members Present:

Jayme Ackemann, Vice President

Bob Fultz, Director

Jeff Hill, Director

Mark Smolley, Director

Staff Present:

Rick Rogers, District Manager

Gina Nicholls, District Counsel

Holly Hossack, District Secretary

Carly Blanchard, Environmental Programs Manager/Admin Analyst

James Furtado, Director of Operations

Josh Wolff, Engineering Manager

Kendra Reed, Director of Finance & Business Services

8. Additions and Deletions: None

9. Oral Communications: None

10. President's Report: None

11. Unfinished Business:

- a. REMOTE MEETING AUTHORIZATION UNDER AB 361

District Counsel, Gina Nicholls described upcoming possible changes to this item. The Governor has announced that the State of Emergency for California related to COVID will be ending the end of February 2023, that will remove the grounds for continuing to ratify and readopt this resolution. There is also a new Brown Act bill (AB 2449) that creates a new framework for how the public and Directors can participate remotely. More information will follow at another meeting.

A motion was made and seconded to continue the re-adoption of the resolution.

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

12. New Business:

a. FELTON HEIGHTS REPLACEMENT TANK PROJECT - ENVIRONMENTAL SERVICES

R. Rogers introduced and explained this item.

C. Blanchard explained the environmental review and permitting process. She said that the Engineering and Environmental Committee and staff recommends that the Board award the Environmental Review Contract to Denise Duffy and Associates, in the amount of \$53,533.

J. Wolff added that the environmental review of this parcel is going to be valuable to the District, allowing us to more accurately assess the usability of the parcel and it will give us a jump on the process.

Discussion by the Board and staff regarding:

- The E & E Committee's recommendation of Denise Duffy & Assoc.
- The Closed Session item that was reported out and can it be discussed here and now.
- Steps needed to determine the appropriateness of the parcel will include the environmental review.

Public Comment:

- John & Patti commented opposition to the project in general. He would like more discussion.
- J. Mosher, Felton, said he is concerned and would like more discussion
- B. Elliott, tried to speak but was having technical difficulties
- R. Alter, said that Bob Elliott had a lot to say and wants him to speak

Discussion by the Board and staff regarding:

- 3-minute timing of public comment can be expanded at the chair's discretion

- It is not the place of the Board to say we are tired of hearing from you or not. It is your right as a public member to make yourself heard.
- 4 bids for this item is good but this is not the right approach
- Steps must be taken to build this tank

Public Comment:

- J. Darnell read a resolution from the Felton Heights neighbors that was made in the last 48 hours, "The Felton Heights Road Association requested SLV Water District cease sowing 'divisioness' in our neighborhood, pitting neighbor against neighbor. We do not want to lobby our neighbor to do something he has already stated he does not want to do. We request that you move on from trying to install a tank on land you do not own. Explore other options so we can get a tank built in a timely fashion."
- R. Alter said that he does not want land taken by eminent domain
- L. Darnell questioned why this is happening now

Discussion by the Board and staff regarding:

- The perception of what the District is doing is not good
- The size of the lot was a reason to move the tank
- Why a 120,000-gallon tank is required for fire flow and has this calculation changed since 2012
- Both Cal Fire Code and the Cal Plumbing Code changed in 2019
- Environmental review is needed for the process of eminent domain
- G. Nicholls re-stated the motion that was voted on in Closed Session
- Steps needed for eminent domain
- Resolution of Necessity needed, including an environmental review
- Moving too fast is not a good thing
- Delay is a concern in this process
- The process needs to be explored to make sure that this is a viable site

A motion was made and seconded to approve the staff's recommendation issue an environmental review contract with Denise Duffy & Associates for the amount of \$53,533.

Discussion by the Board and staff regarding:

- The steps needed to move forward

The motion passed with a vote of 3 to 1. Director Fultz voted no.

- b. AUTHORIZATION TO SHOP FOR REPLACEMENT VEHICLES
J. Furtado introduced and explained this item.

Discussion by the Board and staff regarding:

- There is a 10 month wait for vehicles
- Staff recommends rejecting the bids received
- Budget increase for the 4th vehicle
- After market modifications
- Reject the bids and authorize the District Manager to shop for the 3 vehicles in the budget

A motion was made and seconded that the Board reject all bids and to authorize the District Manager to shop for 3 District vehicles in accordance with the budget.

The Board voted unanimously in favor of the motion. Motion passed.

13. Consent Agenda: Approved

a. BOARD OF DIRECTORS MINUTES 9.15.22

14. District Reports:

- DISTRICT MANAGER'S REPORT:
The County is getting ready to submit a draft, that has included Bear Creek Estates Wastewater, into the CSA's 7 upgrade. A major milestone for the District. This means the District will get out of the Wastewater business.
- DEPARTMENT STATUS REPORTS
 - Engineering - 2019 still outstanding Lyon Pipeline, Foreman Intake and Pipeline

15. Written Communication: None

16. Convene to Open Session: 9:03 p.m.

17. Report of Actions Taken in Closed Session: None

18. Adjournment: 9:04 p.m.

November 3, 2022
Date Approved


Holly B. Hossack, District Secretary